

Fourth Statutory Review of Electoral Arrangements

East Ayrshire Council Area



Local Government Boundary Commission for Scotland

Fourth Statutory Review of Electoral Arrangements

East Ayrshire Council Area

Constitution of the Commission

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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 East Ayrshire 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 East Ayrshire 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 East Ayrshire 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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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 East Ayrshire Council took place on 13 October 2004 at Council offices in Kilmarnock.
Part 2, paragraphs 1 – 3
- The concluded view of the Council following our first meeting was received by us on 9 November 2004.
Part 2, paragraph 4
- We provided the Council with our initial proposals for 9 wards in East Ayrshire Council area on 7 March 2005 and asked that a response be made within 2 months.
Part 2, paragraphs 11 – 12
- The East Ayrshire Council response to our initial proposals was received on 9 May 2005.
Part 2, paragraph 13
- We published our provisional proposals for 9 wards electing 32 Councillors on 19 May 2005 and asked that representations be made to us by 11 August 2005.
Part 2, paragraphs 16 – 20
- We received 20 representations during the statutory consultation period of 12 weeks.
Part 2, paragraph 21
- Our consideration of representations.
Part 2, paragraphs 22 – 27
- We recommend 4 x three member wards and 5 x four member wards for East Ayrshire Council area thereby returning a total of 32 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 East Ayrshire 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 East Ayrshire 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 East Ayrshire Council should take place on either 12 October 2004 at 10:00 hrs or 13 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 East Ayrshire Council area, of the 92,349 electors on the register at July 2004, 92,267 (99.91 percent) could be identified within the postcode geography held in our GIS. The residual number of 82 electors were contained in 18 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 East Ayrshire Council area could be used as the initial building blocks for reviewing electoral arrangements in that area.

Part 2 The Review in East Ayrshire Council Area

Meeting with East Ayrshire Council

1. Our initial meeting with East Ayrshire Council took place on 13 October 2004 at 10:00 hrs at Council offices in Kilmarnock. We were represented at that meeting by Professor Hugh Begg who was accompanied by Andrew Gunn 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. East Ayrshire Council submitted its concluded view to us on 9 November 2004 and:
 - included proposals for a revised community/ward structure based on aggregations of existing wards and polling districts;
 - provided information regarding Area Committee boundaries, Community Council boundaries and future housing etc developments;
 - noted that the review process allowed further opportunity for the Council to provide revised or alternative ward/community structures; and
 - included administrative information necessary for the conduct of the review.

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 the options variously divided communities across the Council area at, for example, Hurlford, Galston and Mauchline

and produced arbitrary divisions within Kilmarnock that ignored local community geography such as Community Council boundaries. In addition, the aggregation of existing wards created disparate associations of communities and did not take in to account the geography and topography or the transport links across the Council area. We also noted that aggregations of existing wards did not allow full acknowledgement to be given to the location of anticipated housing etc development.

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: alternative proposals could be developed which better reflected:

- the identifiable communities, geography and transport links across the Council area;
- community boundaries within Kilmarnock, the only major settlement where internal divisions would be necessary;
- the Council's proposed community/ward structure; and
- anticipated housing development and the distribution of electorate.

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

Initial Proposals

8. We noted that our Secretariat's proposals for the most part closely reflected the community/ward structure submitted by the Council. The principal differences were accounted for by: closer adherence to the terms of the statutory rules regarding parity; acknowledgement of community focus, particularly in and around Kilmarnock; the fixing of boundaries to clearly identifiable ground features.

9. We concluded that, subject to minor amendments, the boundaries prepared by our Secretariat should be adopted 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.

10. Following full discussion it was agreed that our initial proposals for East Ayrshire Council area should comprise 9 electoral wards of which 4 were 3-member wards and 5 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	11,540	4	2,885	-4
2	9,110	3	3,037	1
3	11,600	4	2,900	-3
4	9,730	3	3,243	8
5	11,770	4	2,943	-2
6	12,370	4	3,093	3
7	8,660	3	2,887	-4
8	9,150	3	3,050	2
9	12,160	4	3,040	1

Informing the Council of our Initial Proposals

11. We submitted our initial proposals to East Ayrshire 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.)

12. 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.

East Ayrshire Council Response

13. We received East Ayrshire Council's written response to our initial proposals on 9 May 2005. The Council supported these as the basis for the statutory public consultation process and provided names for the 9 wards.

Consideration of the Council Response to the Initial Proposals

14. We noted that East Ayrshire Council did not request any amendments to be made to our initial proposals and was content that they should progress to public consultation.

15. We accepted the ward names suggested by the Council and adopted them as our own.

Provisional Proposals

16. Our provisional proposals for revised electoral arrangements in East Ayrshire Council area made provision for a Council of 32 elected members in 4 wards each returning 3 members and 5 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	Cumnock and New Cumnock	11,540	4	2,885	-4
2	Doon Valley	9,110	3	3,037	1
3	Ballochmyle	11,600	4	2,900	-3
4	Annick	9,730	3	3,243	8
5	Irvine Valley	11,770	4	2,943	-2
6	Kilmarnock East and Hurlford	12,370	4	3,093	3
7	Kilmarnock South	8,660	3	2,887	-4
8	Kilmarnock North	9,150	3	3,050	2
9	Kilmarnock West and Crosshouse	12,160	4	3,040	1

17. We published our provisional proposals for revised electoral arrangements in East Ayrshire Council area on 19 May 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).

18. 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 Cumnock Chronicle, Ayrshire Post, Kilmarnock Standard and The Extra. 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 18 May 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.

19. 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.

20. We asked that representations should be made to us within the 12-week period ending on 11 August 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 east.ayrshire@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

21. Twenty representations were received during the statutory public consultation. The main points raised by these parties are summarised below:

Councillor

Councillor Young considered that the proposed boundary at Fenwick would mean that representation would be split between the Annick Committee and the Irvine Valley

Committee. Consideration should be given to including Fenwick and Waterside in the Annick Ward using the Craufurdland Water as the boundary as this made geographical and administrative sense.

The Councillor's letter and the accompanying petition of 245 signatures noted the splitting of the Parish of Fenwick; service connections between Fenwick, Kilmaurs and Stewarton; ease of access provided by the M77; lack of social and transport links with the Irvine Valley; historical electoral connections between Fenwick, Stewarton and Kilmaurs, and the historical ties between Galston, Newmilns and Darvel which would isolate Fenwick. The signatories also considered that the Craufurdland Water should remain the boundary enabling Fenwick and Waterside to be located in the proposed Annick Ward.

Community Council

Fenwick Community Council objected to the splitting of the village of Fenwick and referred to the many shared service interests and historical electoral ties between Fenwick, Waterside, Stewarton and Kilmaurs. This was in contrast to the absence of similar links with the industrial towns of Galston, Newmilns and Darvel. Craufurdland Water should remain as the ward boundary in the interests of geography, administration and community.

Galston Community Council wrote in support of Fenwick Community Council and requested that its views be considered.

Hurlford and Crookedholm Community Council stated that the 2 communities wished to remain together and considered that the A77 should form the natural boundary allowing them to be located in the Irvine Valley with the communities with which they traditionally associated.

Moscow and Waterside Community Council objected to the proposed boundary changes grouping Fenwick and Waterside with the Irvine Valley towns for the following reasons: Fenwick's long standing affiliation with Stewarton and Kilmaurs; the sharing of rural activities; community services based in Stewarton and Kilmaurs; the M77 aiding community links; the lack of social links between Galston and Fenwick; the lack of a timetabled bus service to the Irvine Valley; and the potential isolation of Fenwick and Waterside if the Council reorganised services based on the new wards. Full account had not been taken of the new housing development which would follow on from the opening of the M77. Fenwick and Waterside should be included in a 4-member ward along with Stewarton, Kilmaurs and Dunlop leaving Galston, Newmilns, Darvel and Moscow in a 3-member ward with the Craufurdland Water providing a natural geographic boundary.

Political Parties and Associations

Kilmarnock & Loudoun Conservative & Unionist Association accepted the proposals, except for the split of the existing Fenwick Ward.

The **Scottish National Party Group** on East Ayrshire Council submitted alternative proposals developed from aggregations of existing wards and polling districts and designed, particularly in respect of Kilmarnock, to take better account of local communities and housing development.

Other Representations

Seven letters were received, of which 6 were from residents of Moscow, all generally reflecting the representation from Moscow and Waterside Community Council.

A letter was received objecting to the splitting of the community containing Fenwick, Kilmaurs, Stewarton and Dunlop. Fenwick and Waterside would be isolated and disadvantaged if the Council reorganised services based on the new ward boundaries. Fenwick should be included in a 4-member ward together with Stewarton, Kilmaurs and Waterside. Galston, Newmilns, Darvel and Moscow should be included in a 3-member ward. The representation also considered that Community Councils should have been involved earlier in the consultation process.

A letter was received objecting to the proposed location of Fenwick, making reference to the local services provided in Stewarton and Kilmaurs and noting that the M77 had brought these communities closer together. In terms of history, geography and community Fenwick, Stewarton, Kilmaurs and Dunlop should form a 4-member ward and Galston, Newmilns, Darvel and Moscow a 3-member ward. It was considered that Community Councils were involved too late in the consultation process.

A letter was received in objection to the splitting of the Parish of Fenwick and expressing concern about the potential disruption of local services.

A letter was received objecting to the proposals which placed Hurlford with Kilmarnock and Fenwick within the Irvine Valley Ward, on the grounds that local ties would be ignored. It referred to historical and service connections between Fenwick and Kilmarnock, Stewarton and Kilmaurs and, in respect of Hurlford, its association with the Irvine Valley towns. It suggested that Hurlford be included in the Irvine Valley Ward while Fenwick and Waterside would transfer to a 4-member Annick Ward.

A letter was received objecting to the inclusion of Fenwick in the Irvine Valley Ward for geographical, cultural and administrative reasons. The Commission's proposals should be revised to take into account the Ayrshire Structure Plan and its provision for significant additional housing in the northern part of East Ayrshire. The representation considered that the grouping of Fenwick, Waterside and Stewarton in a Local Committee was based on community and geography. Our proposals were not in the interests of convenient and effective local government. Further, undue weight had been given to parity with insufficient attention given to special geographic conditions. Retention of the Craufurdland Water as the ward boundary would enable the creation of a 4-member Annick Ward.

An email was received objecting to the proposed boundary which grouped the rural villages of Fenwick, Waterside and Moscow with the post-industrial Irvine Valley towns.

Consideration of Representations

22. As preliminary matters we noted that the provision of services such as education, police and transport and administrative issues concerning local Area Committees were not factors to be taken in to account in the review of electoral arrangements. We also noted that the forecast need for additional new housing in the northern part of East Ayrshire had been prepared as a contribution to the on-going debate on the Replacement Ayrshire Joint Structure Plan. Bearing in mind the need for consistency

in formulating our proposals for revised electoral arrangements across Scotland, we confirmed that consideration could be given only to the information provided by, and agreed with, the Council at the outset of our review.

23. We considered the possibility of transferring the community of Fenwick to a 4-member Annick Ward coupled with reducing the Irvine Valley Ward to 3 members. We found that the change suggested resulted in divergences from parity that were unacceptable within the terms of the statutory rules. Thereafter, we went on to explore in detail the potential for amending adjoining wards in order that the change could be accommodated. It was evident that several considerable changes over an extensive area would be required. Given the consequential alterations which would be necessary to ward boundaries to which no objection had been taken, we agreed that no significant amendment should be made to our proposals with regard to Fenwick. However, we agreed a modest change to the boundary between Wards 4 and 5 at Fenwick that would incorporate within Ward 5 those settlements to the north-west of the M77 which were within Fenwick Community Council area.

24. We considered the representations received requesting amendments to the boundary between Wards 4 and 5 involving the communities of Hurlford and Crookedholm. However, because of the divergence from parity in the Irvine Valley Ward which would arise from the adoption of the proposed change, we agreed that our provisional proposals should not be amended.

25. The alternative proposals submitted by the Scottish National Party created wards with greater divergence from parity than those in our provisional proposals, notably in the Kilmarnock North and Loudoun Valley Wards; they produced wards in the south of the Council area with poor communication links, and we concluded that their proposed Kilmarnock East Ward, which included both Fenwick and Crookedholm, did not improve on our proposals.

26. With regard to Wards 6 and 9 at Kilmarnock, we agreed the modification which aligned the boundary with the Craufurdland Water making it coterminous with that of a Community Council area. The change had only a minor impact on the electorate figures for the wards concerned. We considered 2 further minor amendments involving the boundaries between Wards 6 and 8 and between Wards 3 and 5. We agreed to adjust the boundary between Wards 6 and 8 to follow the Craufurdland Water rather than the Fenwick Water noting that the revised boundary followed a strong natural feature and that the change had no impact on electorate. However, we did not amend the boundary between Wards 3 and 5 because the alternative offered no improvement within the terms of the statutory rules.

27. Our Secretariat had undertaken discussions with Council officials and, in the light of those, we agreed a revised numbering sequence for the proposed wards.

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 – Annick

Ward 2 – Kilmarnock North

Ward 3 – Kilmarnock West and Crosshouse

Ward 4 – Kilmarnock East and Hurlford

Ward 5 – Kilmarnock South

Ward 6 – Irvine Valley

Ward 7 – Ballochmyle

Ward 8 – Cumnock and New Cumnock

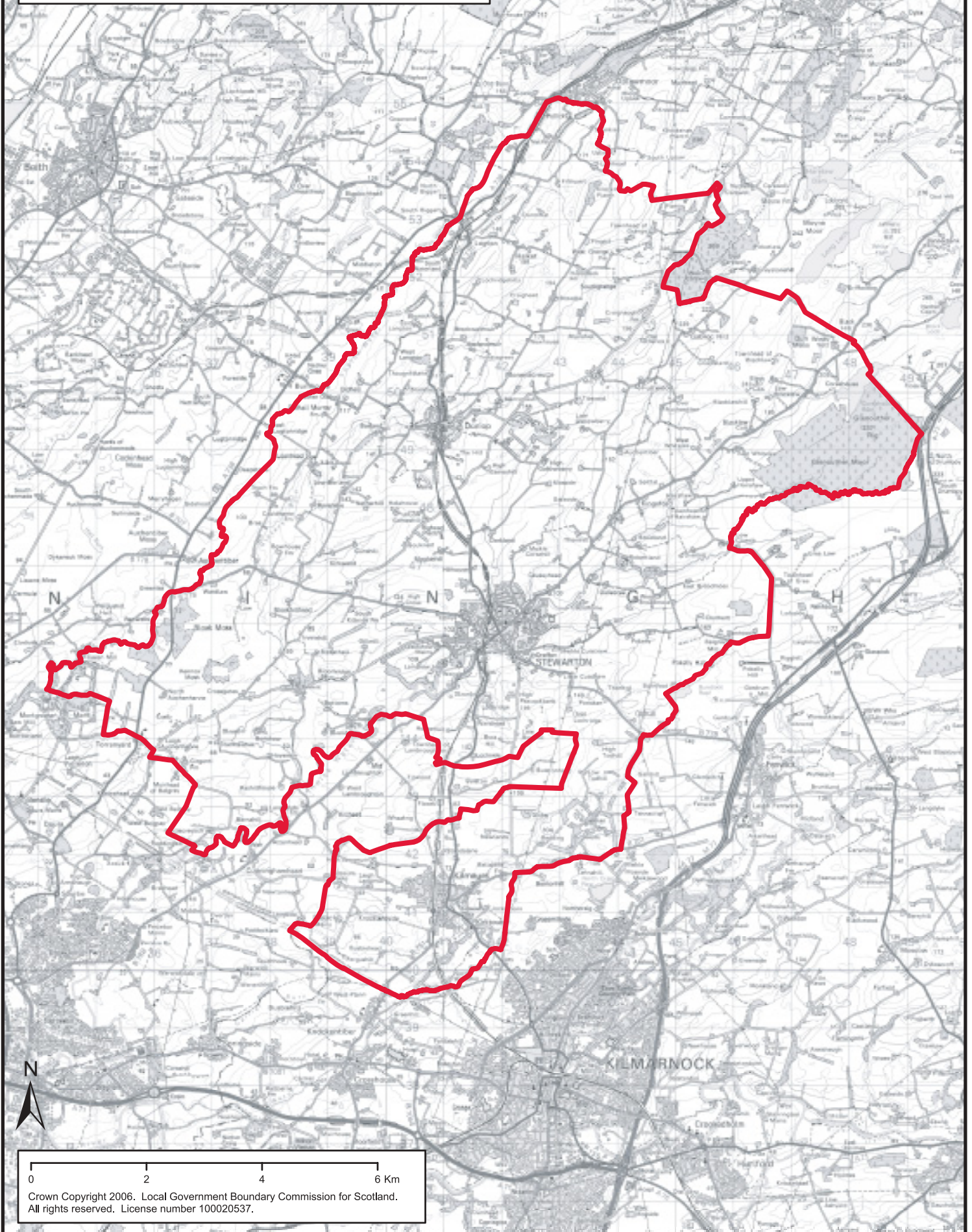
Ward 9 – Doon Valley

Local Government Boundary Commission for Scotland

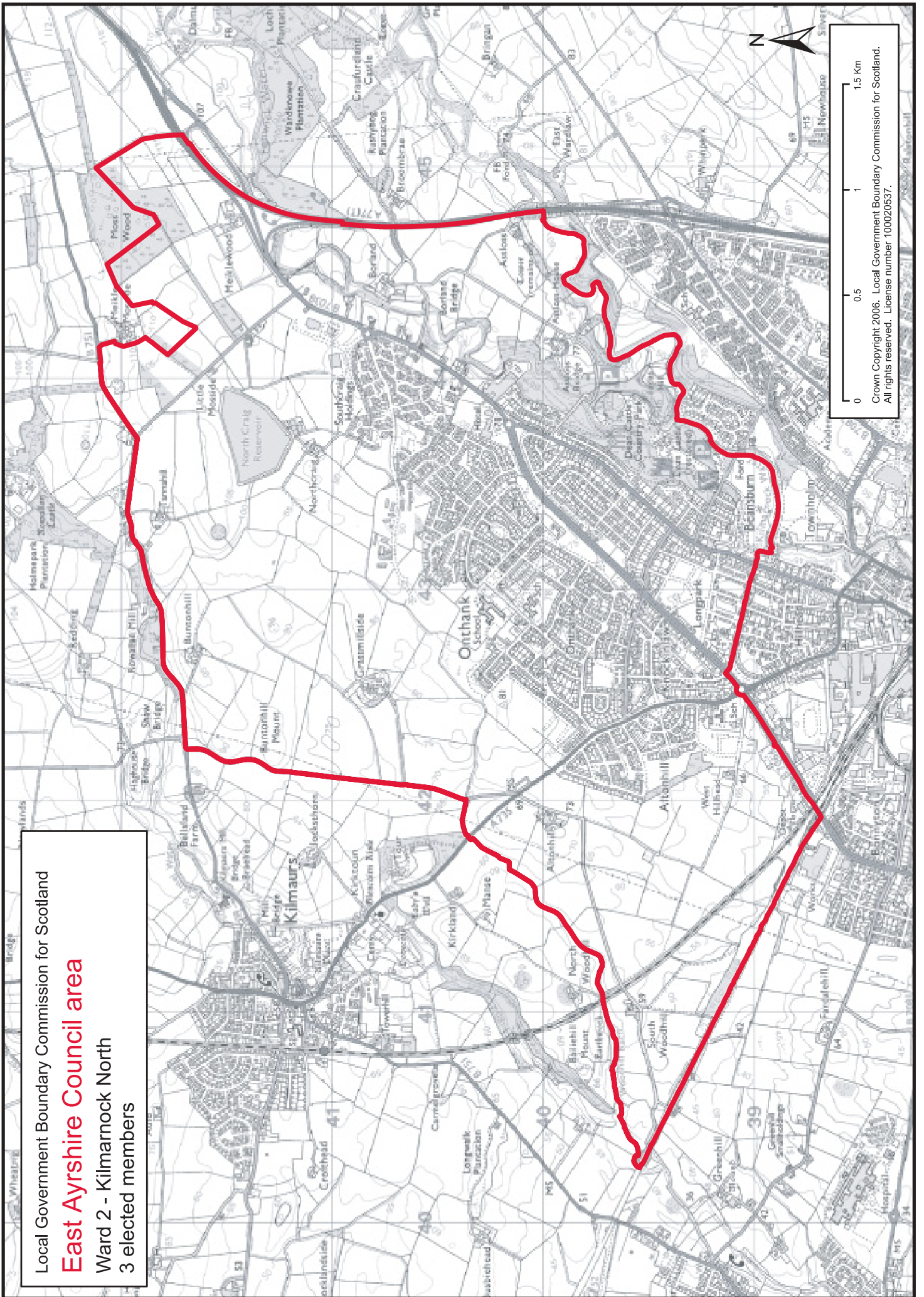
East Ayrshire Council area

Ward 1 - Annick

3 elected members



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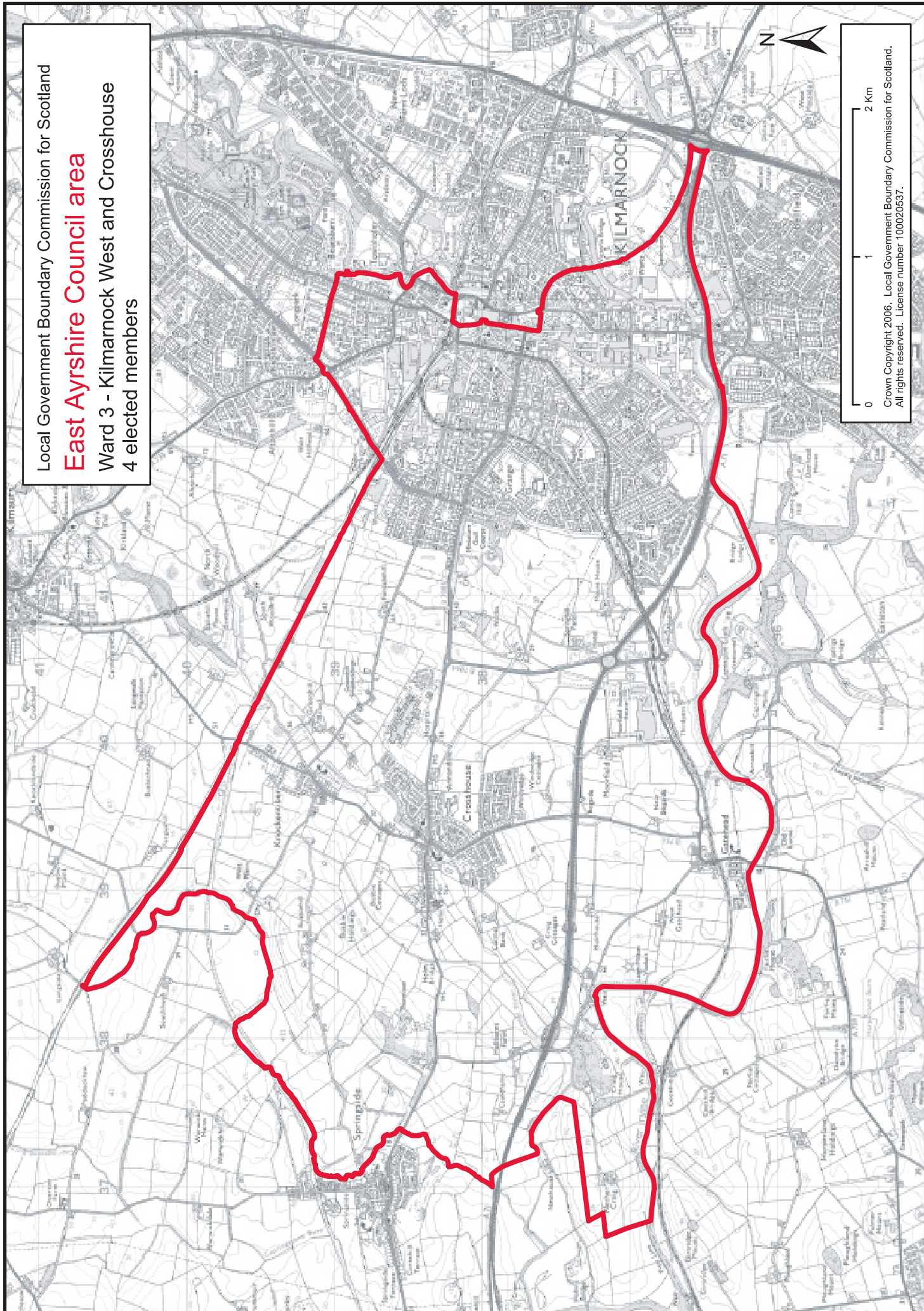
Local Government Boundary Commission for Scotland
East Ayrshire Council area
 Ward 2 - Kilmarnock North
 3 elected members

0 0.5 1 1.5 Km

North Arrow

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Local Government Boundary Commission for Scotland
East Ayrshire Council area
Ward 3 - Kilmarnock West and Crosshouse
4 elected members



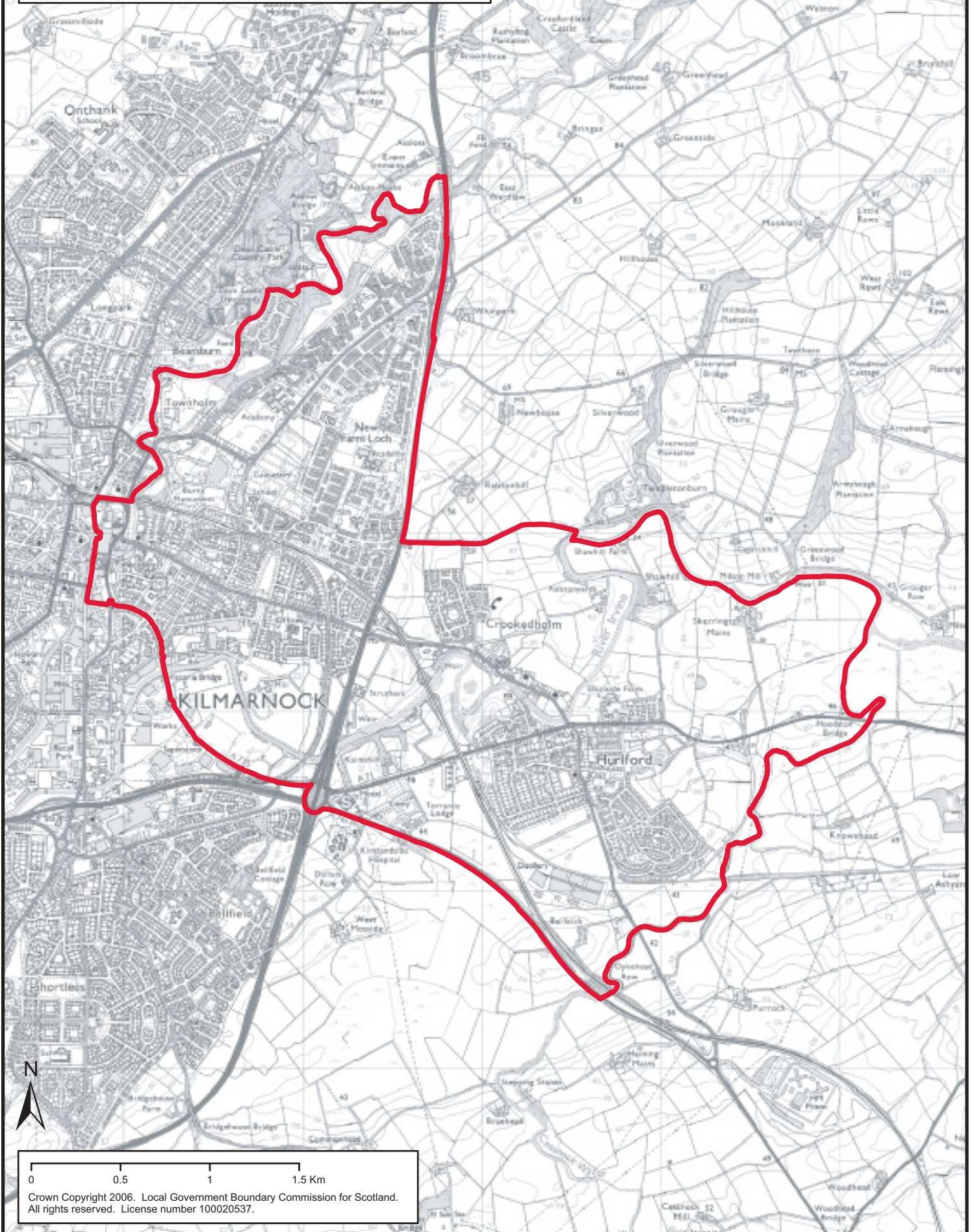
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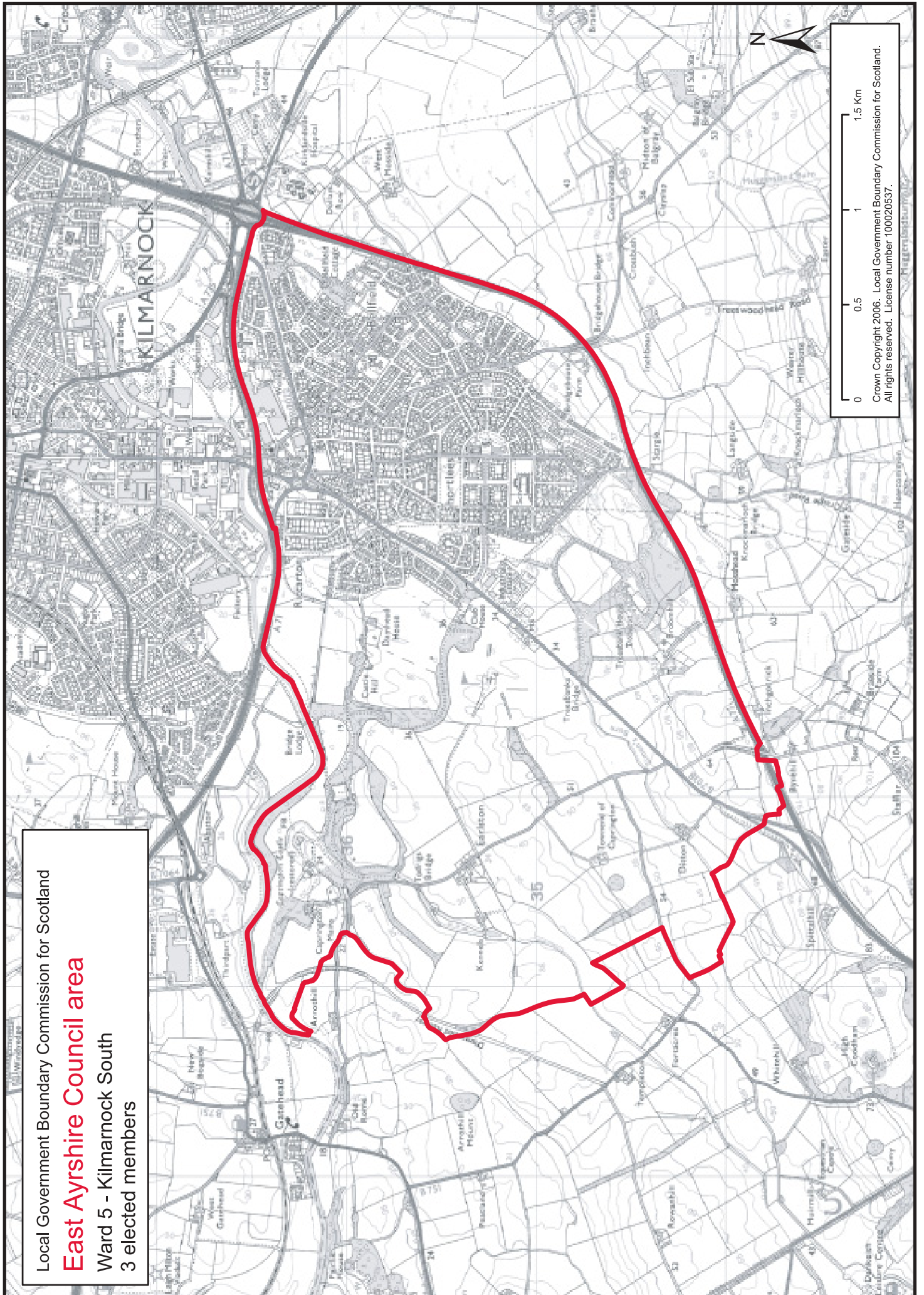
Local Government Boundary Commission for Scotland

East Ayrshire Council area

Ward 4 - Kilmarnock East and Hurlford

4 elected members

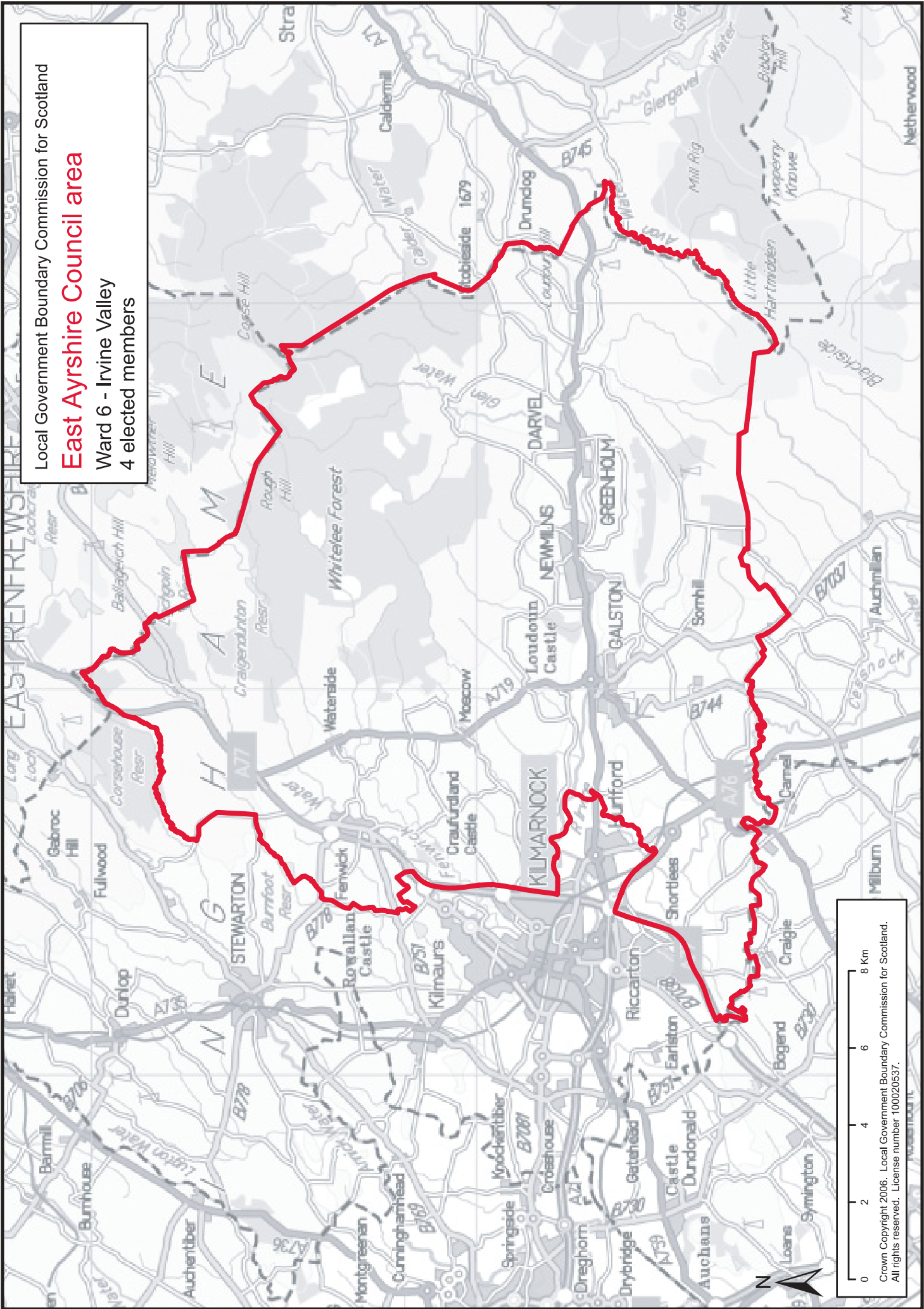




Local Government Boundary Commission for Scotland
East Ayrshire Council area
 Ward 5 - Kilmarnock South
 3 elected members

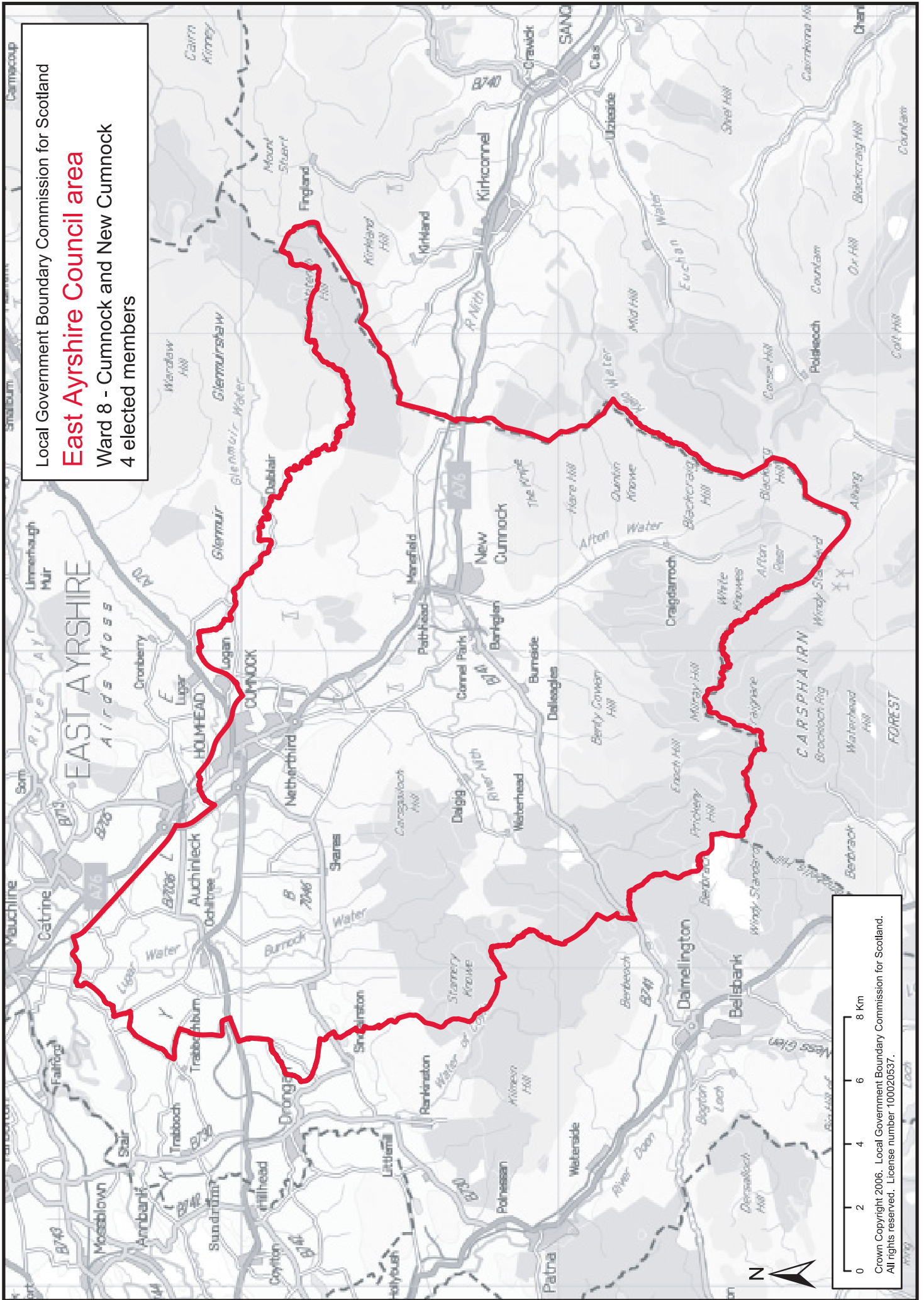
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Local Government Boundary Commission for Scotland
East Ayrshire Council area
 Ward 6 - Irvine Valley
 4 elected members

0 2 4 6 8 Km
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Local Government Boundary Commission for Scotland
East Ayrshire Council area
 Ward 8 - Cumnock and New Cumnock
 4 elected members

0 2 4 6 8 Km

North arrow pointing up.

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Local Government Boundary Commission for Scotland

East Ayrshire Council area

Ward 9 - Doon Valley

3 elected members

