

# Fourth Statutory Review of Electoral Arrangements

## West Lothian Council Area





Local Government Boundary Commission for Scotland

# Fourth Statutory Review of Electoral Arrangements

## West Lothian Council Area

### Constitution of the Commission

Chairman: Mr John L Marjoribanks

Deputy Chairman: Mr Brian Wilson OBE

Commissioners: Professor Hugh M Begg

Dr A Glen

Mr K McDonald

Mr R Millham

Report Number E06032

June 2006



<b>Contents</b>	<b>Page</b>
<b>Summary</b>	<b>Page 7</b>
<b>Part 1 Background</b>	<b>Pages 9 – 14 Paragraphs</b>
Origin of the Review	1
The Local Governance (Scotland) Act 2004	2 – 4
Commencement of the 2004 Act	5
Directions from Scottish Ministers	6 – 9
Announcement of our Review	10 – 16
General Issues	17 – 18
Definition of Electoral Ward Boundaries	19 – 24
Electorate Data used in the Review	25 – 26
<b>Part 2 The Review in West Lothian Council Area</b>	<b>Pages 15 – 30 Paragraphs</b>
Meeting with West Lothian Council	1 – 3
Concluded View of the Council	4 – 5
Aggregation of Existing Wards	6 – 8
Initial Proposals	9 – 14
Informing the Council of our Initial Proposals	15 – 16
West Lothian Council Response	17 – 22
Consideration of the Council Response to the Initial Proposals	23 – 31
Provisional Proposals	32 – 36
Representations	37
Consideration of Representations	38 – 51
<b>Part 3 Final Recommendation</b>	<b>Pages 31 – 32</b>
<b>Appendices</b>	<b>Pages 33 – 52</b>
Appendix A Extract from Local Governance (Scotland) Act 2004	34 – 35
Appendix B Directions to the Commission	36 – 38
Appendix C Directions to Councils	39
Appendix D Schedule 6 Rules	40
Appendix E Review Timetable	41 – 42
Appendix F Illustrative Maps	43 – 52



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 West Lothian 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 West Lothian 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 West Lothian 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.



John L Marjoribanks  
Chairman  
for Local Government Boundary Commission for Scotland



Bob Smith  
Secretary  
Local Government Boundary Commission for Scotland  
3 Drumsheugh Gardens  
Edinburgh  
EH3 7QJ

[secretariat@lgbc-scotland.gov.uk](mailto:secretariat@lgbc-scotland.gov.uk)  
[www.lgbc-scotland.gov.uk](http://www.lgbc-scotland.gov.uk)

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 West Lothian Council took place on 27 September 2004 at the Council headquarters in West Lothian.  
**Part 2, paragraphs 1 – 3**
- The concluded view of the Council following our first meeting was received by us on 25 October 2004.  
**Part 2, paragraphs 4 – 5**
- We provided the Council with our initial proposals for 9 wards in West Lothian Council area on 7 March 2005 and asked that a response be made within 2 months.  
**Part 2, paragraphs 15 – 16**
- The West Lothian Council response to our initial proposals was received on 6 May 2005.  
**Part 2, paragraphs 17 – 22**
- We published our provisional proposals for 9 wards electing 32 Councillors on 7 July 2005 and asked that representations be made to us by 29 September 2005.  
**Part 2, paragraphs 32 – 36**
- We received 42 representations during the statutory consultation period of 12 weeks.  
**Part 2, paragraph 37**
- Our consideration of representations.  
**Part 2, paragraphs 38 – 51**
- We recommend 4 x three member wards and 5 x four member wards for West Lothian 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 West Lothian 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 West Lothian 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 West Lothian Council should take place on either 27 September 2004 at 14:00 hrs or 06 October 2004 at 14:00 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 West Lothian Council area, of the 119,975 electors on the register at July 2004, 119,946 (99.98 percent) could be identified within the postcode geography held in our GIS. The residual number of 29 electors were contained in 9 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 West Lothian Council area could be used as the initial building blocks for reviewing electoral arrangements in that area.



## Part 2 The Review in West Lothian Council Area

### Meeting with West Lothian Council

1. Our initial meeting with West Lothian Council took place on 27 September 2004 at 10:00 hrs at the headquarters offices of the Council at Livingston. We were represented at that meeting by our Chairman, Mr John Marjoribanks, who was accompanied by Andrew Gunn and 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. West Lothian Council submitted its concluded view to us on 25 October 2004 which:
  - included a definitive list of communities to provide a sound foundation for establishing new multi-member wards;
  - stated that the area centring on the Pentland Hills and which had no settlements and few residents could be sub-divided to give the best geographical fit; and
  - noted the exchange of data and information in respect of the review between Council officials and our Secretariat.
5. A schedule of the 46 agreed communities which consisted of settlements and, in the case of Livingston, neighbourhoods within the town, was provided in electronic format together with data in respect of new-build development and the location of the Council's Core Development Areas (CDA).

## Aggregation of Existing Wards

6. As required by 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 a simple aggregation of existing wards divided Bathgate, and, within Livingston, produced boundaries which did not reflect the neighbourhoods identified by the Council. In addition, the scheme of aggregated wards did not take fully into account the location of the new-build housing supplied by the Council.

7. 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 decided not to continue with that approach because alternative proposals could be developed:

- which took better account of the perceived communities provided by the Council as these related to identified settlements and urban neighbourhoods;
- with the exception of Livingston, did not require the division of communities and identified settlements;
- which within Livingston would align boundaries to local neighbourhood boundaries as identified by the Council; and
- which would take full account of the significant levels of forecast new-build development.

8. 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 settlement and neighbourhood information provided to us in its concluded view.

## Initial Proposals

9. In developing draft proposals for West Lothian Council area we considered the information provided to us by the Council in its concluded view. We noted that our Secretariat's proposals were based on the communities identified by the Council and that the proposals took full account of the location of proposed new-build and associated anticipated development.

10. The suggested Ward 1, while closely respecting the integrity of the combined Bathgate/Boghall community identified by the Council, produced divergence from parity in excess of that which we would normally consider justifiable. The deviation from parity was almost entirely accounted for by the new-build development forecast for the Bathgate area. We explored the possibility of alternative configurations for the north of the Council area in order to reduce the deviation from parity of Ward 1 but were unable to achieve a solution which would not result in unacceptable consequential effects across the area. Accordingly, we agreed that, despite the divergence from parity, the proposals outlined by our Secretariat should remain unchanged.

11. We considered ward proposals submitted by the Council which had been constructed from an aggregation of settlements and neighbourhoods. These proposals included a ward which comprised 2 non-contiguous parts and we found no justification for this unusual suggestion. We explored the potential to remove the non-contiguous ward without causing large consequential changes to wards across the Council area but were unable to identify an acceptable solution. Accordingly, we were not able to adopt the Council's proposals.

12. Overall, we concluded that, subject to minor amendments, our Secretariat's proposals should be adopted as our initial proposals.

13. 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.

14. Following full discussion it was agreed that our initial proposals for West Lothian Council area should comprise 9 electoral wards of which 4 would be 3-member wards and 5 would be 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	15,210	4	3,803	-5
2	11,880	3	3,960	-1
3	11,860	3	3,953	-1
4	14,940	4	3,735	-7
5	17,090	4	4,273	7
6	17,110	4	4,278	7
7	13,680	3	4,560	14
8	15,170	4	3,793	-5
9	10,990	3	3,663	-8

### Informing the Council of our Initial Proposals

15. We submitted our initial proposals to West Lothian 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.)

16. 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.

### West Lothian Council Response

17. We received West Lothian Council's written response to our initial proposals on 6 May 2005.

18. The Council forwarded as its response a report which concluded that the Commission had not in all cases followed the boundaries of the Council identified communities and highlighted a number of anomalies. It also concluded that, in terms of divergence from parity, our proposals offered no significant improvement over the proposals offered by the Council.

19. The Council noted that the M8 and the A899 provided strong recognisable boundaries but our strict use of the M8 had created some local anomalies. The use of the A899 had resulted in the separation of residents of Craigshill from the rest of Livingston which made no sense geographically. Our proposed division of Livingston was significantly more complex than that in the Council's proposals which fully contained the town in 3 wards separated by boundaries that followed features clearly identified on the ground.

20. While accepting that Winchburgh was geographically closer to Broxburn and formed part of the same 'core development area' in the structure plan, the east-west communication links created a better relationship between Winchburgh and Linlithgow. The proposed ward which stretched from south of Kirknewton to Fauldhouse was significantly larger than any ward proposed by the Council. Associating Torphichen with Blackridge and Armadale resulted in a boundary straddling the A801 whereas the Council's proposals associated Torphichen with Linlithgow and used the A801 as a ward boundary.

21. Our proposals were considered to have less regard for school catchments than the Council's proposals, in which the division of Livingston closely reflected the catchments of the 3 non-denominational secondary schools in the town. Similar issues were raised in the Council's proposals for Fauldhouse and Whitburn, and for Linlithgow and Winchburgh, which recognised links attributed to school catchments.

22. The Council provided ward names and numbering sequences for both our proposals and its own.

## Consideration of the Council Response to the Initial Proposals

23. We considered the Council's response, observing that its revised structure continued its proposal for a ward comprising 2 non-contiguous geographic areas. We were unable to identify any existing or proposed ward, wholly on the mainland of Scotland, which had non-contiguous parts. Whilst noting that the Council referred to historical links between the communities we saw no justification for the continued advocacy of this proposal. We examined the possibility of associating the Greenrigg community with Whitburn rather than Armadale but, because of the significant divergences from parity this created in both wards, agreed that this option was not acceptable.

24. We considered the assertion that our proposals did not recognise the communities identified by the Council and observed that we had developed our proposals from aggregations of these communities. The minor deviations resulted from our use of postcode geography as the basic building blocks and/or the identification of particular ground features necessary to produce clearly identifiable boundaries. Making marginal changes to our proposals so that ward boundaries were precisely aligned with those of the communities perceived by the Council only affected 0.25 per cent of the electorate. Accordingly, we agreed that where it was possible and practicable to do so, boundaries in our proposals should be realigned with the community boundaries identified by the Council, bearing in mind our preference to utilise topographical identifiers within OS large-scale mapping as a means of accurately establishing the lines.

25. We acknowledged the strong communication links between Winchburgh and Linlithgow as well as the secondary school catchments. However, we also noted that Winchburgh and Broxburn were connected and formed part of the same 'core development area' in the Council's Structure Plan. In addition, we observed that our proposals fully respected the integrity of the communities identified by the Council and, overall, better reflected electoral parity. We were, therefore, not persuaded to

amend our proposed configuration, but agreed that we would revisit this issue, if necessary, in light of representations received during the public consultation.

26. With regard to school catchments, we observed that the Council had not adopted a consistent approach across its area noting, for example, the location of Greenrigg in the Armadale ward and Stoneyburn in the Blackburn and West Calder ward rather than in the Whitburn ward. Further, the Council divided the Bathgate secondary school catchment between 3 wards and, in doing so, associated Torphichen with Linlithgow and Blackburn with West Calder. We also noted that whilst Bathgate was within two school catchments, the Council considered it to be a single community and placed it in a single ward.

27. In assessing the use of secondary school catchments in the development of multi-member ward proposals, we noted that the catchments, outwith Livingston, appeared not to fully reflect local transport and communication links and cut across some of the community boundaries identified by the Council. The delineation of school catchments was an issue entirely for local authorities and was independent of the development of electoral boundaries within the statutory rules, which was our sole concern.

28. We examined the Council's proposed division of Livingston and the south east extent of the Council area and noted that it provided for 13 members. However, the size of the electorate clearly indicated an entitlement to only 12 members. We calculated also that the south-west of the Council area had sufficient electorate to justify returning 7 members, whereas the Council's proposals allocated only 6.

29. With the above in mind, we examined a configuration of 4\*3-member wards which would allow the Craigshill community to be contained within a ward comprising only communities within the built-up area of Livingston. However, divergence from parity increased and we concluded that the resulting ward geography was not satisfactory.

30. Overall, we concluded by reaffirming that our initial proposals did not significantly deviate from the community boundaries provided by the Council.

31. We accepted the ward names suggested by the Council and adopted them as our own; and we renumbered our proposed wards in the sequence suggested by the Council.

## Provisional Proposals

32. Our provisional proposals for revised electoral arrangements in West Lothian 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	Linlithgow	11,970	3	3,990	0
2	Broxburn, Uphall and Winchburgh	14,830	4	3,708	-7
3	Livingston North	17,090	4	4,273	7
4	Livingston South	17,110	4	4,278	7
5	East Livingston and East Calder	15,340	4	3,835	-4
6	Fauldhouse and the Breich Valley	11,730	3	3,910	-2
7	Whitburn and Blackburn	15,210	4	3,803	-5
8	Bathgate	13,740	3	4,580	15
9	Armadale and Blackridge	10,910	3	3,637	-9

33. We published our provisional proposals for revised electoral arrangements in West Lothian Council area on 7 July 2005. These differed from our initial proposals in that they reflected a number of amendments made to re-align the boundaries, where possible, to the natural community boundaries determined by the Council and, in addition, contained minor changes necessary to fix the proposed boundaries to the OS MasterMap® TOID®s (see Part 1 paragraphs 19-24).

34. 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 West Lothian Courier and the Linlithgow Journal & Gazette. 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 6 July 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.

35. 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.

36. We asked that representations should be made to us within the 12-week period ending on 29 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 [west.lothian@lgbc-scotland.gov.uk](mailto:west.lothian@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](http://www.lgbc-scotland.gov.uk). Those making representations were asked to provide their full postal address including postcode.

## Representations

37. Forty-two representations were received during the statutory public consultation. The main points raised by these parties are summarised below:

## The Council

**West Lothian Council** objected to the provisional proposals because, when compared to the scheme proposed by the Council, they did not significantly improve parity, they made less sense geographically and they did not fit as well with existing administrative boundaries, particularly school catchment areas.

Within Livingston, it was acknowledged that there might be arguments for using the A899 as a recognisable boundary but only in the context of achieving a recognisable split within the town. However, the provisional proposals used the A899 to separate Craighill from Livingston and include it in a ward that accommodated Uphall Station, Pumpherston, Mid Calder, East Calder and Kirknewton. This made no sense because the residents of Craighill would continue to see themselves as part of Livingston. The Council considered that dividing the remainder of the town into 2\*4-member wards produced a significantly more complex geography than that in its proposals.

While the Council accepted that Winchburgh was geographically closer to Broxburn than Linlithgow, the east – west communication links in the north of the district created a better relationship between Winchburgh and Linlithgow than that displayed in the Commission’s proposals. Both settlements were on the main Glasgow-Edinburgh railway line, were linked by the strategic Stirling, Falkirk, Linlithgow, Winchburgh, Edinburgh bus route and were adjacent to the M9 motorway. Conversely, Winchburgh had no rail link or direct link to the motorway, although such connections were to be implemented as part of the development proposal for around 3,000 houses in the town.

Although the Council accepted that Winchburgh and Broxburn were part of the same structure plan core development area which included proposals for up to 5,000 houses, there was a planning requirement to maintain open space between the two settlements.

The Polkemmet Colliery site, between Whitburn and Fauldhouse, which was currently being re-developed, would create increasingly strong links between Whitburn and Fauldhouse rather than Blackburn and Seafield. While a green buffer zone would be retained, the enhanced retail, community and recreational facilities in Whitburn were likely to be used by Fauldhouse residents, whereas Blackburn residents were likely to continue to look to Bathgate for these. Consequently, there appeared to be better justification for basing a ward around Whitburn and Fauldhouse, rather than around Whitburn and Blackburn.

The Council noted that the modifications made in our provisional proposals did not address its broader concerns. The provisional proposals took insufficient account of existing administrative boundaries, particularly school catchments.

## MSP

**Bristow Muldoon MSP** supported the Council’s proposals. They better reflected local ties and the greater use of 3 member wards would be more convenient and manageable for the majority of councillors. If we were not minded to adopt the Council’s proposals he encouraged the appointment of an Assistant Commissioner to hear representations on the concerns of a number of community groups.

The boundaries of Livingston should have been retained and the town divided into an appropriate number of wards. The provisional proposals separated Craighill from

the town and included it in a ward containing villages, which had limited shared public services. The non-denominational school provision for Craigshill was Inveralmond Community High School whereas all the other communities included in Ward 5 were within the West Calder High School catchment. Councillors for Ward 5 would require to maintain links with 3 secondary schools whereas under the Council's proposals Craigshill would be included within a ward where all the communities fell within a single school catchment. The provisional proposals for Ward 2 would be even more demanding for elected members because Winchburgh and Bridgend were aligned more with Linlithgow than with Broxburn. Councillors would be required to maintain links with 4 secondary schools. Under the Council's proposals councillors for Wards 3 and 8 would require to maintain a relationship with only 2 secondary schools.

There was no presumed bias towards 4-member wards in the legislation and many representations encouraged wards to be as small as possible, in order to maintain the link between a councillor and the communities represented. Accordingly, the level of representation for West Lothian Council should be raised to 33 members thereby allowing a configuration of 11\* 3-member wards, thus maintaining the close member-ward link.

Should we decide not to recommend an additional member, the next best solution would be to maximise the number of 3-member wards. With only one ward containing more than 15,000 electors, the Council proposals achieved a better relationship between electors and elected members. Keeping the majority of wards down to 3-members also kept the number of Community Councils, school boards, tenants' groups and other community groups to a manageable level for individual councillors, whereas 4-member wards added additional pressures by increasing the number of community groups councillors would each be expected to attend.

## MPs

**Michael Connarty MP** supported the Council's proposals. He favoured placing Armadale in a 3-member ward and a 3-member ward for Bathgate was consistent with the compact nature of the town. The imposition of a 4-member ward with a considerable under-allocation of electors would bring no benefit.

Placing Linlithgow in a 4-member ward reflected the views of 'community' within the villages around Linlithgow. The proposed over-representation assisted because it allowed for the community mix. All of Blackburn should be in the same ward, together with its linked communities, because there was no perceived affinity with Whitburn. The Council's proposal linking Whitburn to East Whitburn and Fauldhouse in a 3-member ward was consistent with the views expressed by his Whitburn and East Whitburn constituents. The former Lothian Regional Council ward was still a factor in the perception of common interests and would make for a strong electoral community.

## Councillors

**Councillor Findlay** objected to the replacement of the existing wards in the southwest with a 3-member ward because Fauldhouse and Longridge did not have historical, political or cultural ties to the villages of West Calder and Polbeth and little connection to Stoneyburn and Addiewell. Children from Fauldhouse and Longridge attended Whitburn Academy whilst children from West Calder and Polbeth attended West Calder School. The Council had sought to co-ordinate services around its new community school areas and

the provisional proposals would cause major problems in service planning and delivery in this area.

There was little linkage between Fauldhouse and Longridge and the rest of proposed Ward 7. The main route from Fauldhouse was through Whitburn and on to the M8. Traditionally, the centres of employment for Fauldhouse residents were in and around Whitburn and whilst the former industries had gone, family and friendship ties remained strong. The Hartlands development between Fauldhouse and Whitburn would make the link between the villages stronger.

Under the existing arrangements, Fauldhouse and Whitburn were included in the same ward. Fauldhouse residents used Whitburn as a retail centre for entertainment and for other services. Fauldhouse and Longridge should retain their historical connection with Whitburn and be included in a 3-member ward, as proposed by the Council.

**Councillor Kerr** supported our provisional proposals because they were more appropriate, fulfilled the parity criteria, and linked communities. In particular Ward 1 (Linlithgow) should be a 3-member ward and Ward 2 (Broxburn, Uphall and Winchburgh) should be a 4-member ward. The configuration of Wards 1 and 2 was particularly relevant in the context of West Lothian's 20/20 Strategy which linked Winchburgh with Broxburn for future house building and schools in the Winchburgh area.

**Councillor Miller** objected to the proposals that divided the former Livingston village by including the Kaims estates and Hunter Grove within Ward 4. These areas were an integral part of the village, were attached to it by existing ward boundaries and by participation in the long established annual local gala day. Further, they had no shops or other amenities and relied heavily on those in the rest of the village. The number of electors involved would not adversely affect the provisional proposals were his proposed change to be adopted.

## Political Parties

**Linlithgow and East Falkirk Conservative & Unionist Association** found the provisional proposals acceptable both in terms of parity and community focus. The proposals in respect of Broxburn, Uphall, Winchburgh and Linlithgow reflected the future development in the form of housing, education and transport which are incorporated into the West Lothian Council's Structure Plan.

Two minor amendments were suggested that involved a small number of electors. Burnside and Burnside Cottages were part of the community of Threemiletown and should all be included within Ward 1; and a clear western boundary of Ward 1 could be achieved by amending the boundary so that from the A801 it followed the Union Canal westward to the River Avon.

**West Lothian Labour Party Local Government Committee** supported the Council's alternative proposals which it considered reflected more accurately the needs and aspirations of the local community. It was crucial to maintain the existing boundaries of traditional communities and local ties and the Council's proposals provided the most appropriate means of achieving this.

There was concern at the proposals for Livingston. Craigshill was the first area in Livingston to be built and, as such, should be contained within in a ward lying fully within its built-up

area. Maintaining an average number of electors in each ward helped to provide consistency, but under the Commission's proposals there were 2 wards that exceeded 17,000 electors whereas the Council's proposals more consistently averaged 15,000 electors.

It was important to minimise the number of schools, school boards/parent teacher groups, community councils and voluntary organisations that elected members would be required to interact with. Having 4 secondary schools and numerous primary schools to attend might make this very difficult to achieve. Community Councils had a tendency to meet on the same nights making this even more difficult.

## Community Councils

**Armada Community Council** agreed in principle that the alternatives submitted by the Council were more appropriate than our provisional proposals.

**Blackridge Community Council** opposed the provisional proposals and supported the Council's alternative. Torphichen should not be included in Ward 9. Greenrigg had strong links with Blackridge rather than Torphichen. Armadale, Greenrigg and Blackridge had an affinity and Greenrigg and Blackridge shared places of worship. Further, Greenrigg and Blackridge formed the West Lothian part of the Harthill estates.

**Broxburn Community Council** considered that Winchburgh had always had a separate identity from Broxburn which was within the Linlithgow school catchment area. Ward 2 should not comprise Broxburn, Uphall, Dechmont, Bangour, Ecclesmachan and Winchburgh. Rather, it should be a 3-member ward covering Broxburn, Uphall, Dechmont and Bangour.

**Dechmont Community Council** considered that the proposals submitted by West Lothian Council would be restrictive and stated that the provisional proposals were the most appropriate for Dechmont.

**Dedridge Community Council** opposed the provisional proposals which would reduce Livingston's representation to 8 councillors with part of the town transferred into the Calder which would break the local ties that bind the town together. Under the present arrangement 9.5 councillors represented Livingston, nine wholly for Livingston wards and one for Linhouse shared with Kirknewton, Bellsquarry and Wilkieston. The provisional proposals over-represented areas outwith Livingston and reduced representation for Livingston which was fast growing. The Council's alternative maintained the unity of towns and communities within easily identifiable boundaries, preserved their local ties, and would be understood easily by the electorate. The Commission should review its provisional proposals in the light of its representation and, if necessary, appoint an Assistant Commissioner to hold a meeting to hear representations.

**Fauldhouse Community Council** opposed the proposals which included Fauldhouse in Ward 6 because the natural and historical links were with Whitburn. The local children attended Whitburn Academy and many Fauldhouse residents used Whitburn's shopping and recreational facilities. Current links would be strengthened by the redevelopment of the Polkemmet site. The Community Council fully supported West Lothian Council's alternative proposals.

**Linlithgow Community Council** supported the inclusion of Torphichen and Westfield in Ward 9 because the community focus had always been towards Bathgate and Armadale.

Although geographically closer to Broxburn, Winchburgh was within the Linlithgow Academy school catchment area and parents had taken legal action to ensure that their children had been admitted there. Children from Newton attended primary school in Winchburgh and placing Winchburgh in Ward 2 will cut across this community link. Newton was a similar distance from Linlithgow. Under the provisional proposals, 7 of the 32 councillors would have links with Linlithgow Academy rather than the existing 4. Adoption of the suggested change would include Winchburgh in Ward 1 and would keep the number at 4.

The West Lothian Local Plan allocated land for substantial house building in Winchburgh. In the short term children from Winchburgh would continue to attend Linlithgow Academy and during the transitional period Winchburgh should be included in Ward 1.

**Murieston Community Council** considered that the direct constituency relationship between the locally elected member and the community would be markedly weakened by the creation of large multi-member wards. The grouping of Murieston, Howden and Ladywell in a 4-member ward did not recognise the geographical and community topographies of south Livingston.

There were close links between Murieston, Dedridge, Bellsquarry and Adambrae as a result of shared community facilities at the Lanthorn Centre, Bankton Mains, Crofthead Farm and Murieston Village Hall. These communities shared the school catchments south of the river. Pupils from Bellsquarry, Adambrae, Murieston and Dedridge attended the primary schools in Bellsquarry, Williamston, Bankton and St Ninians. These areas also fell within the catchments of the two local non-denominational secondary schools. School catchments differed north and south of the River Almond, with the exception of St Margaret's High School. The Community Council supported the use of school catchments in determining boundaries for revised wards.

The River Almond and the Almondvale Centre complex provided a clear geographical separation between the communities of south Livingston and those north of the river (Wards 3 and 4) and as a consequence there were fewer links between the communities on either side of the river than those that existed between communities south of the river. An elected member would find difficulty in representing the different communities in the proposed Ward 4 which would not be of benefit to the communities on either side of the River Almond.

Areas of Livingston south of the River Almond formed a natural and distinct constituency and should constitute a 3-member ward, comprising the current electoral wards of Murieston, Dedridge and parts of the Linhouse and Kirkton wards which would provide the best opportunity to maintain close associations between the communities and provide effective representation at school boards and community councils within the new constituency.

Under the provisional proposals, Craigshill was not part of the ward structure within Livingston and this would result in a reduced level of representation for Livingston from 10 to 9 members. For geographic, housing, infrastructure, demographic, socio-economic reasons and compelling political reasons, Craigshill was an integral part of Livingston and should be included within its political boundaries.

The implications of the provisional proposals were serious for the political representation of south Livingston and the town of Livingston. An Assistant Commissioner should be appointed to hear representations at a local meeting.

**Torphichen Community Council** supported the Council's alternative proposals in so far as they affected its area. Torphichen was currently included in a Linlithgow ward and had close links with the present councillor. The A801 was a clearly identifiable division between the Bathgate Hills and the lower lying western area of the Council.

Under the Council's proposal, the inclusion of Torphichen in the Armadale ward would improve significantly the divergence from parity. In the light of Armadale's identification as a core development area, and the consequent future increase in its electorate, the inclusion of Torphichen within Ward 9 was unnecessary.

**Uphall Community Council** objected to the provisional proposals suggesting that there was a natural affinity between Broxburn, Uphall and Dechmont and that these communities, located along the A89, produced a more realistic multi-member ward.

**Winchburgh Community Council** expressed a preference to be part of a ward that included Linlithgow, Linlithgow Bridge, Ecclesmachan, Bridgend, Philpstoun, Newton and Torphichen.

## Other Organisations

**Knightsridge Four Residents Association** expressed concern at the proposal to include the existing Knightsridge ward within a larger 4-multi-member ward. Newyearfield, Eliburn and Livingston Village had their own facilities and community centres and all were within Livingston Central. Knightsridge, Carmondean and Deans also had their own facilities and all were within Livingston North. The Association supported the Council's proposals for a 3-member ward.

**West & 1 Knightsridge Residents Association** objected to the provisional proposals and saw no reason for change to the existing electoral arrangements. There was no community of interest linking the diverse areas included within Ward 3. There was no community interaction between Eliburn and Livingston Village and other areas; and despite their geographical proximity, the community interaction between Newyearfield, Carmondean and Knightsridge was not strong. In terms of shared community centres, schools, health centres and social interaction Knightsridge, Carmondean and Deans had the closest links.

The present system was preferable to the new wards where the election of councillors of different political persuasions could seriously affect the quality of services provided; and where party and ideological conflicts might overshadow work on behalf of the electorate. The Commission should reconsider its proposals and retain the current single member ward system. However, if change was necessary a 3-member ward should cover Knightsridge, Carmondean and Deans.

## Members of the Public

**Twenty-one letters** from residents of the Kirkton/Kaims area of Ward 4 objected to the provisional proposals. The area concerned was part of Livingston Village and formed a single community. Kaims children attended nursery and primary school in Livingston Village and the proposals might initiate problems relating to school catchments. Livingston Village provided the local post office, shops, church, pub and many leisure facilities.

For the purposes of mail delivery, Kaims was considered to be one of the Livingston Village postal addresses. Association with Dedridge would make it difficult for OAPs to travel to a polling station. House prices might be affected. Kaims interests would be the responsibility of councillors who would probably be resident in another area, have little knowledge of the area, and be unlikely to bring much influence to bear.

## Consideration of Representations

38. We re-considered the Council's alternative proposals together with its accompanying submission and in so doing re-examined once again the contentions that our proposals did not significantly improve parity, made less sense geographically and did not sit as well with existing administrative boundaries, particularly school catchments, when compared to the alternatives. Within that general context we also examined the detail of the representations from the various parties and organisations supporting the Council's alternative proposals. We also noted, where appropriate, expressions of support for our provisional proposals. Following this exhaustive consideration we were in no doubt that we had sufficient information before us to reach sound findings in respect of all of the issues raised during the public consultation and therefore had no reason to consider the appointment of an Assistant Commissioner.

39. In considering the issue of parity, we concluded that there were no significant differences in the extent to which electorates diverged from parity at ward level between our proposals and those offered by the Council. There was an imbalance in the Council's proposals for the south west of the Council area where 7, rather than 6 members were justified by the combined electorate.

40. In terms of ward geography our proposals paid very considerable and adequate regard to the communities identified by the Council at the outset of the review. Any divergence was the result of the requirement placed upon us to have regard to the application of the statutory rules. Further, our provisional proposals had addressed all of the minor boundary issues raised by the Council during the consultation on our initial proposals. In that exercise we had borne in mind the desirability of fixing boundaries to topographical identifiers within the Ordnance Survey large-scale digital data in order that they would be accurately defined.

41. We considered the various concerns expressed regarding the relationship of proposed ward boundaries to other existing locally administered areas, in particular school catchments. In doing so we noted the terms of the statutory rules whose application was our sole concern. Accordingly, while sympathetic to many of the matters raised, our proposals for revised electoral arrangements could not be determined by boundaries set by others for purposes not connected with the election of Council members. Thus, for instance, although the Council's alternative proposals appeared to reflect the catchment area for non-denominational secondary schools within Livingston, although not generally elsewhere, this could not be an overwhelming consideration for us in reaching our findings.

42. When we returned to the Council's continued support for a ward comprising 2 non-contiguous geographic areas, we could not identify any existing ward, or one now proposed by us, wholly on the mainland of Scotland, which had non-contiguous parts. The Council had produced no new evidence to support its position. We noted that none of the representations supporting the Council's proposals either recognised or addressed this particular issue. Accordingly, we saw no reason to alter our position on this suggestion.

43. We considered in detail whether it might be possible to meet some of the Council's concerns. We found that adjusting the Council's proposals by transferring Greenrigg from Ward 2 to Ward 9

would not be sufficient to create a viable alternative to our proposals. The disparity in the electorate of Ward 9 arising from the transfer could only be addressed by further extensive revision over a substantially wider area. This would require significant changes to the Council's proposals for Livingston and the southern part of its area. We examined the likely impact of making these modifications and concluded that a solution which had adequate regard to the communities identified by the Council at the outset of our review could not be obtained. Further, we considered that there was no adjustment identified that improved upon our provisional proposals in terms of either electoral parity or the identification of perceived communities. As a consequence, we were not persuaded that our provisional proposals should be amended by adopting either the Council's alternative, which we believed to be fatally flawed, or a revision of these proposals consequent upon part of Ward 2 being transferred to Ward 9.

44. When we considered the concern that the Kirkton/Kaims area was not included in the same ward as Livingston Village, we observed that our proposals would not prevent residents of Kaims using facilities within Livingston Village, and that postal arrangements, house prices and school catchments were not dependent on electoral arrangements. Our proposals adhered very closely to the neighbourhood boundaries within Livingston as identified for us by the Council. Further, the revision requested would increase the deviation from parity for Wards 3 and 4. Accordingly, we were not persuaded by the evidence presented that revision would improve upon our provisional proposals, and we agreed that our proposals should not be amended in this area.

45. In considering other representations specific to Livingston and the southern aspect of the Council area, we noted that there was sufficient electorate to justify 19 members. There were no exceptional circumstances which would justify either an increase or decrease in that number. Bearing in mind the geographical distribution of the electorate we concluded that it was appropriate that the south western communities, including Greenrigg, should return 7 members and that Livingston and the south east should return 12 members. With this in mind, and considering our overall assessment of the Council's proposals we concluded that our provisional proposals should be adopted as our final recommendations for the southern part of the Council area.

46. We considered those representations which supported the Council's proposal that Winchburgh and Torphichen should be accommodated within a ward which included Linlithgow. These amendments significantly increased the deviation from parity and, taken together with all of the evidence presented, we were not persuaded that the revisions improved upon our provisional proposals. We concluded that it was not possible within the terms of the statutory rules to include either Winchburgh or Torphichen in Ward 1.

47. We examined the request for 2 minor amendments to the boundary of Ward 1, noting that the overall impact was negligible. We noted that in developing our proposals in this area we had followed closely the community boundaries provided by the Council and that the representation had not arisen from electors resident within the affected areas. We considered that neither of the suggested amendments improved upon our provisional proposals and, accordingly, we were not persuaded to adopt the proposed amendments.

48. With regard to the representations which considered that Fauldhouse and Whitburn should be included in the same ward, we considered how this might be achieved. We concluded that the only feasible option was to construct a below-parity 4-member ward with approximately 14,450 electors that incorporated Greenrigg, Whitburn, Longridge and Fauldhouse. However, it was evident that further widespread consequential changes would be required throughout the southern part of the Council area which we considered did not improve upon our provisional proposals. Consequently, we were not persuaded that we could accommodate the change proposed.

49. We considered suggestions that representation on the Council should be 33 members, an increase of one. We noted that during the passing of the Local Governance (Scotland) Act 2004, Scottish Ministers indicated that they did not envisage any change would be necessary to existing levels of representation. We also noted that, the appropriate number of Councillors for each local authority had been determined at the time of the Third Statutory Review of Electoral Arrangements by means of a formula which ensured equitable representation across the diverse range of authorities in Scotland and that no Council had taken issue with that methodology. During our review, the Council had not indicated that it saw any need to increase the number of elected members. From the evidence presented, it appeared to us that the purpose of the proposal was to maximise the number of 3-member wards in West Lothian Council area. Although the legislation did not preclude us from making recommendations regarding the appropriate number of Councillors in each local authority, with the above in mind we were not persuaded that an increase was either necessary or desirable.

50. We were sympathetic to the contention that our proposals should pay adequate regard to ensuring a strong relationship between electors and their elected members. However, we noted that in seeking to achieve this desirable outcome, as in all other matters with which we are concerned, we are bound by the statutory rules. The ratio of elected members to electors (parity) in West Lothian Council area is 1:3,997. The following table demonstrates that, overall, the deviation from parity per elected member in our proposals is marginally better than that displayed by the Council's proposals.

Divergence from Parity (%)	Number of Councillors	
	Council	Commission
>10	6	3
5 - 9	22	16
0 - 4	4	13

51. We also recognised the burdens placed on elected members in representing all of the communities of interest within their constituencies. However, once again, we were bound by the statutory rules. In this respect, on reviewing our work across the board, we were able to confirm that there was no bias towards 3 or 4 member wards in the development of future electoral arrangements for any Scottish local authority.



## Part 3 Final Recommendation

1. Having conducted the fourth statutory review of electoral arrangements for West Lothian 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 32 elected members in 4 wards each returning 3 members and in 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	Linlithgow	11,970	3	3,990	0
2	Broxburn, Uphall and Winchburgh	14,830	4	3,708	-7
3	Livingston North	17,090	4	4,273	7
4	Livingston South	17,110	4	4,278	7
5	East Livingston and East Calder	15,340	4	3,835	-4
6	Fauldhouse and the Breich Valley	11,730	3	3,910	-2
7	Whitburn and Blackburn	15,210	4	3,803	-5
8	Bathgate	13,740	3	4,580	15
9	Armadaledale and Blackridge	10,910	3	3,637	-9

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 West Lothian 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 West Lothian Courier and the Linlithgow Journal & Gazette. A news release announcing the publication of our report was also issued.

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

- West Lothian Council area A0 scale 1:35,000

5. Our report and the map 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](http://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 30<sup>th</sup> 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 – Linlithgow

Ward 2 – Broxburn, Uphall and Winchburgh

Ward 3 – Livingston North

Ward 4 – Livingston South

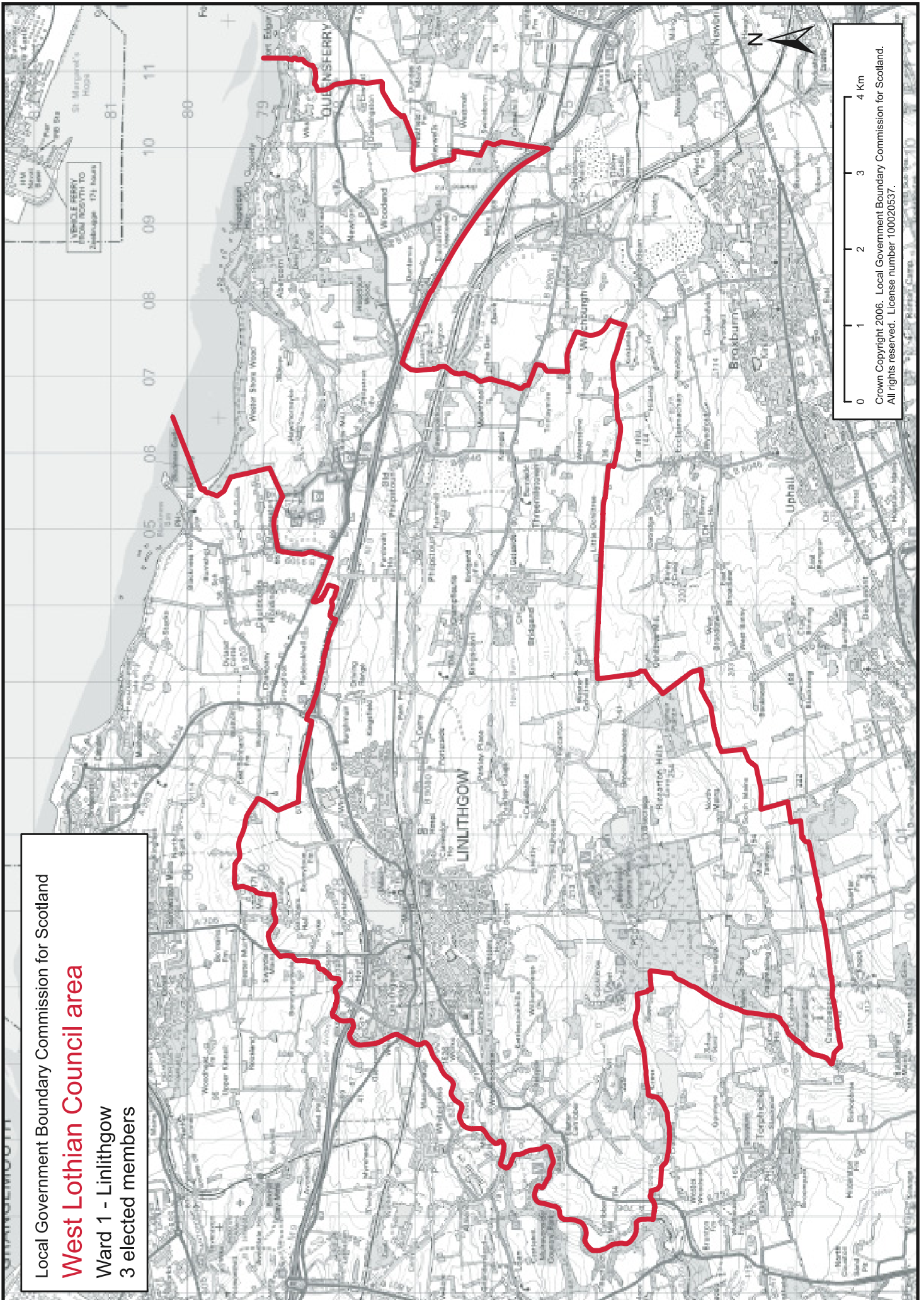
Ward 5 – East Livingston and East Calder

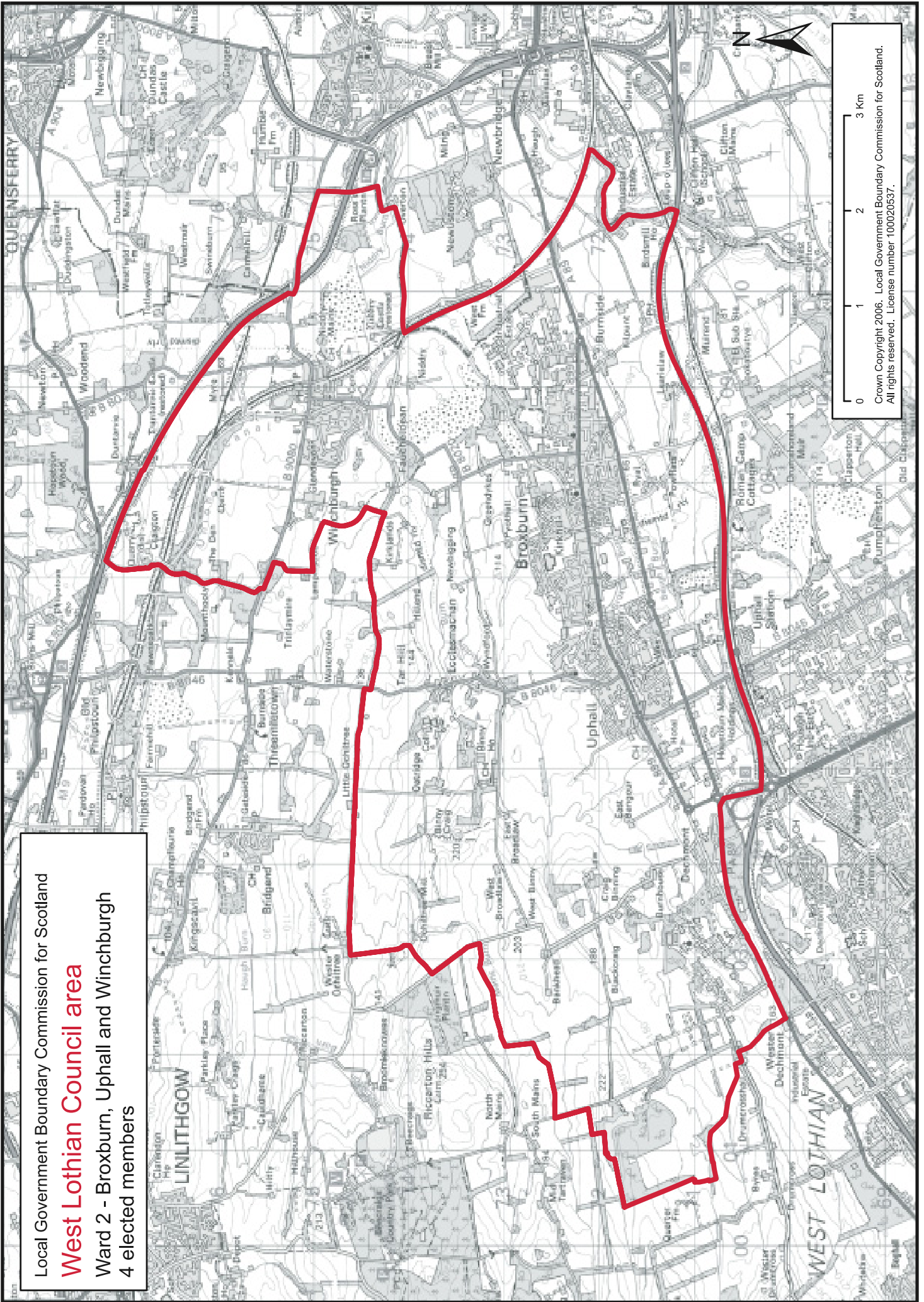
Ward 6 – Fauldhouse and the Breich Valley

Ward 7 – Whitburn and Blackburn

Ward 8 – Bathgate

Ward 9 – Armadale and Blackridge





Local Government Boundary Commission for Scotland  
**West Lothian Council area**  
 Ward 2 - Broxburn, Uphall and Winchburgh  
 4 elected members

0 1 2 3 Km

North Arrow

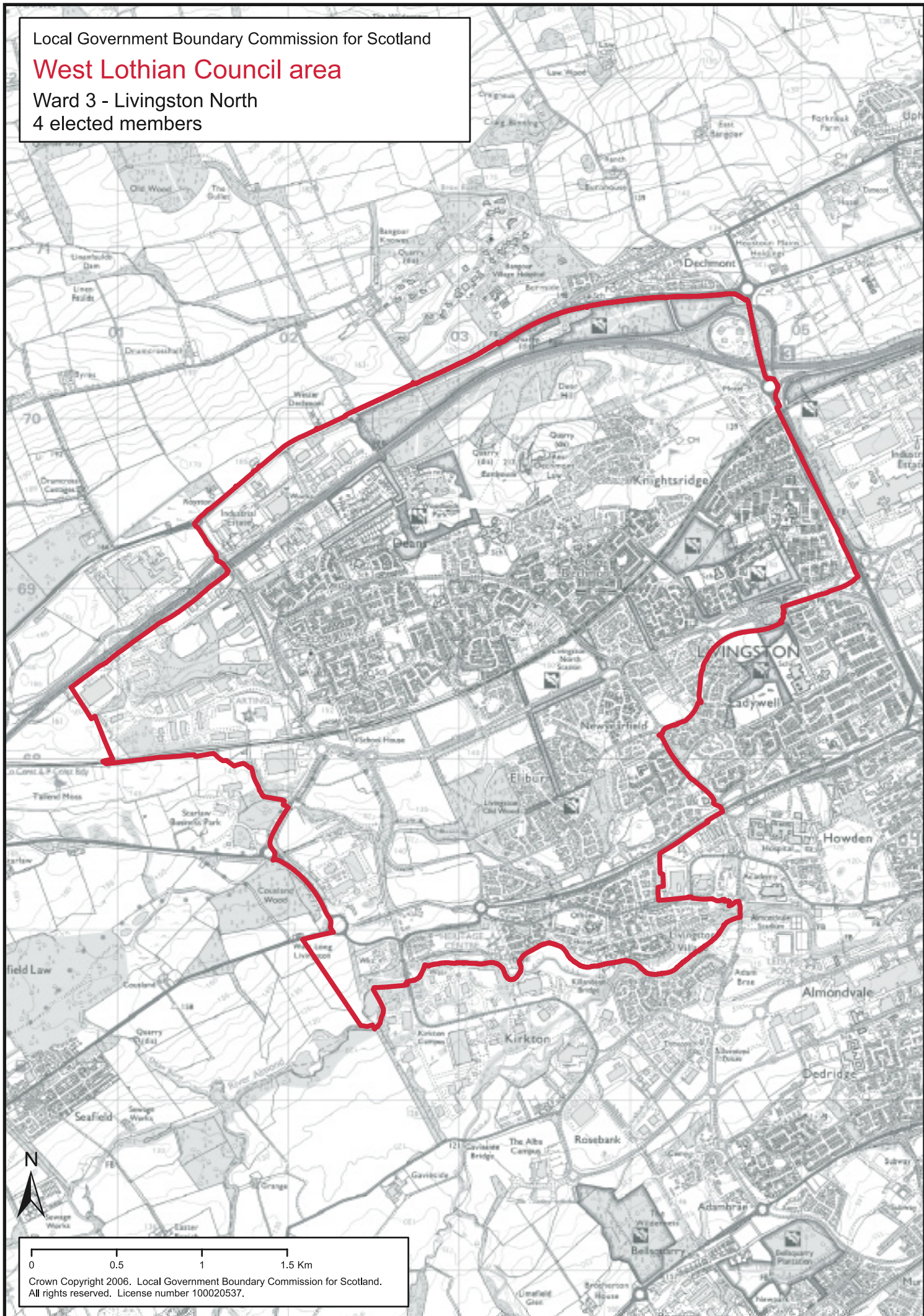
Crown Copyright 2006. Local Government Boundary Commission for Scotland.  
 All rights reserved. License number 100020537.

Local Government Boundary Commission for Scotland

## West Lothian Council area

Ward 3 - Livingston North

4 elected members



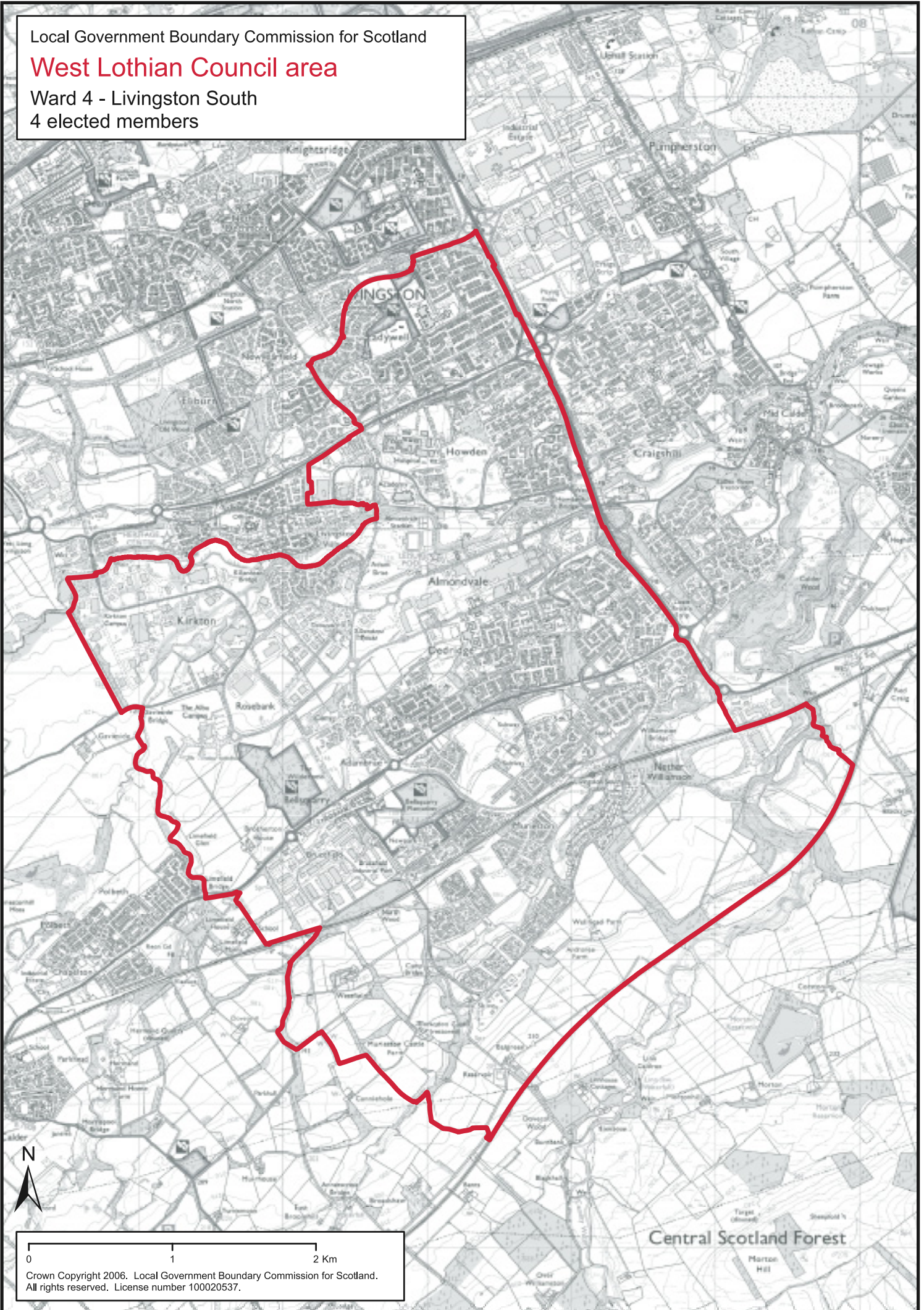
Crown Copyright 2006. Local Government Boundary Commission for Scotland. All rights reserved. License number 10020537.

Local Government Boundary Commission for Scotland

## West Lothian Council area

Ward 4 - Livingston South

4 elected members



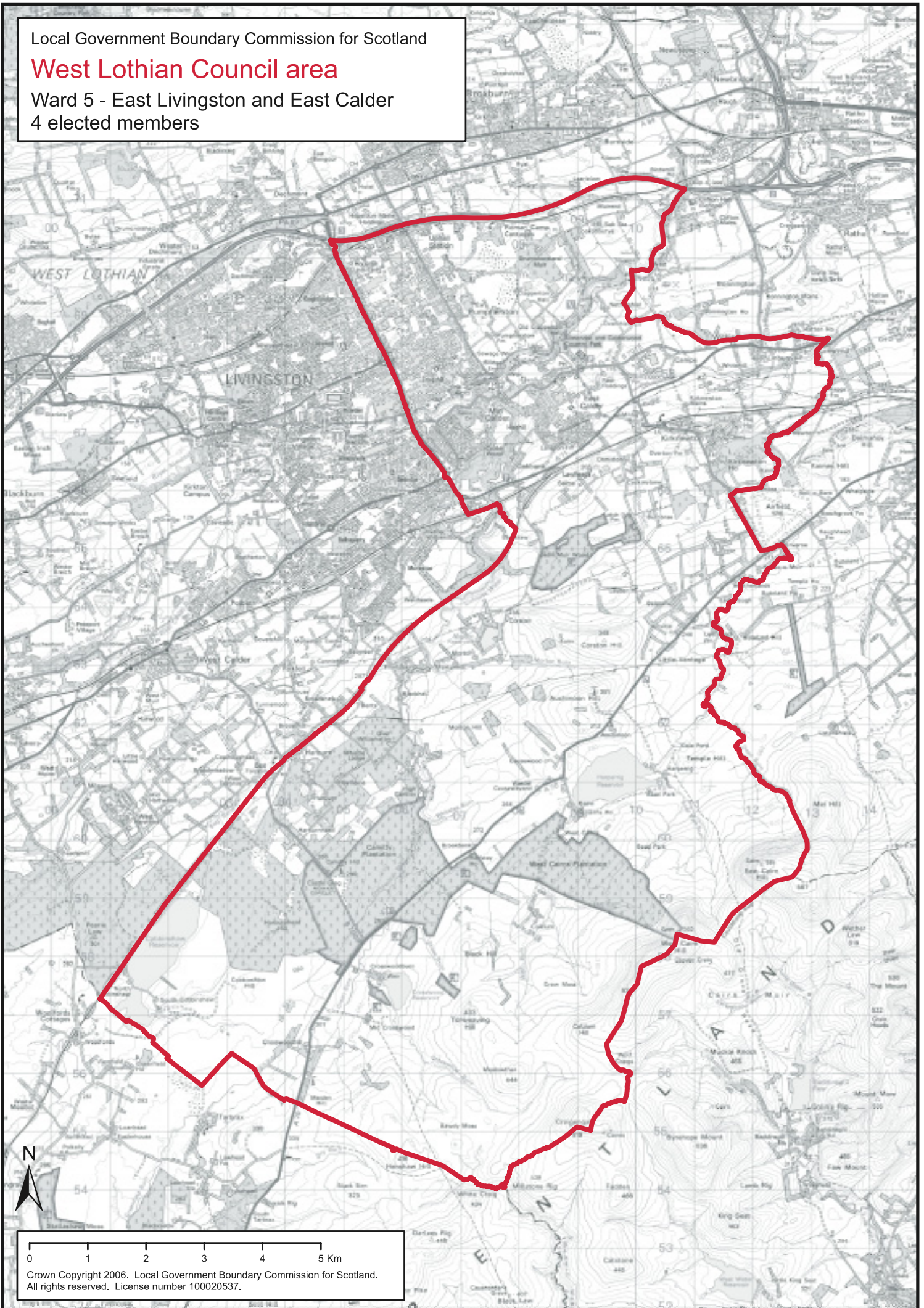
Crown Copyright 2006. Local Government Boundary Commission for Scotland.  
All rights reserved. License number 100020537.

Local Government Boundary Commission for Scotland

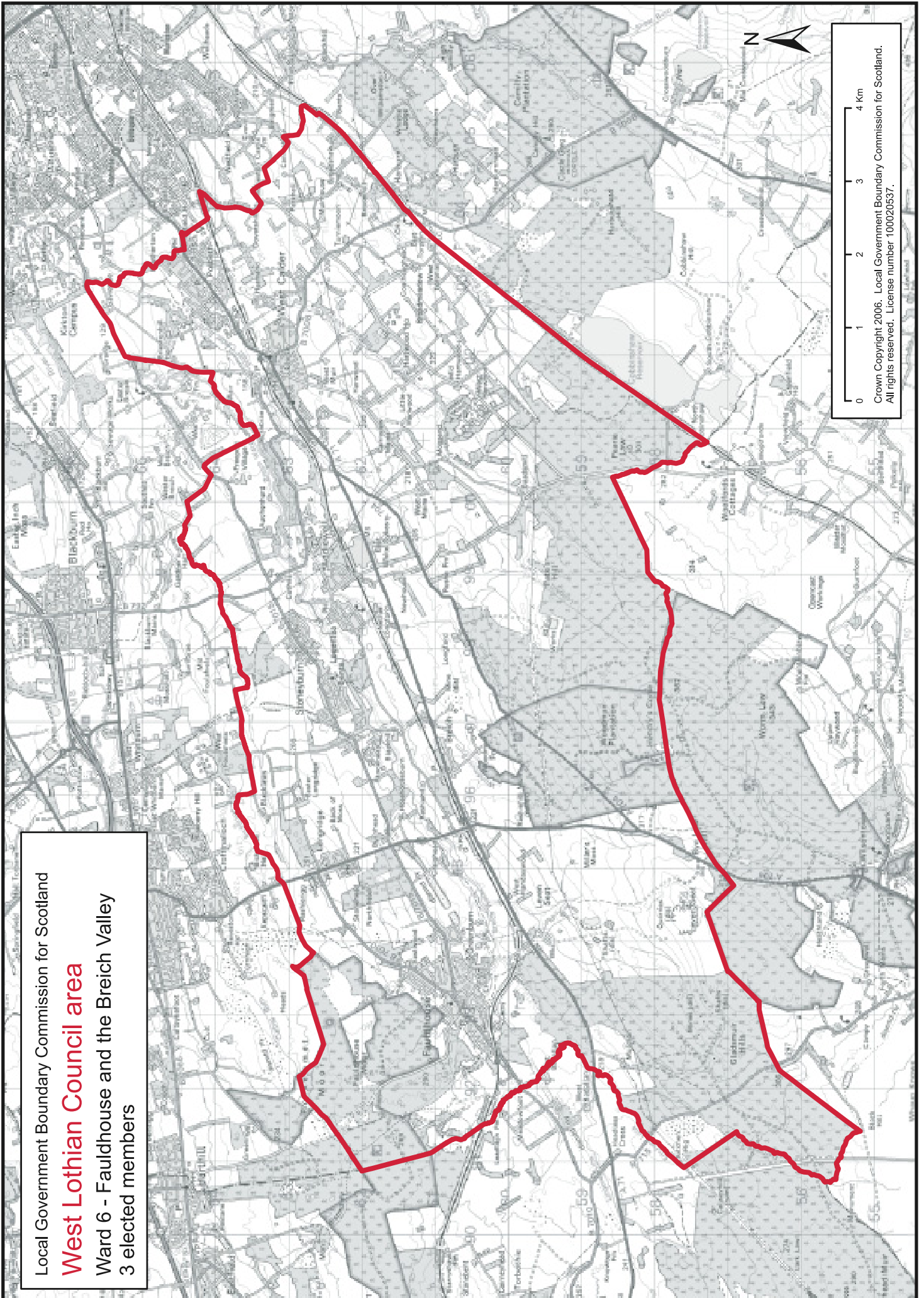
## West Lothian Council area

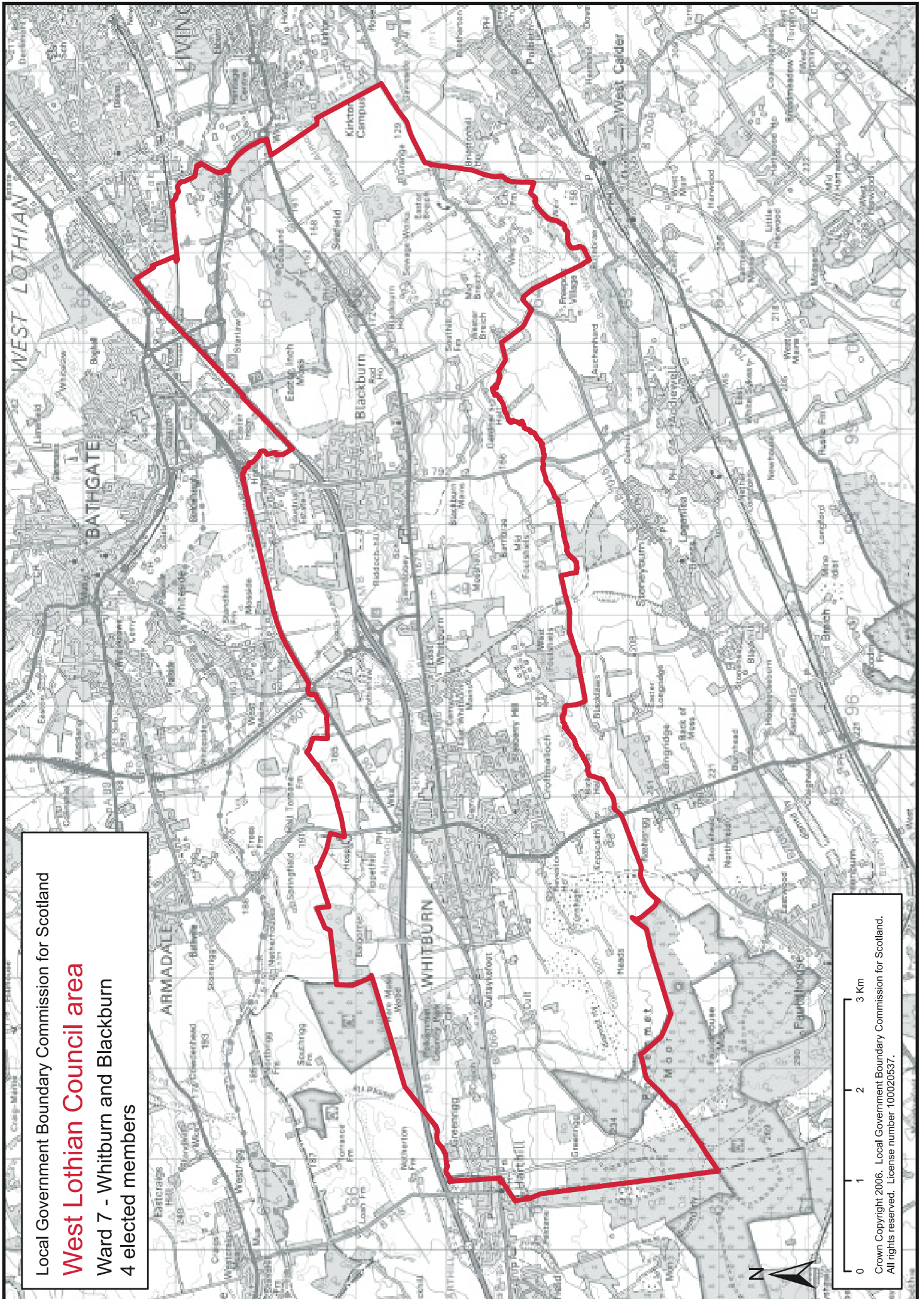
Ward 5 - East Livingston and East Calder

4 elected members



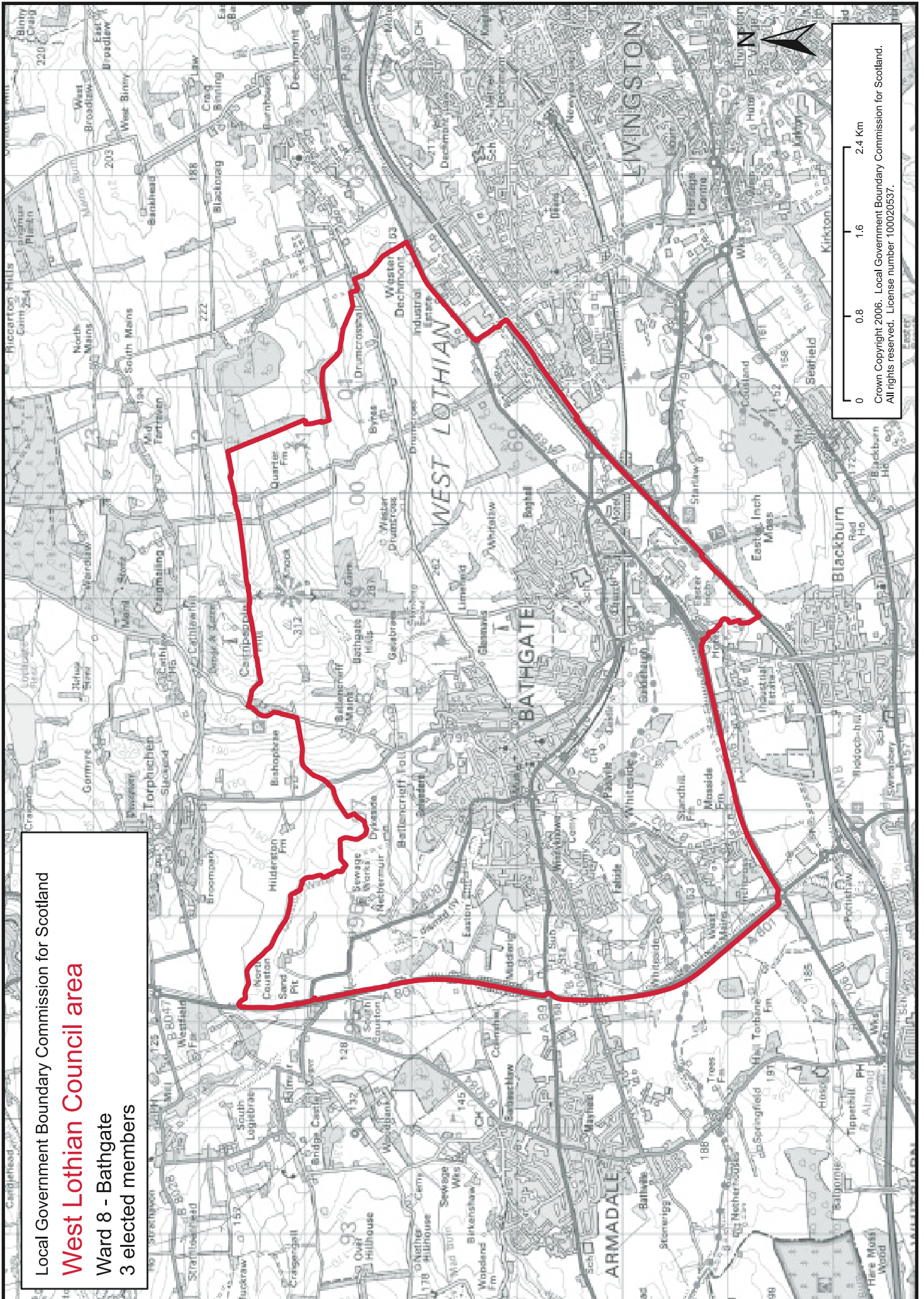
Crown Copyright 2006. Local Government Boundary Commission for Scotland.  
All rights reserved. License number 100020537.





Local Government Boundary Commission for Scotland  
**West Lothian Council area**  
 Ward 7 - Whitburn and Blackburn  
 4 elected members

0 1 2 3 Km  
 Crown Copyright 2006. Local Government Boundary Commission for Scotland.  
 All rights reserved. License number 100020537.



Local Government Boundary Commission for Scotland  
**West Lothian Council area**  
 Ward 8 - Bathgate  
 3 elected members

