

Fourth Statutory Review of Electoral Arrangements

Clackmannanshire Council Area



Local Government Boundary Commission for Scotland

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Clackmannanshire 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 Clackmannanshire 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 Clackmannanshire 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 Clackmannanshire 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 Clackmannanshire Council took place on 18 October 2004 at the Council headquarters in Alloa.
Part 2, paragraphs 1 – 3
- The concluded view of the Council following our first meeting was received by us on 19 November 2004.
Part 2, paragraphs 4 – 5
- We provided the Council with our initial proposals for 5 wards in Clackmannanshire Council area on 8 March 2005 and asked that a response be made within 2 months.
Part 2, paragraphs 15 – 16
- The Clackmannanshire Council response to our initial proposals was received on 11 May 2005.
Part 2, paragraphs 17 – 20
- We published our provisional proposals for 5 wards electing 18 Councillors on 26 May 2005 and asked that representations be made to us by 18 August 2005.
Part 2, paragraphs 24 – 28
- We received 4 representations during the statutory consultation period of 12 weeks.
Part 2, paragraph 29
- Our consideration of representations.
Part 2, paragraphs 30 – 39
- We recommend 2 x three member wards and 3 x four member wards for Clackmannanshire Council area thereby returning a total of 18 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 Clackmannanshire 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 Clackmannanshire 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 Clackmannanshire Council should take place on either 15 September 2004 at 10:00 hrs or 29 September 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 Clackmannanshire Council area, of the 34,908 electors on the register at July 2004, 34,894 (99.96 percent) could be identified within the postcode geography held in our GIS. The residual number of 14 electors were contained in 4 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 Clackmannanshire Council area could be used as the initial building blocks for reviewing electoral arrangements in that area.

Part 2 The Review in Clackmannanshire Council Area

Meeting with the Clackmannanshire Council

1. Our initial meeting with the Clackmannanshire Council took place on 18 October 2004 at the Council Chambers, Alloa. We were represented at that meeting by Richard Millham 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 have 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 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.
5. Clackmannanshire Council submitted its concluded view to us on 19 November 2004 enclosing schematic maps which provided its view of local communities within the Council area together with a CD containing information relating to these communities, including details of the forecast of new-build expected to be completed by 2009. The Council noted that it would be necessary to divide the town of Alloa and had given some thought to where the most appropriate division should be. The Council stated that it intended to draft 2 sets of ward proposals, one reflecting a structure of 6 wards each returning 3-members, and a second which comprised 2*3-member wards and 3*4-member wards.

Aggregation of Existing Wards

6. 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.
7. In examining the various options we noted that any straightforward aggregation to create a 6-ward structure resulted in the division of most of the larger settlements such as Alloa, Tillicoultry and Tullibody. Further, such aggregations were wholly at odds with the structure of local communities provided for us by the Council. Similarly, aggregations of existing wards to create a 5 ward structure

could retain the integrity of the Hillfoots communities such as Menstrie, Alva, Tillicoultry and Dollar but created arbitrary divisions within Tullibody, Alloa and Clackmannan. Furthermore, it did not recognise the structure of communities identified in the Council's concluded view.

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

- better regard could be had to the community areas identified by the Council; and
- better account could be taken of changes in the number and distribution of the electorate forecast for 2009 resulting from the new-build housing and other development.

9. As a consequence of our decision, our Secretariat prepared revised wards using the methodology made known to the Council and bearing in mind all the views on local communities expressed in the Council's concluded view.

Initial Proposals

10. Bearing in mind the community structure provided by the Council and the volume and location of proposed new-build housing, our Secretariat proposed that the communities of Alva, Tillicoultry, Devonside and Coalsnaughton be grouped together into a single ward. The only deviation from the boundaries as defined by the Council was a small tract of land accommodating no electors at Marchglen. This configuration allowed all of Tullibody and Menstrie, as defined by the Council, to be combined in a ward which included all of the new-build around these settlements. To the east of Tullibody, the settlements of Alloa, Fairfield, Sauchie, Fishcross and Blackfaulds were combined to form 2 wards, with a boundary which followed the boundary between Alloa Centre, Alloa West and Bowmar Community Councils. The eastern aspect of the Council area comprising the communities of Clackmannan, Forestmill, Dollar and Muckhart formed a fifth ward.

11. We noted that the deviation from parity for the proposed wards ranged between -4.7 and 5.4 per cent, which we considered was acceptable in terms of the statutory rules.

12. However, we were concerned with the line of the boundaries between the 2 wards that covered Alloa and that of the proposed eastern ward, which linked Dollar and Clackmannan.

13. Within Alloa, we examined an alternative boundary which followed the railway line between Whins Road and Mar Place but were not persuaded that the boundary should not be coterminous with the Community Council boundary. In examining alternatives to the proposed eastern ward, we noted that any reconfiguration inevitably produced a structure which led to further divisions within Alloa and the nearby communities. We noted that the eastern ward was balanced between the larger settlements of Dollar and Clackmannan and that these provided a focus for the adjacent rural electorates. It was also relatively compact in comparison to other predominantly rural wards elsewhere in Scotland.

14. Following full discussion, it was agreed that our initial proposals for the Clackmannanshire Council area should comprise 5 electoral wards of which 2 would be 3-member wards and 3 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	7,270	4	1,818	-5
2	8,035	4	2,009	5
3	7,740	4	1,935	1
4	5,780	3	1,927	0
5	5,700	3	1,900	-1

Informing the Council of our Initial Proposals

15. We submitted our initial proposals to Clackmannanshire Council on 8 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.

The Clackmannanshire Council Response

17. We received the Clackmannanshire Council's written response to our initial proposals on 11 May 2005.

18. The Council agreed to support the general proposals except for the boundary between wards 3 and 4 which divided Alloa. Recognising that Alloa had to be divided, the Council expressed a preference for the majority of domestic properties within Alloa to be retained in an enlarged southern ward whilst the northern ward, which contained Sauchie and Fishcross, should encompass the smaller portion of the town. A copy of a Council Report which provided details of possible alternative boundaries within Alloa for Wards 3 and 4 was provided.

19. The Council provided names for each of the proposed wards and we adopted them as our own.

20. The Council provided material setting out an alternative view expressed by the Opposition group which comprised 6*3 member wards while stressing that these did not form part of the Council's view.

Consideration of the Council Response to the Initial Proposals.

21. We noted that the boundaries proposed for Wards 1, 2 and 5 in our initial proposals were generally accepted by the Council. We considered both the alternative boundaries within Alloa as described by the Council noting that we had already considered and rejected one of the amendments

proposed. We further noted that the other proposal provided for 2 well-balanced wards in terms of electorate and were content that the line of the boundary as revised was easily identifiable. Although we recognised merit in adhering to the Community Council boundaries, which defined the line between Wards 3 and 4 in our proposals, we agreed to amend our proposals for these wards.

22. We noted the names for the wards proposed by the Council and adopted them as our own.

23. We noted the alternative view of the Opposition Group and agreed that it would not be appropriate at this time to consider a view expressed by a minority. We agreed, however, that the proposals could be considered if submitted in response to the public consultation.

Provisional Proposals

24. Our provisional proposals for revised electoral arrangements in Clackmannanshire Council area made provision for a Council of 18 elected members in 2 wards each returning 3-members and in 3 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	Clackmannanshire West	7,270	4	1,818	-5
2	Clackmannanshire North	8,035	4	2,009	5
3	Clackmannanshire Central	5,540	3	1,847	-4
4	Clackmannanshire South	7,980	4	1,995	4
5	Clackmannanshire East	5,700	3	1,900	-1

25. We published our provisional proposals for revised electoral arrangements in Clackmannanshire Council area on 26 May 2005. These differed from our initial proposals in that they significantly revised the boundary between Wards 3 and 4 and also contained minor changes necessary to fix the proposed boundaries to the OS MasterMap® TOID®s (see Part 1 paragraphs 19-24).

26. 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 Wee County News and the Alloa Advertiser. Copies of the documents and maps deposited for the public consultation were also placed on our web site. A short news release was issued on 25 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.

27. 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.

28. We asked that representations should be made to us within the 12-week period ending on 18 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 to clackmannanshire@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

29. Four representations were received during the statutory public consultation. The main points raised by the various parties are summarised below:

Council

The Council was reassured that the Commission had accepted its comments on the initial proposals and incorporated the amendments suggested for Wards 3 and 4 into the provisional proposals. Other interested groups intended to submit additional comments and the Council would wish to comment on any revision to the published proposals.

Councillors

Councillor McGregor wrote on behalf of the Forum of Community Groups which broadly agreed that:

- the Commission's proposals did not reflect the cultural, historical, or community dynamics of the Council area;
- electoral parity is important but should not take precedence over well established community boundaries; and
- because of the particular geography of Clackmannanshire the Commission's proposals would not provide for ready access to a Councillor of their choice.

An alternative model of 6*3 member ward structure based upon Menstrie and Alva; Tillicoultry, Dollar & Muckhart; Tullibody, Cambus & Glenochil; Coalsnaughton, Devonside, Fishcross & Sauchie, Forestmill; Clackmannan & Alloa South and East; and Alloa North & West was provided.

Councillor MacAdam wrote on behalf of the Opposition members of the Council and enclosed an alternative 6 ward structure for consideration. A public meeting which represented all political parties, most Community Councils and some elected members, had unanimously rejected the Commission's proposals. It proposed a 6-ward based structure on Menstrie and Alva; Tillicoultry, Dollar & Muckhart; Coalsnaughton, Fishcross, Devonside & Sauchie; Alloa would form 2 wards; and Cambus, Tullibody & Glenochil a single ward.

Community Council

Alva Community Council objected to the proposals. There was no association between Menstrie and Tullibody and there had never been communication between Dollar/Muckhart and Clackmannan. There was no bus service between Menstrie and Tullibody, or between Dollar and Clackmannan. The Community Council supported alternative proposals submitted by the Clackmannanshire Forum of Community Groups.

Consideration of Representations

30. We noted that the representations which opposed our provisional proposals were generally in favour of 6*3 member wards. Our Secretariat prepared maps of the alternative ward boundaries based upon the text descriptions and the variety of schematic maps which had been provided to us.

31. We had some sympathy with the view that wards could be created along the Hillfoots to meet the concerns raised, however, we were concerned that the proposals had much less regard for the community structure elsewhere, particularly in Alloa. In addition, we were required to consider how the ward configuration might be affected by forecast changes in the electorate and from the distribution of housing developments.

32. In reviewing the suggested re-configuration we observed that we had been presented with 4 alternative divisions within Alloa. We found that each of these was unacceptable. Only one of the proposed divisions complied with the statutory rules regarding electoral parity and none paid adequate regard to Alloa as a community, the community divisions within the town itself, or the impact on the adjoining communities immediately to its north.

33. We recognised that wards could be created along the Hillfoots which met the requirements of electoral parity, had well defined boundaries and transport links, and conformed with the pattern of communities identified by the Council. However, we were concerned that in the remainder of the Council area the proposed revision paid insufficient regard to the perceived community structure identified to us by the Council, especially in Alloa and its surrounding area.

34. At the outset of our review we had observed the difficulties that might arise across the southern aspect of the Council area. We concluded that it was not sufficient simply to consider what might be the best-fit solution for one part of the Council area at the expense of community interests within another.

35. In our proposals, Menstrie and Tullibody had been linked to constitute a 4-member ward with clearly defined natural boundaries and bearing in mind the forecast volume of new development. We noted comments regarding the lack of public transport but found that by road the distance between town centres was around 1.4 miles.

36. We considered also that Tillicoultry, Devonside and Coalsnaughton were settlements that had close physical links and were areas that expected to see additional new developments. In our view the alternative offered did not reflect the existing links.

37. In Alloa, our proposals reflected the Council's declared preference for the built-up area of the town to be contained within 2 wards. Our objective for this area in our initial proposals had been to maintain the integrity of the community council boundaries which reflected areas of common interest established after local consultation. We had moved from our initial proposals only at the suggestion of the Council which had declared a preference for retaining the majority of Alloa electorate within a 4-member ward. The alternative proposals submitted to us divided the town between 3 rather than 2 wards. Further, although the proposals for 3 wards also included alternative options for alternative boundaries within the town, it was clear that these alternatives sought only to attempt to establish electoral parity, at the expense of any community considerations, whereas in other areas it was clear that perceived community had been a significant underlying consideration.

38. Although initially we had had some reservations about our proposals for Ward 5, they brought together four of the communities identified by the Council at the outset of the review. The distance by

road between Dollar and Clackmannan is approximately 7 miles and each of the towns undoubtedly serves as a focus for the surrounding predominantly rural area.

39. Overall, we concluded that our proposals met with the statutory rules concerning electoral parity and, apart from the division of Alloa which the Council recognised was necessary, complied with the community boundaries identified by the Council, save for minor deviations necessary to align with ground features. We further concluded that our proposals had regard for the impact of the extensive forecast new-build. On balance, having considered the alternative proposals offered to us, we were not persuaded that our own proposals should be revised.

Part 3 Final Recommendation

1. Having conducted the fourth statutory review of electoral arrangements for Clackmannanshire 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 18 elected members in 2 wards each returning 3 members and in 3 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	Clackmannanshire West	7,270	4	1,818	-5
2	Clackmannanshire North	8,035	4	2,009	5
3	Clackmannanshire Central	5,540	3	1,847	-4
4	Clackmannanshire South	7,980	4	1,995	4
5	Clackmannanshire East	5,700	3	1,900	-1

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 Clackmannanshire 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 Wee County News and the Alloa Advertiser. 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:

- Clackmannanshire Council area A0 scale 1:24,000

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 and can be viewed or downloaded free of charge within the constraints imposed by Crown copyright.

Appendices

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

Appendix A

Extract from Local Governance (Scotland) Act 2004

4 Reviews of electoral arrangements

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

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

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

Appendix B

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

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

Information to be provided by the Commission

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

Process of consultation with the council

General

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

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

Meeting with the council

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

Formal written views of the council

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

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

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

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

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

Andrew P Kerr

A member of the Scottish Executive

Edinburgh
30th August 2004

Appendix C

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

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

Andrew P Kerr

A member of the Scottish Executive

Edinburgh
30 August 2004

Appendix D

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

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

Appendix E

Review Timetable

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

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

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

Discussion/exchange of information for any areas of concern.

12 weeks

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

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

10 weeks

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

9 weeks (2 months)

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

8 weeks

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

12 weeks

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

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

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

Consider representations received within 1 month.

Move to final recommendations where possible.

20 weeks

Stage 7: Complete final recommendations for all Council areas.

Complete review process, write and submit reports.

Appendix F

Illustrative Maps

Ward 1 – Clackmannanshire West

Ward 2 – Clackmannanshire North

Ward 3 – Clackmannanshire Central

Ward 4 – Clackmannanshire South

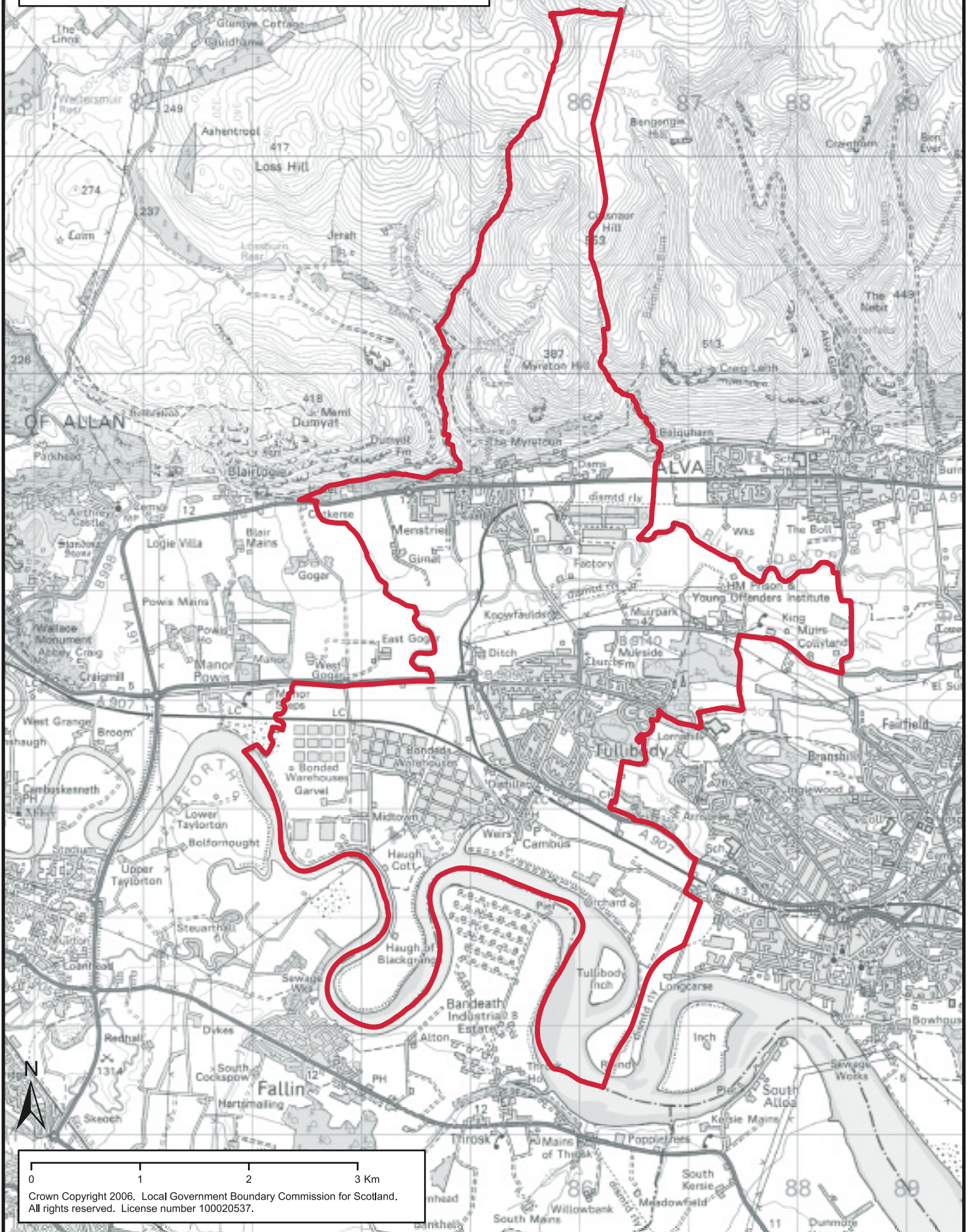
Ward 5 – Clackmannanshire East

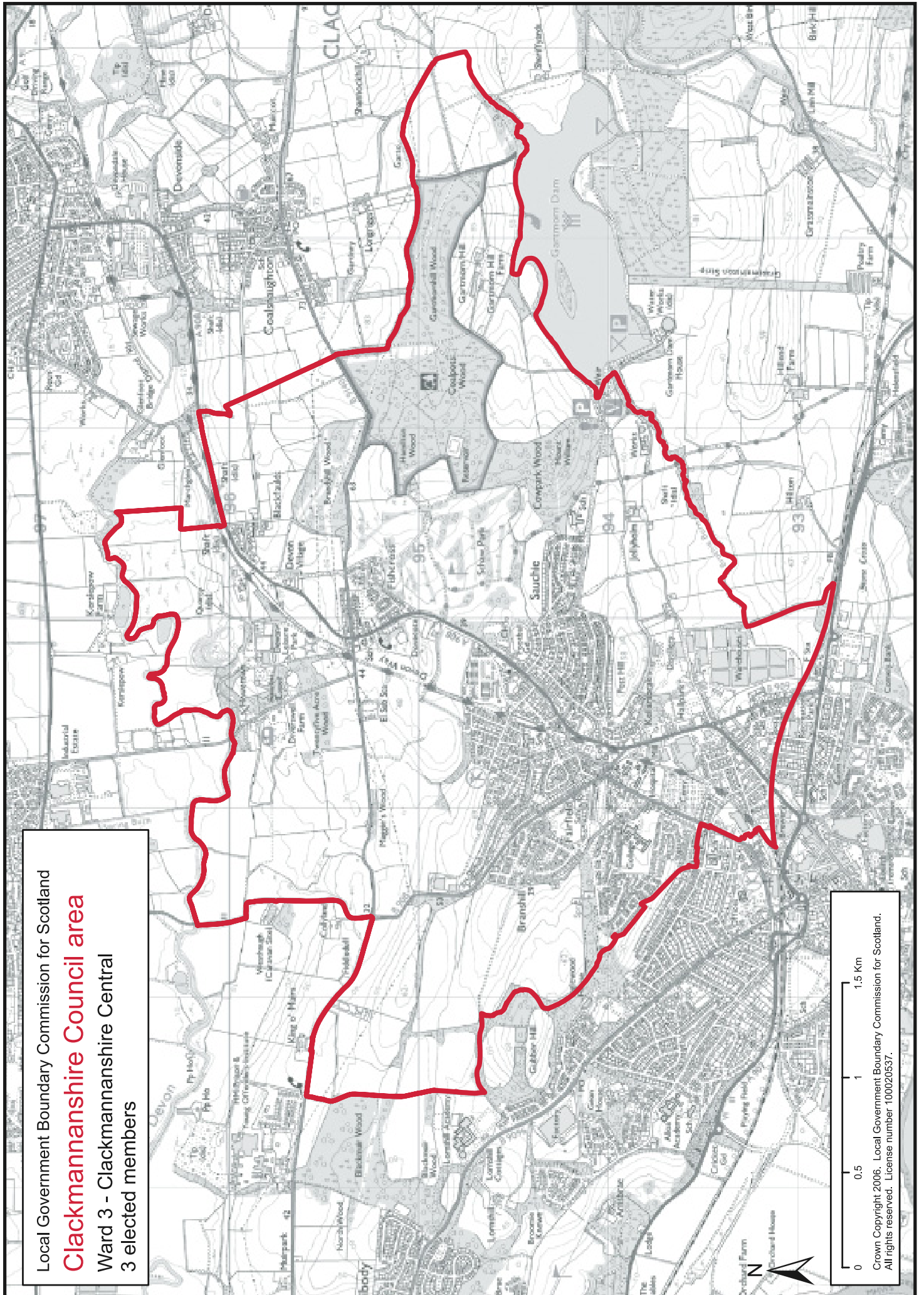
Local Government Boundary Commission for Scotland

Clackmannanshire Council area

Ward 1 - Clackmannanshire West

4 elected members

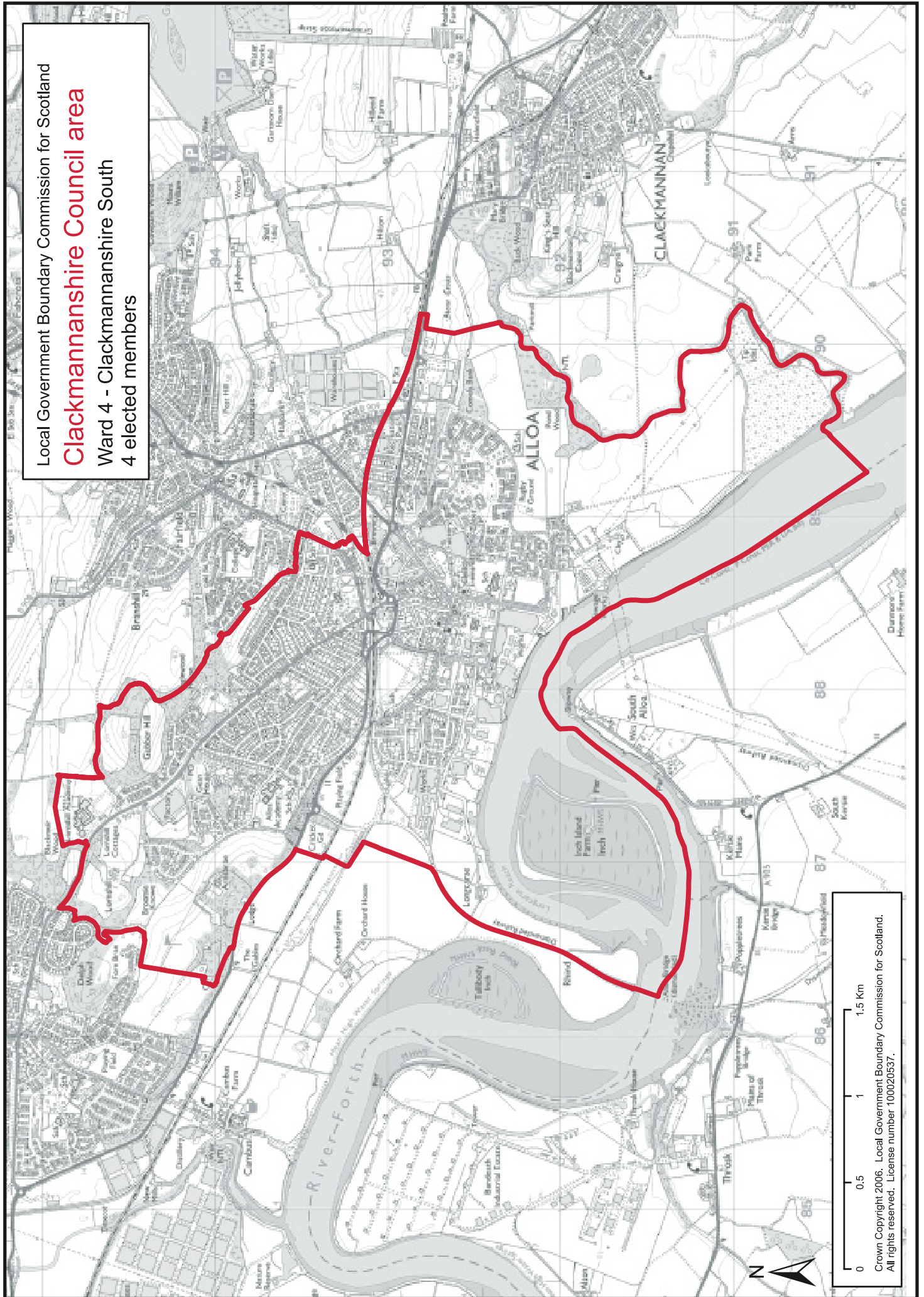




Local Government Boundary Commission for Scotland
Clackmannanshire Council area
 Ward 3 - Clackmannanshire Central
 3 elected members

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Local Government Boundary Commission for Scotland
Clackmannanshire Council area
Ward 4 - Clackmannanshire South
4 elected members

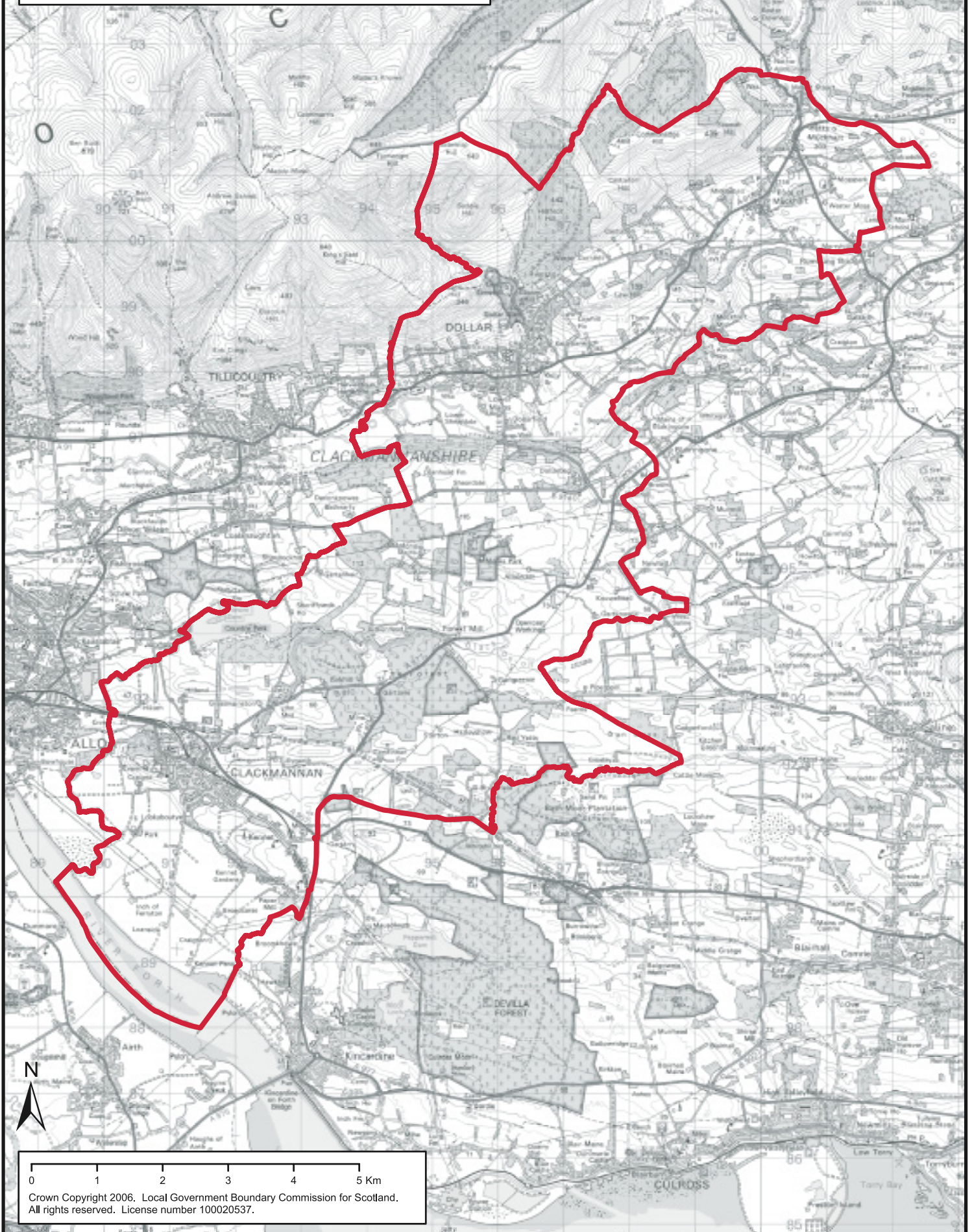


Local Government Boundary Commission for Scotland

Clackmannanshire Council area

Ward 5 - Clackmannanshire East

3 elected members



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