



**Information Paper**

**Administrative Area Reviews: Guidance**

[www.boundaries.scot](http://www.boundaries.scot)

## **1 Introduction**

- 1.1 The purpose of this document is to provide detailed guidance to all those wishing to participate in a local government administrative area review, which is a review of the external boundary of a local authority.
- 1.2 Boundaries Scotland, formerly the Local Government Boundary Commission for Scotland was established under the Local Government (Scotland) Act 1973, as an independent body with responsibility for keeping under review local government areas and electoral arrangements in Scotland. Under the terms of Schedule 8 of the Scotland Act 2016, responsibility for reviews of Scottish Parliament boundaries passed from the Boundary Commission for Scotland to the Local Government Boundary Commission for Scotland with effect from 18 May 2017. Section 28 of the Scottish Elections (Reform) Act 2020 renamed the Local Government Boundary Commission for Scotland as Boundaries Scotland and came into force on 14 May 2021. For brevity throughout, the Commission is referred to as 'we' or 'us'.
- 1.3 When we conduct an administrative area review, we are only considering the external boundary of a local government area. Our reviews do not affect Scottish Parliament constituencies or UK Parliament constituencies. UK Parliament constituencies result from reviews by the separate body the Boundary Commission for Scotland.
- 1.4 The electoral arrangements for a local authority are only affected by an administrative area review to the extent that they are consequential to any changes to a local authority boundary. For example, we will ensure that ward boundaries coincide with the external boundary of the local authority.
- 1.5 Scottish Ministers are not involved in the decision-making process during the review, although they do consider any views and representations expressed on our Final Recommendations. They are responsible for deciding whether or how to implement our recommendations once we have finished a review.

## **2 What is an administrative area review?**

- 2.1 An administrative area review is the process by which we examine and update as necessary the external boundaries of a local authority. The objective of an administrative area review is to provide good or improved levels of conformity with the set of criteria set down in the legislation. These criteria are often referred to as the "statutory criteria" and are discussed in more detail in Chapter 3.
- 2.2 Scotland's current 32 unitary local authorities were established by legislation in 1994. The boundaries of those new local authorities were determined by the legislation, in many cases combining one or more of the preceding Districts: we did not have a role in the definition of those boundaries. Since that time, the appropriateness of the boundaries between local authorities may have decreased in some areas. This may be due to housing, commercial or industrial developments, changes in land use or changes to the social and economic character of an area. In such cases, we may recommend changes after conducting an administrative area review.
- 2.3 We are required by the Local Government (Scotland) Act 1973 to conduct administrative area reviews of each local authority at intervals of 8 to 12 years. However, the legislation also gives power to Scottish Ministers to direct us on such reviews, and Scottish Ministers have currently issued a Direction to us not to carry out such reviews of all local authorities.
- 2.4 However, we also have powers under the legislation to carry out an ad hoc administrative area review of individual local authorities if we see fit, or if directed to do so by Scottish Ministers. We use this power from time to time in order to consider situations where development has taken place across a local authority boundary, such as when a housing development, individual houses or other buildings are divided by the local authority boundary.
- 2.5 We appreciate that an administrative area review is always likely to be of great interest in the area under review, since the outcome may alter the local authority responsible for delivery of local services, such as education, and for setting the level of local taxation.
- 2.6 Details of our past administrative area reviews, and any that we are currently undertaking, are available on our website.

### **3 The statutory criteria and rules**

- 3.1 The legislation which sets out the rules for our administrative area reviews is the Local Government (Scotland) Act 1973. When making our recommendations, we must consider the criteria set out in section 13 of that Act which sets out an overall aim of making changes in the interests of "effective and convenient local government".
- 3.2 The legislation does not specify how we should judge effective and convenient local government. As a result, we have to balance effectiveness and convenience for:
  - a local authority in its management and delivery of services;
  - elected representatives in carrying out their functions for the area that they represent; and
  - residents when they are accessing local services and playing a part in their local community.

#### **What can be done as part of an administrative area review?**

- 3.3 An administrative area review can recommend the alteration, creation or abolition of a local authority. In practice the administrative area reviews we have undertaken so far have led to only minor adjustments to boundaries.
- 3.4 We can recommend an amended name for an administrative area. Councils also have powers to change the name of their area, and several have done so since they were established in 1996.
- 3.5 Our administrative area recommendations will determine the council area where local residents live, and as a result may affect the level of council tax they pay. However, reviews do not result in changes to electors' addresses or postcodes.

#### **What cannot be done as part of an administrative area review?**

- 3.6 We cannot make recommendations for changes to the ward boundaries for an area as part of an administrative area review, unless these changes are consequential to our recommendations for change to the administrative area. Reviews of electoral arrangements are carried out as a separate exercise.
- 3.7 We cannot change UK Parliament constituency boundaries or Scottish Parliament boundaries. Administrative area boundaries put in place as a result of our reviews may be considered during a review of parliamentary boundaries.
- 3.8 We cannot recommend changes to community council boundaries. Each local authority is responsible for the creation and amendment of a scheme of community councils in their area.

#### **When do we carry out an administrative area review?**

- 3.9 We have conducted administrative area reviews since 1996 predominantly as a result of developments taking place across an existing administrative area boundary, resulting in a housing development or one or more properties or buildings being partly in one council area and partly in another.
- 3.10 This can result in confusion on various issues, and anomalies on access to services within the community, so that:

- responsibility for provision of local authority services;
- responsibility for administering local authority regulatory functions, such as development control and licencing;
- liability to local taxes, such as council tax;
- entitlement to participate in local elections; and
- entitlement to services with a residency requirement, such as schooling may vary between neighbours in the same street or development.

#### 4 The administrative area review procedure

- 4.1 Our approach to conducting administrative area reviews is one of consultation and openness. Where possible, we aim to develop recommendations that are influenced by local input and therefore we conduct as much consultation as is practicable in any review. We publicise the review as widely as possible, and ask that local councils, political parties, community groups, residents' associations, other main stakeholders and the general public do the same.
- 4.2 Timescales for reviews vary depending on complexity, interest, cooperation from interested parties, and our workload. They are also dependent on the amount of consultation we undertake. The legislation specifies some aspects of the consultation which we must follow during reviews.
- 4.3 Before we decide to conduct a review, we will conduct an assessment of the circumstances. Our recent experience is that even when only a small housing development straddles a local authority boundary, then there is sufficient reason to carry out a review, for the reasons set out in paragraph 3.10.
- 4.4 Once a review commences formally, we will normally aim to adhere to the timetable laid out in Figure 1.

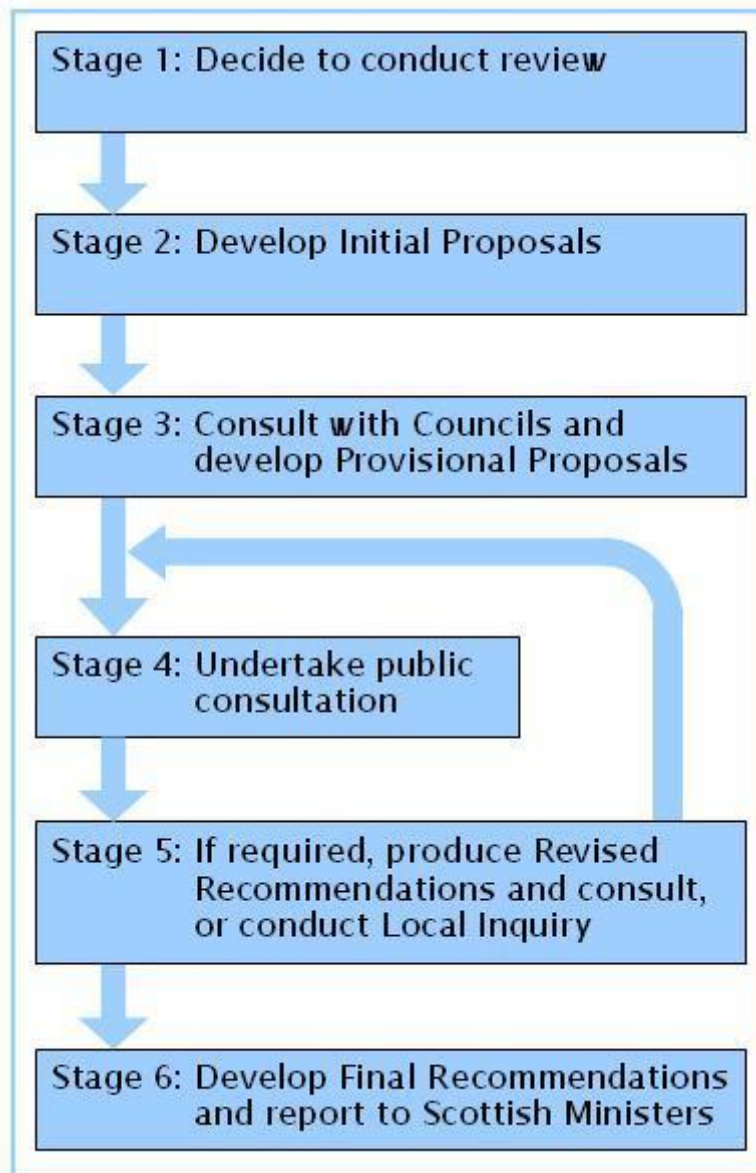
Stage	What happens?	Timescales
Stage 1	We decide to conduct a review and tell those interested.	
Stage 2	We develop our Initial Proposals	6-8 weeks
Stage 3	We consult with local authorities on our Initial Proposals, and as a result prepare our Provisional Proposals	12 weeks
Stage 4	We publish our Provisional Proposals for public consultation	12 weeks consultation
Stage 5	We consider all representations on our Provisional Proposals. We decide whether to publish Revised Recommendations for further public consultation, conduct a Local Inquiry, or make our Final Recommendations.	Typically 10-14 weeks, but longer if a Local Inquiry is held
Stage 6	We develop and publish our Final Recommendations and report to Scottish Ministers	6-8 weeks
Stage 7	Ministerial consideration and approval by Scottish Parliament.	Outside our control, but the Minister must wait 6 weeks before acting on our recommendations.

**Figure 1: Typical review timetable**

- 4.5 The stages of the review process are shown diagrammatically in a flow chart in Figure 2.
- 4.6 We will publicise the start of the review, the consultation on our Provisional Proposals, and our Final Recommendations. At the start of the consultation, we will usually issue news releases and public notices, write to interested parties and offer local media interviews with our officials. We will ask for the local

authority's help in deciding on the most relevant media, and rely on them to distribute information material.

- 4.7 We aim for transparency in our work and, to that end, publish on our website the information used in our considerations such as electorate figures, mapping and other appropriate information. In addition, after conducting a consultation, we generally publish on our website the submissions we receive.



*Figure 2: Review flowchart*

## 5 Issues and evidence

- 5.1 We are aware that stakeholders value a flexible approach in balancing the various aspects of effective and convenient local government. However, a flexible approach can only be taken when we receive clear arguments and evidence to support the various criteria.
- 5.2 Unlike our electoral reviews, the legislation does not specify the criteria which we should consider when making recommendations on *administrative area reviews*, beyond "effective and convenient local government". However, our experience is that two additional important criteria are those identified in the legislation for our *electoral reviews*, namely easily identifiable boundaries and local ties.
- 5.3 The factors that we consider often mean many different things to different people. For example, if you are making a case on the basis of local ties, it is essential that your evidence clearly explains the local ties being referred to and why they might be affected adversely or beneficially by any changes.

### Effective and convenient local government

- 5.4 It is difficult to provide a concise definition of effective and convenient local government. However, it is the fundamental consideration for recommendations arising from any of our reviews, and is often overlooked as a consideration by people making proposals to us.
- 5.5 As noted earlier in this paper, effective and convenient local government has to balance effectiveness and convenience for a local authority, elected representatives and residents.
- 5.6 Local authorities manage and deliver diverse services across their council area. The external boundaries of a local authority can influence the ability to do so in an effective and convenient manner for example by defining the scale of their operations.
- 5.7 Effective and convenient local government depends on the ability of elected representatives to carry out their functions. These include decision-making, scrutiny of decisions of others, regulatory functions and representing the views of all the residents of their area. The greater the diversity of a council area, the harder it may be to carry out all of these functions effectively. Therefore, there may be benefits in some circumstances in drawing local authority boundaries to reduce the range of issues that a council has to deal with.
- 5.8 Thirdly, local residents seek effectiveness and convenience when they use local services and participate in their local community.
- 5.9 Evidence might seek to explain why a particular local authority boundary will lead to more effective and convenient local government. This may relate to the accessibility of facilities that are important for the delivery of services, such as schools and libraries.
- 5.10 We are aware that neighbouring local authorities often collaborate on the delivery of services across boundaries where they feel this is appropriate. While such collaboration may reduce the significance of a particular local authority boundary, we do not consider that it removes all such significance.
- 5.11 In coastal local authorities, we will seek boundaries which reflect bridge and ferry connections between coastal communities as appropriate.

## **Easily identifiable boundaries**

- 5.12 We recognise the desirability of fixing boundaries that are and will remain easily identifiable.
- 5.13 We may endeavour to draw boundaries in undeveloped areas in such a way that future development is less likely to cross a local authority boundary. However, patterns of future development are determined by a wide variety of factors, and therefore it is not possible for us to be certain that our recommended boundaries will not be crossed by future development at some stage.
- 5.14 In urban areas, a case can be made to define boundaries along roads since they are likely to remain clearly identifiable, and are unlikely to be straddled by new dwellings. As an alternative, drawing a boundary along the rear fences between houses will result in neighbours across a street being in the same local authority which may appropriately reflect local ties.
- 5.15 In rural areas, natural features such as watercourses and edges of woodland may be more appropriate or available in an area where a boundary is required. Field boundaries may also be used, while recognising that they may be subject to change, particularly in the case of fences.
- 5.16 In upland areas, a watershed may be an appropriate boundary feature, particularly where it follows narrow, well-defined ridges.
- 5.17 We are aware that local residents may also easily identify historical boundaries which may not clearly correspond to physical features on the ground, and may divide an area in different ways from obvious physical boundaries such as rivers.
- 5.18 Parks and recreation grounds may appear to provide natural breaks between communities but they can also act as focal points. Similar considerations apply to main roads that are also the location of local shopping centres.

## **Local ties**

- 5.19 When designing local authority areas, we aim to reflect local ties, and in particular we aim to avoid breaking local ties. However, other factors may outweigh local ties.
- 5.20 Evidence of local ties may be complex. In an area where we are conducting a review, it is often possible to cite different local ties in support of different possible boundaries.
- 5.21 Local ties may demonstrate themselves by shared facilities for shopping, leisure or education or by the location of public facilities such as doctors' surgeries, hospitals, libraries or schools. In some areas, local authority boundaries are also the boundaries of bodies which provide other public services such as health, and facilities for such services may be another relevant reflection of local ties. While recognising that the location of public facilities can provide some evidence of the existence of local ties, we note that such arguments cannot be considered in isolation. It will certainly not be the case that merely saying that such facilities exist will alone be sufficient proof of local ties.
- 5.22 Local ties may also result in shared social, religious, recreational or cultural activities, and by community groups and residents' associations.

- 5.23 An area's history and tradition may be the basis of local ties for some. However, communities are constantly evolving and historical considerations may not have such importance in areas which have been subject to recent development or population dispersal.
- 5.24 Major roads could be seen to be the focus of an area if they are the location of shops or community facilities which people visit regularly. Alternatively, major roads, rivers or railway lines could be seen as physical barriers marking the boundary between different communities.
- 5.25 We understand that people have strong views about their communities and the impact that a change in the extent of their council area may have on them. It is important to us that we hear all of these views. However, we ask that, rather than simply asserting that proposals would affect their community, people explain carefully to us in terms that might be understood by those not living in the area, why a particular local authority boundary we have proposed would – or would not – have an adverse effect on local ties. What may be self-evident to local people who work or live in an area may not be obvious to us. We will take into account all proposals we receive but those which are supported by argument and evidence are likely to carry more weight.
- 5.26 Changes to boundaries can affect local ties in a number of ways: existing ties may be broken or weakened, new ties may be formed and existing ties may be strengthened. We will seek to understand the effect of local authority boundaries on local ties that we are aware of, including the educational and social ties which communities often cite.
- 5.27 We sometimes receive evidence stating that the local community is totally opposed to a particular proposal. We will want to understand what defines the community, how representative of the community the respondent is, and what consultation has been undertaken to determine community views before contacting us.
- 5.28 We are aware that within an area of recent housing development, there may be subdivisions between different parts of that development which reflect local ties in that area.
- 5.29 In determining the strength of local opinion on an issue, sheer numbers of signatures on petitions, or the number of standard letters received are not necessarily a true guide. They may say more for the enthusiasm and competence of the organisers than for the real views of the community. In practice, a well-argued representation containing detailed evidence is likely to carry more weight with us.
- 5.30 Occasionally, local people or groups may arrange public meetings in order to gauge the level of support or opposition to a proposal. The outcome of such meetings may be a better guide to public opinion. But even here, large attendances are unlikely to be conclusive: the proportion of the local residents attending, and the breadth of their interests will be more significant than the total number. Moreover, meetings that draw their attendance from a particular political interest group may not express views which are representative of the community as a whole.
- 5.31 In summary, we will wish to know why a certain view is being put forward. If a particular road is seen as a barrier between communities, why is this the case? If another road is seen as the focus of the community, why is this the case? It is

quite common for conflicting evidence to be received on local ties. Where this occurs, our task is to make a judgement on which strand of evidence to follow.

## **6 What happens after our review?**

- 6.1 The publication of our Final Recommendations marks the end of our role in the administrative area review process. We publicise our Final Recommendations for anyone to read at local council offices and libraries, in local papers and on our website. At the same time, we submit our recommendations to Scottish Ministers, who are responsible for implementing them.
- 6.2 Scottish Ministers will consider our Final Recommendations in detail and seek further clarification, information and advice as necessary. They can implement our recommendations with or without modification, decide not to implement them, or ask us to undertake another review of the area involved.
- 6.3 If Scottish Ministers decide to implement our recommendations they make an Order (the legal document which establishes the new administrative area boundary), and lay it before the Scottish Parliament. The Order specifies when any changes take effect. The Scottish Parliament can reject any such Order.
- 6.4 Scottish Ministers cannot make an Order until at least six weeks after we publish our Final Recommendations.
- 6.5 While our decision in making our recommendations is final, it may be possible to challenge it in the Courts. This would only be possible if we could be shown to have made some procedural error, or to have made a recommendation which could not have followed from the evidence received or from our statutory criteria. The Courts cannot overturn a recommendation which has been properly reached merely because of a disagreement with that recommendation. The decisions of Scottish Ministers can also be subject to judicial review within similar constraints.
- 6.6 If you have a complaint about the conduct of a review, we have a complaints procedure which is detailed on our website. If after following that complaints procedure you remain dissatisfied, you can take the matter to the Scottish Public Services Ombudsman who provides the final stage for handling complaints about public services in Scotland.

## **7 Frequently asked questions**

### **What are administrative areas?**

There are 32 administrative areas, or council areas, in Scotland, which were set up in 1996. Decision making in each one is the responsibility of elected councillors.

### **Is Boundaries Scotland affiliated to any political party or part of the Scottish Government?**

No. We are an independent non-departmental body. Commissioners are not permitted to take part in party political activity or be members of any political party.

### **Can an administrative area review affect my postcode?**

No. Postcodes are decided by Royal Mail as a tool for delivering mail. They do not change as a result of our administrative area reviews.

### **Can an administrative area review affect my council tax or school catchment area?**

Yes. These are factors which are determined by the council of the administrative area that you live in, but are generally not relevant to our considerations.

### **Can an administrative area review affect who I can vote for?**

Yes. The review will determine your council area and at local government elections you can only vote for candidates who stand for election in that council area.

### **Will an administrative area review affect the polling station I vote at?**

Probably, but this is a matter for your council which establishes polling districts for the wards resulting from an electoral review.

### **When administrative area boundaries are changed what happens to parliamentary constituency boundaries?**

We have no involvement with UK Parliament constituency boundaries which are reviewed by the Boundary Commission for Scotland (BCS). We may conduct interim reviews of Scottish Parliament boundaries following any administrative area review we carry out, but this is entirely at our discretion.

### **When will changes come into force?**

Scottish Ministers will decide when any new boundaries come into force.

### **Can I see maps of the proposed boundaries?**

During a review we make paper copies of maps available through local council offices and libraries. On our website ([www.boundaries.scot](http://www.boundaries.scot)) there are PDF files of the maps to download, which may allow you to see more detail than in print. You may find it helpful to compare our proposals with current boundaries available from our website, your local authority or the [www.election-maps.co.uk](http://www.election-maps.co.uk) website.