

THE LOCAL GOVERNMENT BOUNDARY  
COMMISSION FOR WALES



REVIEW OF LOCAL GOVERNMENT AREAS IN  
WALES

A GUIDANCE NOTE

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# 1. INTRODUCTION

- 1.1 The Local Government Boundary Commission for Wales was established in 1974 under the Local Government Act 1972. Its role is to keep under review all local government areas in Wales, and the electoral arrangements for the principal areas, and to make such proposals to the Secretary of State for Wales (now the National Assembly for Wales) as seem desirable in the interests of effective and convenient local government.
- 1.2 The Local Government Act 1972 (the Act) established a two-tier system of local government in Wales. The Local Government (Wales) Act 1994 abolished the county and district councils established under the 1972 Act and replaced them with 22 new unitary authorities. The new structure took effect from 1 April 1996. From 1 July 1999 the functions of the Secretary of State for Wales (in relation to the Local Government Boundary Commission for Wales) were transferred to the National Assembly for Wales.
- 1.3 Under Section 55(1) of the Act, the Commission has a statutory duty to keep under review all principal areas for the purpose of considering the making of proposals for changes in local government areas. The National Assembly for Wales may also direct the Commission to conduct a review under Section 56. Section 55(2) requires each principal council to keep the whole of their area under review for the purpose of considering whether or not to make recommendations to the Commission with respect to the constitution of new communities, abolition of communities or the alteration of communities in their area.
- 1.4 Additionally, Section 55(3) requires the Commission to consider any report made under Section 55(2) and if they think fit make proposals to the National Assembly for Wales either as submitted or with modifications.
- 1.5 In consequence of such reviews, the Commission may make proposals to the National Assembly for Wales for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government. This guidance outlines the scope of such reviews and explains the procedures which the Commission will follow. It is also intended to provide practical advice to assist local authorities in undertaking their own reviews.
- 1.6 Please note that this guidance note does not cover reviews for the purpose of making proposals for a substantive change of electoral arrangements in a principal area or a community. For principal area electoral reviews, a guidance note entitled “*Review of Electoral Arrangements for Welsh Principal Areas*” is available from the Commission. This note was produced for the programme of initial reviews of all the principal areas in Wales which commenced in November 1995. The procedures and principles outlined in the note still apply.

## 2. SCOPE OF THE REVIEW

2.1 Section 54(1) of the Act provides that the Commission may in consequence of a review conducted by them make proposals to the National Assembly for Wales for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government. Recommendations for changes can only be made as a consequence of a review carried out by the Commission (or by a principal council in respect of a community review conducted under Section 55(2)). Under Section 54(1) the Commission may recommend changes by any of the following means or in any combination of these means:

- (a). the alteration of a local government area, that is, the area of a principal council or community;
- (b). the constitution of a new local government area by:
  - i. amalgamating two or more principal areas or two or more communities;
  - ii. aggregating parts of principal areas or parts of communities; or
  - iii. separating part of a principal area or part of a community;
- (c). the abolition of a principal area and its distribution among other principal areas; or
- (cc) the abolition of a community and its distribution among other areas of the like description;
- (d). the constitution of a new community by:
  - i. the establishment of any area which is not a community or part of one as a community; or
  - ii. the aggregation of the whole or any part of any such area with one or more communities or parts of communities;
- (e). a change of electoral arrangements **consequential** on proposals for any change to a local government area (eg as a result of a proposed change to the boundary between principal areas or communities); or **substantive**, that is a change which is desirable on its own merits, regardless of whether it is carried out at the same time as changes to local government areas; or
- (f). a change in police areas (including a change resulting in a reduction or increase in the number of police areas) in connection with a change in local government area.

2.2 The Commission may also, in consequence of a review conducted under Part IV of the Act, make proposals to the National Assembly for Wales for effecting changes in the area of a preserved county which appear to the Commission to be desirable having regard, in particular, to the purposes for which the counties are retained eg

Parliamentary constituencies boundaries, magistrates' courts, the Lieutenancy and the Shrievalty (Section 54(1A)).

- 2.3 When the Commission make proposals for the constitution of a new principal area by any of the means referred to at paragraph 2.1 (ii) above, they are also required to specify whether the new area should be a county or a county borough (Section 54(1B)).
- 2.4 Proposals for changes under any of the above methods will be made by the Commission to the National Assembly for Wales who may, if it thinks fit, give effect, by order to any proposals made, either as submitted or with modifications (Section 58(2)). Proposals for substantive changes in community electoral arrangements, however, are only made to the National Assembly for Wales in cases of dispute between the Commission and the principal council in which the community is situated (Sections 54(2) and 57(7)).

### **3. RESPONSIBILITIES**

- 3.1 The responsibility for the review of a local government area is dependent on the type of area under review and the consequential changes identified.

#### **Review of Principal Council Areas**

- 3.2 The Commission are charged (Section 55(1)) with the continuous duty of keeping under review all the principal areas in Wales with a view to making such proposals for changes as are authorised by Section 54. The National Assembly for Wales may however direct the Commission to conduct a review of all or any part of Wales at any time (Section 56(1)).
- 3.3 The Commission are also required by Section 55(1) to consider any request from a local authority which appears to them to be interested in a particular area, that the Commission should make proposals for such changes as are authorised in Section 54. If the Commission form the opinion that to consider such a request would impede the proper discharge of their functions they are not required to act upon it; otherwise, the Commission shall, if they think fit, formulate such proposals.

#### **Communities**

- 3.4 It is the duty of the principal councils under Section 55(2) to keep their areas under review and to recommend to the Commission such proposals, for the constitution of new communities, the abolition of communities or the alteration of communities, as are authorised under Section 54. The principal council are also required to consider any request made with respect to any of these matters by any community council or community meeting appearing to the principal council to be interested, although the principal councils are also excused from acting on such a request if they think it would impede the proper discharge of their functions.
- 3.5 The Commission are required by Section 55(3) to consider any report made to them by a principal council under Section 55(2) and if they think fit make those proposals to the National Assembly for Wales, either as submitted to them or with modifications. If

however the Commission consider that the principal council's recommendations are not suitable and could not be satisfactorily modified to secure effective and convenient local government, they may themselves review the whole or a part of that principal area. Similarly, if the principal council have reported that no proposals need be made, the Commission may themselves undertake a review. Having carried out a review, the Commission may make such proposals as are authorised by Section 54.

- 3.6 It should be noted that community name changes are the responsibility of the principal council concerned under Section 76. Notice of any name change shall be sent to the National Assembly for Wales, to the Director General of the Ordnance Survey and to the Registrar General. The change shall also be published by the principal council in the community and elsewhere as appropriate.

### **Consequential changes**

- 3.7 If, in conducting a review under Section 55 of the Act, the Commission or a principal council propose changes in local government areas, they must also consider whether to make any consequential proposals for community councils or the preserved counties. Section 55(5) provides that when the Commission or a principal council intend to make proposals or recommendations for changes in local government areas, they must also consider whether in consequence of the changes they should propose:

- i. the constitution of a community council (either for one community or a group of communities);
- ii. the dissolution of a community council;
- iii. the separation of a community from a group of communities with a common community council;
- iv. the addition of a community to a group of communities with a common community council;
- v. the making of provision for electoral arrangements for a community or group of communities consequential on any of the above changes; and
- vi. the alteration of the boundaries of any preserved county.

- 3.8 If, in conducting a review under section 55 or 56, the Commission intend to make, or recommend the making of proposals for, any change to local government areas they must consider any consequential changes in principal council electoral divisions or community wards. (Section 54(1)(e)).

## **4. DIRECTIONS**

- 4.1 The 1972 Act provides the authority for the National Assembly for Wales to issue directions:

- i. to the Commission (under Section 56(1)) to conduct a review of:

- (a) Wales as a whole,
  - (b) any one or more local government areas or parts of such areas in Wales, or
  - (c) any one or more preserved counties or parts of such counties.
- ii. to the Commission to conduct a further review of an area or its electoral arrangements if it has decided to make an order giving effect with modifications to proposals made by the Commission (Section 58(3));
  - iii. to the Commission or to principal councils for their guidance in conducting reviews of local government areas or electoral arrangements (Section 59(1));
  - iv. to the Commission as to the order in which reviews of local government areas or electoral arrangements are to be conducted under Sections 55 or 56 (but not reviews for the purpose of making proposals for substantive changes in electoral arrangements under Section 57) - (Section 59(3));
  - v. to the Commission to require it to consider the desirability of providing for multi-member electoral divisions for all or part of a principal area (Schedule 11, paragraph 1A(3)); and
  - vi. to the Commission to submit a report on any of its initial reviews of the electoral arrangements of any principal areas before a particular date (Section 64(3)(a));

4.2 The National Assembly for Wales may also make regulations to prescribe the procedure by which the Commission or a principal council conducts reviews (Section 60(6)).

## **5. PROCEDURE**

5.1 Section 60 of the Act sets out the procedures to be adopted by the Commission (or principal council) when conducting reviews. The procedures are summarised below:

- i) the Commission (or principal council) will give notice of their intention to conduct a review and consult all interested persons, including the local authority(ies) and police authority(ies) concerned, other public bodies and the general public, with a view to making representations in respect of the review. The Commission (or principal council) are also required to publicise any relevant direction given by the National Assembly for Wales. To comply with this part of the Act, the Commission, in addition to writing to the bodies mentioned above, places advertisements in the Public Notices columns in local newspapers announcing the start of the review. The local authorities are provided with copies of these notices and asked to place them in public places such as libraries, community halls etc. in order to publicise the commencement of the review and to draw it to the attention of residents. The Commission also announces the start of a review on the Commission's web site at [www.lgbc-wales.gov.uk](http://www.lgbc-wales.gov.uk);

- ii) the Commission (or principal council) will consider all information and proposals received during this initial consultation period and publish their draft proposals, and invite comments on their recommendations. A reasonable period will be allowed for submission of comments on the draft proposals or for the submission of counter proposals;
- iii) a copy of their draft proposals report will be sent to all those who received a copy of the review commencement letter, and to those who made initial representations. The availability of the Commission's (or principal council's) draft proposals will be published in the local press and local authorities will be asked to place copies on deposit for public inspection. A copy of the draft proposals report is also published on the Commission's web site;
- iv) exceptionally, the Commission (or principal council) may feel it appropriate to hold a public meeting or informal public inquiry to discuss their draft proposals, but will not do so as a matter of course. The Commission (or principal council) also has the power to cause a local inquiry to be held with respect to the review;
- v) the Commission (or principal council) will consider all the information and representations made in response to their draft proposals before publishing their final proposals. As before, the local authority will be asked to place copies on deposit for public inspection, and advertisements will be placed in local newspapers. Copies will be sent to consultees and respondents and published on the Commission's web site; and
- vi) the Commission's final proposals will be forwarded to the National Assembly for Wales who may make an order, under Section 58 of the Act, giving effect to the Commission's proposals either as submitted or with modifications. There will be a period of at least six weeks during which time representations on the Commission's final proposals may be made direct to the National Assembly for Wales. The principal council's final proposals are submitted to the Commission who may modify, reject or submit them as they stand to the National Assembly for Wales.

## **6. USE OF THE WELSH LANGUAGE**

- 6.1 In carrying out their reviews the Commission will comply with the Commission's Welsh Language Scheme approved by the Welsh Language Board in July 1998 which can be obtained from the offices of the Commission or viewed on the Commission's web site at [www.lgbc-wales.gov.uk](http://www.lgbc-wales.gov.uk)
- 6.2 At least one member of the Commission is required by the 1972 Act to be able to speak Welsh.

## **7. FURTHER INFORMATION**

- 7.1 For further information about the Commission's work and for information about particular reviews, please contact:

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