



COMISIWN FFINIAU LLYWODRAETH LEOL I GYMRU
LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

COMMUNITY REVIEWS GUIDANCE

May 2006

Community Reviews Guidance¹

1. Community Reviews

Community Reviews can be:

(A) to effect a change to the **boundary** of the community under Section 55 (2) of the Local Government Act 1972 (as amended). The conduct of such a review lies with the principal council. If, after completing their review, the principal council decide to make proposals for change, they should submit their report containing their proposals to the Local Government Boundary Commission for Wales (“the Commission”). If the Commission think fit (if, that is, the Commission consider that the proposals are apt for securing effective and convenient local government in the area under review), the Commission shall make the proposals for change to the Assembly, with or without modifications.

OR

(B) to effect a change to communities’ **electoral arrangements** (the number of community councillors and, where warded, the boundaries and the number of councillors of each ward) under Section 57 (4) of the Local Government Act 1972 (as amended). Here again the conduct of the review lies with the principal council, but without reference to the Commission. If the principal council decides that changes to the electoral arrangements should be made, the principal council itself makes the Order giving effect to those changes.²

ALSO

(C) Changes can also be made (under section 54 (1) (e) of the 1972 Act) to the electoral arrangements of a community as a **consequence** of a change made to the community boundary under a Section 55(2) review under (A) above. In these circumstances changes to the electoral arrangements for the community will be included in any Order made by the Assembly to change the community boundary.

Sections 54(1) and 55 (3) of the 1972 Act require that proposed changes appear to the Commission and the principal council desirable in the interests of effective and convenient local government.

2. Identifying Potential Changes

The principal council has a duty under section 55 (2) the 1972 Act to keep all the communities in its area under review. In order to discharge this duty the principal council should maintain a mechanism to identify potential changes. This may be achieved by a combination of periodic consultation with the community councils and ongoing consideration of community boundaries and electoral arrangements when considering issues such as

¹ Community Reviews may also be conducted by the Local Government Boundary Commission for Wales pursuant to a Direction from the Assembly under section 56 of the LGA 1972. This Guidance however deals only with Community Reviews conducted by principal councils under section 55 of the LGA 1972

² Such changes to electoral arrangements are classified as “substantive changes”, and are distinguished from “consequential changes” made in “consequence” of a boundary change.

planning (including the preparation of Unitary Development Plans) and electoral administration.

3. Review Procedures/Timetable

Reviews, whether carried out by the Commission, or by the principal council, must comply with the *Procedure for reviews* as set out in broad terms in Section 60 of the 1972 Act. The main principle of Section 60 is to give all those who may have an interest in the review the opportunity to make their views known by means of consultation.

In accordance with practice developed by the Commission to ensure compliance with the consultation requirement of section 60, reviews are generally conducted in three main stages: Preliminary, Draft Proposals and Final Proposals.

Preliminary

The principal council will resolve to launch a general review of communities within its area and may in advance consider adopting policies for undertaking the review. These may cover substantive issues such as the number of councillors, and procedural issues such as length of consultation periods, format of consultation documents, etc. Other preliminary work that can be done before the commencement of the review includes preparing a list of consultees, mapping work, compiling electoral statistics and other data, letters and notices (including translation) etc.

The principal council will write to community councils, and other potentially interested parties, with a view to identifying potential changes to the Community boundaries and electoral arrangements. A public notice announcing the review might be helpful. It would be appropriate to allow an adequate period for this initial consultation, and it is suggested that about 9 weeks would cover the consultation process and to accommodate council meetings. The resultant information can then be collated and analysed and Draft Proposals drawn up and adopted by the principal council by means of the appropriate mechanism.

Draft Proposals

The Draft Proposals are published in order to ensure adequate consultation in accordance with section 60. This means that they may be notified by means of local newspapers, the principal council web site and notices placed on principal council and community council notice-boards and by any other means that the principal council considers appropriate. The notification would include details of the Draft Proposals and maps (or details of how and where to access maps) and would ask the community councils and all interested parties, including the general public, to make comments on the Draft Proposals. A period of about 9 weeks is normally allowed for consultation (again to allow for the cycle of council meetings).

At the end of the consultation period the comments on the Draft Proposals are considered and Final Proposals drawn up. The Final Proposals are then adopted by the principal council by means of the appropriate mechanism.

Final Proposals

The principal council should publish the Final Proposals in the same way as the Draft Proposals. However, where the Final Proposals involve changes to community **boundaries** (that is, under 1 A above) the principal council will submit a report containing them to the Commission. The published report should therefore make it clear that representations concerning the Final Proposals should be directed to the Commission. The principal council may wish to consult on the Final Proposals again before they are finally adopted and submitted to the Commission. In that case the principal council would again allow an appropriate interval for the receipt of representations. The principal council would then give further consideration to any comments received before adopting the Final Proposals and submitting them to the Commission.

4. Final Steps (Community Boundary Reviews)

Where the principal council has carried out a community boundary review and has submitted its report containing its Final Proposals (including consequential changes to electoral arrangements) to the Commission, the Commission will consider the proposals and publish its own report which will be submitted to the Assembly.

The Assembly then, if it thinks fit, accepts (with or without modifications) or rejects the Commission's proposals and where appropriate makes the order pursuant to section 58 (2) of the 1972 Act following these steps:

- ... Following the six-week period provided for in section 58 (2) the Assembly Minister will then consider the Commission's report containing the Final Proposals, and representations made to the Assembly during the six-week period.
- ... If the Minister accepts the Commission's report and agrees to implement the recommendations (with or without modifications) instructions are given to draft an Order.
- ... Assembly Lawyers prepare a draft order. This is circulated with supporting maps to the principal council, Ordnance Survey and the Commission for consideration. It should not be the subject of wider consultation.
- ... Any amendments to the draft order/maps are incorporated and the final version prepared for consideration by the Assembly Minister.
- ... The Order is laid before the Assembly for 10 working days in accordance with Standing Orders³ for the National Assembly for Wales.
- ... Unless, within 5 working days of notice being given, at least 10 Assembly Members table a motion expressing dissatisfaction, the Minister may then sign the Order.

These are the basic steps that Assembly officials take in the making of an order, all of which are subject to Ministerial consideration and agreement.

³ The Standing Orders are at www.wales.gov.uk/keypubstandingorders/content/standingorders-untracked-e.pdf

Close liaison between Assembly officials and the principal council should be maintained to agree an appropriate coming in to force date for the order.

5. Final Steps (Community Electoral Arrangements Reviews)

Where the principal council has proposed substantive changes to community electoral arrangements (i.e. community ward boundaries and/or number of councillors) (as in 1 B above) then at the final stage of the review a report is made to principal council who makes the order pursuant to section 57 (4) of the 1972 Act.

Local Government Boundary Commission for Wales
Caradog House
1-6 St Andrews Place
CARDIFF
CF10 3BE
Tel: 02920 395031
Fax: 02920395250
E-mail: lgbc.wales@wales.gsi.gov.uk
Web site: www.lgbc-wales.gov.uk