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| MEETING | The Full Council |
| DATE | 6 March 2025 |
| REPORT TITLE | COMMUNITY REVIEWS UNDER THE LOCAL GOVERNMENT (DEMOCRACY)(WALES) ACT 2013 |
| RECOMMENDATION | <p>That the Council approve:</p> <p>(1) the Final Proposals under sections 25 and 31 of the Local Government (Democracy)(Wales) Act 2013 and the publication of the Final Reports</p> <p>(2) Delegate to the Head of Legal Services the right to make and seal the Order for the Review under section 31</p> <p>(3) Submit recommendations for change under the Section 25 Review to the Local Democracy and Boundary Commission for Wales</p> |
| CABINET MEMBER | Cllr. Llio Elenid Owen |
| AUTHOR | Siôn Huws Propriety and Elections Manager |

1. On 6 March 2025 the Council approved draft proposals under sections 25 and 31 of the Local Government (Democracy)(Wales) Act 2013 ('the Act') for consultation. This report presents the results of the consultation period back and the final recommendations for approval.

Background

What is Community?

2. For the purposes of this report, a 'community' is a local government unit that lies below county council or county borough level (the 'principal council'). Community areas cover the whole of Wales. The Gwynedd area is divided into 64 communities, with an elected community, town or city council serving each. In this context the legal status of the councils is the same whatever it is called, i.e. they are all classed as 'community councils'. Communities in turn can be divided into wards for electoral purposes but this is not inevitable, and not all communities in Gwynedd are divided into wards.

What is the Role of the Council?

3. As a principal council Gwynedd Council has a statutory duty, under the Local Government (Democracy) (Wales) Act 2013 to monitor the communities within the county, and the electoral arrangements of those communities. It must also carry out 'community reviews' when the Act requires, or when it considers appropriate. In carrying out these duties the Council must still seek to ensure effective and convenient local government.

What is a Community Review?

4. This means that the principal council considers the community boundaries and/or the electoral arrangements within the communities. There are two types of community reviews that the Council should therefore consider undertaking:

a) Review of community boundaries (under section 25 of the Act)

A review of the boundaries of one or more communities to ensure that they continue to reflect the identity of the area concerned and facilitate effective and convenient local government. Community boundary changes include changes to the boundary of an existing community, or the dissolution of an existing community and the creation of a new community. The Council's recommendations are to be submitted to the Local Democracy and Boundary Commission for Wales, which would make the order that would bring the changes into force.

b) Review of electoral arrangements (under section 31 of the Act)

This involves looking at the electoral arrangements within a particular community which means considering the situation in relation to wards and the number of councillors. The order to bring these changes into force would be made by the Council.

Process and Timetable

5. The statutory process in carrying out a community review is largely the same for both types of community review. It differs only in terms of the outcome of the review, and its implementation. The Council is empowered to make an order to implement changes to communities' electoral arrangements but recommendations will have to be made to the Commission, as the implementing authority, to make any changes to community boundaries.

6. The Act lays down four essential steps to the process:

- Initial publicity
- Initial investigations and consultation - the purpose of this phase is to enable a principal council to gather the information it will need when considering and preparing any proposals for change
- Draft proposals (and consultation on those proposals); and
- Final recommendations

7. On 7 March 2024 the Council approved conducting community reviews under sections 25 and 31 of the Act together with the terms of reference and timetable. Due to the snap UK General Election being called in June 2024 it was not possible to proceed with the initial inquiry and consultation as planned and the timetable had to be revised as a result. The revised timetable is set out below.

| Stage | Action | Date |
|---|--|----------------------------------|
| Approval of Review | Council approves the principle of the Community Review and its Terms of Reference. | March 2024 |
| Initial Publicity and Consultation 1 | Initial publicity and publish Terms of reference. Six-week consultation period starting with publication of the Review Terms of Reference. | 11/11/24 |
| Public Consultation ends | | 20/12/24 |
| Representations considered and Draft Proposals prepared | | January – February 2025 |
| Approval of Draft Proposals | Draft Proposals to be considered by Council and approved for further consultation | Full Council 6 March 2025 |
| Consultation 2 | Publish the report in accordance with the requirements of the Act and invite comments from the compulsory consultees and other relevant stakeholders (8 weeks) | March/April 2025 |
| Representations considered and preparation of final report to the Full Council | Council to decide final proposals | Full Council October 2025 |
| Publish final proposals as agreed | Publication of the Final Report (1) Make the Order for the Section 31 review (6 weeks after publication of the Final Report) (2) Submit the recommendations of the Section 25 Review to the Commission | October/November 2025 |
| Order comes into force | Next Local Government Elections | May 2027 |

Responses to Consultation 1

8. The responses to the initial consultation can be found in **Appendix 1**

Consultation on Draft Proposals (Consultation 2)

9. The Council approved Draft Proposals on 06/03/25, and a Draft Proposals Report was published in accordance with the requirements of the Act and publicity was given to the fact that representations could be made to the authority during the public consultation period. It was sent to statutory consultees prescribed in the Act, which includes all those who responded at the preliminary stage. In addition to the mandatory consultees it was also sent to

- The Community Councils
- The County Councillors
- Members of the Senedd
- MP's
- Local Democracy and Boundary Commission for Wales
- The Welsh Language Commissioner

10. An eight-week consultation period was undertaken between 28/05/25 and 23/05/25 (a period of between 6-12 weeks is allowed under the Act).

11. We also wrote to the community councils and members of Cyngor Gwynedd during the consultation period to remind them of the deadline, explaining to the community councils that they could get in touch if the timing of their meetings made it difficult to respond by the deadline.

Electoral Arrangements Review (section 31)

12. The intention to look specifically at the question of whether a community should be divided into wards for the purposes of elections to the community council was approved. Section 33 of the Act requires that, when a principal council considers whether a community should be divided into community wards, the council must consider whether the number or distribution of the local government electors for the community is such as to make a single election of community councillors impractical or inconvenient, and whether it is desirable that any area of the community should be separately represented on the community council.

13. From the point of view of election administration there are implications to the existence of wards within a community, where, in an election, there are more candidates than seats in one ward, while there are not enough candidates to fill all the seats in another ward. This leads to an election for one ward despite the fact that, taking the community council as a whole, there are not enough candidates to fill all the seats. As well as the cost to the community council of holding an election, it can complicate the nomination process for the councils and electoral officers.

14. Another factor which has been considered is the relationship of community wards to the county wards. In a situation where several community wards are located within the same county ward there is a presumption that they should be abolished to try to ensure consistency in the electoral process, unless there are other reasons to retain them.

15. However, the process requires these considerations to be weighed against any specific reasons why it would be suitable for a section of the community to be represented separately on the community council and be therefore justified in retaining wards. The consultation is an opportunity to put forward such reasons for consideration.

Final Proposals – Review of Electoral Arrangements

16. The Draft Proposals have been prepared on the basis of the above considerations together with any responses received in response to the first consultation.

The Draft Proposals, the responses received to them during Consultation 2 and any proposed changes to the Draft Proposals as a result of these responses can be found at **Appendix 2**. The recommendation is that the Draft Proposals be approved as Final Proposals subject to the changes made as a result of the comments received, and set out in the last column.

The Boundary Review (section 25)

17. A review of the boundaries of specific communities was approved out where a possible reason for change had been highlighted. This will often be due to changes such as new housing developments or anomalies such as streets or properties that are separated from the rest of their natural community.

Final Proposals – Boundary Review

18. **Appendix 3** contains the Draft Proposals, details of the responses received and the Final Proposals to be adopted as final recommendations for change to be presented to the Commission.

Next Steps

Section 31 Review – Electoral Arrangements

19. The Council has the right to implement the proposed changes described in its final report by making an order. However, the Act requires that it must wait for a period of 6 weeks from the publication of the final report before the order can be made. The Final Report will need to be published electronically and made available for inspection at the Council's office for a period of at least 6 weeks. A copy must also be sent to the statutory consultees, The Ordnance Survey and Welsh Ministers, and anyone who has submitted evidence or comments must be informed of how to access a copy of the report.

20. In making an order the Council must give consideration to any representations made by any person and received by the Council during the period of 6 weeks beginning with the date of publication of the report.

Section 25 Review – Community Boundaries

21. The Final Report will have to be published in the same manner. However, the Commission is the 'implementing authority' for section 25 boundary reviews and therefore on completion of its review, the Council is required to submit its 'recommendations for change' to the Commission. On receipt of the report the Commission may:

- Implement the recommendations without modifications
- Implement the recommendations with modifications agreed with the Council.
- Choose to conduct its own review
- Choose not to take any action

Equality Impact Assessment

22. It is not considered that there are any direct implications as a result of the proposals in this report. The authority undertakes a separate, specific statutory review of polling areas and stations, which includes accessibility and access considerations. As part of that process the authority must, as far as is reasonable and practicable, designate places that are easily accessible to constituents with disabilities.

Well-being of Future Generations Act

23. The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales. The act imposes a welfare duty on public bodies aimed at achieving 7 of the goals of a vision which is a prosperous, resilient, healthier, more equal Wales with cohesive communities and a vibrant culture where the Welsh language thrives and is responsible at a global level. The Work will be carried out keeping attention to these and according to requirements and the 5 ways of working

Recommendations

24. Approve the Final Proposals under section 31 of the Local Government (Democracy) (Wales) Act 2013 set out in this report, and publish the Final Report.

25. Authorise the Head of Legal Services to make and seal the Order under section 31.

26. To approve the final recommendations for change under section 25 of the Local Government (Democracy) (Wales) Act 2013 set out in this report for submission to the Local Democracy and Boundary Commission for Wales, and to publish the Final Reports

Views of the Statutory Officers

Monitoring Officer

This project has been led by Legal Services and I am satisfied with the propriety of the decision sought.

Chief Finance Officer

No objections from the perspective of financial propriety.