

<b>MEETING</b>	<b>COUNCIL</b>
<b>DATE</b>	<b>7 March 2024</b>
<b>REPORT TITLE</b>	<b>Community Reviews under the Local Government (Democracy)(Wales Act 2013</b>
<b>RECOMMENDATION</b>	<b>That the Council approve the holding of community reviews under sections 25 and 31 of the Act and the Terms of Reference</b>
<b>CABINET MEMBER</b>	<b>Cllr. Menna Trenholme</b>
<b>AUTHOR</b>	<b>Siôn Huws Propriety and Elections Manager – Legal Services</b>

## **Background**

### **What is Community?**

1. 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?**

2. 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?**

3. 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.

#### **Context**

4. The Council must report on its community arrangements to the Local Democracy and Boundary Commission for Wales every ten years. The Commission itself is also required to conduct electoral reviews of the principal councils every ten years.

5. In deciding to conduct a community review the Council must consider the Commission's timetable for conducting its county council reviews. Ideally therefore a community review should precede an electoral review of the main council by the Commission, because the communities and community wards are used as the building blocks for the electoral wards of the principal councils. The next electoral polls of the main councils are scheduled to start in 2024/25.

6. In addition, if the Council were to adopt a Single Transferable Vote system then it would result in a local boundary review by the Commission in order to move to a county-wide multi-member ward arrangement. Similarly, the communities would be the building blocks for the new wards. The Commission has therefore confirmed that the Council should proceed with any community review.

#### **Terms of Reference**

##### **What kind of Reviews will be held?**

7. It is intended to conduct a **Review of the Electoral Arrangements (section 31)** of all communities within the County. In carrying out such a Survey the Council may look at:

- the number of members of the council for the community;
- the division into wards (if appropriate) for the purpose of the election of councillors;
- the number and boundaries of any wards;
- the number of members to be elected for any ward;
- the name of any ward.

8. On the basis of the information we currently have, we believe it necessary to look particularly at the question of whether a community should be divided in to community wards This will be done having regard, in accordance with the Act, to whether the number or distribution of electors for the community is such as to make a single election of community councillors impracticable or inconvenient, and whether it is desirable for any area of the community to be represented separately on the community council.

9. It is not intended to undertake a general review of the boundaries of each community but rather to review the boundaries of specific communities where a possible reason for change has been highlighted. This is often appropriate in circumstances where there have changes such as new housing developments or where there are anomalies such as streets or properties separated from the rest of their natural community. To this end, and as part of the Council's duty to monitor its communities we recently asked community councils if there were any issues they would like to bring to our attention in relation to the current boundaries. Specific issues have been brought to our attention, and it is therefore intended to also undertake **a Boundary Review (section 25)** of the boundaries of those communities relevant to the issues raised, namely :

1. Llanllechid - the community boundary currently divides the Llwyn Bedw housing estate meaning there are some houses in the Bethesda community
2. Y Felinheli – there are currently a number of properties located along Heol Heulyn that are within the village of Felinheli, which are in the community of Pentir rather than the community of Y Felinheli
3. Llanelltyd and Ganllwyd - that it would make sense to merge the two councils into a single council in the Mawddach Valley
4. Llanegryn - a private individual has submitted an application to modify the boundary of the community of Llanegryn so that all the land of Rydygarnedd Farm falls within that community as part of it was moved to the community of Tywyn in 1987.

10. In conducting these surveys each area will be considered on its own merits, having regard to its population, geography and pattern of communities.

### **Process and Timetable**

11. 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.

12. 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

13. In carrying out the consultations we will include the compulsory consultees set out in the Act but also any other relevant stakeholders, including:

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

14. The proposed timetable is set below

<b>Stage</b>	<b>Action</b>	<b>Date</b>
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.	June 2024
Public Consultation ends		July 2024
Representations considered and Draft Proposals prepared		August – October 2024
Approval of Draft Proposals	Draft Proposals to be considered by Council and approved for further consultation	Full Council December 2024
Consultation 2	Publish the report in accordance with the requirements of the Act and invite comments from the compulsory consultees and other relevant stakeholders (6 weeks)	January/February 2024

Representations considered and preparation of final report to the Full Council	Council to decide final proposals	Full Council May 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	Mai/Mehefin 2025
Gorchmynion yn dod i rym	Next Local Government Elections	May 2027

### **Impact Assessment**

15. There are no direct implications of the recommendations in this report. However, should the Council decide to move forward with any changes to electoral arrangements or community boundaries, a full equality and diversity impact screening exercise would be required. This would also be incorporated into the consultation process

### **Well-being of Future Generations Act**

16. 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

### **Recommendation**

17. To approve the holding of community reviews under sections 25 and 31 of the Local Government (Democracy) (Wales) Act 2013 in accordance with the terms of reference and timetable set out above.

### **Statutory Officers**

#### **Chief Finance Officer**

I have no objections to the decision sought from the perspective of financial propriety.

#### **Monitoring Officer**

The report has been prepared by Legal Services. No observations to add in relation to propriety

