

<b>MEETING</b>	<b>The Full Council</b>
<b>DATE</b>	<b>6 March 2025</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 Draft Proposals under sections 25 and 31 of under the Local Government (Democracy)(Wales) Act 2013 for the purposes of consultation</b>
<b>CABINET MEMBER</b>	<b>Cllr. Llio Elenid Owen</b>
<b>AUTHOR</b>	<b>Siôn Huws Propriety and Elections Manager – Legal Services</b>

## **Background**

1. On 7 March 2024 the Council approved the conduct of community reviews under sections 25 and 31 of the Local Government (Democracy)(Wales) Act 2013 ('the Act'). This is a report on the outcome of the initial consultation and investigation period and proposes draft proposals for further public consultation.

## **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.

<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.	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 July 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	July/August 2025
Order comes into force	Next Local Government Elections	May 2027

## **Responses to Consultation 1**

8. 7 responses to the initial consultation have been received and details can be found in **Appendix 1**

### **Electoral Arrangements Review (section 31)**

9. 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. 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.

10. From the point of view of election administration there are implications due 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 seats in another ward. This means that an election must be held for one ward despite the fact that, looking at the community council as a whole, there are not enough candidates to fill all seats. As well as the cost to the community council of holding an election, it can complicate the nomination process to the councils and electoral officers.

11. 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 single county ward there is a presumption that they should be abolished to try to ensure consistency in the electoral process, unless there are other more compelling reasons to retain them.

12. 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.

### **Draft Proposals – Electoral Arrangements Survey**

13. The Draft Proposals are presented in **Appendix 2**. They have been formulated on the basis of the above considerations along with any responses received in response to the consultation. Two draft proposals to change ward boundaries within communities can also be found in the form of maps in **Appendix 3**

### **Boundary Review (section 25)**

14. Approval was given to undertake a review of the boundaries of specific communities where specific issues had been brought to our attention. This is often appropriate due to changes such as new housing developments or inconsistencies such as streets or properties separated from the rest of their natural community. The specific issues were the following.

- Llanllechid - the community boundary currently divides the Llwyn Bedw housing estate meaning there are some houses in the Bethesda community. (Put forward by Llanllechis Community Council)
- 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. (put forward by Felinheli Community Council)
- 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.
- Llanelltyd and Ganllwyd - that it would be sensible to merge the two councils into a single council in the Mawddach Valley covering the area from Ganllwyd to Bontddu. It was stated that the two areas were very similar to the same issues being discussed. (Submitted by Llanelltyd and Ganllwyd community councils)

15. No additional issues requiring attention under this process were raised in response to the consultation.

### **Draft Proposals – Boundary Review**

16. The Draft Proposals are listed below and can be found on the maps included in **Appendix 3**.

- Transfer of properties along Heol Heulyn and within the village of y Felinheli from the community of Pentir to the community of y Felinheli
- Transfer that part of the Llwyn Bedw housing estate which is in the community of Llanllechid to the community of Bethesda so that the whole estate is in the community of Bethesda.
- Transfer the part of Rhydygarnedd farm currently within the community of Tywyn to the community of Llanegryn so that the whole property is within the community of Llanegryn
- The amalgamation of the communities of Llanelltyd and Ganllwyd to establish a new community.

The existing communities would be dissolved and a new community area and community council established. As a result it will be necessary to consider if the new community should be divided into wards, the number of members and the name of the new community.

The Local Democracy and Boundary Commission for Wales Guidance - 'Guidance For Principal Councils On The Review Of Communities' provides in the context of amalgamation that *"Unless specific considerations would suggest a different approach, it may be most appropriate for the wards of the new community to reflect the boundaries of the former communities that have been amalgamated."*

It is proposed therefore to establish the 'Dyffryn Mawddach' community, containing two wards 'Ganllwyd' and 'Llanelltyd' to correspond geographically and with the same number of members as the current communities that are to be amalgamated.

### **Next Steps**

17. If the Council approves the Draft Proposals, a Draft Proposals Report will be published in accordance with the requirements of the Act publicising the fact that representations may be submitted to the authority during the public consultation period. It shall be sent to the mandatory consultees prescribed in the Act, and will include all who responded at the preliminary stage. In addition to the mandatory consultees it will also be sent to the following

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

18. An eight-week consultation period is proposed (it may be for a period of between 6-12 weeks under the Act).

### **Equality Impact Assessment**

19. 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**

20. 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 voice 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

### **The Welsh language**

21. Any final proposals with implications for the names of communities or wards shall be formulated after taking into account any representations or advice received from the Council's Democracy and Language Service and the Welsh Language Commissioner.

### **Recommendation**

22. To approve of the Draft Proposals under sections 25 and 31 of the Local Government (Democracy) (Wales) Act 2013 for public consultation under section 35(3) of the Act.

### **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.