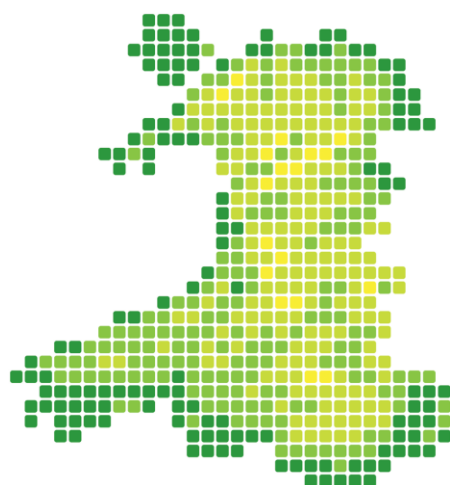


LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES



Comisiwn Ffiniau a
Democratiaeth Leol
Cymru



Local Democracy and
Boundary Commission
For Wales

PRINCIPAL AREA REVIEWS GUIDANCE

MAY 2014

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Reviewed by: Commission Members

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Principal Area Reviews Guidance

1. Introduction

The Local Democracy and Boundary Commission for Wales (the Commission) has a duty to monitor arrangements for local government for the purpose of considering whether it is appropriate to make or recommend changes to Welsh Ministers. This duty is carried out by means of a review. The way the Commission conducts a review is defined by legislation and may be guided by directions issued by Welsh Ministers.

This document provides guidance in respect of reviews of principal areas. For information about reviews of the electoral arrangements of the principal areas please refer to the Commission's guidance entitled "*Electoral Reviews: Policy and Practice*" and for community reviews refer to the Commission's "*Community Reviews Guidance*". These and other useful information documents can be found on the Commission's web site at www.ldbc-wales.gov.uk.

2. Statutory Requirements

The Local Government (Democracy) (Wales) Act 2013

The provisions of the Local Government (Democracy) (Wales) Act 2013 (the Act) in respect of local government reviews, including principal area reviews, replace the provisions of earlier legislation. Section 21(3) of the Act provides that the Commission in carrying out its duties must seek to ensure effective and convenient local government. This is the paramount and primary function of the Commission.

Section 23 of the Act sets out the requirements for reviews of principal areas whereby the Commission may, of its own initiative or at the request of a local authority, conduct a review of one or more principal areas.

In relation to a principal area review the Commission may recommend such principal area boundary changes as it considers appropriate. A 'principal area boundary change' is a reference to –

- i. altering the boundary of a principal area;
- ii. abolishing a principal area;
- iii. constituting a new principal area.

3. Directions

The Act allows Welsh Ministers to give the Commission directions relating to the exercise of its review functions. Welsh Ministers may direct the Commission to conduct a review or, where the Commission has made recommendations in respect of a review, a further review of a particular area. The direction may specify particular matters that Welsh Ministers wish the Commission to have regards to when conducting the review. Before making a

direction Welsh Ministers must consult the Commission and any association appearing to them to be representative of local authorities.

4. Consequential Changes

Section 23(3)(b) provides that in consequence of any principal area boundary changes the Commission may recommend such community boundary changes, preserved county changes, community council changes or electoral arrangements changes as it considers appropriate.

5. Review Procedure

All local government reviews must comply with the *Procedure for reviews* as set out in chapter 4 of the Act. The main principle of chapter 4 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 the Act, reviews are generally conducted in three main stages: Preliminary, Draft Proposals and Final Proposals. A simplified diagram of the review processes can be found at Appendix A.

6. Preliminary

The Commission in advance of the review will undertake preliminary work that includes preparing a list of consultees, mapping work, compiling electoral statistics and other data, letters and notices (including translation) and such investigations that are considered appropriate. The Act requires that the review is brought to the attention of mandatory consultees¹ and other interested persons. The Commission may also wish to consult with the Welsh Language Commissioner when considering Welsh language names as part of the review process.

The Commission will write to community councils, mandatory consultees and other potentially interested parties, with a view to identifying potential changes to principal area boundaries. A public notice announcing the review will be provided to each principal council involved who will be encouraged to include an item in the council newsletter and on its website. It would be appropriate to allow an adequate period for this initial consultation to allow for the consultation process and to accommodate council meetings². The resultant information can then be collated and analysed and Draft Proposals drawn up and agreed by the Commission.

¹ 'mandatory consultees' are: any local authority affected by the review; the police and crime commissioners for the area; any local authority staff organisation which has asked to be consulted; and such persons that may be specified by order made by Welsh Ministers.

7. Draft Proposals

The Draft Proposals report must contain details of the review and any proposals for change that the Commission considers appropriate. The Draft Proposals are published in order to ensure adequate consultation in accordance with chapter 4 of the Act. This means that those with an interest in the review may be notified by means of letter, notices placed on principal council and community council notice-boards, the Commission's website, the principal council's website, social media and by any other means that may be considered appropriate. The notification would include details of the Draft Proposals and maps (or details of how and where to access maps) and would ask all interested parties, including the general public, to make comments on the Draft Proposals. A period of about 12 weeks is normally allowed for consultation (again to accommodate council meetings)². The Draft Proposals Report must be published electronically and must be available for inspection (without charge) at the offices of the principal council for the duration of the period for representations. The report must also be sent to Welsh Ministers and mandatory consultees and all others who responded at the preliminary stage must be informed how to obtain a copy of the report.

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 agreed by the Commission.

8. Final Proposals

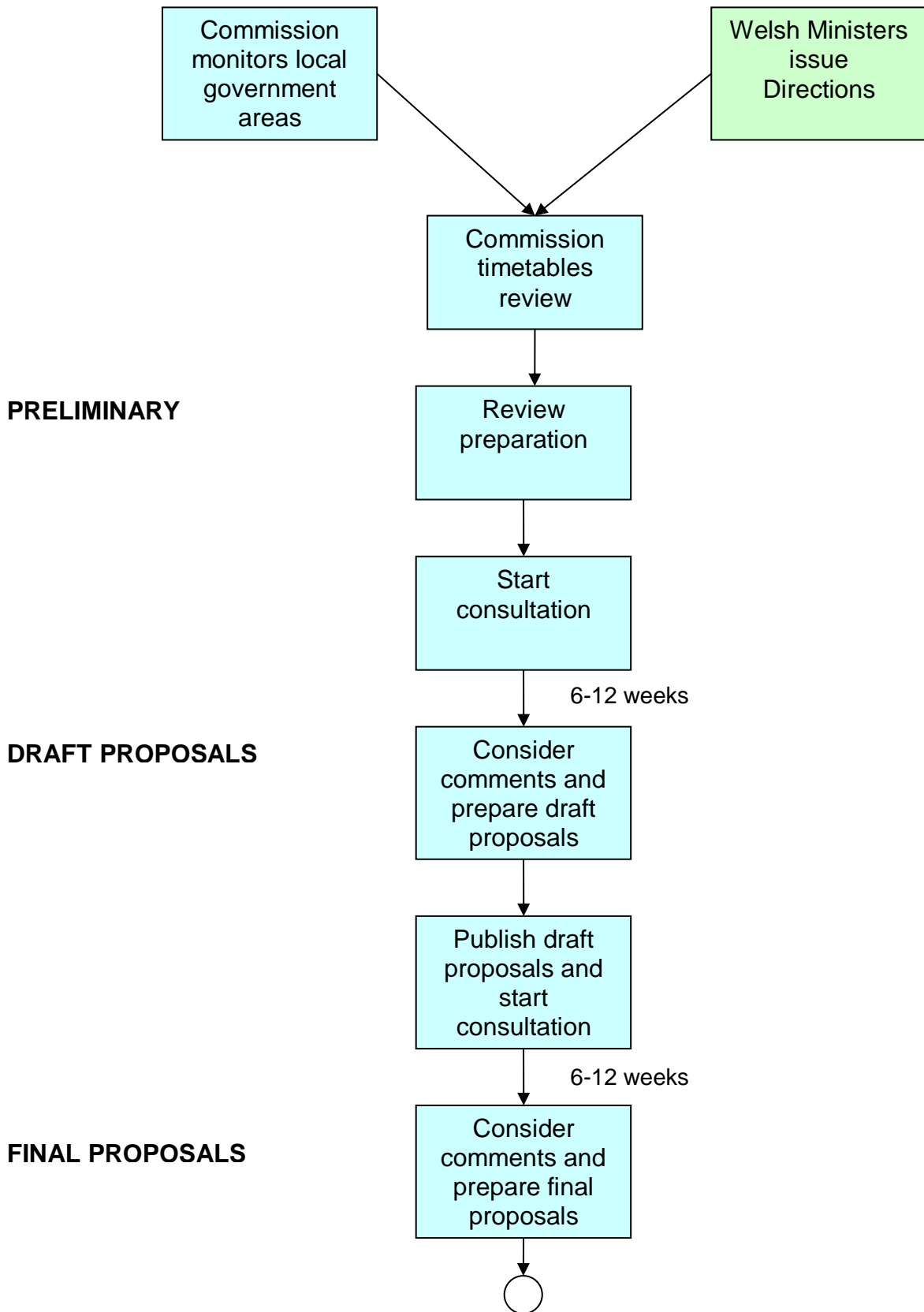
The report of the review (known as the Final Proposals report) must contain any proposals for change that the Commission considers appropriate. The report must also contain details of the review and the consultation carried out on proposals and details of any changes to the proposals made in the light of representations received and an explanation of why those changes have been made. The Final Proposals report is submitted to the implementing authority (in the case of a principal area review, Welsh Ministers). The Commission will also publish the Final Proposals in the same way as the Draft Proposals (see 6 above). The Final Proposals Report must be made available for inspection (without charge) at the offices of the principal council for at least 6 weeks following publication. A copy of the Final Proposals report is to be sent to the mandatory consultees and Ordnance Survey.

² The Act states that the period for representations should be a period of not less than 6, nor more than 12, weeks.

9. Final Steps

The Commission's final proposals are submitted to Welsh Ministers who may, under Section 37 of the Act, make an order implementing the Commission's recommendations with or without modification or decide to take no action. 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 Welsh Ministers.

Principal Area Reviews



FINAL STEPS

