

Merge Hope and Caergwrle into a two-member ward in the County of Flintshire

Y Pwyllgor Deisebau | 29 Medi 2020
Petitions Committee | 29 Medi 2020

Reference: RS20/13682

Petition Number: P-05-1007

Petition title: Merge Hope and Caergwrle into a two-member ward in the County of Flintshire.

Text of petition: The Final Report of the Local Democracy and Boundary Commission for Wales (LDBC) recommends that Higher Kinnerton and Hope are merged into a two-member ward and that Caergwrle, Llanfynydd and Treuddyn are also merged into a two member ward. The latter proposal is entirely new and was never submitted for consultation.

The communities of Hope and Caergwrle have a long history of working together and are regarded as one settlement either side of the River Alyn. The expression 'Live in Hope, Die in Caergwrle' is known the world over. The community spirit between these two villages has played a vital role in providing support for vulnerable residents during the Covid-19 pandemic and will be crucial in building community resilience in the post-Covid environment. The proposed electoral arrangements threaten to pull the community in separate directions and undermine proven social cohesion at a critical time. We urge



the Senedd to give a significant weighting to social cohesion in this case in determining future ward boundaries.

1. Context

The Local Government (Democracy) (Wales) Act 2013 ("the 2013 Act") established a statutory process for conducting electoral and boundary reviews in Wales. The Local Democracy and Boundary Commission for Wales ("the Commission") is responsible for undertaking these reviews. Following extensive public consultation, which includes publication of draft proposals for each County in Wales, the Commission publishes and submits its final recommendations to the Welsh Ministers.

The Commission's final recommendations are then subject to a **six week period when representations may be made to the Welsh Government**. It is then for the Welsh Ministers to decide how to proceed, and whether to implement the Commission's recommendations by Order.

The electoral review for the county of Flintshire began in November 2018 when the Commission undertook an initial consultation. A draft proposal for the Electoral Arrangements for Flintshire County Council was published in August 2019.

The Commission then undertook a further period of consultation on the draft proposals from September to November 2019.

Representations made were then considered by the Commission, before it published its Final Recommendations for the future electoral arrangements for the County of Flintshire. Its recommendations were submitted to the Welsh Ministers on **16 June 2020**.

Key recommendations include:

- a council of **66** members, a **reduction from 70**. This results in a recommended county average of 1,809 electors per member.
- 42 electoral wards, a reduction from **57** existing wards.
- 23 multi-member wards in the County consisting of 22 two-member electoral wards and one three-member electoral ward.

2. The Local Democracy and Boundary Commission for Wales

The Local Democracy and Boundary Commission for Wales is an independent Welsh Government sponsored body established by the Local Government (Democracy) (Wales) Act 2013. The Commission is able to undertake work on its own initiative, at the request of a principal council in some circumstances or following direction by the Welsh Ministers.

On 23 June 2016, the Cabinet Secretary for Finance and Local Government at the time, Mark Drakeford MS published a Written Statement asking the Commission to restart its 10 year electoral review programme. The programme would have a new prioritised timetable, with an expectation that all 22 electoral reviews be completed in time for the new arrangements to be put into place for the 2022 local government elections.

3. Boundary and Electoral Reviews

Over time, due to changes or shifts in population, there may be a need to make changes to boundaries of community areas or electoral arrangement in some or all of the 22 principal council areas in Wales. The Commission can make recommendations on a

number of matters, including the appropriate number of elected members for each principal council, boundaries of electoral wards and whether a ward should be multi-member or not.

The Commission can make recommendations on electoral arrangements to the Welsh Ministers which it feels are in the interest of **effective and convenient local government**. This is set out in section 21(3) of the Act. In its Electoral Reviews: Policy and Practice document, the Commission notes that:

The Commission must comply with the considerations set out in the legislation that state that the Commission must seek to ensure that "the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area".

The document goes on to state:

The Commission will seek to provide the best level of electoral equality for each area under review and will take each case on its merit. The Commission takes the view that departing from the average ratio for the council can only be justified by clear evidence of other balancing factors, such as local ties or other relevant considerations.

The current programme of electoral reviews will aim to submit recommendations for **all 22 Principal Council areas** to the Welsh Ministers to be implemented with, or without modification, in time for the 2022 local government elections.

The way the Commission conducts an electoral review is defined by the Act; through its Electoral Reviews: Policy and Practice document; and by directions issued by the Welsh Ministers. The Commission's guidance for electoral reviews sets out the procedures and methodology it proposes to adopt in respect of reviews. The guidance also explains how the Commission considers the issue of the appropriate number of elected members identified for each principal council. There is a separate booklet on its Council Size Policy.

4. Senedd Action

Orders and regulations made under sections 37 to 39, and 43 of the 2013 Act (save s.37(1) and 41(1)), are only subject to the requirements and procedures set out in those and associated sections. In practice, what this means is that these can be thought of as '**no procedure**' statutory instruments and, as such, they are not subject to scrutiny by the Senedd via either the negative or affirmative procedure.

It should be noted however, that the specific procedures set out in the relevant sections impose a number of scrutiny type requirements such as consultation with specified parties, time limits, and where being made other than by Welsh Government, approval of the Welsh Ministers.

The Welsh Ministers will therefore make a decision on whether to implement the recommendations of the Commission by Order, with or without modification - or not at all following a period of representation.

5. Welsh Government action

In a letter to the Chair of the Committee, the Minister for Housing and Local Government notes:

It is important that each review follows the statutory process and that the integrity of the process is preserved. I regularly receive correspondence in connection with the reviews being undertaken and while it is not possible to answer them in detail, the points raised are considered when making decisions about each of the recommendations in each of the reports.

While I understand why individuals would seek to pursue petitions in these circumstances I am concerned this could become a routine route of representation which takes place in parallel to the established legal process.

A statutory six week period for making representations to the Welsh Ministers began on 16 June 2020, ending on 28 July 2020.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.