

Local Government (Wales) Bill

Note on (i) The procedure for Electoral Arrangements Reviews of proposed new Principal Areas to be conducted by the Local Democracy and Boundary Commission for Wales; and (ii) Community reviews

(i) Conduct of Electoral Arrangements Reviews for proposed new Principal Areas

1. The procedure by which the Local Democracy and Boundary Commission for Wales (the Commission) is required to conduct an initial review of the electoral arrangements for a proposed new Principal Area is set out in sections 16 to 22 of the Local Government (Wales) Bill ("the Bill) as introduced.
2. The procedure set out in the Bill is based, as far as it is appropriate, on that set out in the Local Government Democracy (Wales) Act 2013 for the Commission's conduct of electoral arrangements reviews of the existing 22 Principal Local Authorities.
3. The Commission may not conduct an initial review of the electoral arrangements of a proposed new Principal Area on its own initiative. The Commission may start work on an initial review only on receipt of a direction to do so from the Welsh Ministers. Section 16, which empowers the Welsh Ministers to issue a direction to the Commission, will be in force from the day following that on which the Bill receives Royal Assent. A direction requiring the Commission to conduct an initial review of a proposed new Principal Area must specify the date by which the Commission must make its report containing final recommendations for the electoral arrangements of the proposed new Principal Area or Areas described in the direction.
4. Before conducting an initial review, the Commission is required to make mandatory consultees and interested parties aware of the review and of any directions issued by the Welsh Ministers in respect of that review.
5. The mandatory consultees for an initial review are:

The councils of the merging Local Authorities covered by the review;
Any Community Councils in the proposed Principal Area covered by the review;
and
Such other persons as may be specified by the Welsh Ministers in the direction to conduct the initial review.
6. As part of the pre-review process, the Commission must consult the mandatory consultees on the procedure and methodology it intends to follow; in particular, how it proposes to determine the appropriate number of councillors for the proposed new Principal Area.
7. The Commission will then proceed to develop its proposals for the electoral arrangements. In so doing, the Commission must consult the mandatory

consultees and any other persons considered appropriate by the Commission and must conduct such investigations as the Commission considers appropriate. At the conclusion of this process, the Commission must prepare and publish a report of draft proposals for consultation. The consultation must last for a period of not less than 6 weeks and not more than 12 weeks.

8. The Commission must have regard to representations received during the consultation period. Having considered all representations, the Commission must prepare and publish a final report with recommendations for the electoral arrangements and submit this to the Welsh Ministers. The final report must also contain details of the review and consultation undertaken and of any changes to the proposals made in light of the representations received, with an explanation of why the changes were made.
9. Publication of the final report triggers a further consultation period of six weeks. When this has ended the Welsh Ministers may make regulations to implement the recommendations as set out in the report or with modifications. Before making the regulations, the Welsh Ministers may also request further information about the recommendations from the Commission.

Community Reviews

10. The Local Government Democracy (Wales) Act 2013 (“the 2013 Act”) places a duty upon Principal Councils to keep their community areas under review. The procedure for community reviews is set out in the 2013 Act and is not amended by the Bill.
11. Community reviews may be conducted by a Principal Council, or the Principal Council may reach agreement for the Commission to conduct the community reviews on its behalf. In undertaking community reviews, Principal Councils are required to bring the reviews to the attention of mandatory consultees and interested parties, and must report on any community review activities to the Commission every ten years. Local Authorities must consult on draft proposals and consider all representations prior to making final proposals. The final report and recommendations is submitted to the Commission for consideration. After a six week consultation period, the Commission may make an order to implement the recommendations as set out in the report or with modifications agreed by the Principal Council.
12. Under the 2013 Act, the Commission is required to prepare a programme of electoral reviews for each existing Principal Area at least once in every 10 year period, beginning from September 2013. A Principal Council must have regard to the Commission’s 10 year programme when deciding when to undertake its community review.
13. The Commission’s current ten-year programme of electoral reviews for existing Principal Local Authorities has been suspended pending the reform of local government.

14. There are presently two Principal Council community reviews under consideration by the Commission (Flintshire and Rhondda Cynon Taf) and four Principal Councils at various stages of community reviews (Cardiff, Carmarthenshire, Monmouthshire and Neath Port Talbot).
15. Principal Councils take approximately two years on average to conduct a full community review. The Commission, if it agrees with the recommended boundaries and decisions of the Council, takes six months on average to prepare and make an Order.

Timeframe for Review of electoral arrangements reviews for proposed new Principal Areas under the Bill

16. Under current arrangements, the Commission allocates at least 18 months to complete its stages for each electoral arrangements review of a Principal Area. The timeframe is to allow sufficient time for investigation, engagement with stakeholders, consultation on the draft report and time to consider and process representations. It is anticipated the same timeframe will apply to reviews of proposed new Principal Areas under the Bill.
17. Similarly, under current arrangements, the Welsh Ministers generally allow 3 months from receipt of a final report (with recommendations) from the Commission to the making of the electoral arrangements order. This encompasses the 6-week period for representations (which starts on the date of receipt) and the time needed for drafting, processing and approving the necessary order. Whilst their purpose and effect is the same, electoral arrangements reviews under the Bill will be given effect by way of regulations as opposed to order. This has no practical or procedural implications, but simply reflects the current approach to the provision of subordinate legislative powers in Assembly Bills.
18. Once the electoral arrangements regulations are made, it will fall to the electoral registration officers in the Principal Local Authorities concerned to make the necessary administrative changes at the local level to implement the new arrangements. Political parties will also need to start work on their candidate selection procedures on the basis of the new arrangements. Our experience is that electoral registration officers and political parties need some 6 months to translate the new warding arrangements into practice.

Other Considerations

19. The Bill, when passed, will enable the Welsh Ministers to direct the Commission to prioritise the sequence in which the proposed new Principal Areas are reviewed.
20. In preparation for reviewing proposed new Areas, the Commission is looking at timetable options but the final timetable will be dependant upon a map of proposed merged authorities and directions from the Welsh Ministers.

21. The proposed time frame in the Bill does not allow for merging Principal Councils to conduct community reviews ahead of electoral arrangements reviews by the Commission. However, the policy intention, as set out in the White Paper - Reforming Local Government - Power to Local People, is that all Local Authorities will need to conduct community reviews by 2022.