



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 4

#### PROCEDURE FOR LOCAL GOVERNMENT REVIEWS

##### *Procedure for reviews*

#### **34 Pre-review procedure**

- (1) Before conducting a review under this Part, the Commission or, as the case may be, a principal council must take such steps as it considers appropriate to—
  - (a) bring the review to the attention of the mandatory consultees and any other person it considers likely to be interested in the review, and
  - (b) make the mandatory consultees and such other interested person aware of any directions given by the Welsh Ministers which are relevant to the review.
- (2) In relation to a review to be conducted under section 29, before conducting the review, the Commission must also consult the mandatory consultees on its intended procedure and methodology for the review and, in particular, on how it proposes to determine the appropriate number of members for any principal council in the principal area or areas under review.
- (3) For the purposes of this Part, the “mandatory consultees” are—
  - (a) any local authority affected by the review,

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- (b) except in relation to a review under section 28 (reviews of seaward boundaries), the police and crime commissioner for any police area which may be affected by the review,
  - (c) except where the review is (or is to be) conducted by it, the Commission,
  - (d) any organisation representing the staff employed by local authorities which has asked to be consulted, and
  - (e) such other persons as may be specified by order made by the Welsh Ministers.
- (4) Subsection (1) does not apply to a review conducted by the Commission in the circumstances described in section 26(2)(b)(ii) or (iii).

### **35 Consultation and investigation**

- (1) In conducting a review under this Part, the Commission or, as the case may be, a principal council (“the reviewing body”) must—
- (a) consult the mandatory consultees and such other persons as it considers appropriate, and
  - (b) conduct such investigations as it considers appropriate.
- (2) After carrying out the consultation and investigations under subsection (1), the reviewing body must prepare a report containing—
- (a) any proposals for change it considers appropriate or, if it does not consider any change appropriate, a proposal to that effect,
  - (b) details of the review it conducted.
- (3) The reviewing body must—
- (a) publish the report electronically,
  - (b) secure that the report is available for inspection (without charge) at the offices of any principal council with an interest in the review for the duration of the period for representations,
  - (c) send copies of the report to the Welsh Ministers and the mandatory consultees,
  - (d) inform any other person who submitted evidence to the reviewing body how to obtain a copy of the report, and
  - (e) invite representations and notify the persons mentioned in (c) and (d) of the period for representations.
- (4) For the purpose of subsection (3), the “period for representations” is a period of not less than 6, nor more than 12, weeks (as determined by the reviewing body) beginning no earlier than one week after notice of the period is given.
- (5) For the purposes of this section, a principal council has an interest in a review if—
- (a) it is the reviewing body,
  - (b) its area is under review,
  - (c) a community in its area (or the electoral arrangements of such a community) is under review.
- (6) In this section and section 36 a reference to a proposal for change is a reference to any change that the reviewing body may recommend or make (including consequential change) in relation to the type of review being conducted.

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## 36 Reporting on review

- (1) The Commission or, as the case may be, a principal council (“the reviewing body”) must, after the period for representations under section 35(3) has ended, consider its proposals for change having regard to any representations received by it during the period.
- (2) The reviewing body must then prepare a further report.
- (3) Except in relation to a review under section 31, the report must contain—
  - (a) any recommendation for change which the reviewing body considers appropriate or, if it does not consider any change appropriate, a recommendation to that effect,
  - (b) details of the review conducted and the consultation carried out in respect of the proposals, and
  - (c) details of any changes to the proposals made in light of the representations received and an explanation of why those changes have been made.
- (4) Where the review is under section 31, the report must contain—
  - (a) the changes the reviewing body intends to make to the electoral arrangements for the community under review, or if it does not consider that any such change is appropriate, a statement to that effect,
  - (b) details of the review conducted and the consultation carried out in respect of the proposals, and
  - (c) details of any changes to the proposals made in light of the representations it received and an explanation of why those changes have been made.
- (5) The reviewing body must—
  - (a) submit the report and its recommendations to the appropriate implementing authority (except where it is the implementing authority),
  - (b) publish the report electronically and secure that it is available for inspection (without charge) at the offices of any principal council with an interest for a period of at least 6 weeks beginning with the date of publication,
  - (c) send a copy of the report to the mandatory consultees, Ordnance Survey and (unless they are the implementing authority) the Welsh Ministers,
  - (d) inform any other person who submitted evidence or made representations in relation to the report published under section 35 how to obtain a copy of the report.
- (6) For the purposes of subsection (5), the “appropriate implementing authority” is—
  - (a) in relation to a review under section 23, the Welsh Ministers and, in a case where the Commission are making a recommendation for change to a police area, the Secretary of State (in so far as relating to that change);
  - (b) in relation to a review under section 25, the Commission;
  - (c) in relation to a review under section 26, 27, 28 or 29, the Welsh Ministers;
  - (d) in relation to a review under section 32, the principal council of the community which has been the subject of the review.
- (7) Where the principal council submits a report to the Commission in relation to a review under section 25, the Commission is not to be treated as a mandatory consultee for the purposes of subsection (5)(c).
- (8) For the purposes of this section a principal council has an interest in a review if—

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- (a) it is the reviewing body;
  - (b) its area is under review;
  - (c) a community in its area (or the electoral arrangements of such a community) is under review.
- (9) In this section, a reference to a recommendation for change is a reference to any change that the reviewing body may recommend or make (including consequential change) in relation to the type of review being conducted.

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