



# Local Government (Wales) Act 2015

2015 anaw 6

*Electoral arrangements etc. for new principal areas*

## 16 Directions to conduct initial review

- (1) The Welsh Ministers may by direction require the Local Democracy and Boundary Commission for Wales (“the Commission”) to conduct an initial review of a proposed principal area.
- (2) In this Act “initial review”, in relation to a proposed principal area, means a review which is conducted for the purpose of recommending electoral arrangements for the proposed principal area but which may also include any relevant consequential changes that the Commission may consider appropriate.
- (3) In this Act “relevant consequential changes”, in relation to electoral arrangements recommended for a proposed principal area, means changes in—
  - (a) the boundaries of communities in the proposed principal area,
  - (b) the constitution of councils for communities, or common councils for groups of communities, in the proposed principal area, or
  - (c) electoral arrangements for communities in the proposed principal area.
- (4) In this Act “electoral arrangements”, in relation to a principal area or a community, means—
  - (a) the number of members of the council for the principal area or community,
  - (b) its division into electoral wards in the case of the principal area, and (if appropriate) into community wards in the case of a community, for the election of members,
  - (c) the number, type and boundaries of the electoral wards, and any community wards, into which the principal area or any community in the principal area is to be divided for the purpose of the election of members,
  - (d) the number of members to be elected for any electoral ward or community ward, and
  - (e) the name of any electoral ward or community ward.

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- (5) In subsection (4)(c) the reference to the type of an electoral ward or community ward is to whether the electoral ward or community ward is a single member ward or a multiple member ward; and for this purpose—

“multiple member ward” (“*ward amlaelod*”) means a ward in respect of which a specified number (greater than one) of members are to be elected for the ward;

“single member ward” (“*ward un aelod*”) means a ward in respect of which only one member is to be elected.

## **17 Directions and guidance to Commission**

- (1) A direction under section 16 requiring the Commission to conduct an initial review of a proposed principal area must specify the date by which the Commission must submit to the Welsh Ministers under subsection (4)(a) of section 21 its report prepared under that section.
- (2) A direction under section 16 may require the Commission to have regard to particular matters specified in the direction when conducting the initial review required by the direction.
- (3) The Welsh Ministers may give general directions about the carrying out of initial reviews, including—
  - (a) provision as to the order in which different initial reviews required by directions under section 16 are to be carried out, and
  - (b) provision specifying matters to which the Commission is to have regard in carrying out initial reviews.
- (4) Before giving a direction under subsection (3) the Welsh Ministers must consult the Commission and any association appearing to them to be representative of local authorities.
- (5) A direction under section 16 or this section may at any time be varied or revoked by a subsequent direction.
- (6) A direction under section 16 in relation to a proposed principal area may (in particular) be given after the publication of the Commission's recommendation on an initial review conducted in relation to the proposed principal area pursuant to a previous direction under that section.
- (7) The Commission must comply with a direction given to it under section 16 or this section.
- (8) The Welsh Ministers may issue guidance about the conduct of initial reviews by the Commission and in conducting an initial review the Commission must have regard to any guidance issued under this subsection.

## **18 Conduct of initial review**

- (1) In conducting an initial review the Commission must seek to ensure effective and convenient local government.
- (2) Directions given and guidance issued under section 17 may specify what constitutes effective and convenient local government for the purposes of subsection (1).

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- (3) The Commission, in considering the electoral arrangements for a proposed principal area on an initial review, must—
- (a) seek to ensure that the ratio of local government electors to the number of members of the principal local authority to be elected is, as nearly as may be, the same in every electoral ward of the proposed principal area, and
  - (b) have regard to—
    - (i) the desirability of setting boundaries for electoral wards which are and will remain easily identifiable, and
    - (ii) the desirability of not breaking local ties when setting boundaries for electoral wards.
- (4) For the purposes of subsection (3)(a) account is to be taken of—
- (a) any discrepancy between the number of local government electors and the number of persons who are eligible to be local government electors (as indicated by relevant official statistics), and
  - (b) any change in the number or distribution of local government electors in the proposed principal area which is likely to take place in the period of five years immediately after recommendations are made.
- (5) In considering on an initial review whether, as part of any relevant consequential changes, a community should be divided into community wards in consequence of the electoral arrangements being recommended for the proposed principal area, regard is to be had to—
- (a) whether the number or distribution of the local government electors in the community makes a single election of community councillors impractical or inconvenient, and
  - (b) whether it is desirable that any area of the community should be separately represented on the community council.
- (6) Where it is decided on an initial review that, as part of any relevant consequential changes, a community should be divided into community wards, in considering the size and boundaries of the wards and in setting the number of community councillors to be elected for each ward, regard is to be had to—
- (a) any change in the number or distribution of local government electors in the community which is likely to take place within the period of five years immediately after any recommendation is made,
  - (b) the desirability of setting boundaries which are and will remain easily identifiable, and
  - (c) any local ties which will be broken by the setting of any particular boundaries.
- (7) Where it is decided on an initial review, as part of any relevant consequential changes, that a community should not be divided into community wards, in setting the number of councillors to be elected for each community, regard is to be had to—
- (a) the number and distribution of local government electors in the community, and
  - (b) any change in the number or distribution of local government electors in the community which is likely to take place within the period of five years immediately after the number of community councillors is set.
- (8) For the purposes of subsections (5) to (7) account is to be taken of any discrepancy between the number of local government electors and number of persons who are eligible to be local government electors (as indicated by relevant official statistics).

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(9) In this section—

“relevant official statistics” (“*ystadegau swyddogol perthnasol*”) means the official statistics within the meaning of section 6 of the Statistics and Registration Service Act 2007 which the Commission considers appropriate;

“local government elector” (“*etholwr llywodraeth leol*”) means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.

## 19 Pre-review procedure

(1) Before conducting an initial review of a proposed principal area, the Commission must take the steps which it considers appropriate—

- (a) to bring the review to the attention of the mandatory consultees and any other persons it considers likely to be interested in the review, and
- (b) to make the mandatory consultees and other interested persons aware of the direction to conduct the review and any other directions given by the Welsh Ministers which are relevant to the review.

(2) Before conducting an initial review, the Commission must also consult the mandatory consultees on its intended procedure and methodology for the initial review and, in particular, on how it proposes to determine the appropriate number of members of the principal local authority for the proposed principal area.

(3) In this Act “the mandatory consultees” means—

- (a) the principal local authorities whose principal areas are to be merged into the proposed principal area and the councils for any existing community or existing communities in the proposed principal area, and
- (b) any other persons specified by the Welsh Ministers in the direction to conduct the review.

## 20 Consultation and investigation

(1) In conducting an initial review, the Commission must conduct the investigations considered appropriate by the Commission.

(2) After carrying out the investigations under subsection (1), the Commission must prepare a report containing—

- (a) the proposals which it considers appropriate for the electoral arrangements for the proposed principal area and any proposals which it may consider appropriate for relevant consequential changes, and
- (b) details of the review it conducted.

(3) The Commission must—

- (a) publish the report on a website,
- (b) secure that the report is available for inspection (without charge) at the offices of the principal local authorities whose principal areas are to be merged into the proposed principal area 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 persons considered appropriate by the Commission how to obtain a copy of the report, and

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- (e) invite representations and notify the Welsh Ministers, the mandatory consultees and any persons considered appropriate by the Commission of the period for representations.
- (4) For the purposes of subsection (3) “the period for representations” is a period of not less than 6, nor more than 12, weeks (as determined by the Commission) beginning no earlier than one week after notice of the period is given.

## **21 Reporting on initial review**

- (1) The Commission must, after the period for representations under section 20(3) has ended, consider its proposals having regard to any representations received by it during the period.
- (2) The Commission must then prepare a further report.
- (3) The report must contain—
- (a) the recommendations which the Commission considers appropriate for the electoral arrangements for the proposed principal area and any recommendations which the Commission may consider appropriate for relevant consequential changes,
  - (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) The Commission must—
- (a) submit the report and its recommendations to the Welsh Ministers,
  - (b) publish the report on a website and secure that it is available for inspection (without charge) at the offices of the principal local authorities whose principal areas are to be merged into the proposed principal area 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 and Ordnance Survey, and
  - (d) inform any other person who submitted evidence or made representations in relation to the report published under section 20 how to obtain a copy of the report.
- (5) Section 29(8) of the Local Government (Democracy) (Wales) Act 2013 (no recommendations to be made or published in 9 months before ordinary election) does not apply in the case of recommendations under this section.

## **22 Implementation by Welsh Ministers**

- (1) The Welsh Ministers may, after receiving a report containing recommendations from the Commission in relation to an initial review, by regulations implement any recommendation contained in the report, with or without modification.
- (2) But the Welsh Ministers may only implement a recommendation with modification if they have considered the matters described in section 18 and are satisfied that it is appropriate to make the modification.

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- (3) No regulations may be made under subsection (1) until the end of the period of 6 weeks beginning with the date on which the report under section 21 is published by the Commission.
- (4) The Commission must provide the Welsh Ministers with any further information in relation to its recommendations which the Welsh Ministers may reasonably require.
- (5) The Welsh Ministers may by regulations vary or revoke regulations under subsection (1) (or this subsection).

### **23 Electoral regulations if no recommendations made**

- (1) If the Commission has not submitted to the Welsh Ministers a report containing recommendations from the Commission in relation to an initial review relating to a proposed principal area by the date specified in the direction requiring it to be conducted, the Welsh Ministers may make regulations under subsection (2).
- (2) The Welsh Ministers may by regulations make the provision they consider appropriate for the electoral arrangements for the proposed principal area and any provision they consider appropriate for relevant consequential changes.
- (3) The Commission must provide the Welsh Ministers with any information relating to any matters which have come to its attention in consequence of—
  - (a) any consultation under section 19,
  - (b) any investigation under section 20,
  - (c) the preparation of a report under section 20 or 21, or
  - (d) anything else done in the conduct of the initial review,
 as the Welsh Ministers may reasonably require.
- (4) If the Welsh Ministers make regulations under subsection (2) in relation to a proposed principal area, the Commission must conduct its first review of the principal area under section 29 of the Local Government (Democracy) (Wales) Act 2013 as soon as possible after the day of the first ordinary election of councillors to the principal local authority for the principal area and, in any event, before the day of the next one.
- (5) The Welsh Ministers may by regulations vary or revoke regulations under subsection (2) (or this subsection).

### **24 Future review periods**

The Welsh Ministers may by regulations amend subsection (3) of section 29 of the Local Government (Democracy) (Wales) Act 2013 (10-yearly review periods).

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