



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 3

##### ELECTORAL ARRANGEMENTS REVIEWS

###### *Communities*

### **31 Review of electoral arrangements for community by principal council**

- (1) A principal council may conduct a review of the electoral arrangements for a community in its area—
  - (a) of its own initiative, or
  - (b) at the request of—
    - (i) the community council for the community, or
    - (ii) not less than 30 local government electors registered in the community.
- (2) But a principal council must not conduct a review under subsection (1) at the request of the community council or local government electors if it considers that doing so would impede the proper exercise of its functions.
- (3) The changes that a principal council may propose and make in relation to a review under this section are—
  - (a) such changes to the electoral arrangements for the community as the principal council considers appropriate, and

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- (b) in consequence of any change to the electoral arrangements for the community, such changes to the electoral arrangements of the principal area as it considers appropriate.
- (4) For the purposes of subsection (3)(b), section 30 applies to a principal council as it applies to the Commission.
- (5) A principal council may enter into an agreement with the Commission for the Commission (under section 32) to exercise the council's function of conducting reviews under this section.
- (6) The agreement may be on such terms and conditions as the principal council and the Commission consider appropriate.
- (7) In this Part, a reference to the electoral arrangements of a community is a reference to—
  - (a) the number of members of the council for the community;
  - (b) its division into wards (if appropriate) for the purposes of the election of councillors;
  - (c) the number and boundaries of any wards;
  - (d) the number of members to be elected for any ward;
  - (e) the name of any ward.

## **32 Review of electoral arrangements for community by the Commission**

- (1) The Commission may, in any of the circumstances described in subsection (2), conduct a review of the electoral arrangements for a community.
- (2) The circumstances are—
  - (a) where the Commission has agreed to exercise a principal council's function of conducting reviews under section 31(5);
  - (b) where the Commission has been requested to conduct a review of a community by—
    - (i) the community council, or
    - (ii) not less than 30 local government electors from the community;
  - (c) where a principal council has not complied with a direction by the Welsh Ministers to conduct a review of the electoral arrangements for one or more of its communities.
- (3) But the Commission must not conduct a review under subsection (1) following a request by a community council or local government electors if it considers that doing so would impede the proper exercise of its functions.
- (4) The changes that the Commission may recommend in relation to any review under this section are—
  - (a) such changes to the electoral arrangements for the community that the Commission considers appropriate, and
  - (b) in consequence of any change to the electoral arrangements for the community, such changes to the electoral arrangements of the principal area, as it considers appropriate.
- (5) Where the Commission conducts a review in the circumstances described in subsection (2)(c), it may recover the cost of doing so from the principal council.

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- (6) In the event of a disagreement between the Commission and the principal council as to the amount payable to the Commission under subsection (5), the Welsh Ministers may determine that amount.
- (7) Any sum payable to the Commission under this section is recoverable as a debt due to the Commission.

### **33 Considerations for a review of community electoral arrangements**

- (1) This section applies where a principal council is considering making or, as the case may be, the Commission is considering recommending, changes to the electoral arrangements for a community.
- (2) In considering whether a community should be divided into community wards, regard is to be had to—
  - (a) whether the number or distribution of the local government electors for the community is such as to make 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.
- (3) Where it is decided to divide a community into community wards, in considering the size and boundaries of the wards and in fixing 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 of the community which is likely to take place within the period of five years immediately following any recommendation,
  - (b) the desirability of fixing boundaries which are and will remain easily identifiable, and
  - (c) any local ties which will be broken by the fixing of any particular boundaries.
- (4) Where it is decided not to divide a community into community wards, in fixing 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 such number or distribution which is likely to take place within the period of five years immediately following the fixing of the number of community councillors.
- (5) For the purposes of this section, account is to be taken of any discrepancy between the number of local government electors and number of persons that are eligible to be local government electors (as indicated by relevant official statistics).
- (6) In this section, “relevant official statistics” means such official statistics (within the meaning of section 6 of the [Statistics and Registration Service Act 2007 \(c. 18\)](#)) as the Commission, or as the case may be, principal council considers appropriate.