

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Tuesday, 14 <sup>th</sup> November 2017
<b>Report Subject</b>	Community Review Guidance and Boundary Commission Consultation on Community Reviews
<b>Report Author</b>	Chief Executive

**EXECUTIVE SUMMARY**

The Local Democracy and Boundary Commission for Wales (the Commission) has been asked by the Cabinet Secretary for Finance and Local Government to provide updated guidance on the conduct of community reviews by principal councils to improve consistency of practice across Wales.

The publication is a guide for the conduct of reviews.

The closing date for consultation responses is 21 December.

The last community review in Flintshire took place in 2013/14, and Orders were made by Flintshire County Council and by Welsh Government.

**RECOMMENDATIONS**

1	The Council discusses and comments on the guidance document for principal councils on the review of communities.
2	That the Chief Executive be authorised to make a response on behalf of the council. A draft response is attached at Appendix Two.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE GUIDANCE FOR PRINCIPAL COUNCILS ON THE REVIEW OF COMMUNITIES</b>
1.01	The updated Community Review Guidance document has been produced improve consistency in the conduct of community reviews by principal councils. It explains the statutory processes, to be followed, reflects best practice developed by councils over time and sets out what a council may wish to consider in the course of a review.
1.02	There are three key ways in which a community review can be opened: <ul style="list-style-type: none"><li>• in preparation for the programme of Commission electoral reviews;</li><li>• due to request for a review from a community or town council or a Community Meeting (where no council exists) or;</li><li>• due to a Ministerial Direction.</li></ul>
1.03	<p>In conducting a review, the Commission recommends the following best practice:</p> <p><b><u>Preparation of Terms of Reference (Preliminary Work)</u></b></p> <ul style="list-style-type: none"><li>• An indicative timetable for the review</li><li>• The procedures the council will follow</li><li>• Considerations during the review</li></ul> <p><b><i>Non-Statutory:</i></b></p> <ul style="list-style-type: none"><li>• Suitability of existing boundaries</li><li>• Recognition of rural / urban divides</li><li>• A Council Size Policy</li><li>• The Commission’s proposed council size aim at the next electoral review.</li><li>• Grouping of communities</li><li>• Amalgamation of communities</li></ul> <p><b><i>Statutory:</i></b></p> <ul style="list-style-type: none"><li>• Easily identifiable boundaries</li><li>• Not breaking community ties</li><li>• Whether a community or town be warded (or de-warded)</li><li>• If warded, the number of councillors per ward.</li><li>• Naming of communities and/or their wards.</li></ul> <p>The guidance suggests once draft terms of reference have been agreed - good practice is to consult with interested parties and mandatory consultees for between six and twelve weeks. Once the terms of reference has been agreed the council is then in a position to begin the review.</p>

1.04	<p><b><u>Initial Consultation</u></b></p> <p>The Act sets out the procedure for a review. Specifically, in Section 35(1) of the Act it stipulates that the reviewing body must consult the mandatory consultees and conduct such investigations as it thinks appropriate.</p> <p>The Act does not stipulate how long this consultation should be. It is considered best practice to allow 12 weeks for such a consultation.</p> <p><i>Identifying Potential Changes</i></p> <p>The council should be open to identify potential changes. This may be achieved through a combination of periodic consultation with the town and community councils and ongoing consideration of community boundaries and electoral arrangements when considering issues such as planning (including the preparation of development plans) and electoral administration.</p> <p>Changes may be proposed to community boundaries. Proposed new boundaries should wherever possible follow features that can be identified both on detailed maps and on the ground.</p> <p>Changes may be proposed to the electoral arrangements of a community. In making proposals for changes to community electoral arrangements regard should be given to any change in the number and distribution of local government electors of the community which is likely to take place within the period of five years immediately following any recommendations.</p> <p>Consideration should be made to whether a town or community should be warded. In considering whether a community should be divided into wards, regard should be given to whether the number or distribution of the electors for the community is such as to make a single election of community councillors impractical or inconvenient.</p> <p><i>Consequential Changes of any Proposals</i></p> <p>When proposing changes to communities and their wards, the principal council needs to consider consequential changes that may need to be made to the electoral arrangements of the principal area. The communities and their wards are the building blocks of electoral wards. Where a change is proposed to one of these 'shared' boundaries it is normal practice to also propose a consequential change to the arrangements for a principal council electoral ward.</p>
1.05	<p><b><u>Draft Proposals</u></b></p> <p>Once the initial consultation has been completed, the representations received should be considered with the changes identified and a report should be produced for the approval of County Council. Once approved the council should prepare a draft proposals report for publication and consultation.</p> <p>The Draft Proposals Report must contain details of the review and any proposals for change that the principal council considers appropriate or, if it</p>

	<p>does not consider any change appropriate, a proposal to that effect. The draft proposals are published in order to ensure adequate consultation in accordance with the Act.</p> <p>Notice must be given of the consultation one week before it commences. It is good practice for the notification to include details of the draft proposals and maps.</p> <p>A period of twelve weeks is normally allowed for consultation on the draft proposals. The Draft Proposals Report must be published electronically and must be available for inspection. The report must also be sent to Welsh Ministers and mandatory consultees and all others who responded at the preliminary stage.</p> <p>At the end of the consultation period the comments on the draft proposals and all evidence collected to that point should be considered and final proposals drawn up. The final proposals are then adopted by the principal council by means of the appropriate mechanism.</p>
1.06	<p><b><u>Final Proposals</u></b></p> <p>The report of the review (known as the Final Proposals Report) must contain any proposals for change that the principal council considers appropriate or, if it does not consider any change appropriate, a proposal to that effect. The report must also contain details of the review and the consultation carried out on proposals and details of any changes to the proposals made in the light of representations received and an explanation of why those changes have been made.</p> <p>The Final Proposals Report is submitted to the Commission. The principal council should also publish the final proposals in the same way as the draft proposals. The Final Proposals Report must be made available for inspection at least 6 weeks following publication.</p>
1.07	<p><b><u>Conclusion of Review</u></b></p> <p>The Commission, following a period of six weeks, will consider the proposals and may make an Order implementing the proposals. During this six-week period the Commission may accept representations on the proposal.</p> <p>On receipt of the proposals the Commission will request for copies of information pertinent to the review to satisfy itself that the Council has conducted the review in accordance with the Act.</p> <p>Once satisfied the correct process has been undertaken, it will consider the details of the proposals. The Commission may implement the proposals of the principal council without change or, with the agreement of the principal council, may make changes to the proposals. Where the proposals contain changes to the electoral arrangements of the principal council the Commission must first seek the consent of Welsh Ministers before making the Order.</p>

	<p>Under certain circumstances the Commission may decide to conduct its own review. This is where the Commission is unable to agree changes to the proposals made or it considers that the review has been defective in some way.</p> <p><b><u>Community Electoral Arrangements</u></b></p> <p>Where the principal council has made a report proposing changes to a community boundary and its community electoral arrangements the Commission will make an Order implementing all of the changes in one Order. Where, as a result of the changes, the proposal also includes consequential changes to the principal council electoral arrangements, the Commission will also seek the consent of Welsh Ministers before making the Order.</p> <p>Where the principal council has made a report proposing changes to community electoral arrangements but not to the external community boundary of a community then, after a period of six weeks, the principal council may make an Order implementing the changes. Where, as a result of changes to the community electoral arrangements, the council makes proposals for consequential changes to the principal council electoral arrangements, the council must first seek the consent of Welsh Ministers before making the Order.</p> <p>The changes made in the Orders by the Commission, principal council and Welsh Government will ordinarily come into force at the first ordinary council election following the date the Order is made.</p>
1.08	<p><b><u>Flintshire Community Review 2013/14</u></b></p> <p>Flintshire County Forum received a report on the proposed Community Review including draft guiding principles and timetable in February 2013. All town and community Councils were invited to submit views on the review Following reports to County Council and Cabinet in April 2013 the guiding principles of the review were agreed, together with the consultation process for the first formal stage of the review. The review began in May 2013 and the consultation period ended in July 2013.</p> <p>Flintshire's Draft Proposals were considered and agreed by the County Council and Cabinet prior to consultation on them commencing in November 2013. There was a nine week consultation period until the end of January 2014.</p> <p>Final proposals were agreed by the County Council in April 2014. The Council then submitted a report to the Commission.</p> <p>The Commission published its report and proposals: Review of Community Arrangements in the County of Flintshire in October 2015. The Flintshire (Communities) Order 2016 was made in December 2016.</p>
1.09	<p>The Commission is also required to conduct electoral reviews of principal councils every ten years. The Commission has published its programme of electoral reviews and Flintshire's review will start in quarter 4 of 2018.</p>

1.10	Whilst there is now power for the Commission to make changes to community and community wards as a consequence of proposing electoral wards, the Commission is of the view that such changes would best be made during a community review. Ideally a community review should precede an electoral review, as the community and community wards are then to be used as the main building blocks for the electoral wards.
1.11	On conclusion of the review not all of the changes supported were made to internal boundaries as it was thought these would be considered as part of the pending electoral review. The Commission's advice is that a community review should precede an electoral review. Officers will now liaise with the Commission on the next steps required to address those changes that were not made.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None as a result of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Flintshire County Forum.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None as a result of this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix One – Guidance for Principal Councils on the Review of Communities  Appendix Two – Draft Response

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	The Council's Community Review proposals, reports and associated material.  The Local Democracy and Boundary Commission for Wales: Review of Community Arrangements in the County of Flintshire – Reports and Proposals  <b>Contact Officer:</b> Lynn Phillips, Team Leader – Democratic Services <b>Telephone:</b> 01352 702329 <b>E-mail:</b> lyn.phillips@flintshire.gov.uk

7.00	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Commission</b> - The Local Democracy and Boundary Commission for Wales.</p> <p><b>Directions</b> - Directions issued by Welsh Ministers under Section 48 of the Act.</p> <p><b>Electoral wards</b> - The areas into which principal areas are divided for the purpose of electing county councillors, previously referred to as electoral divisions.</p> <p><b>Electoral review</b> - A review in which the Commission considers the electoral arrangements for a principal council.</p> <p><b>Electorate</b> - The number of persons registered to vote in a local government area.</p> <p><b>Order</b> - Order made by an implementing body, giving effect to proposals made by the principal council or the Commission.</p> <p><b>Principal area</b> - The area governed by a principal council: in Wales a county or county borough</p> <p><b>Principal council</b> - The single tier organ of local government, responsible for all or almost all local government functions within its area. A county or county borough council.</p> <p><b>Projected electorate</b> - The five-year forecast of the electorate</p> <p><b>The Act</b> - The Local Government (Democracy) (Wales) Act 2013</p> <p><b>Town / Community Council</b> - An elected council that provides services to their particular town / community area. A town / community council may be divided for town / community electoral purposes into community wards.</p> <p><b>Town / Community ward</b> - An area within a community council created for community electoral purposes.</p>