

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**REPORT TO COUNCIL**

**18<sup>th</sup> November 2016**

**REPORT AUTHOR: Solicitor to the Council**

**SUBJECT: Approval for draft County of Powys (Community Electoral Arrangements) Variation Order 2016**

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**REPORT FOR: Decision**

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**1.0. Background**

1.1 In 2005/2006 the Council undertook a general review of electoral arrangements of all the Communities in the County of Powys, including changes to the ward boundaries . The changes were approved by a decision of Council made on the 26<sup>th</sup> October 2006. A copy of the Report to Council on that occasion was very large, and to avoid extensive copying costs the report can be found on the x:drive – Members/Council or by clicking on this link <https://powysintranet.moderngov.co.uk/ecsddisplayClassic.aspx?name=sd667&id=667&rpId=454215&path=13651> I can confirm that the boundary changes approved by Council in 2006 were fully consulted upon at that time.

2.0 At the Meeting on 26<sup>th</sup> October 2006, Council resolved as follows:-

“RESOLVED –  
that the Council approves the making of an Electoral Arrangements Order for the Communities in the County of Powys to give effect to the community and ward name changes, the warding arrangement changes and the councillor number changes detailed in the Review Final Proposals with an effective date of 1st December 2007;

that the Council recommends the Local Government Boundary Commission for Wales makes the area changes (changes to boundaries between communities) that are detailed in the Review Final Proposals with the exception of the proposals for a boundary alteration between the communities of Builth Wells and 5 Dunhonnw which, apart from the property of Erwhelm, are now dropped;

that the Local Government Boundary Commission for Wales be informed of the Council’s preferred consequential arrangements for the County Electoral Divisions as outlined in the report (filed with the signed minutes).”

3.0 Members will see from the above, that the boundary and other changes approved by Council following the review were to be incorporated into legal Order. A copy of the County of Powys (Community Electoral Arrangements) Order 2006 is attached at Appendix 1.

4.0 A copy of the County of Powys (Community Electoral Arrangements) Order 2006 was sent to the Boundary Commission in 2007, but in October 2016 we were approached by the Boundary Commission to suggest that the 2006 Order was defective in that it did not properly identify the boundary changes that had been approved by Council on 26<sup>th</sup> October 2006.

## **Proposal**

5.0 The purpose of this paper is to regularise the boundary changes which were previously approved by Council on 26<sup>th</sup> October 2006 and these are summarised in the table which is attached as Appendix 2.

6.0 In order to regularise the ward boundary changes approved by Council in 2006, it will be necessary for a Variation Order to be published and a 2 month opportunity to be given for representations to be received. Powys County Council is empowered by section 69 Local Government Act 1972 to make such a Variation order and this course of action has been discussed and approved by the Boundary Commission for Wales.

7.0 In the circumstances permission is sought from Full Council to publish an appropriate Variation Order to reflect the changes approved by Council in 26<sup>th</sup> October 2006. A draft Variation Order is attached at Appendix 3.

8.0. In the event that no objections are received, authority is sought for the Solicitor of the Council to make the appropriate Variation Order without further reference to Council. In the event that objections are received to the draft Variation Order, the details of those objections will be brought back to Council for consideration.

## **9.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

9.1 Legal: The recommendation can be supported from a legal point of view

9.2 Finance: This paper regularises the decision of Council in 2006 and has no financial implications

## **10.0 Statutory Officers**

10.1 The Solicitor to the Council (Monitoring Officer) nothing to add to the report.

10.2 The Strategic Director Resources ( s 151 Officer) notes the comments made by finance.

### **Members' Interests**

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The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>1. That the Council approves the draft Electoral Arrangements Variation Order for the Communities in the County of Powys as set out in Appendix 4 to the report so as to regularise and give effect to the community and ward name changes, the warding arrangement changes and the councillor number changes detailed in the Review Final Proposals and approved by Full Council on 26<sup>th</sup> October 2006;</b></p> <p><b>2. That the Solicitor to the Council is authorised to publish the draft order as required by section 69 Local Government Act 1972 and to invite representations on the draft Variation Order.</b></p> <p><b>3. In the event that no objections are received, the Solicitor to the Council is authorised to complete and execute a Variation Order and to resubmit the Variation Order to the Boundary Commission for Wales (“BGfW”) and to :</b></p> <p style="padding-left: 40px;"><b>(a) recommend to the BCfW that they make the area changes (changes to boundaries between communities) approved by Council on 26<sup>th</sup> October 2006 and further set out in the Variation Order; and</b></p>	<p><b>So as to regularise the position and to give legal effect to the changes approved by Full Council on 26<sup>th</sup> October 2006.</b></p>

<p style="text-align: center;"><b>(b)To inform the Boundary Commission for Wales of the Council’s preferred consequential arrangements for the County Electoral Divisions as outlined in the report to Council on 26<sup>th</sup> October 2006 (filed with the signed minutes).”</b></p> <p><b>4. In the event that objections to the draft Variation order are received , a further urgent report is to be brought back to Council for those objections to be considered.</b></p>	
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<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>y</b>
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<b>Relevant Local Member(s):</b>	<b>All Members</b>
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<b>Person(s) To Implement Decision:</b>	Solicitor to the Council
<b>Date By When Decision To Be Implemented:</b>	As soon as possible

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney	01597 826746		Clive.pinney@powys.gov.uk

**Background Papers used to prepare Report:**