

Dear Clerk,

As you will be aware the Local Democracy & Boundary Commission (LDBC) published its final report on the Community Review of Monmouthshire in January 2019 see link below to LDBC website and report:-

<https://ldbc.gov.wales/reviews/01-19/monmouthshire-final-recommendations>

At that time a number of Community & Town Councils expressed their concerns that the report had been published prior to them being afforded the opportunity to submit their objections/comments to the draft proposals produced by Monmouthshire County Council.

C&TCs had been misinformed by Monmouthshire County Council about the review process and they were under the impression that they would be given the opportunity to submit their objections/comments to LDBC which was incorrect and despite representations being made by One Voice Wales to Shereen Williams, MBE, CEO, LDBC we were advised that the only option available was for C&TCs to submit their views to the Local Government Division of Welsh Government within the twelve week public consultation period, which some did.

We now understand that the Minister for Housing and Local Government has signed off the LDBC Final Report on the Community Review without amendment despite the comments submitted by C & TCs to Welsh Government.

Being aware that the Minister has recently signed off the report without amendment and knowing of the disappointment and frustrations of a number of C & TCs in Monmouthshire One Voice Wales has again recently written to the CEO, LDBC asking if Monmouthshire County Council has acted negligently or unlawfully, as regards the review and whether a fresh review could be undertaken or at least reviewed to take account of the responses submitted by Monmouthshire's C&TCs.

Below is the response received from Shereen Williams, CEO, LDBC:-

"The Commission is aware as a result of correspondence it has received as well as the views expressed at the meeting on the 16 January 2020 of some town and community council's objections to the Community Review (CR) conducted by Monmouthshire County Council under the Local Government Act 1972 (as amended). It was a difficult meeting and we were able to clarify the questions that arose, however I think what is clear is that there is a level of frustration amongst the town and community councils.

From a technical perspective, it is the view of the Commission that the CR was conducted in accordance with the 1972 Act, indeed consulting further than required to under the 1972 Act. Whilst we recognise the disappointment that many of the councils feel with the results of the CR, the Commission is content that MCC acted in accordance to the 1972 Act. In its role in the CR, the Commission must first establish this before it will then consider the proposals put before it.

It is highly regretful that MCC erroneously stated that there would be a consultation by the Commission and it is hoped that the Council had learned from this experience and would consult with the Commission on any future correspondence it provides where it is highlighting any action

the Commission may make. There is no requirement in the 1972 Act for either the Commission or the Welsh Government to hold a consultation or consider representations sent to it following submission of recommendations to either the Commission or the Welsh Government. The Commission did consider the representations supplied to the County Council during the course of the CR in coming to its recommendations to Welsh Government.

As the review has now been completed and an Order to appear shortly, the options of recourse are limited. If a community/town council, or group of councils, is not happy with their community boundaries their first point of recourse under the Local Government (Democracy) (Wales) Act 2013 (the Act which superseded the 1972 Act) is to request that the Council conducts a fresh review. The Commission has published guidance for County Council's in how community reviews should be conducted under the 2013 Act - <https://ldbc.gov.wales/publications/02-18/community-reviews-guidance>.

If a Council does not wish to conduct a review they may also request that the Commission conducts the review. There is no guarantee that the Commission may conduct a review as it is subject to issues such as whether it believes a review to be appropriate and having the necessary resources to conduct the review.

If the County Council and Commission do not undertake a CR, a community/town council may write to the Minister for Housing and Local Government requesting that the Council or Commission is directed to conduct a review. Again, it would be for the Minister to determine if this is appropriate.

Once an Order has been made any review would start with the new arrangements as a baseline and not the ones that exist today.

For information, the 2013 Act requires that community boundaries are considered by a council every ten years. Acting in accordance with the spirit of the Act, Monmouthshire County Council should therefore conduct another review before 2028, ideally before its review in the Commission's next ten-year electoral review programme".

In light of Shereen Williams' response One Voice Wales (OVW) wishes to establish whether Monmouthshire C&TCs, whilst frustrated and disappointed, are willing to accept the review as signed off recently by the Minister, in the hope that the County Council will have learnt from its mistake and will in future ensure that C & TCs are consulted in a timely fashion on any future reviews or whether there are a sufficient number of Councils who remain concerned over the content of the review that they wish OVW to make representations to the County Council to ask that a fresh review be undertaken.

As you will see from Shereen's advice above if the County Council chooses not to undertake a fresh review the next step would be to ask the LDBC to do so and if both bodies respond to say they do not wish to conduct a fresh review the last resort would be to write to the Minister.

OVW requests that you ask your Council whether they would like OVW to pursue this matter. If it is found that a sufficient number of Councils come back to say that they wish to request a fresh review OVW will make the necessary representations but if it is found that only one or two C&TCs continue to feel strongly about this matter then we will respectfully ask those Councils to pursue the matter individually.

Once you have had the opportunity to discuss this matter with your Council I would be most grateful if you could email me to advise whether your Council:

Wishes to ask OVW to make representations calling for a fresh Community Review be undertaken.

or

Whilst disappointed/frustrated that your Council was not afforded the opportunity to submit comments prior to the LDBC Report being published the Council is prepared to accept that the Review has now been completed?

I look forward to receiving your response.

Regards

Shân

Shân Bowden,
Development Officer/Swyddog Datblygu
One Voice Wales/Un Llais Cymru
24c College Street/24c Stryd y Coleg
Ammanford/Rhydaman
Carmarthenshire/Sir Gaerfyrddin
SA18 3AF
Email/Ebost: shan.bowden@onevoicewales.wales
Phone/Fone: 01269 595400
Fax/Ffacs: 01269 598510
Website/Gwefan: www.onevoicewales.org.uk/www.unllaiscymru.org.uk