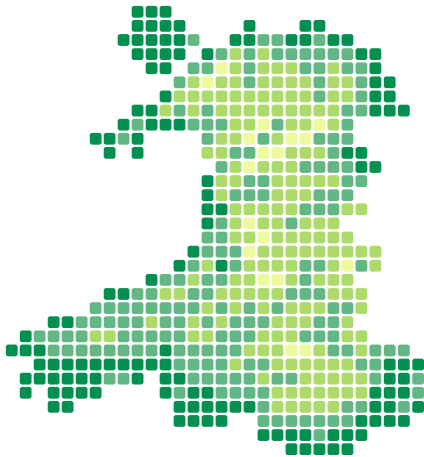


CTC 44

Ymgynghoriad ar rôl, llywodraethiant ac atebolrwydd y sector cynghorau tref a chymuned  
Consultation on the role, governance and accountability of the community and town council sector  
Ymateb gan: Cmisiwn Democratiaeth a Ffiniau Cymru  
Response from: Democracy and Boundary Commission Cymru

# DEMOCRACY AND BOUNDARY COMMISSION CYMRU



Comisiwn  
Democratiaeth a  
Ffiniau Cymru

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Democracy  
and Boundary  
Commission Cymru

**Inquiry into the role, governance and accountability  
of the community and town council sector**

**LOCAL GOVERNMENT AND HOUSING COMMITTEE**

**CONSULTATION RESPONSE**

**OCTOBER 2024**

## **FOREWORD**

This document sets out the response of the Democracy and Boundary Commission Cymru (“**the Commission**”) to the Local Government and Housing Committee’s consultation in relation to the Community and Town Council Sector.

**Shereen Williams MBE OStJ DL**

**Chief Executive**

Democracy and Boundary Commission for Wales  
[www.dbcc.gov.wales](http://www.dbcc.gov.wales)

The Commission welcomes correspondence and telephone calls in Welsh or English  
Mae'r ddogfen hon ar gael yn y Gymraeg.

# DEMOCRACY AND BOUNDARY COMMISSION CYMRU

## CONSULTATION RESPONSE

|  |   |
|--|---|
| FOREWORD.....  | 2 |
| 1. ABOUT THE COMMISSION.....   | 4 |
| 2. COMMUNITY AND TOWN COUNCIL BOUNDARIES AND ELECTORAL<br>ARRANGEMENTS.....                              | 4 |
| 3. RESPONSE TO THE INQUIRY BASED ON THE COMMISSION'S<br>EXPERIENCE OF UNDERTAKING COMMUNITY REVIEWS..... | 5 |

## **1. ABOUT THE COMMISSION**

- 1.1 The Commission is an independent Welsh Government Sponsored Body. The Commission was established in 1974 under the terms of the Local Government Act 1972, and until recently was known as the Local Democracy and Boundary Commission Cymru. The Commission was renamed Democracy and Boundary Commission Cymru by the Senedd Cymru (Members and Elections) Act 2024.
- 1.2 The Commission's powers include reviewing community boundaries and community electoral arrangements, although the principal councils have primary responsibility for these reviews in their respective areas. The Commission's principal powers and duties are set out in the Democracy and Boundary Commission Cymru etc. Act 2013, the Senedd Cymru (Members and Elections) Act 2024 and the Elections and Elected Bodies (Wales) Act 2024.

## **2. COMMUNITY AND TOWN COUNCIL BOUNDARIES AND ELECTORAL ARRANGEMENTS**

- 2.1 In September 2022, the Commission published its updated guidance for principal councils on how to conduct community reviews under sections 25 and 31 of the 2013 Act. These reviews may result in changes through community boundary reviews and community electoral reviews. A community boundaries review conducted by the principal council under section 25 of the 2013 Act is brought into effect by an Order from the Commission. A community electoral review conducted by the principal council under section 31 of the 2013 Act is implemented by an Order from the principal council.
- 2.2 The guidance is intended primarily for principal council officers to assist them in carrying out community reviews. It is also designed to inform other interested parties, particularly town and community councils in Wales, about how the process works. Community councils play a key role in these reviews, allowing them to ensure that community boundaries reflect local realities and that electoral representation is appropriate for their constituents.
- 2.3 A review of community boundaries under section 25 should ensure that communities continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can lead to boundaries becoming anomalous, for example if new housing is built across boundaries resulting in confusion over which community a housing estate falls into. A community review offers an opportunity to the principal council to put in place strong, clearly defined boundaries tied to ground features, and to remove any anomalous boundaries that exist.
- 2.4 If the principal council recommends boundary changes in the course of a section 25 review, it is also able to recommend changes to the community council and to

electoral arrangements for the communities that are affected by the boundary changes. This can be done as part of the same section 25 review, enabling the principal council to make recommendations for the electoral consequences of boundary changes.

2.5 In contrast, if the principal council has not carried out a boundary review for particular communities or identifies issues within the electoral arrangements for one or more communities independent of any boundary issues, the principal council should then consider whether those communities should be the subject of community electoral reviews under section 31.

2.6 The Commission recommends that, when considering whether to carry out community electoral reviews for communities, principal councils consider in particular the degree to which “electoral parity” is achieved across the communities in their area, and (where an individual community is divided into community wards) across the wards in the community. For example, if a community has a higher number of electors per councillor than other communities in the principal council’s area, the principal council may wish to carry out a community electoral review with a view to considering whether to recommend an increase in the number of community councillors for that community. If the number of electors per councillor varies significantly between different wards within a community, the principal council may wish to carry out a community electoral review for the purposes of considering a different allocation of councillors to the individual community wards.

2.7 In some circumstances the Commission is able to conduct community reviews in place of the principal council under section 26 of the Act.

2.8 Since the publication of the guide, the Commission has undertaken **five** section 26 Community Reviews on behalf of principal councils.

2.9 The Commission has completed the review of Vale of Glamorgan, Caerphilly and Ceredigion. The Commission is due to complete the review of Swansea and Pembrokeshire over the next 3 months.

### **3. RESPONSE TO THE INQUIRY BASED ON THE COMMISSION’S EXPERIENCE OF UNDERTAKING COMMUNITY REVIEWS**

3.1 As part of the review process, the Commission holds a meeting with representatives of community and town Councils within the principal council area. The participation of community and town councils in the Commission’s review is crucial, particularly in addressing issues such as the democratic deficit, council boundaries, and councillor allocation. These matters significantly influence local governance, representation, and the sustainability of councils. However, the response rate to the review has been disappointing, with participation ranging between 33% and 77%. This indicates a general lack of engagement, which is concerning given the direct impact of the review on the councils themselves.

- 3.2 Despite being provided with two separate consultation periods of eight weeks each, a number of councils failed to submit a response or even acknowledge the review. This lack of participation is problematic as it suggests a disconnect between some councils and the review process, which aims to enhance their governance structures and reflect changes to the communities.
- 3.3 Low Engagement: The limited response reflects an apparent disengagement from these councils, raising questions about their ability to recognise the significance of the review. This could be attributed to various factors, including resource constraints or a lack of awareness of the review's importance.
- 3.4 Quality of Responses: Where responses were submitted, the majority consisted of objections to proposed changes, often without offering constructive alternatives. This suggests that some councils may not be fully considering the long-term implications of the review or exploring innovative solutions to address challenges such as the democratic deficit or the sustainability of council structures.
- 3.5 Inconsistent Communication with Residents : A key concern raised during the review process was the inconsistency in how community and town councils engaged with their residents regarding the review. Public representations indicated that, while some councils actively informed their residents about the review, others did not communicate it at all. Consequently, residents only became aware of the review through other means, such as the Commission's social media advertising or press coverage.
- 3.6 Variable Resident Engagement: The inconsistency in resident engagement reflects broader disparities in how councils communicate with their communities. Given that the review directly impacts local governance structures, councils should have ensured transparent and proactive communication with residents to encourage feedback and participation. Failure to do so undermines the democratic process and may result in changes being implemented without adequate public input.
- 3.7 Transparency and Accountability: Councils that failed to inform their residents of the review missed an opportunity to demonstrate transparency and accountability. Effective governance relies on clear communication with the public, and councils must prioritise keeping residents informed about significant developments that affect local representation and services.
- 3.8 Governance and Accountability Concerns : The Commission's observations regarding the poor response rate and quality of responses reflect broader governance and accountability concerns within the community and town council sector. The inconsistent engagement in a review that has direct implications for community council boundaries and democratic representation highlights the need for improved governance practices across the sector.
- 3.9 Governance Gaps: The variation in councils' responses to the review suggests governance gaps, particularly in smaller or less resourced councils. It may be necessary to provide additional support, guidance, and training to help councils better understand the importance of participating and engaging with processes that affect their structure and operations.

- 3.10 Accountability to the Public: Councils have a responsibility to act as the voice of their communities and ensure that public input is considered in matters that impact local governance. The lack of engagement in this review process calls into question the level of accountability some councils maintain to their residents, particularly in ensuring that community voices are heard in decision-making process.
- 3.11 Trends relating to Democratic Deficit : The lack of contested seats and high number of vacant seats in the 2017 and 2022 Welsh local government elections for community and town councils represents a significant challenge for the democratic health of Wales at the grassroots level. Community and town councils are the foundation of local democracy, serving as the first point of contact between residents and government. However, the absence of contested elections threatens the legitimacy of these councils and raises concerns about citizen engagement and the sustainability of local democracy.
- 3.12 Uncontested Elections: A high percentage of uncontested seats means that many councillors were elected without competition, reducing the choice available to voters and, consequently, the vibrancy of local democracy. In some areas, elections were not held at all because the number of candidates matched or was lower than the number of available seats. This absence of electoral competition weakens the accountability of councillors, as they enter office without the mandate conferred by a competitive democratic process.
- 3.13 Barriers to Participation: A lack of contested seats can be indicative of deeper issues, such as the barriers that prevent individuals from standing for election. These barriers may include a lack of awareness about the role of community and town councils, time constraints, financial burdens, or a perception that the role is overly complex or bureaucratic. The lack of diversity in candidates, including gender, age, and socio-economic background, further undermines the ability of councils to represent the full spectrum of community interests.
- 3.14 Implications for Democratic Legitimacy : The democratic legitimacy of community and town councils depends on open, competitive elections in which citizens are presented with genuine choices. The lack of contested seats undermines this legitimacy in several ways:
- 3.15 Weakening of Accountability: Without contested elections, councillors are less directly accountable to their constituents. Elected officials who do not face electoral competition may lack the impetus to engage with voters or to prioritise responsiveness to community concerns. This risks fostering complacency, which can erode trust in the local democratic system.
- 3.16 Undermining Public Trust: Public trust in local governance is essential for the effective functioning of councils. Uncontested elections can create the perception that councils are not truly representative of their communities, particularly when voters feel they have no say in the selection of their local leaders. This perception can lead to further disengagement from the democratic process and a downward spiral of participation in future elections.

3.17 Erosion of Democratic Norms: A strong, competitive electoral process is one of the cornerstones of democracy. The lack of electoral contests undermines these norms and raises broader concerns about the state of democracy in Wales. Community and town councils are the building blocks of local governance, and a failure at this level can have ripple effects, weakening democratic structures more broadly.

3.18 In conclusion, the Commission fully supports the Local Government and Housing Committee's inquiry into the role, governance, and accountability of the community and town council sector in Wales. We believe this inquiry presents a vital opportunity to address the structural and democratic challenges currently facing the sector, particularly around engagement, governance, and transparency. By providing a thorough examination of these issues, the inquiry can help ensure that community and town councils are fit for purpose in an evolving local government landscape. We would welcome the opportunity to contribute further to the inquiry and support solutions that will strengthen the foundations of local democracy.