

## **Explanatory Memorandum to the Merthyr Tydfil and Powys (Areas) Order 2009**

This Explanatory Memorandum has been prepared by Local Government Policy Division and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

- (i) **Description** – this Order gives effect to recommendations made by the Local Government Boundary Commission for Wales to change part of the existing county boundary between Merthyr Tydfil County Borough Council and Powys County Council. It also amends the community boundary between Talybont-on Usk and Llangynidr in the County of Powys with consequential changes to electoral division boundaries.
- (ii) **Matters of special interest to the Subordinate Legislation Committee** – none
- (iii) **Legislative Background** – S55 (1) of the Local Government Act 1972 provides that the Commission must consider a request from a local authority to conduct a review of a local government area; S54(1) of the act provides that the commission may make proposals to the Secretary of State with regard to changes to local government areas in the interests of effective and convenient local government and S58(2) of the act allows the Secretary of State to give effect to the recommendations made by the Commission, by order. These functions were transferred to the Welsh Minister by virtue of Schedule 11 to the Government of Wales Act 2006. These Regulations are made under the negative resolution procedure (section 58(4)).
- (iv) **Purpose and Intended Effect of the Legislation** – the Local Government Act 1972 requires the Commission to keep under review all counties and districts for the purpose of making proposals to the Welsh Ministers which appear to it to be desirable in the interests of effective and convenient local government. Powys County Council requested the Commission to conduct a review of part of the boundary between Powys County Council and Merthyr Borough County Council in the area of Pontsticill. The Commission formulated proposals that the boundary between Merthyr Tydfil CBC and Powys CC be moved to transfer part of the area adjacent to the Pontsticill reservoir to the County Borough Council of Merthyr Tydfil. In their view it was in the interests of effective and convenient local government that the settlement of Pontsticill was no longer partitioned and was all in one county. As a consequence of the proposed county boundary change, the Commission proposed that the community boundary between the communities of Talybont-on Usk and Llangynidr the county of Powys be realigned. This Order is to give effect to those proposals.
- (v) **Implementation** – should this order be annulled, the existing boundary between Merthyr Tydfil County Borough Council and Powys County Council

would stand. The settlement of Pontsticill would continue to be divided between two different local government areas.

(vi) **Consultation** – the Commission consulted with all interested parties before formulating draft proposals. Once it had published its draft proposals, there was a six week period during which time representations could be made to the Commission. The Commission then published final proposals. There was then a further six week period during which time representations could be made to the Minister for Social Justice and Local Government. No representations to the Minister were received

(vii) **Regulatory Impact Assessment**

**Options (for achieving the policy objective – as set out in paragraph (iv) above) -**

Option 1 - Not to implement the proposals

This would result in the existing boundary remaining the same.

Option 2 - Implementing the proposals

This would achieve the policy aim of efficient local government in Wales.

- a) **Benefits** – The residents of Pontsticill will enjoy the benefits of being in one local government area.
- b) **Costs** – There are no direct costs for either the Welsh Assembly Government or the local authorities concerned as a result of making this order.
- c) **Consultation** -
  - The draft Order has been seen by;-  
The Commission  
Merthyr Tydfil County Borough Council  
Powys County Council
  - No comments were made
- d) **Post implementation review** - none
- e) **Summary** – The boundary between Powys County Council and Merthyr Tydfil County Borough Council in the area of Pontsticill is altered so that a portion of land is transferred to Merthyr Tydfil County Borough.