WELSH STATUTORY INSTRUMENTS

2011 No. 2932 (W.314)

LOCAL GOVERNMENT, WALES

The Swansea (Communities) Order 2011

Made - - - - 6 December 2011
Coming into force in accordance with article 1(2) and (3)

The Local Government Boundary Commission for Wales, having submitted to the Welsh Ministers, in accordance with sections 54(1) and 58(1) of the Local Government Act 1972(**1**), reports dated February 2010 and September 2011 on its reviews of, and proposals for, communities in the City and County of Swansea;

And the Welsh Ministers having decided to give effect to the proposals in the Commission's report dated February 2010, except for the proposed change to the boundary between the communities of Birchgrove and Clydach, and to the proposals in the Commission's report dated September 2011 without modification;

And more than six weeks having elapsed since those proposals were submitted to the Welsh Ministers;

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 58(2) and 67(4) and (5) of the Local Government Act 1972 and now vested in them so far as exercisable in relation to Wales(**2**), make the following Order:

Title and Commencement

1.—(1) The title of this Order is the Swansea (Communities) Order 2011.

(2) For any purpose set out in regulation 4(1) of the Regulations, this Order comes into operation on the day after that on which it is made.

(3) For all other purposes, this Order comes into force on the ordinary day of election of councillors in 2012, which is the appointed day for the purposes of the Regulations.

Interpretation

2. In this Order—

(**1**) 1972 c. 70.
(**2**) The powers of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

"existing" ("*presennol*"), in relation to a local government or electoral area, means that area as it exists immediately before the appointed day;

"new" ("*newydd*"), in relation to a local government or electoral area, means that area as established by this Order;

"the Regulations" ("*y Rheoliadau*") means the Local Government Area Changes Regulations 1976(**3**);

any reference to a map means one of the 22 maps marked "Map of the Swansea (Communities) Order 2011", duly labelled "A" to "V" for reference and deposited in accordance with regulation 5 of the Regulations;

any reference to an electoral division is a reference to an electoral division of the City and County of Swansea; and

where a boundary is shown on a map as running along a road, railway line, footway, watercourse or similar geographical feature, it is to be treated as running along the centre line of the feature.

Llangyfelach and Pontlliw and Tircoed — change in community areas

3. The parts of the community of Llangyfelach shown hatched on Map A are transferred to the community of Pontlliw and Tircoed.

Morriston, Mynyddbach and Llangyfelach — change in community areas and consequential change to electoral divisions

4. The part of the community of Mynyddbach shown hatched on Map B and the part of the community of Morriston shown hatched on Map K—

(a) are transferred to the community of Llangyfelach; and

(b) form part of the electoral division of Llangyfelach.

Castle, Cockett and Townhill — change in community areas and consequential change to electoral divisions

5. The part of the community of Cockett shown hatched on Map C and the part of the community of Castle shown hatched on Map L—

(a) are transferred to the community of Townhill; and

(b) form part of the electoral division of Townhill.

Penderry and Cockett — change in community areas and consequential change to electoral divisions

6. The parts of the community of Penderry shown hatched on Maps D and E—

(a) are transferred to the community of Cockett; and

(b) form part of the electoral division of Cockett.

Landore and Morriston — change in community areas and consequential change to electoral divisions

7. The part of the community of Landore shown hatched on Map F—

(a) is transferred to the community of Morriston; and

(**3**) S.I. 1976/246 (as amended by various statutory instruments which amendments are not relevant to this statutory instrument).

(b) forms part of the electoral division of Morriston.

Bonymaen and Llansamlet — change in community areas and consequential change to electoral divisions

8. The parts of the community of Bonymaen shown hatched on Map G—

(a) are transferred to the community of Llansamlet; and

(b) form part of the electoral division of Llansamlet.

Llwchwr and Penllergaer — change in community areas and consequential changes to electoral arrangements

9. The part of the community of Llwchwr shown hatched on Map H—

(a) is transferred to the community of Penllergaer;

(b) forms part of the Penllergaer East ward of the community of Penllergaer; and

(c) forms part of the electoral division of Penllergaer.

Morriston and Clydach — change in community areas and consequential changes to electoral divisions

10. The part of the community of Morriston shown hatched on Map J—

(a) is transferred to the community of Clydach;

(b) forms part of the Graigfelen ward of the community of Clydach; and

(c) forms part of the electoral division of Clydach.

Upper Killay and Dunvant — change in community areas and consequential change to electoral divisions

11. The part of the community of Upper Killay shown hatched on Map I—

(a) is transferred to the community of Dunvant; and

(b) forms part of the electoral division of Dunvant.

Cwmbwrla and Penderry — change in community areas and consequential change to electoral divisions

12. The part of the community of Cwmbwrla shown hatched on Map M—

(a) is transferred to the community of Penderry; and

(b) forms part of the electoral division of Penderry.

Gorseinon and Grovesend and Waungron — change in community areas and consequential change to electoral arrangements

13. The part of the community of Gorseinon shown hatched and denoted (a) on Map N—

(a) is transferred to the community of Grovesend and Waungron; and

(b) forms part of the electoral division of Penyrheol.

14. The part of the community of Grovesend and Waungron shown hatched and denoted (b) on Map N—

(a) is transferred to the community of Gorseinon;

(b) forms part of the Gorseinon East ward of the community of Gorseinon; and

(c) forms part of the electoral division of Gorseinon.

Gorseinon and Llwchwr — change in community areas and consequential change to electoral arrangements

15. The part of the community of Llwchwr shown hatched and denoted (a) on Map O—

(a) is transferred to the community of Gorseinon;

(b) forms part of the Gorseinon West ward of the community of Gorseinon; and

(c) forms part of the electoral division of Penyrheol.

16. The part of the community of Gorseinon shown hatched and denoted (b) on Map O—

(a) is transferred to the community of Llwchwr;

(b) forms part of the Upper Loughor ward of the community of Llwchwr; and

(c) forms part of the electoral division of Upper Loughor.

17. The part of the community of Gorseinon shown hatched on Map P—

(a) is transferred to the community of Llwchwr;

(b) forms part of the Garden Village ward of the community of Llwchwr; and

(c) forms part of the electoral division of Kingsbridge.

Penllergaer and Gorseinon — change in community areas and consequential change to electoral arrangements

18. The part of the community of Penllergaer shown hatched on Map Q—

(a) is transferred to the community of Gorseinon;

(b) forms part of the Gorseinon East ward of the community of Gorseinon; and

(c) forms part of the electoral division of Gorseinon.

19. In the community of Gorseinon the number of councillors to be elected for the Gorseinon Central ward is 3, for the Gorseinon East ward is 4, for the Gorseinon West ward is 3 and for the Penyrheol ward is 5.

Llanrhidian Higher — change in community areas and creation of new community of Three Crosses and consequential changes to electoral arrangements

20.—(1) The existing Three Crosses ward of the community of Llanrhidian Higher is transferred to, and constitutes, the new community named Three Crosses shown on Map R as area marked "Three Crosses".

(2) The new community of Three Crosses forms part of the electoral division of Fairwood.

(3) The part of the Penclawdd ward of the community of Llanrhidian Higher shown hatched on Map S is transferred to the ward of Llanmorlais in that community.

(4) In the community of Llanrhidian Higher the number of councillors to be elected for the Llanmorlais ward is 4 and for the Penclawdd ward is 6.

Three Crosses — community council

21.—(1) There is to be a council for the new community of Three Crosses.

(2) The number of councillors to be elected for the new community of Three Crosses is 7.

(3) The annual meeting for 2012 of the new community council of Three Crosses is to be convened by the officer appointed by the City and County of Swansea for that purpose.

Initial expenses of new community council, etc

22.—(1) In this article—

"the 1992 Act" ("*Deddf 1992*") means the Local Government Finance Act 1992(**4**);

"the 1995 Regulations" ("*Rheoliadau 1995*") means the Local Authorities (Precepts) (Wales) Regulations 1995(**5**);

"the new community council" ("*y cyngor cymuned newydd*") means the new community council of Three Crosses;

"the prospective billing authority" ("*y darpar awdurdod bilio*") means the City and County of Swansea Council;

"the relevant financial year" ("*y flwyddyn ariannol berthnasol*") means the financial year beginning on 1 April 2012.

(2) Section 41 of the 1992 Act (issue of precepts by local precepting authorities) has effect—

(a) in relation to the new community council, the prospective billing authority and the relevant financial year; and

(b) as respects the period beginning on 1 April 2012 and ending immediately before the day on which there is issued by the new community a precept for the relevant financial year, with the substitution for subsection (3) of the following subsection—

"(3) In making calculations in accordance with section 32 above (originally or by way of substitute) the billing authority shall take into account for the purposes of its estimate under section 32(2)(a) above an amount equal to that specified in article 23(6) of the Swansea (Communities) Order 2011.".

(3) In relation to the new community council, the prospective billing authority and the relevant financial year—

(a) section 32 of the 1992 Act (calculation of budget requirement by billing authorities) has effect with the omission of subsection (6);

(b) section 41(4) of the 1992 Act has effect with the substitution for the words "March in the financial year preceding that for which it is issued" of the words "October in the financial year for which it is issued"; and

(c) the references in sections 52X(1) (calculations to be net of precepts) and 52Y(2) (information for purposes of Chapter 4A) of the 1992 Act to the aggregate amount of precepts anticipated by a billing authority in pursuance of regulations under section 41 shall have effect as if the aggregate amount included the amount specified in paragraph (6) of this article.

(4) In relation to the amount taken into account for the purposes of section 32(2)(a) of the 1992 Act by virtue of paragraph (2) above, Chapter III of Part I of the 1992 Act (setting of council tax) is to have effect as if—

(a) the amount were an item mentioned in section 35(1) of the 1992 Act (special items) which related to the new community; and

(b) the area of the prospective billing authority included the new community.

(5) The new community council must make the calculations required by section 50 of the 1992 Act (calculation of budget requirement by local precepting authorities) for the relevant financial year

(**4**) 1992 c. 14.
(**5**) S.I. 1995/2562.