Draft Local Government (Wales) Bill

Public Consultation *(convened 24/11/15 and closed 15/02/16)*

Full Responses (101 – 150)

Some respondents sent in more than one response – they are recorded in the Summary Report as one respondent/response

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26897 -101: D Jenkins

Tref / Town : Llangyfelach
Sefydliad / Organisation : Llangyfelach Community Council

Dear Sirs,

I wish to inform you that the Community Council, last night, considered the above Draft Bill & Memorandum & decided to adopt One Voice Wales Consultation Response in its entirety, without any alterations or amendments but to stress that the Community Council requests equal numbers & representation from each current Community Council in the Transitional Arrangements.

Yours sincerely,

D. Jenkins.

26897 -102: Tina Early

Tref / Town : Colwyn Bay
Sefydliad / Organisation : Bay of Colwyn Town Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The Town Council has considered the views of Conwy County Borough Council on the proposed mergers of Principal Authorities and agrees that the case for mergers has not sufficiently been made and that there is a very real danger of removing the 'local' from local government should the mergers proceed. The Welsh Government clearly recognises this too, hence the proposal in the Bill for new Area Committees.

The report by Professor Colin Copus entitled 'Size Doesn't Matter – but they keep telling us it does' (submitted as evidence with CCBC's response) eloquently sums up the fears of this Council.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Should the Welsh Government decide to proceed with its intention of creating fewer, larger local authorities, then the preference of this Council would be for three authorities in North Wales (a merger of Conwy with Denbighshire). We believe this would be the least objectionable option to residents of the Bay of Colwyn area and that it carries greater 'pros' than the alternative, particularly around protecting the Welsh language, existing sub-regional delivery structures for other public services (police, fire and health services) and the EU Convergence funding issues, which cannot be ignored. We also feel that we have a greater connection with communities in neighbouring Denbighshire than we do with Gwynedd and Ynys Môn.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

The Council has significant concerns about the potential impact on both Council Tax bills and local services resulting from Local Authority mergers, due to the financial implications of the proposed mergers (going through a major reorganisation during times of financial austerity will place additional unwanted pressure on the already stretched revenue budgets). We are also concerned about the possibility of further job losses in local government across North Wales and the impact this would have on our local economy.

We are currently satisfied with the levels of service provided by CCBC and we have a positive working relationship with the Authority. There are no guarantees that this relationship could be maintained or improved with new larger authority areas and we are concerned that this would be a backward step, due to the more centralised nature and less local responsiveness which would inevitably result from the much larger Local Authority areas. There are fears that this would result in a 'one-size fits all' approach to local communities. The proposed Area Committees carry much uncertainty and do little, if anything, to resolve these fears, instead causing concerns about another level of bureaucracy and expense. We are therefore strongly opposed to the proposal to the proposal to introduce Area Committees.

We reiterate the comments made by CCBC that the current debate regarding local government in Wales is focussing too much on form/shape and too little on function and that what is needed is a detailed vision for the future of local democracy, developed in partnership with all sectors of local government, in order to strengthen the vital relationship and develop a mutual trust and respect between local and Welsh government and to ensure that decisions that affect local communities and public service delivery are taken closest to those that will be affected by them.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

No comment

Question 1.5: What are your views on the procedure for naming the new Counties?

We have no concerns regarding the procedure to be applied, providing the Shadow Authorities consult with their local communities regarding the proposed name of any new Authority.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The Council understand the reasons for the proposed timetable for County Council elections. However, the proposed six year term for Community Councillors is considered to be a very long commitment for members who act in a voluntary capacity for no payment (other than some expenses). There are concerns that this may cause a higher than usual number of vacancies during the term of office, causing additional work for county council election departments (due to the pressures on Community Councils to press for elections rather than co-options to maintain at least two thirds elected members to gain/retain 'competency'), not to mention the high costs of by-elections to the local taxpayer.

This Council has had four by-elections since the last elections (May 2012) and foresees there being many more if a six year term of office were imposed. It would therefore prefer to see two shorter three year terms, for which the election costs would be known in advance and could be more easily budgeted for.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Bay of Colwyn Town Council has concerns about potential above inflationary increased in its residents' council tax bills, should local authority mergers go ahead.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

No comment

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

No comment

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

No comment

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

No comment

Question 1.12: Are there other matters of a technical nature which should be considered?

We support the observations of CCBC regarding the methodology to be used for working out councillor numbers in the new authorities – this should reflect not only electorate numbers but the urban or rural nature of areas in demographic terms.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

We support the introduction of a general power of competence for both County Councils and Community Councils (subject to meeting a required level of competency).

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

We agree with CCBC that mandatory core training and a requirement for continual professional development would be preferable to a 'relevant professional qualification' which may not relate directly to the role of the Clerk.

We also agree that 2/3rds of councillors should be elected rather than co-opted and that the last two audits should be unqualified. However, transitional arrangements need to be thought through carefully, due to the proposed length of term from the 2017 elections (six years) which may impact on councillor retention (% of elected members) and also on any 'new' councils being able to demonstrate two years clean audits post any mergers.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

The Council appreciates that the proposed larger authorities will be further removed from the communities that they serve, but it is not convinced that Community Area Committees are the answer. It is proposed that these may include unelected community representatives (other than the county and community council representatives) and that they may be given delegated powers to carry out functions on behalf of the Local Authority. This would simply add a new tier of local government, in all but name, thus recreating the two tier local authorities that the 1996 reorganisation removed.

If the Welsh Government is concerned that the new larger Authorities will be too far removed from the communities they serve, it should encourage greater partnership working between existing local authorities for the provision of major cross-boundary services, such as social services and education, which could be provided using a regional consortium model.

Alternatively, if the mergers of Principal Authorities are to go ahead, the Welsh Government should encourage the formation of new community councils (or equivalent) in areas currently without them and clustering to build the capacity of the smaller community councils. It could then concentrate on supporting these existing councils to provide the 'local' voice, instead of creating a new tier (Area Committees), which it is feared would simply add cost and bureaucracy and reduce accountability to the local electorate, particularly if functions and budgets are to be delegated to these committees by the new Principal Authorities.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

We are happy with proposals for a duty on local authorities to encourage well-

managed public participation in decision making processes, but agree with the concerns of CCBC that detailed and meaningful consultation on the annual budget would be extremely onerous and potentially of limited real value, given the time constraints and the complexities of multi-million pound budgets.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

See 3.1 above – we do not agree that community area committees are required. The voice of the local council (community council) sector should instead be strengthened. However, if they are formed, we agree that each relevant community council (one falling within the community area) should be invited to appoint members to the area committee, but question whether this should be just one representative or if it should better reflect the size of each community area (the Bay of Colwyn Town Council has a population of over 25,000 and 24 members, therefore inviting just one nominee to an area committee would seem inadequate and not proportionate to county council representation or smaller community or voluntary sector representation). We would suggest instead that nominations could come from each Ward within a community – this would be 6 in the case of the Bay of Colwyn area and would provide a much more useful community-based local voice, alongside the elected county council ward members.

We do not agree that community area committees should have delegated powers/functions, but if they do then unelected members (e.g. those representing voluntary bodies) should be co-opted members only and not have any vote, thus ensuring decision making at a local level retains some electoral accountability.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

See 3.3 above. No: we have concerns that these new unelected 'bodies' would not be accountable to the local electorate and caution must be therefore be taken if any powers or functions are to be delegated, otherwise it may further undermine public confidence in local democracy.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

No comment

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

We agree that mechanisms need to be in place to encourage County Councils to actively seek feedback from local communities and community councils on the services they provide. However, we support CCBC in its concerns about how formal 'improvement requests' could be costly and difficult to facilitate and manage.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

The broadcasting and recording of meetings should be restricted to county council and committee meetings only and not extended beyond that, e.g. to community councils. There is understandable concern that uncontrolled filming or recording could be easily edited and taken out of context to make trouble or cause harassment using social media sites.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

We support proposals to enhance participation by children and young people.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

No comment

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

No comment

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

No comment

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

The Independent Remuneration Panel for Wales should remain independent of any political influence.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

We agree in principle with ideas to increase attendance, but support the concerns expressed by CCBC that technology needs to improve to make remote attendance feasible.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

No comment

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

We have concerns about the proposed removal of the current role of an independent person in this process. The legal protections currently given to these statutory roles recognise that, in the interests of good governance, it may sometimes be necessary for these office holders to challenge elected members and it is therefore necessary to protect them from possible victimisation, to prevent costly claims for unfair dismissal.

We would prefer the original proposal (in the white paper) for a fixed term of office of, for example, 7 years for the most senior/Executive roles in the Principal Authorities, after which the post holder would need to reapply.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

No comment

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

We agree that the Welsh Government needs to consider ways to improve relations between local authorities and community groups when community asset transfer is being considered. This should not only include giving statutory notice when assets above a certain value are being disposed of, but should also address related matters such as how local authorities should respond to community-led approaches and a commitment to provide additional support in the early stages of any transfer, including the sharing of relevant knowledge and expertise.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

No comment

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

No comment

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

No comment

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

No comment

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

No comment

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Yes, we agree that these are the right bodies to examine policy choices facing local public services.

Question 5.7: If so, would they benefit from additional legal powers?

No comment

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

No comment

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

We agree with most of the proposals relating to community councils, subject to the further comments below …

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Yes

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

We are happy with the proposal that the LDBCW should undertake the review and submit its draft proposals to the Shadow Authorities and that the new County Councils would be responsible for implementing the proposals. However, we are aware of the County Councils concerns about how this would be resourced and accept that this responsibility could therefore fall on the LDBCW if that were more cost effective.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

We agree that County Councils are best placed to deliver cost effective and appropriate training to community councillors in topics where there is a shared duty or function, such as the code of conduct and planning matters.
It should be left to individual community councils to discuss and agree any non-mandatory training with its members, but there should be a requirement for training needs to be reviewed regularly and for an adequate budget to be allocated to support member and staff training.

We think that the local authority Standards Committee is the most appropriate body to consider any complaints about non-completion of any training which has been designated as mandatory by the Principal Council and this should not be the role of the community council Clerk.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

We have concerns about the impact this may have on the number of resignations during this extended term of office and the potential cost of numerous individual by-elections or, alternatively, a reduction in the % of elected members, which could affect councils' ability to use the new general power of competence.

We would therefore prefer to have two shorter three year terms, with known and budgeted for election expenses. Our last by-election cost over £4,300 and if we were to lose just 5 of our 24 members during the proposed six year term, the cost of by-elections could easily exceed that of an additional ordinary election after 3 years.

Also, if it were possible, we would prefer the LDBCW to complete its draft reviews of community councils by 2019 – with implementation and elections to any new/merged community councils taking place in May 2020 to give time for them to bed-in in advance of the more complex Principal Authority mergers. This would also allow resources to be made available to specifically support transitional arrangements for the community council sector, rather than this being an afterthought during the more complex principal authority mergers.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

See 6.4 above

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

We believe that it is good practise for all employees to have objectives set on an annual basis. However, the setting of objectives for the Clerk should not be the role of any individual member, including the Chair, but rather of an appropriate committee or sub-committee. The duty should rest on the Council to make appropriate arrangements for this, taking its size into consideration.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

We agree in principle to the modernisation of legislation surrounding community polls and think that petitions and e-petitions could present a more appropriate alternative. However, we would need to ensure that there was no digital exclusion if e-petitions were widely used. More information is needed on how this would work in practise.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

No comment

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

No comment

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No comment

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

We found the number of different documents, i.e. the consultation document, draft Bill and explanatory memorandum with associated appendices, to be quite complex and confusing, with many parts of the draft Bill not mentioned in the consultation document.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick

26897 -103: Richard Walden

Tref / Town : N/A
Sefydliad / Organisation : Society of Local Council Clerks

SLCC
Society of Local Council Clerks
Professional Supportive Innovative

8 The Crescent
Taunton

Somerset
TA1 4EA
Tel: 01823 253646
Fax: 01823 253681
www.slcc.co.uk

12 February 2016

Leighton Andrews AM
Minister for Public Services
Reforming Local Government
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Dear Minister

DEVOLUTION, DEMOCRACY AND DELIVERY
DRAFT LOCAL GOVERNMENT (WALES) BILL
and EXPLANATORY MEMORANDUM

The Society of Local Council Clerks is the professional body for local (community and town) councils across England and Wales and represents the clerks to over 4,500 councils with over 300 members in Wales. Up until very recently the Society's national chairman was the Clerk to Caernarfon Royal Town Council. Furthermore, this response has been co-ordinated by Mark Galbraith, the Society's Wales Policy Liaison Officer who is also one of our leading practitioners in Wales being the Clerk to Llanelli Rural Council.

The Society welcomes this latest in a series of opportunities to participate in what is probably the most important reform of public services that Wales has witnessed over the last two decades. Moreover, the draft Bill proposals will give rise to the most significant transformation to the local council sector since community and town councils were created under the Local Government Act 1972.

Much like the last White Paper – Reforming Local Government: Power to Local People, this draft Bill has positive implications for the local council sector overall. It is also very encouraging to find that many of the issues the Society has been discussing and lobbying for with Welsh Government during the series of White Paper consultation exercises have been retained in the draft proposals.
The Society is pleased to respond to the draft Bill by putting forward the following observations and comments.

INITIAL COMMENTS

The co-ordination of this response has been aided by the Society's participation in a series of meetings and consultation events. The first of these was a draft Bill pre-publication briefing meeting with Mr Dan Jones, Local Government Partnerships – Policy Unit, Welsh Government on 20 November, 2015. This was then followed in the New Year by attending a pre-consultation engagement meeting with Mrs Claire Germain, Local Government Partnerships, Welsh Government on 15 January, 2016. This meeting served as a precursor

to the Society attending two community council consultation events organised by Welsh Government to garner feedback from local council clerks and councillors about the contents of the draft Bill. The events were staged at the Liberty Stadium, Swansea on 2 February and Venue Cymru, Llandudno on 4 February and attracted over 200 delegates. The Society will refer to some of the points raised during the two consultation events to help inform this response. Reassuringly, Claire Germain (chairing the two events) commented the draft Bill formed the basis for a more detailed and on-going dialogue about the general proposals affecting the local council sector. The Society is keen to play a full involvement in that dialogue along with One Voice Wales, in supporting Welsh Government's programme of sector reforms.

Turning now to the contents of the draft Bill, the Society is pleased to provide the following additional general observations and commentary to support the specific points covered in the consultation questionnaire which is appended to this response.

PART 1 – LOCAL GOVERNMENT AREAS AND COUNTY COUNCILS

Finance

The reform of the local council sector will carry cost implications and local communities will have to meet the brunt of these costs. The Society specifically refers to the costs associated with overseeing the general transition arrangements following the community council review programme; precept harmonisation; the delegation of services from the new county councils; asset transfers; developing and supporting new service delivery models and not forgetting on-going revenue costs to support mandatory training for councillors.

Therefore, the Society believes the financing of local government will need to change to support the public services reform agenda. The Society notes on page 14 of the consultation document that Welsh Government intends to consult further on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of local government in Wales. Local councils along with principal local authorities would very much like to see business rates being retained and used locally. The Society is keen to discuss with Welsh Government any plans to reform the funding mechanism for the local council sector including the potential allocation and use of a share of the business rates by local councils. As practitioners we can help with the assessment and the implementation of any such reforms.

PART 2 – GENERAL POWER OF COMPETENCE (GPoC)

The community council review programme will allow local council ambitions to be raised so that they are better placed to deliver important community services in the future. The merging of smaller communities to form common community councils will eventually lead to their capacity and capability improving over the course of time. However, this will not happen immediately. Furthermore, governance arrangements will be strengthened and so too will engagement with other services and the third sector. This is likely to happen whether or not a local council opts to use GPoC.

The Society welcomes local councils having access to this new power. However, it was evident at the south Wales community council engagement event that a number of delegates expressed concern about local councils being referred to as 'community councils with competence' and how then other common community councils might be perceived by the public if those councils elect not to declare themselves as 'competent'. The feeling was

people will automatically think they are incompetent councils. Delegates generally supported the concept of councils using GPoC but felt Welsh Government should reflect on how such councils should be referred to if they intend to use the new power. Is there a particular reason to publicly distinguish such councils from other common councils? If there isn't then do they need to be referred to as 'competent councils'?

On a related point associated with the use of GPoC, the Society refers to one of the requirements that a community council must employ a clerk with a professional qualification. In the Regulatory Impact Assessment accompanying the draft Bill an assumption has been made about training clerks over a three year period (2017 to 2020) and the likely minimum and maximum numbers (between 350 and 550) of clerks embarking upon the Certificate in Local Council Administration (CILCA) (Wales). The Society understands the reason behind Welsh Government quoting a rather ambitious target because it does not wish to understate potential costs. However, the reality is the majority of clerks will not come forward immediately to register for CILCA (Wales) despite the fact Welsh Government intends to allow local councils to declare themselves competent from 2017 onwards. Clerks are likely to wait and see what fate has instore for them first before registering for the qualification. This is only to be expected because clerks will be greatly influenced by what will happen to the future status of their councils following the community council review programme. As the Boundary Commission completes its work programme across the new county councils only then will there be an upsurge in clerks registering for CILCA and even then much will depend on the ambitions of the newly established common councils and whether they decide to declare themselves 'competent'. For these reasons the potential cost implications will need to be spread over a longer time period. The Society will work with its partners on the National Training Advisory Group to address this point to help forecast and plan for sufficient resources to deliver clerks' training needs. The Society sees the timeframe running from 2017 to 2025 with the majority of clerks registering for CILCA (Wales) between 2021 and 2025. The Society will look to plan delivery of its training programme over this extended period.

PART 3 – PROMOTING ACCESS TO LOCAL GOVERNMENT

Access to meetings

The Society supports Welsh Government's intention to repeal the provisions set out in the Local Government act 1972 which currently prohibits local councils from convening meetings on licensed premises. The Society accepts that many more premises are licensed now and a great deal of public activity takes place in places licensed to sell alcohol.

PART 4 – FUNCTIONS OF COUNTY COUNCILS AND THEIR MEMBERS

Release of councillors from employment

The Society would like to refer to comments made at the two community council engagement events about the workload of community councillors and clerks increasing following local council reforms. Furthermore, the draft Bill proposes mandatory forms of training for local councillors. This will have an impact on councillors being released by their

employers because they will be required to take more time off work to fulfil their new councillor duties. Local councillors are volunteers and yet under proposals the expectation will be for councillors to take on more work and levels of responsibility. Delegates expressed doubt about some councillors being granted additional time of work to accommodate this extra commitment. Moreover, whether a sufficient number of councillors would wish to continue in their roles in the knowledge of having to serve on a bigger council where there will be greater expectation placed upon them to deliver improvements almost immediately. This will place greater demands and put additional pressure on elected members. The Society wonders therefore whether Welsh Government might wish to reconsider its position. Instead of raising awareness and promoting section 50 of the Employment Rights Act 1996 (right to time off for public duties) whether specific provision can be made in the Bill for introduction to strengthen the case of local community councillors being allowed sufficient time off work. This would be seen as an important supportive measure that will indirectly support the work programme of the new common councils and also the role and work of the clerk.

Remuneration of Councillors

The Society wonders whether the Independent Remuneration Panel for Wales ought to review the remuneration framework for local community councillors in order to prepare the way for the planned local council reforms. Bearing in mind the growing demand on councillors to govern new common councils, the additional responsibility and the additional time commitment likely to be required, there now appears to be a strong argument for remunerating community councillors for attending formal meetings and participating in council functions. Opening up the remuneration framework to community councillors will hopefully encourage more members of the public to stand for election to ensure there is sufficient councillor coverage across the local council sector. This will strengthen governance arrangements and it will also assist clerks to fulfil their duties.

Recall of Councillors

The Society wonders whether for the sake of consistency that the right to recall councillors should also be extended to cover the local council sector particularly in light of expectations for local councillors to undertake mandatory training and because they will be taking on new levels of responsibility. Levels of accountability and general public attitudes towards the sector will inevitably change.

PART 5 – COUNTY COUNCILS: IMPROVEMENT OF GOVERNANCE

The Role of Co-operatives and Mutuals in Public Services

The Society has previously commented in earlier Welsh Government consultation exercises about other alternative service delivery models. The Society notes Welsh Government's intention to consult separately on the development of a national framework to support decisions being made locally on the appropriateness of alternative delivery models for public services. The Society welcomes the opportunity to discuss with Welsh Government the role of the local council sector in supporting any new working arrangements. The Society will be happy to explore with Welsh Government the idea of different forms of collaboration to deliver services and can call on examples of clustering and grouping in England for general reference and guidance. Clustering and/or grouping could be re-

defined and used alongside Co-operatives and Mutuals. The Society can see local councils having direct responsibility for running social enterprises to deliver delegated services and asset transfers handed down from county councils. The town and community council charter framework could be further developed to help support these initiatives.

PART 6 – COMMUNITY COUNCILS

Review of community council arrangements

The Society is of the opinion that if a local council is already proactive in its community then it should be given the opportunity of carrying on with its programme of work without potentially being swallowed up as part of a merged larger body. When carrying out the reviews, the Local Democracy and Boundary Commission should have due consideration to a local council's current standing in its community. Caution needs to be exercised as there are a number of variables to be considered when contemplating mergers or in looking to enlarge local council boundaries. The Society hopes the directives to be issued to the Commission by Welsh Ministers will address this point.

Members of community councils to complete training

The Society recognises there are some obstacles to overcome when introducing mandatory training but it recognises the importance of training to complement members' evolving role in supporting the local council sector going forward. Training will help build capacity and general capability across the local council sector and will rectify a number of sector issues. Committing to training will strengthen levels of expertise and will improve community governance of local councils. In time this will offer further corporate support to clerks.

Community polls

Some of the delegates at the two community consultation events referred to the Welsh Government's intention to repeal existing legislation which provides for community polls. They felt caution needed to be exercised when looking at introducing an alternative approach which would require county councils to establish a petitions scheme and an e-petitions facility. Not all members of the public are comfortable with digital technology and may be put off by having to use a computer and electronic media to gain access to the e-petition facility.

PART 7 – WORKFORCE MATTERS

The Society will have a pivotal role to play in offering support and guidance to clerks and other staff. The Society therefore hopes Welsh Government will fully involve it and One Voice Wales in the transitional arrangements borne out of the community council review programme at the earliest opportunity. The Society is very well placed to understand the various nuances subtly affecting small, medium and larger local councils and is happy to advise Welsh Government and other stakeholders charged with the responsibility of overseeing the transition arrangements. The Society has the necessary skills, knowledge and experience to work alongside the new county councils and other public sector bodies to support the planned local council sector reforms. To this end the Society welcomes further discussion with Welsh Government over how this can be best taken forward.

This concludes the Society's response.

Yours sincerely

Richard Walden

Interim Chief Executive
Society of Local Council Clerks

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The Society is broadly supportive of the general provisions set out in part 1 of the draft Bill even though they do not specifically relate to the community and town council (local council) sector.

The creation of new larger county councils will have an impact on the local council sector and on the communities established under section 20 of the Local Government Act 1972. It is important that the communities as originally enacted (subject to any changes to those communities since section 20 came into force) are used as the building blocks by the Local Democracy and Boundary Commission (the Commission) when carrying out the programme of reviews at county council and local council level. The Society also believes it is important for the Public Services Boards (created under The Well-Being and Future Generations (Wales) Act 2015) to use the same communities when looking to establish area committees, once the Public Service Boards come into effect in April 2016. Failure to observe this may otherwise create electoral anomalies. Community areas are considered to be the building blocks for formulating the subsequent arrangement of county electoral wards, National Assembly and Westminster Parliament constituencies. Care needs to be taken to support the principle of coterminous electoral boundaries so that everything fits together in a logical manner. Creating area committees without reference to community areas might otherwise distort local arrangements with the potential for local councils to be split apart in some instances.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

The Society has no preference as to whether there should be two or three county councils for north Wales. The Society's stance is to support the best configuration which offers the electorate the most effective and convenient local government arrangements.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Similar to question 1.2 above the Society has no preference as to whether there should be eight or nine county councils across Wales. The Society's stance is to support the best configuration which offers the electorate the most effective and convenient local government arrangements.
Creating new county councils, covering for the most part, larger local government areas will give rise to fewer county councillors being elected to represent much bigger electoral wards, especially if the Minister specifies a member elector ratio of 1:4000 when issuing directions to the Commission. If this ratio is adopted there will be a significant drop in the total number of county councillors across Wales. This has the potential to seriously dilute local accountability and will be detrimental to democratic representation and effective and convenient local government overall. The Society is mindful there are a number of communities in Wales that have no local councils at present. It is important in those areas where there are no local councils that the Commission is tasked by Welsh Government to create new local councils to represent these communities because the new county councils will perhaps feel remote and too far removed to facilitate and serve as an effective local voice despite the intention of the draft Bill to create community area committees to offset the impact. Creating new local councils will offer the electorate parity by providing a consistent and uniform community tier of local government across Wales. Blanket coverage will provide stronger democratic representation at grass roots level ensuring all communities have a local voice. We note in this connection that Urban parishes are now being created in major, previously unparished, urban conurbations in England to positive effect. We would ask that the Welsh Government may consider introducing a programme of support for the creation of new urban community councils to address this point.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

The Society has no particular view to express about further powers but would like to generally stress the importance of retaining a democratically elected and accountable public body should the integration proceed.

Question 1.5: What are your views on the procedure for naming the new Counties?

The Society supports the proposal for the shadow principal authorities to determine their own names and it supports the making of regulation powers by Welsh Ministers to give effect to this.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The Society supports local government elections being moved to fixed five year terms from 2023. However, it was interesting to note the views

expressed at the two community council engagement events organised in south and north Wales in early February. Some colleagues felt having a one off community council election cycle spanning a six year period was too long and was unhealthy for local democracy. Whereas others felt the proposed six year cycle may discourage people from standing as election candidates despite the rationale for it to support the principal authority transition arrangements between 2017 and 2023. Indeed, colleagues in Powys advocated that the community council election timetable should match the election timetable of the continuing authority – Powys County Council. This is a fair comment given it is an established county council and won't need time to consolidate itself unlike other county councils in Wales that will be subject to mergers.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Society would like to flag up one issue about council tax. Page 15 of the consultation document states "we will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for council tax". This statement equally applies to the local precepting authorities - the local council sector. The Society advocates that the local council sector should be treated in the same way as principal authorities with a local transition committee or similar being appointed to oversee changes following the community council review process. Precept equalisation or harmonisation will be a key consideration especially in areas where a number of small communities are brought together to form new common community councils.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

The Society has no view to express about this.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

The Society has no view to express about this.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

The Society has no view to express about this.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

The Society agrees with this proposal as there appears to be no logical reason for the preserved counties to be retained under the reorganisation proposals.

Question 1.12: Are there other matters of a technical nature which should be considered?

The Society would like parity for the community council sector so that section 18 and schedule 4 of the draft Bill – transfer of staff, property and liabilities, and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils. The Society will revisit this point later.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Section 29 of the draft Bill - the Society supports the proposal that community councils with competence will no longer be able to use section 137 of the Local Government Act 1972. Section 137 will become redundant because the General Power of Competence is seen as the power of first resort unlike section 137 which is the power of last resort.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

The Society supports the three competency requirements and the general requirements set out regarding the use of the new power. Furthermore, it is particularly pleased to fully support the requirement for a 'qualified' clerk. The Society is pleased to note the draft Bill making reference to the Certificate in Local Council Administration (CILCA) (Wales). The Society made the case for the importance of clerks possessing sector specific qualifications in its submission during the last White Paper consultation and would like to reaffirm its position in stating CILCA (Wales) is a sector specific qualification that incorporates all the essential and varied topics required by a clerk to successfully administer a local council in Wales. It consists of five units covering core roles in local council administration; law and procedure for local councils; finance for local councils; management for local councils; and community engagement. It is an evidence based portfolio qualification that is required to meet outcomes based assessment criteria.

It has been refreshed for 2015 to ensure it remains completely up to date and relevant, is positioned at Level 3 of the National Qualifications Framework

(NQF), and is externally accredited by AptEd who are the awarding body. The qualification, whilst administered and managed by the Society, is a National Training Strategy (NTS) qualification approved and agreed by the key national stakeholders in Wales who form part of the National Training Advisory Group (NTAG). NTAG consists of representatives from the Welsh Government, Society of Local Council Clerks, One Voice Wales and the Welsh Local Government Association.

This sector specific, tailored, evidence based qualification tests knowledge in all the key areas and would provide the most relevant reassurance that a clerk is 'qualified'. The Society notes that the draft Bill refers to Welsh Ministers making further regulations about qualifications and advocates the drafting of any such regulations being influenced by the strategy and work programme of NTAG. On a related note the Society is pleased to see no reference has been made to other generic professional qualifications such as accountancy and law in the content of the draft Bill. These are not specific or tailored to the local council sector. With respect to a clerk's professional qualifying status, the inclusion of an accountancy or law qualification has no sector relevance to be of any practical use in performing the specialised day to day role of the clerk.

Turning to the point about issuing guidance to the local council sector about the use of the General Power of Competence (GPoC), the Society hopes Welsh Ministers will not be tempted to introduce restrictions which might discourage councils from using the power as a power of first resort. Lessons need to be learned from the restriction imposed on the use of the power of Well-Being where spending limits were restricted to section 137 spending limits. This discouraged use of that particular power. This point was raised at the community council engagement events referred to earlier.

Another point which arose during the community council engagement events related to the creation of new common councils and the application of the three tests to these new entities. Welsh Government intends to allow local councils to use GPoC once the draft Bill becomes an Act sometime in 2017. Welsh Government colleagues recognised the need for consequential amendments to be made to the Act to overcome instances where a new common council wishes to apply GPoC from inception in 2023. For example under the current proposals a new common council would not be able to comply with the test concerning the audit condition whereby a council must have received unqualified auditors' opinions for two consecutive financial years. This is because it will be a new entity and so it will not possess the necessary historical financial information to satisfy this particular test. No doubt other idiosyncrasies are likely to present themselves during the fullness of time depending on the results of the community council review programme and how it may affect one or more local council areas merging and the carrying forward of GPoC generally.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

The Society has no additional comments to make about Part 3 other than the points offered in response to questions 3.2 to 3.8 below.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The Society supports the proposed public participation duty placed on the new county councils and the requirement to consult on the budget.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Given the size of the new county councils it is important to promote subsidiarity to ensure decisions affecting local communities are made at the local level. This will encourage local people to engage in decisions affecting them and will not dilute democratic representation and accountability. Therefore the process for selecting community councillors to serve on these community area committees needs to be fair to ensure specific communities have a local voice representing their interests. It is important that the new county councils are not permitted to appoint one joint representative for the local council sector for any given community area and that appointments are made on a one to one basis so that every community council has its own seat on the area committee. The Society would like to see all those councils subject to the section 40 duty of The Well-Being of Future Generations (Wales) Act 2015 being allocated individual seats on these area committees.

The Society has previously commented on the need to create new common councils for community areas across Wales where there is currently no coverage. Colleagues at the two community council engagement events vehemently opposed the creation of community area committees. They felt creating these committees would introduce an extra tier of local government which would further confuse the electorate over issues of local accountability with some members on these committees not being elected and held to account. The Society recognises the concerns raised about the need for these committees and the cost burden of creating and servicing them going forward. However, given the size of the new county councils it is important to have some mechanism in place to cater for local decision making arrangements and for the proper delivery of certain functions and services and that the said mechanism is made up of locally elected representatives. The Society feels the creation of new local councils in areas where they currently don't exist will strengthen local working arrangements and could be used to help promote new democratic models of neighbourhood participation. The Society can see how different neighbourhood models could work alongside local councils, giving rise to the creation of different delivery models such as social enterprises, community interest companies, community trusts and the like. Local councils could have an instrumental role in supporting their creation and might also be responsible for supporting the governance and work

programme of these specific community bodies once they are established. Perhaps these community bodies might offer an alternative option to community area committees with them being used to drive certain functions and services at the local level working in partnership with and under arms-length direction of local councils in some instances.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

The Society fully supports the principal that as many functions as possible should be delegated for local determination whether this be in the hands of community area committees or in the hands of other local democratic models to encourage neighbourhood participation. Whatever the final solution the Society would like the new model to have the necessary powers to incur expenditure and for it to be responsible for managing its own budget and for it to identify community needs and priorities.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Perhaps the Public Services Boards can spearhead the transitional arrangements when they come into being in April 2016. The Society has previously commented earlier that it is important for the Public Services Boards (created under The Well-Being and Future Generations (Wales) Act 2015) to use the communities as defined under section 20 of the Local Government 1972 Act when looking to establish area committees.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

The Society feels the introduction of improvement requests has the potential to be divisive at a time when greater collaboration between the tiers of local government is being encouraged by Welsh Government. Local government is being encouraged to explore different service delivery models and so care needs to be exercised in determining the context for issuing improvement requests. The proposals could create friction between the new county councils and the local council sector rather than promoting better relations to work together.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

The proposals relating to community councils need to be proportionate to the

scale and functions of particular local councils as some of the proposals could prove to be a burden for smaller communities. The Society refers here to section 77 of the draft Bill whereby Welsh Ministers may make regulations allowing the filming, photography or sound recording of meetings (this includes community council meetings) and questions the impact this might have on proceedings. Community councillors are volunteers and may be discouraged from active participation in council business if this was introduced generally across the sector. Cyber bullying could also be an issue where a member of the public might have a personal agenda with individual councillors. In this instance if the filming of proceedings is permitted the recordings could easily be edited to portray decision making arrangements in a different context. This point was raised at the north Wales community council engagement event.

The Society supports the other proposals identified for encouraging public participation at community council meetings.

On a general point of issue, it is noted that on page 24 of the consultation document it states principal councils should be able to choose to send out the summons and notices only by electronic means if they so wish. This would be very desirable for the local council sector and so the Society requests that the application of this proposal is also extended to give local councils the same choice.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

The Society supports the suggested approach in the consultation document and the production of guidance to be issued under the Bill.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Most if not all of this part of the Bill is irrelevant to the local council sector and so the Society has only limited views to express in regard to some of the questions referred to below.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

The Society has no view to express about this.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

The Society notes Welsh Government proposes to repeal Part 2 of the Deregulation and Contracting Out Act 1994 as it applies to contracting out of

functions of local authorities in Wales with it being replaced with a new regime that will allow for the delegation of local authority functions to third parties. The Society broadly welcomes this and is pleased to note Welsh Government's intention to create a new power of delegation with the power being extended to include the local council sector.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

The Society has no view to express about this in respect of the arrangements affecting county councils. However, it will make some supplementary comments in support of the local council sector in the covering letter accompanying this questionnaire submission.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

The Society notes that Welsh Government intends to include in the Bill for introduction provisions which would amend the Local Government (Wales) Measure 2011 to further facilitate the operation of remote attendance by councillors at council meetings. The Society wonders whether the Bill might also look at this being extended to include the local council sector to cover certain circumstances or events associated with absence. This provision could perhaps then be used to help overcome the impact of non attendance at council meetings thus avoiding the need to declare a casual vacancy in office owing to a councillor's inability to attend meetings for a period of six consecutive months.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

The Society has no view to express about this.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

The Society has no view to express about this.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

The Society has no view to express about this.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The intended approach and proposals seem fair and reasonable.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

This part of the Bill is irrelevant to the local council sector and so the Society has no views to express in respect of the questions posed.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Please refer to 5.1 above.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Please refer to 5.1 above.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Please refer to 5.1 above.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Please refer to 5.1 above.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Please refer to 5.1 above.

Question 5.7: If so, would they benefit from additional legal powers?

Please refer to 5.1 above.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Please refer to 5.1 above.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

The Society would like to comment on "Other matters" identified on page 44 of the consultation document. Community Council Precept: Precept equalisation/harmonisation has been referred to earlier in this response. However, it is important to assess the impact the community council review process will have on local council precepts. In the majority of instances council tax will rise (considerably perhaps in some areas) where smaller communities are merged to create new common councils. The local electorate will have a strong opinion about this issue and are likely to object to bearing the brunt of any likely increase. Local support mechanisms will need to be created to help guide the new councils and the communities through transition as it is unlikely that financial support in the form of a subsidy will be offered to the sector from the new county councils or Welsh Government. If precepts increase there will be significant community pressure to start delivering value for money services from inception of the new councils. Building the capacity and capability of the sector will take time to take effect and will create public accountability issues during the transition period because of the time lag and not meeting public expectation immediately. Annual reports: The Society fully supports Welsh Government's intention to require every local council to publish an annual report so that local people can understand what the council has achieved during the previous year with provision being made for this requirement in the Bill for introduction. Transition arrangements: The draft explanatory memorandum published in support of the draft Bill states that section 163 gives Welsh Ministers powers to make transitional provision by regulation in relation to matters such as charter trustees and the transfer of staff, property, rights and liabilities. It also states that the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to staff being transferred under implementation orders made under these provisions subject to two exceptions in relation to criminal liability and pensions. It goes on to state that the new county councils will be required to implement the changes by the local elections in 2023. However, the draft Bill refers to the creation of Transition Committees to oversee the transfer of staff and assets to the new county councils. The Society would like to see the remit of these committees extended to provide support for the local council sector. It is important to manage and oversee community council mergers so that this is done consistently and fairly throughout Wales. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils;

assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The Society supports the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. However, the Commission must not be rushed to complete its work programme. There are 735 community councils in Wales so the review programme will be a very significant task for the Commission to take on and deliver. If smaller councils are to be merged into larger common councils it is important to demonstrate a fair and considered approach and to allow sufficient time to do a thorough job in order to deliver the right outcome the first time around. For example looking at the proposed new county council area comprising Carmarthenshire, Ceredigion and Pembrokeshire there are 200 community councils to be reviewed so it is vital that the Commission has sufficient resource capacity to deal with the volume of councils to be reviewed and for it to deliver consistent results within a very tight timetable. The general time constraints are a concern.

At the two community council consultation events a point was raised about the draft directions to be issued by Welsh Government to the Boundary Commission on how to conduct the community council reviews. The parameters need to be published to avoid the suspicion that the final number of local councils surviving the review process are not centred around and arithmetic exercise to drastically reduce numbers. This observation refers to the Commission undertaking purposeful reviews of community council arrangements in all parts of Wales to secure effective and convenient local government. The Society would welcome a clearer definition of what is actually intended because securing effective and convenient local government is far too general and vague. Colleagues at the consultation events raised specific points about whether a member elector ratio might be set for determining the electoral arrangements on the new common councils. Points were also raised about the merging of communities so that like for like areas would provide more natural affinity with one another if merged. The safeguarding and promotion of the Welsh language was also a key consideration for the Commission to have due regard to when going about its programme of work.

The Society supports the modification of section 30 of the Local Government Act 1972 to prevent a community application being made once the proposed implementation orders come into force. This will allow common councils to become established without the threat of being abolished as a result of general public dissatisfaction with any element of the community council review programme.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Society supports the new county councils implementing the Boundary Commission's recommendations in the interests of subsidiarity. The new county councils whilst being much larger entities than their predecessors will hopefully retain some degree of local affinity with community areas and will be more in touch with the practical working arrangements surrounding mergers taking into consideration local geography, demographics and other such like considerations including Welsh language implications across local communities within their own administrative areas. The Boundary Commission won't possess this important local knowledge.

A further point for consideration is the Society would like to see a correlation to the Boundary Commission's work and the work of the Public Services Boards when the Boards create community area committee boundaries so that the boundaries of community councils are wholly coterminous within the boundaries of these area committees. This is important to avoid local ties being broken by the setting of any particular boundaries.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

The Society generally supports this proposal but feels placing the onus on council clerks to look into complaints where a community councillor has not completed compulsory training is unfair. This has the potential to create division and conflict between the clerk, member and the council. The Society wonders whether it would be better for the county council (where it is seen as the mandatory training provider) to control and investigate such complaints or alternatively is there a role for external audit to manage this? The Society also feels training should be proportionate to the scale and functions of a community council and therefore the proposal for compulsory training should perhaps not apply to smaller community councils.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

The Society has generally commented about the local government elections timetable earlier and it understands the reason for extending the term limits. For some councillors and newly elected candidates from 2017 perhaps being elected for a six year term is too long and is not in the interests of healthy local democracy. Is there an option for integrating the election timetable so that it matches that of the new county councils resulting in ordinary elections in 2017, 2020 and 2023? From 2023 the timetable could then run over the proposed five year term to 2028.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

The Society supports the general proposal but again feels this requirement should be proportionate to the scale and functions of the community council with smaller community councils being excluded. Alternatively this proposal

could apply to only those community councils with competence.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

The Society supports the introduction of a performance management framework and that as a matter of good employment practice; objectives need to set for the clerk but advocates this needs to be proportionate to the size of the council. The setting of objectives would be more appropriate for clerks managing larger councils and not so appropriate for clerks serving smaller councils. The Society can see the merits of a councillor reviewing the objectives with a clerk or perhaps a committee of the council carrying out this role.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The Society supports this proposal but would like to draw attention to supplementary remarks set out in the covering letter accompanying this questionnaire response.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Please refer to the Society's remarks in 6.1 above in respect of general transition arrangements. The Society would like to see formal transition arrangements put in place to support the community council review programme. The issues are identical to those highlighted for the principal authority mergers and therefore should be dealt with in the same way to ensure a fair and consistent outcome across Wales. Colleagues at Welsh Government are aware of the Society's views about the importance of transition arrangements for local councils and have recognised this point when attending at the two community consultation events.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

The Society supports the creation of the Staff Commission. It maybe that the transition arrangements spoken about for local councils can be overseen by this body with the Society and One Voice Wales being invited to serve on it.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Society has no view to express about this part of the draft Bill.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

None the Society is aware of that relate to the local council sector.

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

The Society has no observations or feedback other than to mention the document bundle was very useful. The consultation document also pulled everything together succinctly.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

None thank you.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -104: Kath Wigley

Tref / Town : N/A
Sefydliad / Organisation : Mochdre with Penstrowed Community Council

Consultation questions
These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?
The Council is generally supportive of the provisions.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?
The council considers 2 authorities for North Wales to be appropriate.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?
The council considers eight Unitary Authorities to be the maximum number required.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?
The council does not consider that there would be any added value in merging these different organisations.

Question 1.5: What are your views on the procedure for naming the new Counties?
The council supports the proposal for the shadow principal authorities to determine their own names.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
The council supports local government elections being moved to fixed 5 year terms from 2023. With regard to the proposal that there be a six year term between 2017 and 2023, the council is happy with the proposal as a one off to allow the changes in arrangements to be made and considers it to be the most cost effective solution (rather than having 2 sets of election costs).

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?
Transition arrangements for the local councils sector in Wales need to be agreed, in order to ensure as smooth a transition as possible from the current to future arrangements.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?
The council did not have a specific view on this.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?
The council did not have a specific view on this.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?
The council did not have a specific view on this.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?
The council feels that, since they form part of the modern history of Wales, the Preserved Counties should remain.

Question 1.12: Are there other matters of a technical nature which should be considered?
The council did not have a specific view on this.

PART 2
Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?
The council agrees with the principles in Part 2 of the Draft Bill.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?
The council generally supports the 3 competency requirements and the general requirements set out regarding the use of the new power.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?
The council did not have a specific view on this.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?
The council did not have a specific view on this.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?
The council did not have a specific view on this.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?
The council did not have a specific view on this.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?
The council did not have a specific view on this.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?
The council did not have a specific view on this.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?
The council did not have a specific view on this.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?
The council did not have a specific view on this.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?
Members of Community Councils to Complete Training: The council thinks it appropriate for all councillors to have compulsory training relating to the running of local councils and how to be an effective councillor. However this training regime should be regulated by our own sector, which has the required knowledge and experience in these matters.
Review of Community Council Arrangements: The council feels that this should not be based on the enforced amalgamation of smaller councils, but rather on working together in "clusters" (more cost effective).

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?
The council did not have a specific view on this.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
The council did not have a specific view on this.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

The council did not have a specific view on this.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?
The council did not have a specific view on this.
Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?
The council did not have a specific view on this.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?
The council did not have a specific view on this.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?
The council did not have a specific view on this.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?
The council did not have a specific view on this.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?
The council did not have a specific view on this.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?
The council did not have a specific view on this.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?
The council did not have a specific view on this.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?
The council did not have a specific view on this.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

The council did not have a specific view on this.
Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?
The council did not have a specific view on this.

Question 5.7: If so, would they benefit from additional legal powers?
The council did not have a specific view on this.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?
The council did not have a specific view on this.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?
Review of Community Council Arrangements: The council feels that this should not be based on the enforced amalgamation of smaller councils, but rather on working together in "clusters" (more cost effective).

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?
The council feels that this would place a limited timeframe for the completion of a critical exercise for the future of local democracy – it is not something to be rushed. May 2020 would be more realistic.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?
The council feels that the new County Councils (being elected bodies) should implement the Boundary Commission's recommendations.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?
The council thinks it appropriate for all councillors to have compulsory training relating to the running of local councils and how to be an effective councillor (i.e. basic compliance courses). This training regime should be regulated by our own sector, which has the required knowledge and experience in these matters.
Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?
With regard to the proposal that there be a six year term for community councillors elected in 2017 (to allow Community Council elections to coincide with elections to Principal Councils), the council is happy with the proposal as a one off to allow the changes in arrangements to be made.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?
See 6.4. above.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?
The council did not have a specific view on this matter.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The council supports this development in principle.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?
The council considers that the introduction of Transition Arrangements and the development of transition committees is essential in supporting the vision of government for the local councils sector.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?
The council did not have a specific view on this matter.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?
The council did not have a specific view on this part of the Draft Bill

26897 -105: Karyl May

Tref / Town : N/A
Sefydliad / Organisation : Rhondda Cynon Taf County Borough Council

Re: **Response of Rhondda Cynon Taf – Draft Local Government (Wales) Bill Consultation Document**

At the Extraordinary Meeting of Rhondda Cynon Taf County Borough Council held on the 16th December, 2015, Members agreed that Working Groups of both the Cabinet and the Overview and Scrutiny Committee be established to consider the contents of the above Consultation Document.

Members of the Overview and Scrutiny Committee, including other non-executive Members, co-opted Members and the Chair of the Audit Committee (who is an independent layperson) met on the 7th January, 2016 and Members of the Cabinet Working Group met on the 14th January, 2016.

At both meetings, the Director, Legal & Democratic Services, assisted Members in making their comments, with the aid of PowerPoint slides which related to each of the eight part of the Draft Bill. Members did not wish to respond to each of the 53 questions, 17 of which included additional proposals which are not included on the face of the Draft Bill, but wished to give a general overview to each part.

The link to the report presented to the Council Meeting held on the 27th January, 2016 together with the Draft Minutes of that meeting can be found below:-

http://www.rctcbc.gov.uk/EN/Council/CouncillorsCommitteesandMeetings/Meetings/Council/2016/01/27/Council27Jan2016.aspx

Below are the comments/views expressed by Members at the meetings held during the month of January together with additional comments that were made at the Council Meeting held on the 27th January, 2016, which form the basis of the formal response of Rhondda Cynon Taf County Borough Council:-

Part 1 – Local Government Areas and County Councils

1.1 Welsh Ministers have stated publicly their guiding principle is that any new Local Government area will be based on the merger of two or more whole existing Local Government areas and on the 17th June, 2015, Welsh Government announced its preference on 8 or 9 new Principal Local Authorities. The consultation document provides a rationale for the proposed merger options of two or three Councils in North Wales and the inclusion of Bridgend with Merthyr Tydfil and Rhondda Cynon Taf, despite the new authority crossing a Health boundary.

1.2 It was also proposed that the Shadow Authorities to be elected in May, 2019 will determine the names of their new County Council (in English and Welsh forms)

1.3 Members were concerned that the merging of authorities to form larger Councils, coupled with the proposal for a higher ratio of electorate to Councillors could result in a further distancing of elected Members from the people they represent. The aims of the Bill to bring politics and accountability closer to the people, may then, in fact, be harmed and not advanced by these proposals.

1.4 Members felt that whilst a further aim of the proposals would be to achieve cost savings, this assumption is not supported by a coherent evidence base. There is no evidence to suggest that larger Councils would necessarily deliver better services in a more efficient way, nor has sufficient work been undertaken to outline the initial cost of mergers to local authorities, how these costs could be absorbed nor at what point the savings become advantageous to Local Government. Moreover, further work needs to be done to support claims that services could be delivered more efficiently and in an improved way to local people by the introduction of larger Councils.

1.5 Members agreed that should a new County Council be established then it is right that the name of the Authority should be decided by the Authority itself.

Part 2 – General Power of Competence

2.1 Members welcomed the proposals contained within Part 2 of the Bill concerning General Power of Competence as under the Localism Act, it had been in England for the past 6 years without any problems.

Part 3 – Promoting Access to Local Government

3.1 Members agreed that the creation of larger Councils does make it necessary for new models of local engagement to be developed. For the reasons as stated above, large authorities may well increase the distance between decision makers and the local electorate and questions of accountability are of paramount importance. However, Members felt that the proposals for Community Area Committees as contained within Chapter 3 of Part 3 of the Bill provide little flexibility for local authorities to respond to the needs of local communities in different ways. The geography and culture of Wales is such that one size does not fit all. It was therefore suggest that the ways in which Members promote access to local government are left at the discretion of local authorities in consultation with local communities.

3.2 Notwithstanding the general comment above, it was felt that there are several considerable complications which could arise should the specific proposals contained within this section proceed, including the designated area covered by the Committee, the membership and the legitimacy of the mandate of its representatives and their own accountability to local people, the method of selection of the members, political balance, the responsibility of members of such Committees to the Code of Conduct together with delegation of functions

At the Council Meeting held on the 27th January, 2016, Members were also of the view that the creation of Community Area Committees would remove an element of democracy.

3.3 At the Council Meeting held on the 27th January, 2016, Members were of the view that whilst the Authority is already engaged with Improvement Requests, it is on an informal basis and would not therefore welcome a formal bureaucratic process.

3.4 Whilst Members felt that there are advantages and disadvantages to the broadcasting of Council meetings, again it was suggested that the proposals in the Bill were too prescriptive and should be left to the discretion of local authorities in consultation with local communities. Evidence from webcasting both from this Authority and elsewhere suggests that there is not a high level of demand for a service, which potentially could be very costly.

3.5 Members did not support the ad hoc filming and recording of Council meetings by the public as there would be no control over the potential of filming of other members in the public gallery who would not have given consent to be filmed and could result in complications especially in cases of children and vulnerable adults.

3.6 Rhondda Cynon Taf already conducts an annual Leader's Debate at a full meeting of the Council at which members of the public can attend and submit questions and indeed can put questions and make a presentation to full Council within the procedural rules contained within the Council's Constitution. This proposal is therefore welcomed.

3.7 Members also welcomed a more user friendly publication of the Council's Constitution.

3.8 Agreed that local members should be freely accessible to local people and their respective contact details are and always have been published on the Council's website.

Part 4 – Functions of County Councils and their Members

4.1 Members were of the view that the consequences of the proposals contained within Part 4 are highly complex and wide ranging, as a general view, Members felt that the performance of elected Members ought not be a matter for legislation but is rather a judgment best left in the hands of local people. It is important to distinguish between behaviour under the current Code of Conduct from subjective opinion of the performance of individual Councillors.

At the Council Meeting held on the 27th January, 2016, Members were also of the view that `performance duties` should also apply to AMs and MPs.

4.2 Likewise, it cannot be deemed that a Member who attends every meeting is performing effectively as that person may not contribute or participate whatsoever. The same view was given in respect of the holding of surgeries, as many long standing experienced Members felt there were various methods of engaging with their constitutes e.g. the holding of street surgeries, walking their Wards, communicating by way of the use of email, and therefore it was found that these alternative arrangements was a better use of their time and were certainly more productive.

4.3 Chapter 5 misunderstands the way in which Councils selects their Leader at an annual meeting of the Council. The Leader of the Council in most situation ns is nominated by a political group or group which command a majority of support within the Council. There is already an opportunity at the AGM for an alternative nomination to be made upon which a debate would then ensue as to the merits of each candidate. The manifesto as proposed would already have been the subject of debate in the preceding election upon which the respective nominees for leader of the Council would be expected to deliver. Further, there was no definition of a candidate or how a candidate can be determined within the Draft Bill.

4.4 Members were of the view that the granting by County Councils of voting rights to co-opted Members should remain discretionary.

4.5 Members felt that the Independent Remuneration Panel for Wales should remain **independent** and should be able to conduct its work without direction from Ministers.

4.6 Members were not opposed to the principle of Remote Attendance but given the complications and resources required, it was felt that it ought to be discretionary.

4.7 Members appreciated the idea behind the proposal for Recall of Councillors which is that elected Members should be accountable to their local electorate. However, current statistics from the Public Service Ombudsman for Wales would not support the suggestion that there are widespread breaches of the Code, severe enough to warrant the suspension or disqualification of elected Members. Members had confidence in the work of the Ombudsman and local Standards Committees to investigate and punish breaches of the Code, as seen fit, without resorting to this complicated and potentially costly proposal. A proposal for recall has the potential to be open to widespread political abuse. Furthermore, it was noted that the proposal does not extend to MPs and AMs.

Part 5 - County Councils – Improvement of Governance

5.1 Whilst Members welcomed the proposals contained with Part 5 of the Draft Bill, as many of which are already being undertaken by this Authority e.g. the production of a Corporate Plan, they still felt that they were too prescriptive and too bureaucratic.

5.2 Since the introduction of the Local Government (Wales) Measure, 2011, the appointment of Chair of the Council's Audit Committee has been a layperson, and the individual concerned is a very valued Member of that Committee as he has a wealth of experience, having been previously employed as an `Auditor` and is familiar with the workings of local government. However, there were many questions surrounding the membership of the Corporate Governance and Audit Committee, such as where does the role of an elected Member begin and end, should a third of its membership comprise laypersons and if payments were to be made to the lay Members then that would be an added cost to local government. How would the lay Members be selected? Again, it was felt that the prescription around the membership of this Committee would affect local discretion and local democracy.

Part 6 – Community Councils

6.1 Members welcomed the proposal contained in Chapter 1 of Part 6 of the Draft Bill in that the Local Democracy and Boundary Commission for Wales to undertake a review of Community Council arrangements.

6.2 In respect of the proposal contained within Chapter 2, which places a duty on County Councils to consider the training needs of Community Councillors and to make arrangements to meet those needs. Members were of the view that this would be an additional burden for County Councils.

6.3 Members were further of the view that the monitoring of Members' performance should not be the responsibility of the Clerk as the "Clerk is the servant of the Councillors so how can that person also be the judge?". Further, at the Council Meeting held on the 27th January, 2016, Members were of the view that should Clerks take on this role then it was the likelihood that the number of Clerks would be reduced and **neither** should it be the responsibility of the Standards Committee as that Committee deals with behaviour of Members and not performance.

6.4 Members welcomed the repeal of community polls, which will be replaced by duties to set up petitions and e-petitions as it would reduce bureaucracy and costs.

6.5 Members also felt that not many people would wish to sign up to a six year term as a Community Councillor following the elections in May, 2017.

Part 7 - Workforce Matters

7.1 Members welcomed the proposals within Part 7 of the Draft Bill.

Part 8 – General and Schedules

8.1 Members had no comment to make in respect of this Section of the Bill.

Yours sincerely,

Karyl May
Head of Democratic Services

26897 -106: Professor Sally Holland

Tref / Town : N/A
Sefydliad / Organisation : Children's Commissioner and Chief Executive

1
Date / Dyddiad: 12 February 2016
Subject / Pwnc: Draft Local Government (Wales) Bill
Background information about the Children's Commissioner for Wales
The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim, under the Care Standards Act 2000, is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC), as stipulated in regulation 22 of the Children's Commissioner for Wales Regulations 2001. The Commissioner's remit covers all areas of the devolved powers of the National Assembly
for Wales insofar as they affect children's rights and welfare.
The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18.
It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, Welsh Government passed the Rights of Children and Young Persons (Wales)
Measure, which places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.
This response is not confidential.
My responses to specific consultation questions are below. I have not responded to every consultation question but only to those of direct relevance to my remit. In this response I make three main points surrounding the development of the Draft Local Government (Wales) Bill (heron in referred to as the Draft Bill). Firstly, I highlight the imperative for all children and young people's needs to be prioritised through the reorganisation. Secondly, I express my support for strengthening duties facilitating the participation of children and young people in the democratic process. Thirdly, I call for all of those exercising functions under the Draft Bill to be required to give due regard to the UNCRC in all decisions affecting children and young people.

2
Question 3.8: Do you have any comments on our proposals to enhance participation by children and young
people through the public participation duty?
Whilst boundaries are still to be decided in the context of local government reform, I am reminded of the issues identified by the Hill Review around the differing geographical footprints between education, health and social services[1]. The review highlighted inconsistencies between these services' local and regional geographical footprints
that led to some difficulties in securing collaboration between the public services. In light of this, I assert that there
must be a consistent approach to local and regional collaboration across public services, for integrated working to

effectively support the holistic needs of children, young people and their families.
I am acutely aware of the climate of budget cuts that local authorities have to work within to ensure statutory services are delivered in a sustainable way to their citizens. In this landscape, it is a timely consideration that children
and young people have continued access to, and input into shaping high quality services at a local level, whilst reform
of local government is taken forward. I expect to see clear leadership at all levels that establishes children and young
people as a true national priority for Wales, where outcomes for our most vulnerable meet that vision. By fulfilling entitlements to the rights under the UNCRC I am convinced that we can live in a country where children and young
people can achieve their full potential.
The consultation document for the Draft Bill refers to the guidance on participation under the Children and Families
Measure (Wales) 2010 being updated and aligned to the Well-being of Future Generations (Wales) Act 2015. I have
outlined my concerns to Welsh Government in relation to the development of this policy agenda. I have since been
given assurances that the content of the relevant statutory guidance will be strengthened to give greater visibility to children and young people's rights to participation in decision making affecting their futures.
The proposals within the Draft Bill, requiring Local Authorities to involve children and young people in the decision making process, have tremendous potential. I believe the Draft Bill can advance the realisation of children's rights further, presenting a genuine opportunity for the duty of due regard to the UNCRC to be extended across all functions of local authorities. Whilst no UK nation has fully incorporated the UNCRC into domestic law, we have taken steps towards this in Wales, through the Children's Rights Measure. Due regard should not start and end with
Welsh Ministerial functions and I call on Welsh Government to seek to extend the duty of due regard to the UNCRC
to all persons exercising functions under the Draft Bill relating to children and young people.

Meeting the needs of children and young people must be seen as an integral part of exercising functions under the
Draft Bill. I am aware of a growing number of public bodies across Wales that have chosen to give further protection
to children's rights by underpinning their organisational planning and governance arrangements with the UNCRC. Examples include:

- Both Pembrokeshire[2] and Swansea[3] local authorities have established their own children's rights schemes that embed due regard and UNCRC monitoring arrangements within their local policy frameworks;
- Abertawe Bro Morgannwg University Health Board has also established a Children's Rights Charter to ensure that all healthcare services operated within their geographical footprint protect and give further effect to the UNCRC[4];
- Aneurin Bevan University Health Board (ABUHB) have established separate Children's partnership board arrangements in Torfaen. These arrangements seek to address some of children's specific and holistic wellbeing issues that are not currently being covered under the existing integrative partnership arrangements. This year the ABUHB's Children's Board has conducted a needs analysis of unmet needs (specifically those that do not meet Children and Adolescent Mental Health Services' threshold and children placed out of county) and are working in partnership with the local authority education, social services and health professionals to establish integrated models that meet these needs and engage children and young people in service design.

There has been significant debate surrounding extending the duty of due regard beyond the functions of Welsh Ministers. As such, I wish to provide more detailed briefing to assist Welsh Government in developing the Draft Bill.
My Office was the first in Wales to be obliged by law to absorb the UNCRC in exercise of functions. Building on this and drawing from experience of the operation of the 'due regard' concept in equalities legislation, Welsh Ministers
became obliged, under the Rights of Children and Young Persons (Wales) Measure 2011 (Rights Measure), whenever

they exercise their functions, to have due regard to the scheduled requirements of the UNCRC and its Optional Protocols.

4

More recently, section 7 of the Social Services and Well-being (Wales) Act 2014 imposed a due regard duty on persons exercising functions under the Act in relation to a child who has care or support needs, is a carer with support needs or is a looked after child or care leaver. The Act identifies the following persons now subject to 'due regard' when exercising powers or duties in relation to such a child:

- Welsh Ministers (who would of course be already covered by the 2011 Measure duty)
- Local authorities
- Local Health Boards
- A person to whom a local authority has made a direct payment (who may, subject to regulations, use the payment to purchase care and support in relation to a child)
- Independent reviewing officers (looked after children)
- Welsh family proceedings officers
- The National Independent Safeguarding Board
- Safeguarding Children Boards
- The Public Service Ombudsman for Wales

Furthermore, the section 7 duty applies to a wide range of functions, from the setting of broad policy in regulations,
codes and guidance, to drawing up local plans and strategies, to carrying out individual needs assessments, making
decisions about provision of services and to actually providing or procuring those services. The services may include
accommodation, individual care and support, provision of services, goods, equipment, social work, occupational therapy, giving information and advice, counselling, independent reviewing functions in relation to looked after children and dealing with complaints and representations. Accordingly, 'due regard' has already penetrated the Welsh statute book at all the levels of decision-making, from Welsh Ministers down to those procuring and delivering
statutory social care in relation to children in need, looked after children, care leavers and child carers.

The rights under the UNCRC are both universal and indivisible and as such should be made available to all children and young people accessing services from local authorities. The general principles of the UNCRC provide the basis for my call for the extension of the duty of due regard to be extended to local government, so that the best interest
of all children are always worked towards. It is vital that we build upon the foundations we have laid down in Welsh
civic society to empower our young citizens to access their rights and entitlements.

Submitted by:
Professor Sally Holland
Children's Commissioner for Wales

26897 -107: Chris Burdett

Tref / Town : Cardiff
Sefydliad / Organisation : Lisvane Community Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

No

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Yes – see below.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

The general direction of the policy is to be welcomed. However, the nomenclature is unfortunate, implying as it does that some councils are incompetent. A description such as 'council with general power' or even 'quality council' would be better.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Yes – see below

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

No

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

If the proposal for area committees goes ahead, then they should not divide the area of any community council and each community council within the area should have a right to nominate a representative. However, Lisvane Community Council feels that the proposal has the potential to add bureaucracy and confuse accountability. It does not make any distinction between community councils as statutory local authorities and informal community groups. An approach which built on existing charter arrangements between the two tiers of local authority would be preferable. Community councils are already in an excellent position to represent local views.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

See 3.3 above

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

No

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

See 3.3 above

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

It should be made clear that community council clerks can send an electronic summons to meetings, as is proposed for principal authorities.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

Support

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

No

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

No

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Yes – see below

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Yes, in order to reduce the period of uncertainty.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Boundary Commission should implement its proposals itself. Implementation by the county councils would potentially jeopardise their relationships with the community councils.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Generally support. In the interests of consistency, and based on its knowledge of the sector, it might be better for One Voice Wales to provide the training rather than county councils.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

This makes sense given that it parallels the elections for county councillors and the term will be reduced to five years after 2013.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Support

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Support for all community councils. Objectives should be set by the whole council or delegated to a personnel committee.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Support

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

No

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

There should be appropriate transitional arrangements to oversee mergers on a consistent basis. There should be a community council staff commission, involving One Voice Wales and the SLCC, to govern and determine issues such as: • recruitment and selection processes;

- assimilation of staff to new common councils and negotiating staff contract variations;
- the processing of potential redundancies;
- the transfer of assets;
- the delegation of services from principal authorities;
- the freezing of balances/reserves to prevent inappropriate spending decisions being made in the run up to new community councils being created and to prevent the potential disposal of assets by those community councils at risk of being merged.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -108: E J Humphreys

Tref / Town : Newtown
Sefydliad / Organisation : Newtown and Llanllwchaiarn Town Council

1
Consultation on the Draft Local Government (Wales) Bill

Consultation questions
These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Town Council is of the view that for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no comment on this question.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Town Council is of the view that for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no comment on this question.

2

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Town Council is of the view that for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no comment on this question

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Town Council is of the view that it does not feel it is in a position to comment

on what further powers the Minister may require.
Question 1.5: What are your views on the procedure for naming the new Counties?
Town Council does not wish to comment on this question.
Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
Town Council is of the view that:
a) The principle of the democratic mandate for county councils is the same as that for Community and Town Councils, and sees no reason to make the distinction
b) Therefore, county councillors should serve the same term in the transition period as community and town councillors.
Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?
Town Council is of the view that:
a) As functions, assets and services are passed from Principal Authorities to Community and Town Councils, then so too should a proportionate portion of Non-Domestic Rates and Support Grants
b) For Principal Authorities to retain Non Domestic Rates and Support Grants but to devolve functions is illogical and unfair, and is likely to give rise to additional taxation of the citizen in order to meet the cost of
3
devolved services.
Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?
Town Council is of the view that as no portion of Non-Domestic Rates flows to Community & Town Councils, it makes no comment on this question.
Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?
Town Council is of the view that as no portion of Non-Domestic Rates flows to Community & Town Councils, it makes no comment on this question.
Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?
Town Council is of the view that as no portion of Non-Domestic Rates flows to Community & Town Councils, it makes no comment on this question.
Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?
Town Council agrees with this proposal in the draft Bill.
Question 1.12: Are there other matters of a technical nature which should be considered?
Town Council is of the view that there are no other matters which should be considered.

PART 2

4

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?
Town Council is of the view that:
a) Alternative's should be found for the word 'Competent'
b) Council would prefer alternatives such as 'Beacon', or 'Quality' or Charter' to mark the status of certain councils without carrying adverse implication of non-competence or incompetence.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?
Town Council is of the view that:
a) The criteria for two thirds elected councillors should be removed and some other criteria to measure democratic engagement should be found
b) Co-Opted Councillors should not be treated in any separate subsidiary or secondary way to elected councillors and should have the same status and effect as elected ones, so does not wish to see a distinction which may be divisive.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?
Town Council is of the view that:
a) Electronic Summons – extension of powers should be given to Community and Town Councils to enable the issue an electronic Summons
b) Community Area Committees – these appear to introduce an additional unnecessary level of bureaucracy and administration, and also introduces an undemocratic element as Area Committees include a proportion on unelected persons. Town Council is of the view that this aspect is poorly set out and thought through, with far too many uncertain aspects to comment further.
Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?
Town Council is of the view that the proposed public participation duty, and the requirement to consult on the annual budget participation, should seek
5
budget participation from elected (as opposed to unelected) persons.
Question 3.3: How should community representatives to sit on community area committees be sought and selected?
Town Council is of the view that:
a) Community Area Committees should be elected by the new (elected) larger Community and Town Councils, in order to maintain democratic mandate from elected persons.
b) The Draft Bill should be clearer on how Community and Town Councils are to be elected to sit on Area Committees.
Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?
Town Council is of the view that:
a) County Councils should be able to delegate powers, otherwise there seems little point in their existence of Community Area Committees other than debating chamber
b) Core functions (such as child protection, education, highways) should NOT be delegated
c) Tax raising Powers should NOT be delegated and these powers should be retained by Principal Authorities.
Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?
Town Council is of the view that a good lead-in time is sufficient.
Question 3.6: Do you have any comments on the revised provisions for ‘improvement requests’ or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and

community area committees (Part 3, Chapter 3)?
Town Council is of the view that it welcomes dialogue with Community Bodies.
Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?
6
Town Council is of the view that:
a) It supports the good practices already in place at some Community and Town Council's to allow members of the public to speak on matters relevant to the meeting.
b) Community and Town Councils should be able to make their own rules (such as Standing Orders) whether to allow filming, recording or photograph at meetings, and that images should be limited to participants in the meeting and not the general public in attendance, and that information so captured should not be used in a demeaning or humiliating manner, or otherwise put at risk councillors or staff.
Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?
Town Council is of the view that there should be no filming, recording or photography of children or young or vulnerable persons.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?
Town Council does not wish to comment on this question.
Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?
Town Council does not wish to comment on this question.
Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
Town Council is of the view that functions delegated to Community and Town Councils must be accompanied by delegated funding adequate to meet those functions.
7
Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?
Town Council is of the view that:
a) The proposal would put pressure on IRPW, which may then feel obliged to follow the guidance and the IRPW thereby ceasing to have independence.
b) Increased or delegated functions of Community and Town Councils means increased responsibility and this should be adequately recognised in remuneration.
Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?
Town Council is of the view that it supports this provision and it should be made more flexible.
Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?
Town Council does not wish to comment on this question.
Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Town Council is of the view that an inquiry with recommendations should first be undertaken, and the final decision remaining with full Council by vote on those recommendations.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Town Council does not wish to comment on this question.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

8

Town Council does not wish to comment on this question.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Town Council does not wish to comment on this question.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Town Council does not wish to comment on this question.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Town Council does not wish to comment on this question.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Town Council does not wish to comment on this question.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Town Council does not wish to comment on this question.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Town Council does not wish to comment on this question.

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Question 5.7: If so, would they benefit from additional legal powers?

Town Council does not wish to comment on this question.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Town Council does not wish to comment on this question.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Town Council does not wish to comment on this question.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Town Council does not wish to comment on this question.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Town Council does not wish to comment on this question.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Town Council is of the view that:

a) Mandatory core training should be set by the Welsh Government to provide consistency across Wales, and the costs met my Welsh Government

b) Principal Authorities are not the appropriate bodies to set, design or deliver training, and that collective bodies within the local council sector (such as One Voice Wales or the Society of Local Councils Clerks)
10
should undertake that role in order to maintain an understanding of the requirements and appropriate content of training relevant to local councils
c) In the case of a councillor not completing training, that the Standards Committee is the appropriate body to investigate and issue appropriate sanction, so that relations between Council, Councillor and Clerk are not strained.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Town Council is of the view that:

a) 3 years is too short for councillors elected in 2017, and 6 years is therefore necessary to bring about alignment with the election cycle of Principal Authorities
b) It welcomes the fixed terms of 5 years thereafter for Community and Town Councils, being clearer for the public and consistent with other elected bodies such as Welsh Government and Principal Authorities.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Town Council is of the view that:

a) The training provider should be a collective body within the sector (such as One Voice Wales or the Society of Local Councils Clerks), not the Principal Authority, in order to maintain an understanding of the requirements and appropriate content of training relevant to local councils
b) Non-mandatory training – further to core mandatory training – should be encouraged and planned for all councillors and staff.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Town Council is of the view that overall council objectives for priorities should be set by Council as a whole, though these should be relayed by a mutually agreed individual named councillor to the Clerk though an employee review and development cycle.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?
11

Town Council is of the view that it agrees with the proposal to repeal legislation but that help to complete e-petitions should be made available for those who need it.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Town Council does not wish to comment on this question.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a nonstatutory Commission?

Town Council does not wish to comment on this question.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of

the Draft Bill or on any of the Schedules?
Town Council is of the view that the example process of Peer Assessment appears contradictory on timescales – on the one hand indicating it will take a number of months to complete and on the other hand being 'short and sharp'. Council asks that this ambiguity is clarified.
ADDITIONAL QUESTIONS
Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?
Town Council does not wish to comment on this question.
12
Question 9.2: Pease provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.
Town Council does not wish to comment on this question.
Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.
Town Council is of the view that the Bill is the appropriate opportunity to deal with the matter of concurrent functions (and therefore the consequential matter of 'double taxation') and that greater distinction of powers between the various authorities is required for the public and for councils concerned.
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -109: E J Humphreys

Tref / Town : Churchstoke
Sefydliad / Organisation : Churchstoke Community Council

1
Consultation on the Draft Local Government (Wales) Bill

Consultation questions
These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum
PART 1
Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?
Community Council is of the view that, for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no comment on this question.
Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?
Community Council is of the view that, for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no comment on this question.
2
Question 1.3: What are your views on the proposed configuration of Local

Government areas in Wales?
Community Council is of the view that it is in favour of a reduction in the number of Local Government Areas to 8 or 9 and for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no other comment on this question.
Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?
Community Council is of the view that it does not consider that there would be any added value in merging these different organisations and has no comment about further powers may be required.
Question 1.5: What are your views on the procedure for naming the new Counties?
Community Council is of the view that for the reason that the existing Powys County Council is not changed by the proposals in Part 1, it makes no comment on the naming of other counties.
Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
Community Council is of the view that it
a) Supports the 6-year term as a one off during transition on economic grounds and considers this to be the same democratic mandate for Principal Authorities as for Community and Town Councils, and sees no reason to make the distinction
b) Therefore, County Councillors should follow the same mandate and serve the same term in the transition period as Community and Town Councillors.
Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?
Community Council is of the view that:
a) As functions, assets and services are passed from Principal Authorities
3
to Community and Town Councils, then so too should a proportionate portion of Non-Domestic Rates and Support Grants
b) For Principal Authorities to retain Non Domestic Rates and Support Grants but to devolve functions is illogical and unfair, and is likely to give rise to additional taxation of the citizen in order to meet the cost of devolved services.
Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?
Community Council is of the view that as no portion of Non-Domestic Rates flows to Community & Town Councils, it makes no comment on this question.
Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?
Community Council is of the view that as no portion of Non-Domestic Rates flows to Community & Town Councils, it makes no comment on this question.
Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?
Community Council is of the view that as no portion of Non-Domestic Rates flows to Community & Town Councils, it makes no comment on this question.
Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Community Council is of the view that the names of the Preserved Counties should be NOT be changed since they form part of the modern history of Wales, though the boundaries should be modified to reflect the new local authorities.

Question 1.12: Are there other matters of a technical nature which should be considered?

4

Community Council is of the view that transitional arrangements for Principal Authorities should be extended to Community & Town Councils as the issues will be similar as regards staff, property, equalisation of Council Tax, financial reserves, liabilities and contracts.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Community Council is of the view that:

a) It supports the principle of 'achieving standards but alternatives should be found for the word 'Competent'

b) Council would prefer alternatives such as 'Blue Riband' to mark the standard of certain councils without carrying adverse implication of non-competence or incompetence.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

Community Council is of the view that it supports the notion of competence for councils that show clear initiative and capability, and supports competency requirements in principle though not the detail out:

a) The criteria for two thirds elected councillors should be removed and some other criteria to measure democratic engagement should be found. Co-Opted Councillors should not be treated in any separate subsidiary or secondary way to elected councillors and should have the same status and effect as elected ones, so does not wish to see a distinction which may be divisive.

b) If Community & Town Councils were to merge and new ones created, unless amendments to the Bill were made these new councils would not be able to be deemed 'competent' and use the General Power of Competence as they would not have had two prior years of unqualified accounts.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Community Council is of the view that:

a) Community Area Committees appear to introduce an additional

5

unnecessary level of bureaucracy and administration, and also introduces unelected persons as a proportion of the Area Committees. Community Council is of the view that this aspect of the Draft Bill is poorly set out and thought through, with far too many uncertain aspects to comment further

b) Electronic Summons: extension of powers should be given to Community and Town Councils to enable the issue an electronic Summons.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Community Council is of the view that the proposed public participation duty, and the requirement to consult on the annual budget participation, should seek budget participation only through elected channels (as opposed to

unelected or self-selected persons).
Question 3.3: How should community representatives to sit on community area committees be sought and selected?
Community Council is of the view that is has concerns over the position of unelected persons in the democratic process and:
a) Community Area Committees should be elected by the new (elected) larger Community and Town Councils, in order to maintain democratic mandate from elected persons.
b) The Draft Bill should be clearer on how Community and Town Councils are to be elected to sit on Area Committees.
Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?
Community Council is of the view that:
a) It is generally NOT generally in favour of Community Area Committees for reasons set out above, but if County Councils do delegate powers then there should also be delegated funding
b) Core functions (such as child protection, education, highways) should NOT be delegated and Tax raising powers should NOT be delegated. These powers should be retained by Principal Authorities.
Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?
6
Community Council is of the view that a good lead-in time is sufficient.
Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?
Community Council is of the view that it welcomes dialogue with Community Bodies.
Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?
Community Council is of the view that:
a) It supports the prosals regarding use of licenced premises, though meetings need to remain alcohol free, as this would enable new larger Community and Town Councils to better engage around their new larger areas
b) It supports the good practices already in place at some Community and Community Council's to allow members of the public to speak on matters relevant to the meeting.
c) Community and Town Councils should be able to make their own rules (such as Standing Orders) whether to allow filming, recording or photograph at meetings, and that images should be limited to participants in the meeting and not the general public in attendance, and that information so captured should not be used in a demeaning or humiliating manner, or otherwise put at risk councillors or staff.
Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?
Community Council is of the view that:
a) It supports the approach in the consultation document together with the measures which many councils have introduced already – and asks for guidance to be issued under the Bill
b) There should be no filming, recording or photography of children or

young or vulnerable persons.

PART 4

7

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Community Council does not wish to comment on this question.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Community Council does not wish to comment on this question.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Community Council is of the view that functions delegated to Community and Town Councils must be accompanied by delegated funding adequate to meet those functions.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Community Council is of the view that:

a) The proposal would put pressure on IRPW, which may then feel obliged to follow the guidance and the IRPW thereby ceasing to have independence.

b) Increased or delegated functions of Community and Town Councils means increased responsibility and this should be adequately recognised in remuneration.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Community Council is of the view that it supports this provision in principle, but that current infrastructure is not yet adequate to support it particularly in rural areas.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

8

Community Council does not wish to comment on this question.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Community Council is of the view that an independent inquiry with recommendations should first be undertaken, and the final decision remaining with full Council by vote on those recommendations.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Community Council does not wish to comment on this question.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

Community Council does not wish to comment on this question.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Community Council is of the view that this part of the Bill is largely irrelevant to the local council sector so does not wish to comment on this question.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Community Council is of the view that this part of the Bill is largely irrelevant

to the local council sector so does not wish to comment on this question.
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9
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Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?
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Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?
Community Council is of the view that this part of the Bill is largely irrelevant to the local council sector so does not wish to comment on this question.
Question 5.7: If so, would they benefit from additional legal powers?
Community Council is of the view that this part of the Bill is largely irrelevant to the local council sector so does not wish to comment on this question.
Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?
Community Council is of the view that this part of the Bill is largely irrelevant to the local council sector so does not wish to comment on this question.
PART 6
10
Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?
Community Council is of the view that:
a) Clustering: it favours clustering of councils in order to accommodate economies and efficiencies of scale, rather than mergers which may result in more remote community representation and cohesion/ identity, but rather that groups of adjacent councils should be encouraged to work together in clusters
b) Precept: It urges Welsh Government to establish guidance documents/ good practice models to enable local councils to consider the issues of precept harmonisation and equalisation should local councils be merged
c) Annual Reports: It supports the development of Annual Reports to enable greater local accountability and encourage democratic engagement with the first tier of local government, however these should be proportionate to the size and resources of councils and functions they undertake
d) Transition: It asks the Welsh Government to place Community & Town Councils on an equal footing as Unitary Authorities and requires transition arrangements and the establishment of Transition Committees for local councils for dealing with recruitment and selection process for the clerk's post on new councils, assimilation of staff generally and negotiating staff contracts, handling redundancies, transfer of assets; delegation of services from the new county councils, equalisation of precept, and balances and reserves.
Question 6.2: Should the Boundary Commission be required to submit their

draft reports to Shadow Authorities from May 2019?
Community Council does not wish to comment on this question.
Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?
Community Council is of the view that Community & Town Councils are not subservient to Principal Authorities, but separate from them, so implementation should be independent of Principal Authorities and remain with the Boundary Commission.
Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?
11
Community Council is of the view that it supports mandatory core training which should be set by the Welsh Government to provide consistency across Wales, and the costs met my Welsh Government, though too much compulsory training could deter potential candidates for councillor.
Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?
Community Council is of the view that:
a) 3 years is too short for councillors elected in 2017, and a 6-year term is therefore necessary to bring about alignment with the election cycle of Principal Authorities
b) It welcomes the fixed terms of 5 years thereafter for Community and Town Councils, being clearer for the public and consistent with other elected bodies such as Welsh Government and Principal Authorities.
Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?
Community Council is of the view that:
a) It agrees with the requirement that Community & Town Councils should to consider and plan for the training needs of their own members and employees, but that plan should be commensurate with council size and resources and the services it undertakes
b) The training provider should be a collective body within the sector (such as One Voice Wales or the Society of Local Councils Clerks), not the Principal Authority, in order to maintain an understanding of the requirements and appropriate content of training relevant to local councils.
Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?
Community Council is of the view that:
a) A performance management framework as a matter of good employment practice, though resources need to be developed to enable community and town councils to implement such arrangements
b) Overall council objectives for priorities should be set by Council as a whole, though these should be relayed by a mutually agreed individual named councillor to the Clerk though an employee review and development cycle.
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Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?
Community Council is of the view that it agrees with the proposal to repeal legislation but that help to complete e-petitions should be made available for those who need it.

PART 7
Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?
Community Council does not wish to comment on this question.
Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a nonstatutory Commission?
Community Council does not wish to comment on this question.
PART 8
Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?
Community Council does not wish to comment on this question.
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ADDITIONAL QUESTIONS
Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?
Community Council is not aware of any consequential amendments to legislation that will need to be made that relate to the community and town
13
council sector in Wales.
Question 9.2: Pease provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.
Community Council does not wish to comment on this question.
Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.
Community Council is of the view that the Bill is the appropriate opportunity to deal with the matter of concurrent functions (and therefore the consequential matter of 'double taxation') and that greater distinction of powers between the various authorities is required for the public and for councils concerned.
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -110: Mr Lyn Cadwallader

Tref / Town : N/A
Sefydliad / Organisation : One Voice Wales

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

One Voice Wales is generally supportive of the general provisions set out in part 1 of the draft Bill even though they do not specifically relate to the community and town council (local council) sector.

However One Voice Wales would highlight the fact that provisions have not been made for the establishment of transition arrangements for community and town councils which is a significant oversight. One Voice Wales would welcome proposals within any future Bill that clearly rectifies this anomaly and places the first tier of local government on an equal footing with the second tier. It would be patently inequitable if resources were made available to enable Unitary Authorities to enable their transition into new structures and this was not offered to the local council sector level on a proportionate basis.

One Voice Wales member councils are not averse to being able to 'do more'. However they are concerned that 'doing more' comes with a cost: for example in running a full time rather than a part time office or maintaining extra buildings. One Voice Wales member councils feel that community councils in general will struggle to find the resources to meet the new demands without having to place a greater tax burden on local residents. The experience across Wales is that shifting services from county councils to community councils has not reduced the council tax take of the principle authorities but has increased that of community councils. The end result is an unwelcome larger tax bill for residents.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

One Voice Wales agrees that there should be a reduction of local authorities in Wales. One Voice Wales in its previous submission on the White Paper Power to the People and response to the Williams Commission has stated that there should be no more than eight county councils in Wales and feed back to One Voice Wales during the consultation period has indicated that eight authorities should be the absolute maximum number to serve the population of Wales. On this basis One Voice Wales considers two authorities for North Wales to be appropriate.

On the matter of European Funding, we also do not think that it should override a strategic, long-term case for mergers. There should be minimal impact on the delivery and related eligibility during the current 2014-2020 EU funding period. The majority of regions in the West Wales and the Valleys 'convergence' area remain in that area.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

One Voice Wales as stated above considers eight Unitary Authorities to be the maximum numbered required.

Key to the new configuration will be the need to ensure local representation structures are in place to enable communities to engage effectively in the new democratic structures. To this end One Voice Wales - as set out in its

Manifesto for the local councils sector identifies the need for the creation of new councils in areas where they do not currently exist. Our understanding from the consultation events run by Welsh Government at the beginning of February is that Welsh Government does not currently have a specific policy on the creation of new councils. One Voice Wales would like to see this developed and that the resources currently allocated to the development of Community Area Committee's be re-directed to the formation of new councils to ensure consistency of democratic arrangements across Wales and ensuring 'power is given to local people' to determine their own local priorities whilst at the same time informing strategic planning in the new county councils. Additionally Welsh Government could direct the Local Democracy and Boundary Commission Wales (LDBCW) to work with representative bodies such as One Voice Wales to help develop these new first tier bodies.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

One Voice Wales has no particular view to express about further powers - however several of our member councils do not consider that there would be any added value in merging these different organisations.

Question 1.5: What are your views on the procedure for naming the new Counties?

One Voice Wales supports the proposal for the shadow principal authorities to determine their own names and it supports the making of regulation powers by Welsh Ministers to give effect to this.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

One Voice Wales supports local government elections being moved to fixed five year terms from 2023. However, with regard to there being a six year term between 2017 and 2023 a range of views were put forward: some member councils would prefer two three year terms as a six year term might put off potential candidates from standing and would not be good for democracy. Other member councils were happy with the proposal as a one off to allow the changes in arrangements to be made and this was the most economic solution rather than having two sets of election costs. On balance more One Voice Wales members were in favour of a one off six year cycle.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

During discussions with Welsh Government colleagues at the beginning of the consultation period One Voice Wales raised the need for 'Transition Arrangements' to be set in place for the local councils sector in Wales as were

being established for Unitary Authorities – decisions taken through the transition committees of Unitary Authorities will no doubt have significant impacts on the first tier of local government and resources need to be made available to deal with issues such as asset merging, service merging, taking on services and or assets from current Unitary Authorities or future Unitary Authorities as well as managing the transformation agenda in terms of new local council boundary arrangements and equalisation or harmonisation of precepts. Without such arrangements in place this would jeopardise the potential for the new arrangements to be taken forward in a consistent and effective manner across Wales. One Voice Wales would be happy to work with Welsh Government on developing such arrangements to ensure as smooth as transition from the current to future arrangements.

Additionally, One Voice Wales is of the view that:
a) As functions, assets and services are passed from Principal Authorities to Community and Town Councils then so too should a proportionate portion of Non-Domestic Rates and Support Grants
b) For Principal Authorities to retain Non Domestic Rates and Support Grants but to devolve functions is illogical and unfair, and is likely to give rise to additional taxation of the citizen in order to meet the cost of devolved services.

The document does not consider the opportunity to distribute a percentage of NNDR to community councils. This has been called for by One Voice Wales in its recently launched Manifesto and we seek the opportunity that this legislation gives to address this imbalance.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

One Voice Wales does not have a specific view on this.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

One Voice Wales does not have a specific view on this.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

One Voice Wales does not have a specific view on this.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

One Voice Wales does not agree that the Preserved Counties should be changed since they form part of the modern history of Wales. The boundaries should be modified however to reflect the new local authorities.

Question 1.12: Are there other matters of a technical nature which should be considered?

Similar to the points raised in 1.7 One Voice Wales considers that section 18 and schedule 4 of the draft Bill – transfer of staff, property and liabilities, and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

One Voice Wales agrees with the principals of part 2 of the draft Bill.

One Voice Wales is of the view that:
a) Alternative's should be found for the status 'Competent'
b) Council would prefer alternatives such as 'Beacon', or 'Quality' or Charter' to mark the status of certain councils without carrying adverse implication of non-competence or incompetence.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

One Voice Wales generally supports the idea of competency requirements and the general requirements set out regarding the use of the new power – subject to the points raised below. One Voice Wales supports the notion of competence for councils that show clear initiative and capability. Any system to regulate the issue and retention of competence by individual councils needs to be consistent, transparent and fair. Competent councils deserve the right to access more extensive and far-reaching powers to enhance their respective communities. However One Voice Wales is of the view that:
a) The criteria for two thirds elected councillors should be removed and some other criteria to measure democratic engagement should be found
b) Co-Opted should not be treated in any subsidiary or secondary way and should have the same status and effect as elected ones, and does not wish to see a distinction which may be divisive.

One Voice Wales understands that some smaller Councils have concerns about the competency requirements as per the Well-Being of Future Generations (Wales) Act 2015. If they do not meet the criteria that 2/3 of their

Councillors are democratically elected their Council could never reach the levels required to gain the competency. What would this then look like to an outsider, "Your Council does not meet the criteria for Competency requirements" does this mean that the Council is not a competent Council, because it was felt that this is how the public would view this. It was suggested that this could be changed to "standards mark" or something similar.

One Voice Wales would support the suggestion to rethink the title of this as set out in our response to 2.1 above.

During the north Wales consultation event an important point was raised relating the introduction of the General Power of Competence (GPoC) for newly formed common councils in 2023 – unless amendments to the Bill were made these new councils would not be able to use GPoC as they would not have had two prior years of unqualified accounts. One Voice Wales welcomes the potential for GPoC to be implemented from 2017 however some concerns were raised that the requirement to have two thirds of members elected needed to be revisited as it was already proving difficult to attract people to stand for election. Additionally One Voice Wales welcomes the fact there is nothing in the draft Bill regarding the capping of GPoC – the retention of Section 137 on the statute books after the introduction of the Power of Well-Being was certainly a factor in discouraging local councils using the new power – and will encourage councils to seek this new status.

One Voice Wales members have concerns around financial governance, specifically unqualified accounts for 3 years.

They understand how smaller Councils would feel that this could be misleading the public. What if a Council has gained the competence level in one year but then their Clerk leaves and they employ a new Clerk who is not professionally qualified, or they do not achieve unqualified accounts, this Council does not meet the criteria but under the current proposals could continue as a competent Council for the remainder of the administration period (this could potentially be three years). This could also affect larger Councils should their Clerk or RFO leave their employ and new employees do not carry out the work to a necessary standard or the Clerk is not suitably qualified.

Consequently, some One Voice Wales member councils agree that it would be a good idea to have a resolution annually at the annual meeting of Council and that the annual report could be a way to prove that the Council is still meeting the criteria.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

One Voice Wales supports the Welsh Government intention to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales. In light of the pressures for service and asset transfer to the community and town council sector this will enable Government to design a system which takes account of wider changes to the powers and fiscal responsibilities of the Assembly, and devolves greater financial independence and responsibility to Local Authorities and an opportunity to review the future funding arrangements of a potentially significantly changed local councils sector.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

One Voice Wales supports the proposed public participation duty placed on the new county councils and the requirement to consult on the budget however further detailed guidance on how community and town councils will be engaged in this process would be welcomed.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

From individual responses received by One Voice Wales member councils and feedback from the two consultation events held by Welsh Government in early February there is almost (one Community Council in the North Wales consultation event thought Community Area Committee's had the potential to be more inclusive decision making bodies) universal condemnation of the proposals for Community Area Committee's – largely seen as an unnecessary new layer of bureaucracy and introducing even more complexity into the local government system for local electors. One Voice Wales member councils would be opposed to the introduction of Area Committees as a new tier of governance; they consider that the engagement with other organisations is something that Community Councils should be taking on.

One Voice Wales members have concerns over the potential governance arrangements including unelected representatives and concern that if they were to go ahead that community and town councils would be significantly under-represented in terms of the membership of these bodies. Reference was made during the consultation events in north and south Wales that similar structures had attempted to be implemented by existing local authorities with no success. However, given the size of the new county councils it is important to promote subsidiarity to ensure decisions affecting local communities are made at the local level. This will encourage local people to engage in decisions affecting them and will not dilute democratic representation and accountability. Based on current proposals if the Community Area Committee's were to be introduced they would like to see much greater representation based on a third county councillors, third community and town councils and a third community bodies format. However care will need to be taken in developing guidance on how community councillors are selected for representation on such Committee's as there is a danger some localities will

be under-represented or lack any representation at all at the community and town council level. It is critically important that the new county councils are not permitted to appoint only one joint representative for the local council sector for any given community area and that appointments are made on a one to one basis so that every community council has its own seat on the area committee. One Voice Wales considers further thought needs to be given as to how those councils subject to the section 40 duty of The Well-Being of Future Generations (Wales) Act 2015 are treated with regard to representation on such boards – strong representation made via the consultation events suggest they should be given their own seat on these community area committees given the statutory role they have in achieving outcomes for local citizens. Additionally members of One Voice Wales wish to see further development of the role of Charters on local decision making arrangements between the two tiers of local government – One Voice Wales members consider that these Charters have not been given sufficient time and status by Local Authorities and with a small amount of resource could provide a robust vehicle for sustaining local services within communities in the future.

One Voice Wales members consider that a better use of public resources should be invested in the creation of new common councils for community areas across Wales where there is currently no coverage and that this is done as quickly as possible. The creation of new local councils in areas where they currently don't exist will strengthen local working arrangements and could be used to help promote new democratic models of neighbourhood participation. The current Welsh Government work stream on Alternative Delivery Models provides an opportunity for community and town councils to play a key democratic accountability role within community area's whilst at the same time providing new opportunities for new ways of working with the Third sector in Wales on the provision of locally needed services. The creation of Community Council or Town Council Partnerships with representation from key local stakeholder and service suppliers offers an attractive and alternative model to Community Area Committee's such as those established in Talgarth Town Council and Llanelli Town Council areas.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

As stated above One Voice Wales members are not in favour of the establishment of such bodies. Again as it was felt that Area Committees are not necessary County Councils need not delegate functions to them. Why can't they delegate these functions to the Community Councils, would new Area Committees provide added value?

These Area Committees are likely to confuse the public more than they already are about the tiers of Government. It should be about more engagement from the tiers already in place, not another committee or level.

Whilst the funding for Unitary Authorities is being cut, where would the government find the funding for the new Area Committees?

Rather than new structures One Voice Wales would welcome a Welsh Government commissioned piece of research that undertakes a comprehensive review of the potential non-statutory functions of existing Local Authorities to be undertaken by the community and town council sector in future in partnership with other bodies as outlined in 3.3 above. At the time of writing many non statutory functions are being considered by community and town councils across Wales for service transfer or asset transfer. This research would complement the existing Alternative Delivery Models work stream that One Voice Wales is engaged in with Welsh Government and relevant partners and enable better transition decisions to be made on the viability of running services at the first tier of local government – at present there are many presumptions being made about the capacity and capability of the local councils sector in the absence of robust commissioning data to base such considerations on.

One Voice Wales fully supports the principal that as many functions as possible should be delegated for local determination and should be considered by transition committees – at Unitary Authority level and at community and town council level (see earlier comments for the need for such transition committee's at first tier level) - specifically established to account for the significant changes proposed for the local council sector in the next six years.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

One Voice Wales would advocate the need to make full use of the Charter arrangements in existence across Wales between the two tiers of local government for consideration of existing arrangements and potential future arrangements. The potential of this vehicle for joint engagement has not been used to its full potential and should be pursued in advance of the creation of new structures.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

One Voice Wales welcomes in principle the introduction of Improvement Requests as a means of 'open dialogue for getting the right outcome for an area'. However, One Voice Wales considers care needs to be taken to ensure there are safeguards in place so that they are used appropriately and do not inhibit effective future collaboration between the tiers of local government.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

One Voice Wales members raised concerns about the introduction of section

77 – filming, photography and sound recording of meetings – at each of the two Welsh Government consultation events at the beginning of February 2016. In north Wales specific concerns related to issues relating to the Data Protection Act and that information could be used inappropriately to peoples detriment – certainly the potential of cyber bullying to occur was raised. Given that it is already difficult for Councils to attract people to stand for election this section – if introduced – could potentially act as another reason for people not putting themselves forward. Furthermore one of our member councils raised a specific issue relating to filming of community council committee meetings. For example, What will be the impact on the integrity of the official record? At the moment any recordings or notes made to assist writing the minutes are destroyed as soon as the minutes are adopted. Once councillors have adopted the minutes they are the official record. Officers need the protection that if they put into effect the official record they would not be liable should there be a subsequent ruling, based on a third party recording, that the official record is inaccurate.

Another member council has suggested Community and Town Councils should be able to make their own rules (such as Standing Orders) whether to allow filming, recording or photograph at meetings, and that images should be limited to participants in the meeting and not the general public in attendance, and that information so captured should not be used in a demeaning or humiliating manner, or otherwise put at risk councillors or staff.

These proposals will require further consideration and guidance to be issue by government.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

One Voice Wales supports the suggested approach in the consultation document – and the use of Measure 2011 criteria which many council's have introduced and have in place already - and the production of guidance to be issued under the Bill.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Members of Community Councils to Complete Training - One Voice Wales have a number of concerns relating to the future training requirements set out within the proposal. One Voice Wales has a policy that states that all sector councillors should receive compulsory training. This would be an appropriate and reasonable element of general training relating to the running of local councils and how to be an effective councillor. However, we would also strongly support a framework where there was ample encouragement and support for further training within and across numerous specialist fields of council work. We would want and expect sufficient resources to be made

available by Government in order for this to be possible. We would be wary of being guided by large county councils, regional by nature following potential reorganisation, and would much rather have a training regime regulated by our own sector, having both the knowledge and experience in this matter over many years.

Overview and Scrutiny Committees – One Voice Wales believes that the sector has a useful and important role to play in the implementation of scrutiny within other public sector bodies. Representatives from appropriate community and town councils should be factored into the make-up of these operations.

Review of Community Council Arrangements – One Voice Wales repeats its stance that the way forward should not be based on enforced amalgamation of smaller councils, resulting in more remote community representation and cohesion, but rather that groups of adjacent councils should be encouraged to work together in clusters in order to accommodate economies and efficiencies of scale.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

One Voice Wales has no specific view on this matter.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

One Voice Wales welcomes Welsh Government proposals to repeal Part 2 of the Deregulation and Contracting Out Act 1994 as it applies to contracting out of functions of local authorities in Wales. One Voice Wales is supportive of a new regime that will allow for the delegation of local authority functions to third parties and Welsh Government's intention to create a new power of delegation with the power being extended to include the community and town council sector.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

One Voice Wales is of the view that the proposal would put pressure on IRPW, which may then feel obliged to follow the guidance and the IRPW thereby ceasing to have independence. Additionally, increased or delegated functions of Community and Town Councils means increased responsibility and this should be adequately recognised in remuneration.

The IRPW is already engaging closely with One Voice Wales and its member councils on matters affecting the local councils sector and amending

allowances and introducing new allowances in line with Unitary Authority members for community and town councillors to take account of increased and increasing workloads and responsibilities.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

One Voice Wales recognises there is already provision within the Draft Bill to allow electronic summons (emails) and remote attendance recognising the difficulties arising from work, travel or other commitments. For larger Councils the latter might involve sophisticated video conference links so for the smaller community councils One Voice Wales would want to see Skype, FaceTime, Messenger and other social media video links included. The use of modern communications media should enable the members of the smaller councils to be able to participate in meetings remotely to ensure that there is the fullest consideration of all issues by the council members either directly present or via an electronic link.

The document states for the Principal authorities that: “The provisions enabling remote attendance at Council meetings, introduced in the Local Government (Wales) Measure 2011 (“the 2011 Measure”), have not been widely adopted. Feedback from Local Government has indicated either a lack of demand for the facility or a view that the technical challenges required to abide by the detailed provisions of the Measure has led to the reform not being implemented at Local Authority level. The Welsh Government believes that enabling remote attendance has particular attractions for Members who may, for employment, travel or domestic reasons, find it difficult to attend some meetings. This may increase with the move to new Authorities, given their larger size and if the age, gender and employment profile of Councillors improves, as intended. Although no provision is made in the Draft Bill, it is our intention to include in the Bill for introduction provisions which would amend the 2011 Measure in order to further facilitate the operation of remote attendance by Councillors at Council meetings.”

One Voice Wales believes that this should also be introduced for Town and Community Councils.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

One Voice Wales has no particular view to express about this.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

One Voice Wales has no particular view to express about this.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

One Voice Wales has no particular view to express about this.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The intended approach and proposals seem fair and reasonable in principle however Community and Town Councils should be given the option to acquire the asset before it is offered for sale as per the existing Land Transfer Protocol that exists between public bodies where a public asset is offered to another public body before being made available to the wider market.

One Voice Wales strongly believe that some assets within communities should be protected for public use e.g. listed buildings, open spaces etc. Longer consultation periods are required to enable community and town councils and their communities to develop strategies and funding to take over assets. A disposal of assets register should be public to enable communities to take a long term vision for transfer. Additionally, the capacity building for community groups to enable them to successfully run assets needs further thought and consideration – it may be more appropriate for resources to be directed to community and town councils rather than starting capacity building afresh with a newly established group.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

This part of the Bill is largely irrelevant to the local council sector – One Voice Wales does not have specific responses to make.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Please refer to 5.1 above.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Please refer to 5.1 above.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Please refer to 5.1 above.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Please refer to 5.1 above.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Please refer to 5.1 above.

Question 5.7: If so, would they benefit from additional legal powers?

Please refer to 5.1 above.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Please refer to 5.1 above.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Review of Community Council Arrangements – One Voice Wales repeats its stance that the way forward should not be based on enforced amalgamation of smaller councils, resulting in more remote community representation and cohesion, but rather that groups of adjacent councils should be encouraged to work together in clusters in order to accommodate economies and efficiencies of scale.

Community Council Precept: One Voice Wales welcomes the fact that this will

be dealt with on a longer time basis however urges Welsh Government to establish arrangements for the development of resources eg guidance documents/ good practice models to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged.

Annual reports: One Voice Wales supports the development of Annual Reports however these requirements should be proportionate to the size of council and functions undertaken. Annual reports should enable greater local accountability and encourage democratic engagement with the first tier of local government.

Transition arrangements: As already mentioned in 1.1 above this is a huge area of concern. The Local Authority legal department will have a role to play (which in itself has implications for staffing levels to cope) as will One Voice Wales and the SLCC/OVW would be major players in any transition. Our view is that there is almost certainly the need for an over-arching body, call it the Community Council Commission or whatever, to oversee the changes.

One Voice Wales urges Welsh Government to place the local council sector on an equal footing as Unitary Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

The process of merging community councils will cost money. Many small community councils currently operate out of a part-time clerk's home. Once combined these councils will have to find (and pay for) office accommodation to be able to provide the quality of service expected.

Once set up even combined community councils will struggle to find the resources to sustain and deliver services. They will tend to have narrow tax bases and, unless they have alternative income that they can use, will find it difficult to raise money to fund the staff required to run devolved public services, maintain transferred buildings etc.

Increased demands on the resources of community councils also apply to the councillors themselves. They are volunteers, often with other jobs or responsibilities. Giving them ever growing responsibilities for the safe, economic delivery of local services will put increased demands on their time and skills. If the demands become too great it will become harder and harder to attract suitable candidates. Already many community councils struggle to find enough candidates for proper contested elections. These changes are unlikely to make the situation easier. A big benefit of current community councils is their sense of identity and of being rooted in a location. Bigger councils risk losing that local link and will make it harder for councillors to judge the local community public interest. If more services and facilities are devolved from county councils a mechanism will be needed to ensure that

councils in local service centres (like Beaumaris) get financial support from other communities in their catchment area whose residents use those facilities. The success with which this benefit can be realised depends heavily on the direction given to the Boundary Commission about how community councils will be joined together. Constraining combined communities to current ward boundaries or setting upper and lower limits on size, or to be clustered around a 'competent' council runs the risk of creating councils that don't serve a sensible catchment area or have a sense of place and belonging.

Double taxation: Councils need to be assured that the question of double taxation if community councils take over service provision that has generally been provided be the Unitary Authorities in the past is not relevant.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

One Voice Wales does not agree with the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. To do so would place a limited timeframe for the completion of a critical exercise for the future of local democracy. The timeframe of April 2020 is more realistic however this may still pose capacity problems given the number of local councils. The Commission must not be rushed to complete its work programme – it will be better to get it right than push through changes without full consideration of their consequences. At the two consultation events local council representatives raised several matters in relation to this work. Before reviews are commenced Welsh Government needs to articulate the purpose of merging local councils – for example, what will be the future functions of the local councils sector as this has been absent from both the White Paper and this latest consultation. One Voice Wales is concerned that one of the potential unintended consequences of merged councils is a significant reduction in the number of local councillors which will only undermine the ability of the sector to act on behalf of its electorates as the capacity of the sector will be significantly reduced. Additionally One Voice Wales members want Welsh Government to provide directions to the LDBCW to have due regard to the safeguarding of the Welsh Language when making its recommendations.

One Voice Wales agrees that arrangements for dissolving/merging Authorities before the review should be suspended and that the legislation for this should be looked at.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

One Voice Wales is of the view that the Boundary Commission should hold this responsibility to avoid the possibility of Ministers or local authorities attempting to use this power to unduly influence outcomes of such reviews.

As one of our member councils expressed "…the opportunity to "Gerrymander" should be prevented at all costs". The development of robust transition arrangements for the community and town councils sector will allow for consideration of local geography, demographics, and Welsh Language matters by local councils and can support the work of the Local Government Boundary and Democracy Commission and overcome any perceived lack of knowledge of local areas on the LGBDC part.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

One Voice Wales has a policy that states that all sector councillors should receive a basic set number of essential training courses. This would be an appropriate and reasonable element of general training relating to the running of local councils and how to be an effective councillor. On balance more of our members felt that training should not be compulsory however a mechanism for encouraging community councillors to attend training, for example, a Local Council Leadership programme may be a more appropriate solution as there are concerns mandatory training would act as a barrier to seeking election. However, we would also strongly support a framework where there was ample encouragement and support for further training within and across numerous specialist fields of council work. We would want and expect sufficient resources to be made available by Government in order for this to be possible.

One Voice Wales members are opposed to Unitary Authorities determining compulsory training and believe this should be a matter for the sector itself to determine in collaboration with its representative body One Voice Wales.

Principal Authorities are not the appropriate bodies to set, design or deliver training, and that collective bodies within the local council sector (such as One Voice Wales or Society of Local Councils Clerks) should undertake that role in order to maintain an understanding of the requirements and appropriate content of training relevant to local councils. In the case of a councillor not completing training, that the Standards Committee is the appropriate body to investigate the issue and issue appropriate sanction, so that relations between Council, Councillor and Clerk are not strained.

One Voice Wales and its member councils consider that there will be some training that the Unitary Authorities should commission training - such as Code of Conduct training - and that this training should use the existing knowledge, expertise and training structures in place that can be provided by One Voice Wales rather than the Unitary Authorities.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

One Voice Wales has already expressed its view on this earlier in the consultation response.

Several One Voice Wales member councils expressed the view that twin hatted Councillors should be permitted to continue as this is deemed beneficial to both tiers of local government.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

One Voice Wales members would be wary of being guided by large county councils, regional by nature following potential reorganisation, and would much rather have a training regime regulated by our own sector, having both the knowledge and experience in this matter over many years.

One Voice Wales is ideally placed to support and monitor such developments with appropriate support from Welsh Government.

One Voice Wales member councils would be happy to utilise e-learning for training purposes but they agree that defining what training and what the standards of training should be and how these would be identified would need to be given careful consideration.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

One Voice Wales generally supports the introduction of a performance management framework as a matter of good employment practice however resources need to be developed to enable community and town councils to implement such arrangements as this is an activity alien to many of our existing members. One Voice Wales is increasingly supporting local councils in implementing staff appraisal schemes and helping local councils to determine its objectives in collaboration with Clerks and other staff members however this has been on a relatively small scale in relation to the size of the sector. The duty should fall on the Council as a whole however in practice this is likely to be delegated to a specific staffing committee for management and monitoring of arrangements. It should be done by the Council as a whole in consultation with the Clerk and the Staffing Committee and not by an individual Councillor as the Chairman/ Mayor does not have any enhanced responsibility to other Councillors as the role in an honouree role only.
Training for clerks and councillors will be an essential prerequisite to this moving forward and Welsh Government should support the creation of resources to enable this to happen.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

One Voice Wales supports this development in principle - we would agree with this suggestion were it not for the fact that the roll out of Superfast Cymru has not yet happened in many rural communities and this could also disadvantage older residents and those who choose not to use electronic communication. Currently they can pass on their opinions through the community council.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

One Voice Wales considers the introduction of Transition Arrangements and the development of transition committee's essential in supporting the vision of government for the local councils sector. One Voice Wales along with other sector bodies such as the SLCC are well placed to work with government to ensure all workforces related matters are appropriately considered during the six year window prior to 2023.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

One Voice Wales supports the creation of the Staff Commission however given the potential services and asset implications for Community and Town Councils post Unitary Authority re-structuring One Voice Wales consider there is a need for representation on such a commission by the local council sector and consequently One Voice Wales would welcome the opportunity to sit on the Commission to ensure the interests of local councils in Wales are suitably represented.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

One Voice Wales has no view to express about this part of the draft Bill.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

One Voice Wales is not aware of any that relate to the community and town council sector in Wales.

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

One Voice Wales has no other observations or feedback.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

None thank you.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -111: Arfon Davies

Tref / Town : Llandyfaelog
Sefydliad / Organisation : Llandyfaelog Community Council

Dear Sir / Madam

Re: Draft Local Government (Wales) Bill

I write on behalf of the members of Llandyfaelog Community Council in relation to the draft Local Government (Wales) Bill and thank you for consulting with us on its content.

The matter was discussed by Council at its meeting of the 4th December and we wish to provide you with the following comments:

Chapter 2 - Community Councils with Competence

Llandyfaelog Community Council agrees with the proposals made in relation to a Council resolving

itself as being with competence. We also note and support the decision not to provide the Principal Authority with the power to revoke this status.

The Council is also supportive of the decision not to progress with a competency test of an annual turnover of over £200,000. The other conditions set out appear sensible and commensurate with achieving competency.

Part 3 - Chapter 3 - Community Area Committees

While not opposed to the suggestion in principle, Llandyfaelog Community Council has concerns in relation to this proposed structure. The possibility of increased bureaucracy appears very high.

The delegation of powers to the area Committees could result in confusion of who has responsibility for service provision. This is especially likely taking into account the suggestion of increasing delegation to, and increasing the powers of, Community and Town Councils. This provides the possibility that Area Committees will be left with patchy responsibilities across Communities leading to enormous confusion for residents, Principal Authorities, Area Committees and Local Councils alike.

Should the structure be implemented it is vitally important that Principal Authority Members and Members of local Community and Town Councils are represented on the Committees.

Part 3 - Chapter 5 - Access to Meetings etc.

The suggestion in relation to repealing the restriction of conducting meetings of Community Councils at licensed premises appears appropriate.

The possibility that Community Councils could provide electronic summons, but only where requested by Council Members should be considered. The current proposal extends only to Principal Councils.

Part 4 - Electoral Qualification

Llandyfaelog Community Council would not support a proposal to prevent Elected Members of Principal Councils from serving as a Community Councillor at the same time. It is our experience that the current position has been beneficial to the working relationship between Community Councils and Principal Authorities.

Part 4 - Transfer of Local Authority Assets

These proposal appears sensible, however we would wish to ensure that Community and Town Councils were placed in a strong position in the bill to undertake the transfer of such assets.

Part 6 - Chapter 1 - Review of Community Council Arrangements

The proposal to ask the Local Democracy and Boundary Commission to conduct the review rather than Principal Authorities appears appropriate.

Llandyfaelog Community Council would be content with the publication of the draft reports in either 2019 or 2020. It will however be vitally important to ensure sufficient resources are available to the Commission to enable adequate consultation and discussions with all Councils affected by considered changes.

Chapter 2 - Members of Community Councils to Complete Training

Llandyfaelog Community Council wishes to express its concerns in relation to these proposals. Members of Community and Town Councils bring a wide range of knowledge and experience to the role. This knowledge or qualifications would not be taken into account by an arbitrary requirement

for specific training. Further consideration is required on a process of consultation between Community Councils and Principal Authorities to ensure that unfortunate disputes do not arise.

The proposal for Community Clerks to report non attendance of training by specific members to Council also does not appear to be conducive to the efficient running of the authority and would not be supported.

Chapter 3 - Community Council Election Dates

We agree that the dates of Community Council elections should on all occasions coincide with those of the Principal Authority. This has the double advantage of increasing turnout and decreasing costs.

Capping the Community Council Precept

Llandyfaelog Community Council would not support a proposal to cap precepts as this would place unnecessary obstacles in place to a Community or Town Council taking on additional powers or responsibility for Community Assets. Councils could be left in a position of wishing to provide services but without the ability to raise resources for the purpose.

Annual Reports

We would advise that Community Councils already publish copies of minutes and meeting papers onto Council websites. The requirement to provide an annual report appears to be an unnecessary additional burden with little benefit to local Communities.

Training

The requirement for Community Councils to consider their own training needs, while appropriate, is already undertaken. One Voice Wales provides an annual training programme which is received by all member Councils for consideration on what is required. The organisation also provides specific training where requested.

Performance management

The proposals relating to the performance management of Clerks and the provision of annual objectives appears unnecessary. Council Clerks are managed by Councils corporately and the objectives of the Council set out in Community plans or meeting minutes are therefore the objectives of the Clerk. Additional requirements for the provision of annual objectives do not appear sensible when taking this into account. Any suggestion of direct line management by Council Chairpeople would not be supported due to the possibility of a detrimental effect on working relationships.

Llandyfaelog Community Council hopes these comments are helpful as part of this consultation process. Should you require any further information, please do not hesitate to contact me.

Yours faithfully

Arfon Davies
Clerc / Clerk

26897 -112: Debbie Wilcox

Tref / Town : Newport
Sefydliad / Organisation : works for Newport City Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Option 7 is the wrong configuration - Newport needs to stand alone as a city - this is a retrograde step and takes away local accountability from local government

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

No view

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

They are too remote and lacks locality - we will end up with the most remote local government in Europe

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

No View

Question 1.5: What are your views on the procedure for naming the new Counties?

No view

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Takes the local accountability away

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

There will be winners and losers

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

I'm sure there are extremely well paid Civil Servants who could formulate a strategy for this measure

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?
Same answer as 1.8

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Same answer as 1.8

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

I'm sure Her Majesty and her government will tell you what is acceptable

Question 1.12: Are there other matters of a technical nature which should be considered?

Ask the senior Officers for advice

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

No

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

They are an expensive talking shop

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Public participation is a problem for all politicians at every level - at least in Local Government there is a reasonable chance that constituents know their Councillor as they live in their areas and engage in local activities on a daily basis

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

It won't work in practice - the general public devolve responsibility via the ballot box

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

I don't believe community area committees should be constituted in the first place

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?
No

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

They should not exist in the first place

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

No

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Try and get people to a meeting?? - Jeremy Corbyn managed it last summer - people get enthused if there's something to believe in

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

This is extremely difficult - young people keep asking for political education but the curriculum is crowded with the drive for Level 2+ outcomes

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

This should be a duty across government - not just for Councils

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Again - a duty for all publicly elected members not just for Councils

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

No

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Who has a regard for guidance for Assembly Members renumeration? It should be

one framework for all

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

No comment

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Waste of money - reallocate the responsibilities

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

This is already an option

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Stop trying to over-manage and over-complicate

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

This is explosive territory and you should proceed with caution

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Good governance should be intrinsic at all levels of government

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Fine - as long as it also applies to Welsh Government

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

No

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

As long as this incessant assessment doesn't detract from the business of service delivery

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

No comment

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

No

Question 5.7: If so, would they benefit from additional legal powers?

No

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Stop over-legislating

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Community Councils should be abolished

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

No because this is a flawed process with artificial and non-existent boundaries

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

No implementation of a flawed design

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Delete Community Councils

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Abolish them

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

They shouldn't exist

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Yes - abolish them

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Waste of time

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Anything that strengthens support of the workforce is to be welcomed

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

No comment

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Not aware

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

No response

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

You are deleting hundreds and hundreds of Councillors through this Bill and de-stabilising local community engagement throughout the whole of Wales.
I really hope that Welsh Government reflect upon what they are doing and realise that although no-one would argue that some revision of local government is necessary - this Bill is a sledgehammer to crack a nut.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -113: Ian Griffiths

Tref / Town : Sesswick, Wrexham
Sefydliad / Organisation : Sesswick Community Council

Consultation questions

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Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

This council is concerned over the methodology that would potentially be employed to centralise smaller community councils into larger areas to achieve (perceived) critical mass. The documentation does not delve into details on what considerations would be taken into account and how a viable community council would be defined.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The council prefers the draft reports to be published from 2019, to allow greater visibility into the recommendations being made.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

It is this council's preference that county councils play a bigger role in the amalgamation process. This is the organisation with the greatest knowledge on the communities in scope and could be held democratically accountable for the decisions taken. A review of the 2011 Local Government Boundary Commission for Wales' work into the reorganisation of county council wards

would suggest that their primary focus was the numerical equalisation of ward electorates, without necessarily bearing in mind the distinctiveness of individual communities. This council believes strongly that certain areas cannot be readily fused together just because of geographical proximity and transport links. In that context, the council is uneasy for the Boundary Commission to implement its own recommendations.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

There is disquiet concerning the extra (and currently undefined) responsibilities that the documentation suggests the new councils will be undertaking. This lowest tier of local government has traditionally been comprised primarily of volunteers.
The provision of training is in itself very much welcome. However, the burden of additional duties imposed and the threat of disciplinary action for not attending compulsory training without due reason may risk some able and hard- working community councillors not wishing to continue in the role. Furthermore, having the onus on the clerk (the employee) to judge the council (the employer) for any such non- compliance places the officer in a most difficult situation. It is preferable for this to be performed by the county council

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

The council sees no issue with extending the term from the 2017 ballot to six years, and the new councils being elected in 2023 to serve five year terms.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -114: Denfer Morgan

Tref / Town : Aberaeron and Llansantfraid
Sefydliad / Organisation : Aberaeron and Llansantfraid Town and Community Councils

Ymgynghoriad ar y Bil drafft Llywodraeth Leol (Cymru)

Ffurflen ymateb i'r ymgynghoriad

Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Fel arfer, cyhoeddir enw a chyfeiriad (neu ran o gyfeiriad) yr awdur yn ogystal â'r ymateb, am fod hynny'n rhoi hygrededd i'r ymarfer ymgynghori.

Enw*: Denfer Morgan (Clerc y tri Cyngor)

Sefydliad: Cyngor Tref Aberaeron a Chynghorau Cymuned Ciliau Aeron a Llansantffraed

Ebost*: denfer.morgan@btinternet.com

Rhif ffôn: 01545 570323

Cyfeiriad: Nantgwyn, Heol Llyswen, Aberaeron, SA46 0ED.

Cwestiynau Ymgynghori

Dylai'r cwestiynau hyn gael eu darllen ar y cyd â'r Bil Drafft, y Memorandwm Esboniadol Drafft a'r Asesiad Effaith Rheoleiddiol Drafft

RHAN 1

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 1 o'r Bil Drafft?

Yn gyffredinol, mae'r Cyngor yn siomedig nad oes digon o bwyslais yn cael ei roi ar y peth pwysicaf, sef penderfynnu ar y ffordd orau o ddarparu gwasanaethau i bobl Cymru. Dylai'r ymarferiad hwn fod yn gyfle i gytuno unwaith ac am byth y ffordd mwyal effeithiol, effeithlon a darbodus i ddarparu gwasanaethau gan gyrff gyhoeddus yng Nghymru, sef Llywodraeth Cymru, llywodraeth leol, y sector iechyd a chyrff eraill megis y gwasanaeth tân, cymdeithasau tai ac yn y blaen. Mae yna ormod o bwyslais ar strwythurau a materion trefniadol eraill. Beth yw'r pwynt o fynd i'r holl drafferth o ad-drefnu heblaw fod yna syniad clir o sut dylai pobl Cymru dderbyn y gwasanaethau gorau?

Cwestiwn 1.2: Beth yw eich barn ar yr opsiynau ar gyfer cael 2 neu 3 Sir yn y Gogledd, fel y nodwyd yn Atodlen 1 i'r Bil Drafft?

Dim sylw.

Cwestiwn 1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd Llywodraeth Leol yng Nghymru?

Dylid cytuno'n gyntaf y ffordd gorau o ddarparu gwasanaethau a wedyn pendefynnu ar y strwythur daearyddol gorau.

Cwestiwn 1.4: A oes angen i Weinidogion Cymru geisio unrhyw bwerau pellach i gefnogi'r gwaith o integreiddio Bwrdd Iechyd Powys a Chyngor Sir Powys?

Dim sylw.

Cwestiwn 1.5: Beth yw eich barn ar y weithdrefn ar gyfer enwi'r Siroedd newydd?

Dim sylw.

Cwestiwn 1.6: Beth yw eich barn ar y newidiadau arfaethedig i amserlen etholiadau Llywodraeth Leol?

Dim sylw.

Cwestiwn 1.7: A oes gennych unrhyw sylwadau cyffredinol am y darpariaethau yn adran 16 ac Atodlen 3 y Bil Drafft sy'n ymwneud â chyllid Llywodraeth Leol?

Dim sylw.

Cwestiwn 1.8: Sut y gallai Llywodraeth Cymru fesur y nifer sy'n osgoi talu Ardrethi Annomestig ar hyn o bryd?

Dim sylw.

Cwestiwn 1.9: A oes gennych unrhyw sylwadau neu awgrymiadau ynghylch sut y gallai deddfwriaeth yn y dyfodol helpu i leihau'r nifer sy'n osgoi talu Ardrethi Annomestig?

Dim sylw.

Cwestiwn 1.10: Ym mha ffyrdd eraill y gallai Llywodraeth Cymru alluogi Llywodraeth Leol i leihau'r nifer sy'n osgoi talu ac sy'n twyllo'r system Ardrethu Annomestig?

Dim sylw.

Cwestiwn 1.11: A ydych chi'n cytuno y dylid diddymu'r siroedd wedi eu cadw a gwneud diwygiadau canlyniadol er mwyn penodi arglwydd raglawiaid ac uchel siryfion mewn perthynas â'r siroedd fydd yn bodoli ar ôl 1 Ebrill 2020?

Dim sylw.

Cwestiwn 1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?

Dim sylw.

RHAN 2

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 2 o'r Bil Drafft?

Mae'r cynigion yn rhy fras ac mae angen mwy o gig ar yr ychydig o fanylion a roddir. Pam fod angen creu cynghorau cymuned mwy o faint a chreu byrddau ardal – gyda'r posibilrwydd o ddatganoli cyfrifoldebau i'r ddau. Os nad oes yna syniadaeth clir, fe all fod yn draed moch.

Cwestiwn 2.2: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â Chynghorau Cymuned â chymhwysedd?

Mae'r cynnig yn mynd llaw yn llaw gyda'r bwriad i sefydlu cynghorau cymuned mwy o faint – mae'r pŵerau newydd yn rhyfeddol o aneglur.

RHAN 3

Cwestiwn 3.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 3 o'r Bil Drafft?

Croesewir unrhyw gynigion i godi ymwybyddiaeth y cyhoedd o lywodraeth leol.

Cwestiwn 3.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ynghylch cyfranogiad y cyhoedd a'r gofyniad i ymgynghori ar y gyllideb flynyddol?

Mae'r amserlen yn dynn yn barod – rhaid rhoi dyddiad cynnar pendant i Gynulliad Cymru cyn rhoi rhagor o ofynion i gynghorau sir a chymuned.

Cwestiwn 3.3: Sut y dylid ceisio a dewis cynrychiolwyr cymunedol i fod ar bwyllgorau ardaloedd cymunedol?

Mae'r ychydig o linellau sy'n son am bwyllgorau ardal yn llawer rhy foel i roi ystyriaeth ystyrlawn i'r cynnig. Sut gallant fod yn gyrff democrataidd gyda'r hawl i ddarparu gwasanaethai datganoledig os fyddant yn llawn o bobl wedi'u henwebu. Pam fod angen haen anetholedig rhwng y cynghorau sir a'r cynghorau cymuned? Nid ydych wedi egluro pwrpas y byrddau yma'n ddigonol.

Cwestiwn 3.4: A ydych chi'n cytuno y dylai Cynghorau Sir allu dirprwyo swyddogaethau i bwyllgor ardal gymunedol? Os ydych, a oes unrhyw swyddogaethau y dylid neu na ddylid eu dirprwyo?

Na – maent yn sefydliadau anemocrataidd.

Cwestiwn 3.5: A oes gennych unrhyw farn ynghylch a oes angen rhoi trefniadau trosiannol ar waith ar gyfer pwyllgorau ardaloedd presennol, neu a yw cyfnod arweiniol da yn ddigonol?

Dim angen y byrddau o gwbl.

Cwestiwn 3.6: A oes gennych unrhyw sylwadau am y darpariaethau diwygiedig ar gyfer 'ceisiadau ar gyfer gwella' neu ar y rhyngweithio rhwng y darpariaethau hyn a'r rheini sy'n ymwneud â'r ddyletswydd cyfranogiad y cyhoedd (Rhan 3, Pennod 2) a phwyllgorau ardaloedd cymunedol (Rhan 3, Pennod 3)?

Dim sylw.

Cwestiwn 3.7: A oes gennych sylwadau am unrhyw un o'n cynigion pellach sy'n ymwneud â mynediad i gyfarfodydd?

Na – croesawu cyfreithloni defnydd ehangach o gysylltiadau a chyfathrebu electronig.

Cwestiwn 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?

Na – croesawu.

RHAN 4

Cwestiwn 4.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 4 o'r Bil Drafft?

Dim sylw.

Cwestiwn 4.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ar arweinwyr grwpiau gwleidyddol neu ar rolau monitro ac adrodd y Pwyllgor Safonau?

Dim sylw.

Cwestiwn 4.3: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud ag Awdurdodau Lleol yn dirprwyo swyddogaethau?

Dim sylw.

Cwestiwn 4.4: A oes gennych unrhyw sylwadau am ein cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol i ystyried canllawiau wrth adolygu'r fframwaith cydnabyddiaeth ariannol ar gyfer Cynghorwyr?

Dim angen y pŵer hyn ar weinidogion.

Cwestiwn 4.5: A ydych chi'n cytuno y dylai'r darpariaethau sy'n ymwneud â mynychu cyfarfodydd o bell ym Mesur 2011 fod yn fwy hyblyg?

Dim sylw.

Cwestiwn 4.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Awdurdodau Cysgodol benodi Swyddogion Canlyniadau dros dro?

Dylid gwneud y peth callaf.

Cwestiwn 4.7: A oes gennych unrhyw sylwadau am fuddioldeb rhoi'r pŵer i Gynghorau ddiswyddo'r Prif Weithredwr, y Prif Swyddog Cyllid, y Swyddog Monitro a'r Pennaeth Gwasanaethau Democrataidd trwy bleidlais?

Dim sylw.

Cwestiwn 4.8: A oes gennych unrhyw sylwadau am ein cynigion i newid y fframwaith a ddefnyddi gan Gynghorau a'u Gweithrediaeth i benderfynu sut i ddyrannu eu swyddogaethau?

Dim sylw.

Cwestiwn 4.9: A oes gennych unrhyw sylwadau am ein cynigion mewn perthynas â gwaredu a throsglwyddo asedau Awdurdodau Lleol?

Dim sylw.

RHAN 5

Cwestiwn 5.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 5 o'r Bil Drafft?

Dim sylw.

Cwestiwn 5.2: A oes gennych unrhyw sylwadau am ein cynnig i'w gwneud yn ofynnol i Awdurdodau Lleol ymgymryd â dyletswydd trefniadau llywodraethu?

Dim sylw.

Cwestiwn 5.3: A oes gennych unrhyw sylwadau am y dull gweithredu enghreifftiol tuag at asesiad gan gymheiriaid a nodir yn Atodiad A?

Dim sylw.

Cwestiwn 5.4: A oes gennych unrhyw sylwadau am rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio mewn perthynas ag ymateb yr Awdurdod Lleol i'r hunanasesiad, yr asesiad gan gymheiriaid, yr asesiad cyfun a'r adolygiad llywodraethu?

Dim sylw.

Cwestiwn 5.5: A oes gennych unrhyw sylwadau am ein cynnig i wrthod pwyllgorau cyfrifon cyhoeddus lleol?

Dim sylw.

Cwestiwn 5.6: Ai cyrff gwasanaethau cyhoeddus yw'r cyrff cywir i archwilio'r dewisiadau o ran polisi sy'n wynebu gwasanaethau cyhoeddus lleol?

Dim sylw.

Cwestiwn 5.7: Os felly, a fydd pwerau cyfreithiol ychwanegol o fudd iddynt?

Dim sylw.

Cwestiwn 5.8: Pa fesurau deddfwriaethol allai gael eu hystyried i ganiatáu i Llywodraeth Leol ymgymryd â rôl cydwasanaethau ar draws y sector cyhoeddus?

Dim sylw.

RHAN 6

Cwestiwn 6.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 6 o'r Bil Drafft?

Dylid diffinio'n fanwl beth a ddisgwylir gan y cynghorau cymuned newydd. Dylai unrhyw drefn newydd ddeillio o gytundeb, nid gorfodaeth. O roi mwy o bŵerau iddynt, dylent gael cyllid digonol i'w gweithredu.

Cwestiwn 6.2: A ddylai fod yn ofynnol i'r Comisiwn Ffiniau gyflwyno'i adroddiadau drafft i Awdurdodau Cysgodol o fis Mai 2019 ymlaen?

Os yw e'n ymarferol bosib.

Cwestiwn 6.3: A ddylai'r Cynghorau Sir newydd roi ar waith argymhellion y Comisiwn Ffiniau neu a ddylai hyn fod yn gyfrifoldeb i'r Comisiwn Ffiniau ei hun?

Y Comisiwn Ffiniau, yn dilyn ymgynghoriad statudol digonol.

Cwestiwn 6.4: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â hyfforddiant gorfodol ar gyfer Cynghorwyr Cymuned?

Gyda'r bwriad i greu cynghorau cymuned mwy o faint, bydd angen ystyried yn fanwl beth fydd eu dyletswyddau a'r disgwyliadau ar y cynghorwyr. Pa fath o berson fydd yn fodlon sefyll etholiad i wasanaethu arnynt. A fyddan' nhw'n cael eu talu? A fydd amser gyda nhw i gael eu hyfforddi?

Cwestiwn 6.5: A oes gennych unrhyw sylwadau am ein cynnig i ymestyn tymor Cynghorwyr Cymuned sy'n cael eu hethol yn 2017 i chwe blynedd?

Rhaid fod yna gyfnod teg i adolygu'r drefn a rhoi strwythur newydd yn ei le.

Cwestiwn 6.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Gynghorau Cymuned ystyried a chynllunio ar gyfer anghenion hyfforddi eu haelodau a'u gweithwyr eu hunain?

Rhaid bod yna ddigon o adnoddau i weithredu hwn.

Cwestiwn 6.7: A oes gennych unrhyw sylwadau sy'n ymwneud â gosod amcanion ar gyfer clerc Cyngor Cymuned?

Croesewir hyn ond rhaid gosod yn glir beth a ddisgwylir i glercio'r cynghorau cymunednewydd.

Cwestiwn 6.8: A oes gennych unrhyw sylwadau am ein cynnig i ddiddymu'r ddeddfwriaeth sy'n ymwneud â phleidleisiau cymunedol ac yn hytrach ei gwneud yn ofynnol i Awdurdodau Lleol weithredu system e-ddeisebau?

Rhaid bod adnoddau digonol mewn lle.

RHAN 7

Cwestiwn 7.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 7 o'r Bil Drafft?

Dim sylw.

Cwestiwn 7.2: A oes gennych unrhyw sylwadau am a fyddai'n parhau'n ddymunol i sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol os byddai'n fwy cyfyngedig na Chomisiwn anstatudol o ran y materion y gallai roi canllawiau arnynt?

Dim sylw.

RHAN 8

Cwestiwn 8.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 8 o'r Bil Drafft neu am unrhyw un o'r Atodlenni?

Dim sylw.

CWESTIYNAU YCHWANEGOL

Cwestiwn 9.1: A ydych chi'n ymwybodol o unrhyw ddiwygiadau canlyniadol i ddeddfwriaeth y bydd angen eu gwneud?

Dim sylw.

Cwestiwn 9.2: Rhowch adborth a fydd yn ddefnyddiol yn eich barn chi mewn perthynas â'r dogfennau ategol a gyhoeddir ochr yn ochr â'r Bil Drafft h.y. Memorandwm Esboniadol Drafft (gan gynnwys yr Asesiad Effaith Rheoleiddiol) ac Asesiadau Effaith penodol.

Dim sylw.

Cwestiwn 9.3: Rydym wedi gofyn nifer o gwestiynau penodol. Os hoffech godi unrhyw faterion cysylltiedig nad ydym ni wedi mynd i'r afael â nhw yn benodol, defnyddiwch y lle isod i'w nodi.

Dim sylw.

Mae ymatebion i ymgynghoriadau weithiau yn cael eu cyhoeddi – ar y rhyngrwyd neu mewn adroddiad. Ticiwch y blwch yma pe bai'n well gennych gadw eich ymateb yn gyfrinachol:

1.1: in General, the Council is disappointed that not enough emphasis is being placed on the most important thing, which is to decide on the best way of delivering services to the people of Wales. This exercise should be an opportunity to agree once and for all the way mwyal effective, efficient and economical for the provision of services by public bodies in Wales, the Welsh Government, local government, the health sector and other bodies such as the service twithn, housing associations and so on. There is too much emphasis on structures and other procedural issues. What is the point of going to all the trouble of reorganisation other than that there is a clear idea of how the people of Wales should receive the best services?

1.3 Should first agree the best way of providing services and then pendefynnu on the best geographical structure.

2.1: The proposals are too broad and need more meat on the few details given. Why is there a need to create a larger community councils and the creation of boards area – with the possibility of devolving responsibilities to both. If there is no clear ideology, then it may be a shambles.

2.2 the proposal goes hand in hand with the intention to establish a larger community councils – the p egg new erau is remarkably unclear.

3.1: open for any proposals to raise public awareness of local government.

3.2: the timetable is tight ready – early definite date must be given to the Welsh Assembly before giving further requirements to county councils and the community.

3.3: the few lines that mention area committees are far too bare to give consideration to the proposal's considered. How can they be democratic bodies with the right to provide decentralised served if they are full of people have been nominated. Why is there a need for unelected tier between the county councils and community councils? You have not explained the purpose of the tables here are adequate.

3.4: no – they are undemocratic, non-representative institutions.

3.5: no need for the tables at all.

3.7 no – welcome to legalise wider use of contacts and electronic communication.

3.8 no – welcome.

4.4: No need p egg despite this on Ministers.

4.6: The most sensible thing should be done.

6.1: Should be defined in detail what is expected of the new community councils. Any new system should result from an agreement, not compulsion. Of providing more bŵerau to them, they should receive sufficient funding to implement them.

6.2: If e is practically possible.
6.3: The Boundary Commission, following adequate statutory consultation.

6.4: With the intention to create a larger community councils, it will be necessary to consider in detail what their duties and expectations on the Councillors. What kind of person would be willing to stand for election to serve them. And will they be paid? Will there be time with them to be trained?

6.5: There must be a fair period to review the system and give a new structure in its place.

6.6 There must be sufficient resources to implement this.

6.7 This is welcome but must install clearly what is expected of the Councils to clerk cymunednewydd.

6.8 There must be adequate resources in place.

26897 -115: Colin Pierce

Tref / Town : Holywell
Sefydliad / Organisation : Holywell Town Council

HOLYWELL TOWN COUNCIL

A23. DRAFT LOCAL GOVERNMENT (WALES) BILL - CONSULTATION

As requested by the Council, consideration was given to preparing on behalf of the Authority a response to the above Draft Bill. The objective of the Bill was to complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. The Bill would also establish a statutory Public Services Staff Commission.

The opportunity had been given to all Members of the Council to access the substantial documentation that had been provided on the consultation on the Welsh Government's website link, as well as for non-Members of the Sub-Committee to attend the meeting to give their views.

By reference to the items circulated with the Agenda giving a general overview of the Draft Bill and a list of potential discussion points, the Clerk summarised the position to date and added that the Bill was planned to be introduced into the Assembly soon after the Welsh Government Elections in May 2016.

Members had particular regard to the references in the Bill to and the implications for Community Councils (which included Town Councils).

RESOLVED:

That the following responses be submitted to the Welsh Government in respect of the Draft Bill:

General power of competence

- The principle of Community Councils with competence is supported.
- "Relevant professional qualification for Clerk" needs to be clarified. There should be scope for CILCA 'or equivalent' possibly with a commitment to ensure continued professional development.

Promoting access to local government.

- Question the desirability for Community Area Committees as another tier of governance.
- The principle of Community Councils serving improvement requests on principal authorities to improve local outcomes is supported.
- No issues to raise if Community Council meetings are held in areas of licensed premises where alcohol is not served; the prohibition of Councillors and members of the public from consuming alcohol during meetings is supported.
- Public participation at local authority meetings should be at the Chairman's discretion.
- Filming, photography and sound recording by the public of meetings is not supported as this could lead to possible misinterpretation of decisions if shared in a wider forum. Accurate records of meetings are always available in the written/ approved minutes.

Community Councils

- Support the Local Democracy and Boundary Commission for Wales undertaking a review of future Community Council arrangements, subject to wide and meaningful consultation with the respective authorities.
- Training for Community Councillors should be offered and not made compulsory although every encouragement should be given to attendance where possible particularly on important issues. The organisation tasked with delivery of training should be appropriately resourced. It should be borne in mind that Community Councillors are unpaid community representatives and a heavy programme of obligatory training requirements could adversely impact on interest in standing for election.
- Support for the proposal to extend the term of Community Councillors elected in 2017, to six years.
- Not opposed to a requirement for Community Councils to publish an annual report so that local people can understand what the Council has achieved during the previous year.
- Preference for the training needs for Community Council Members and employees to be matters for the Authority itself to determine.
- The proposal to repeal the legislation relating to community polls and to require instead that principal councils should implement a petitions scheme and e-petitions facility is supported.

Generally
Given the nature of and wide range of Community Council activities across Wales, the Town Council again draws attention to the fact that the eventual operational proposals in future legislation will have far-reaching consequences on these Authorities and stresses the importance of having a realistic lead-in timetable in place for implementation and further consultation on working arrangements, particularly those proposals that have resource implications.

26897 -116: John Burrows

Tref / Town : Chepstow
Sefydliad / Organisation : N/A

Rt. Hon. Carwyn Jones AM
First Minister
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

16 February 2016

Dear First Minister,

The Image of Wales - and 'putting our best foot forward'

Ten years ago in a presentation I made to your predecessor, Rhodri Morgan, I showed the attached diagram (Figure 1) and Rhodri Morgan initially challenged it and then examined it in silence for a few minutes and then said 'OK, go on' (*with the presentation*). It was clear to me and others present that Rhodri Morgan had realised something which he hadn't fully appreciated before and yet his knowledge of Wales was superb. It was about the real relative sizes of Wales's cities and towns.

Our view of our own country, and the views of others about Wales, is determined by the way we present ourselves and the way in which we are presented.

For decision makers, Wales is not presented in pictures but as a table - almost always that of the Principal Local Authorities making up the country, and usually demonstrating one or more of the characteristics of those areas - most usually population but it could be other measures like employment, skills, and social statistics. Sometimes Travel to Work Areas are used but primarily Principal Local Authorities are used by data bases because that is how most data is collected and disseminated world over by national governments.
In Wales we are familiar with the every- day sight of the list of 22 Principal Local Authorities - that list, that image, is everywhere, and not just in Wales but for anyone who makes enquires about Wales. Policy is decided with that template in the back of our minds. Decision makers, civil servants, the media all have this picture of Wales - with Cardiff at the top and Newport 7th in the list.

The reality on the ground is that Wales has 3 big cities - all much larger, and more than twice the size of, the next group of towns in Wales. Newport is one of the 3 big cities. Every place in South Wales is in one of the three postal codes of CF (Cardiff); SA (Swansea); and NP (Newport).

For sensible reasons some time ago Newport was made a single unitary authority in recognition of its size and particular characteristics and needs but this meant that its population ranked 7th and below counties which had large collections of small towns. This position has now worked against Newport in the minds of many who don't know Newport well and who just think of Newport as '7th'.

An aerial photograph of South Wales shows clearly the 3 big cities of Swansea, Cardiff and Newport. Economic development data shows Cardiff, Newport, and Swansea with Newport as the 2nd largest in economic development terms in Wales.

Until 2016 the local authorities list and map - our image of Wales- shows Swansea, Cardiff, and Newport as separate cities but after 2017, it would only show Swansea and Cardiff-and even Cardiff wouldn't be the top of the list that will, in the future, describe Wales.

If the Local Government Bill was passed in its current form there will be a new list of principal local authorities and Cardiff will not be at the head of the list, which will be surprising to many including potential inward investors, and Newport will not be on the list at all and yet it is Wales's 3rd largest city and 2nd largest centre of economic activity, and one of its greatest assets for future promotion.

You could say that surely this is irrelevant to more important matters like reducing the cost of local government? Well, it isn't irrelevant. I have been a Chief Executive of a local authority as well as a Chief Executive of a city promotion company (and a Director of a national economic development agency and a regional one, and have undertaken work overseas for the World Bank), and I am aware of how important it is to get it right for local government, as well as getting it right in promoting cities, regions, and countries. They are all important in their separate ways. A key investor might say that they haven't been influenced by such lists, but their back-office staff who produce their company briefings will have used them, as would journalists for the world's leading media.

How a country presents itself - to itself and to the outside world - is extremely important and a critical issue for its First Minister who is responsible for representing Wales. It affects the way a country feels, its image at home and abroad, and its ability to attract business and investment and to sell to the world, and its place as a venue for major events. We need to put our 'best foot forward'. The future 'list' of authorities won't be our strongest position and it can be improved.

To have everyone in Wales in future, and those abroad, using and being influenced by a list of Welsh places on which our capital city is not even on the top of the list is strange and not helpful for Wales's image or promoting Cardiff and the Cardiff City Region. It can happen such as with Glasgow and Edinburgh, Sydney and Canberra, and Shanghai and Beijing but these are all worldwide city names and people understand that. Washington's image is not diminished by a larger NYC but in a small lesser known country the capital, Cardiff, might be better known than the country itself and we should not subordinate it to a place called 'Gwent'. It sends out an image of a country which is a little bit confused or hard to understand - not the message we want to give to potential investors.

I have spent a number of years promoting both Cardiff and Newport and I would not want to see Cardiff in second place in a list describing Wales and I wouldn't want to see Newport missing from that list altogether. It makes no sense and is not helpful for Wales or Cardiff or Newport.

If Gwent was renamed 'Newport and Gwent' this would overcome the loss of Newport's name but it would put Newport above Cardiff which doesn't make sense either as Cardiff is both bigger and better known and is the nation's capital. Much as I am supportive of the City of Newport even I would concede that it is not (yet) in the same league as NYC or Shanghai! Cardiff should come first.

It would be a huge mistake for Wales to leave out its 3rd largest city from the list of local authorities and names that describe Wales. Why should anyone want to go to Newport if its own national government has just down-graded it? Furthermore, it would be a tragedy for the City of Newport to lose its Principal Local Authority status after 700 years of being a Principal Local Authority (or its historical equivalent), and a County Borough in 1891 putting it in the top 80 urban areas in the UK, and Unitary City Status in 2002 putting it in the top 36 cities in the UK, and then in 2017 to be relegated altogether out of the list of 391 Principal Local Authorities in the UK. There would be 208 'districts' in England, let alone the unitaries, with greater powers than Wales's 3rd largest city and they would all be on the world's economic data bases but the City of Newport wouldn't be there.

It is not helpful for Wales's image for its 3rd city to be so downgraded, and it is not helpful for Wales's 2nd largest centre of economic activity to be missing from all the economic development data bases used across the world because they are compiled by Principal Local Authority areas supplied by national governments. Ironically the UK source is ONS - at Newport. It would be impossible to promote Newport internationally if its name is not even on the data bases used by investors and their advisers. 'Gwent' by comparison would be very hard to identify and sell. People want 'cities' and Wales has got one ideally placed for economic development mid- way between the great cities of Cardiff and Bristol. It is an excellent location and Wales must be able to promote it. Newport must be a Principal Local Authority - a separate Unitary Authority - for its name to appear on the majority of world-wide economic data bases. We must put our 'best foot forward'.

The proposed Gwent Authority is extremely large at 580,000 population, and whilst this might be appropriate for the health authority of that name, many, including myself, would say it is far too large for unitary local government, and out of scale in Wales. A Gwent Unitary Authority would be viable without Newport's numbers.

A separate City of Newport would leave Gwent with 430,000 people. Gwent without Newport would still be one of the largest unitary authorities in the UK. Gwent north of the M4 would function much better without Newport, and Newport would function much better as a separate city of 150,000 and still growing. Newport is already larger than many unitary authorities in the UK.

It would work better all round to have a separate City of Newport and a separate Gwent Authority, and the local government reorganisation would still have achieved its goal of a reduction from 22 to 10, instead of to 9. Powys has been accepted as an exception even though its largest settlement is the 50th largest town in Wales and it doesn't have the strategic significance for Wales that a separate Newport , which is 3rd largest city, would have. Wales would get far greater benefits by treating the City of Newport in the same way as Powys. No other authorities can make the same case.

I cannot think of any other issue on which I have advised the Welsh Government over the past 15 years where the solution is so easy, and the damage of not doing it, so great.

Yours sincerely,

John Burrows

Note: I have sent a detailed response to the Local Government Bill Consultation process which closed on 15th February 2016 along similar lines to that in this letter and with additional data and perspectives, but this is really a matter for First Minister consideration - hence this letter.

1

Consultation on Draft Local Government (Wales) Bill 2016

Retain the City of Newport as a separate unitary authority - critical for Welsh economic development

Summary

To erase Wales's third largest city and second largest concentration of economic activity, the City of Newport, from the list of UK Principal Local Authorities, and therefore from all major economic data bases (which are compiled globally using Principal Local Authority areas) would be an act of **enormous future damage for Wales and the Welsh economy** - it would be a terrible 'own goal'.

It would be extremely dangerous to do anything which could weaken the strength of this incredible asset for Wales - the City of Newport - which is superbly located mid-way between the Cities of Cardiff and Bristol - an excellent location for economic activity in Wales.

Cities like Newport take hundreds of years to grow and develop. Billions of pounds of housing and infrastructure costs are tied up in making the city - and to have the M4 and the main Cardiff to London rail line running through the middle of it, and city status, is just something that cannot be re-created.

The City of Newport is a 'gem' for Welsh economic development and for marketing and has proved to be so in the last 20 years as well as the last 100 years or more. If Gwent takes over Newport, the **City of Newport will simply cease to exist on most of the key maps and data bases used for economic development the world over.** The exposure Wales and Newport gets from being on these data bases is enormous. Gwent cannot have the same profile as it doesn't exist as a place, and 'Newport within a larger Gwent', or Gwent itself, cannot be promoted anywhere near as easily as the 'City of Newport'.

Newport needs to be a separate Unitary Principal Local Authority to maximise: its superb locational assets; its 'city status'; and its promotional power for Wales and the SE and Cardiff Region.

The economic strength of Newport is of far greater significance to the future Welsh economy, and to the success of the objectives of the Cardiff City Region, than whether there are 9 or 10 authorities across Wales. Cities with Newport's superb locational attributes are of massive value and Wales needs to protect and enhance the asset of its third largest city. Even if Newport was able to retain its city status within Gwent, it would have none of the powers an investor would be looking for in a city.

Retaining the City of Newport as a separate unitary authority would not undermine the local government reorganisation proposals. It would improve the chances of Gwent being more successful. **Adding one unitary to the 8 or 9 proposed still retains the objectives of the reorganisation but vitally it retains the strength of one of Wales's greatest economic assets - the City of Newport.**

This submission looks at:

1. City of Newport as a special case **p2**
2. Wider implications not fully considered so far - especially for economic development **p3**
3. City of Newport as Wales's 3rd largest city and 2nd largest centre of economic activity **p4**
4. Economic benefits for Wales of retaining Newport, and the damage of losing it **p7**
5. The benefits for the proposed re-organisation and for Gwent of a separate Newport **p13**
6. The benefits for Newport of remaining as a unitary and the incredible damage that losing Principal Local Authority status (after 700 years) would do to Newport in the future **p15**
7. Conclusion - retain City of Newport as a coastal unitary authority of 150,000 population and have Gwent as a separate authority of 430,000 population north of the M4 **p18**

John Burrows - Chepstow, Monmouthshire - February 2016 john**w**burrows@btinternet.com
The author has spent over 30 years in economic development and city promotion as a director and chief executive of a number and variety of economic development agencies in Wales, England and Scotland, and for local authorities, and most recently for the World Bank in Asia. 2

Response to Local Government in Wales Consultation February 2016

1. City of Newport - a special case - make Newport a separate Unitary Authority from Gwent

City of Newport should be treated as a special case and made a separate Unitary Principal Local Authority from the proposed Gwent County Council.

Retaining a separate city unitary authority for Newport would be:

- **in the interests of Wales nationally, and particularly South Wales and Cardiff;**
- **in the interests of the proposed County of Gwent, and**
- **in the interests of the City of Newport - Wales's third largest city.**

It would not undermine the principles of the proposed re-organisation nor set any precedents as Newport is a special case - like Powys has been identified as a special case for different reasons.

1. City of Newport is a special case in Wales.

2. Implications for Wales, Gwent and City of Newport have not been fully considered.

3. Wales would be damaged considerably by losing the City of Newport as a principal authority.

4. County of Gwent would be damaged considerably by the presence of Newport within it.

5. City of Newport would be damaged considerably by loss of principal council status.

The current proposals allow for a special case of Powys (population 130,000) because of particular circumstances. The City of Newport (150,000 and growing) has a very much stronger case for special consideration - and it would be of far greater benefit to Wales as a whole, particularly for strategic economic development reasons, and to Gwent for a special case to be made for the City of Newport.

The proposed creation of a Gwent County Council is hugely different from the previous Gwent County Council which had separate local authorities for most local government work in the County. This proposal has no other Principal Local Authorities within the Gwent area (no 'District' Councils).

There would be no City of Newport authority after 700 years of some form of principal level self- government. Wales's third largest city would no longer have Unitary or Principal Local authority status and would have a lower local authority status than over 391 local authorities in the UK (418 including the 2 tier county councils). Currently it has city and unitary status which puts it at 36th out of 391.

If Newport goes, it will disappear from the list of principal local authorities and Wales' third largest city will have fallen by 355 places in status and powers and will rank below all local authorities in England (even the smallest districts) and below all authorities in Scotland, Wales, Northern Ireland.

This cannot be good for economic development in Newport or South Wales or for city government or city pride and it cannot be good for Wales as a whole for its 3rd largest city to disappear from the UK list of local authorities when currently it is in the coveted position of having unitary status and city status and is 36th in status in the whole UK - and it isn't necessary to inflict such a huge demotion.

A separate City of Newport Unitary Authority and a separate Gwent County Council Unitary Authority not including Newport avoids all this potential damage to Wales, damage to the new Gwent, and damage to the City of Newport. The case is made on the following pages. 3

2. The full implications for Wales, Gwent and City of Newport of the reorganisation proposals have not been fully considered - particularly for economic development and promotion

The background to the Bill and the Impact Statements have not fully considered the wider aspects of local government and its many roles outside of direct service provision
The criteria used for the review have been heavily influenced by the search for greater economies of scale for the large services like Education and Social Services and their relationship to services for which local authorities in Wales are no longer responsible like Health, Police and Fire Services. Whilst there are good arguments for grouping the provision for some of these large and expensive services, there are other ways of achieving economies without compromising the essential and wider roles of local government and local democracy.
The Impact Assessment Report concentrates mainly on one aspect of proposed reorganisation - the direct financial implications of staffing costs, redundancy costs, and new units.
It is particularly apparent for a City like Newport that the wider role of local government needs to be given more consideration than appears from the review because Newport provides much more than services - it provides an identity to the city, a voice for the city, and of particular significance for this submission, it provides a focus and location for economic activity in competition with other cities in the UK and principal local authorities across the UK - and Newport has been especially good at it - but this dimension missing from the Impact Analysis and were it considered it would point much more strongly to a preferable solution for South East Wales which could accommodate the reogranisation objectives as well as Welsh economic development objectives.
The issues raised in this submission do not appear to have been fully considered:
1. Newport's unique position as Wales's third largest city - but being treated as 7th largest;
2. The impact on Newport of losing Unitary Principal Local Authority Status - and only 14 years after gaining city status;
3. The impact of losing one of Wales's 3 cities in the 'premier league' of UK cities.
4. The economic development implications for Wales's 3rd largest city, and 2nd largest economic centre, arising from the reorganisation proposals.

These issues have not been given sufficient attention and the implications could be in billions of pounds rather than the millions of pounds talked about in the re-ogranisation options.
Fuller consideration of these wider issues would have demonstrated, among other things, the substantial case for retaining the City of Newport as a separate Unitary Authority.

3. City of Newport is Wales's 3rd largest city - and twice the size of next largest settlement.

The City of Newport is the **third largest city in Wales**, and it is **more than twice as large** in population than the next largest town or urban settlement in Wales.
Largest cities in Wales (Cardiff, Swansea, Newport) and Welsh towns by population 2011
(population in thousands)
These facts are often overlooked because attention is paid to size of the existing 'local authority areas' rather than the actual settlements themselves.
Whereas the City of Newport is the 7th largest local authority in terms of population and would not appear to warrant special attention, it is in fact the third largest city or town - by a long way - and it is a clearly identifiable as a separate city - with immense marketing

potential as a very attractive business location in Wales, uniquely placed between Cardiff and Bristol. 5

Principal local authorities in Wales by population and largest cities and towns by population - 2016 Rank inLocal Authority - UnitaryUnitary LALargest city or townCity or townRank inWelsh cities and towns withWalesCity/County CouncilsPopulationwithin each LA areaPopulation Walespopulations over 100,0001City of Cardiff354,294City of Cardiff335,1451City of Cardiff335,14512City of Swansea241,297City of Swansea179,4852City of Swansea179,48523Rhondda Cynon Taf236,888Pontypridd30,457134Carmarthenshire184,898Llanelli43,87895Caerphilly 179,941Caerphilly41,402116Flintshire153,804Buckley19,639207City of Newport146,841City of Newport128,0603City of Newport128,06038Bridgend141,214Bridgend46,75789Neath Port Talbot140,490Neath50,658610Wrexham 136,714Wrexham61,6034(Next largest is Wrexham61,6034)11Powys132,675Newtown11,3575012Vale of Glamorgan127,685Barry54,673513Pembrokeshire123,666Haverfordwest14,5963814 Gwynedd122,273Bangor17,9882515Conwy116,287Colwyn Bay29,4051516Denbighshire94,791Rhyl25,1491817Monmouthshire92,336Abergavenny13,4234318Torfaen91,609Cwmbran46,915719Ceredigion74,425Aberystwyth18,0932420Anglesey70,169Holyhead11,4314921Blaenau Gwent69,674Ebbw Vale18,0952322Merthyr Tydfil59,065Merthyr Tydfil43,82010

The 20 largest cities and towns in Wales by population

(This is the actual size of the city rather than the local authority area - for example City of Newport local authority area has 145,736 people) 1	**City of Cardiff**	**335,145**
2	**City of Swansea**	**179,485**
3	**City of Newport**	**128,060**
4	Wrexham	61,603
5	Barry	54,673
6	Neath	50,658
7	Cwmbran	46,915
8	Bridgend	46,757
9	Llanelli	43,878
10	Merthyr Tydfil	43,820
11	Caerphilly	41,402
12	Port Talbot	37,276
13	Pontypridd	30,457
14	Aberdare	29,748
15	Colwyn Bay	29,405
16	Pontypool	28,334
17	Penarth	27,226
18	Rhyl	25,149
19	Blackwood	24,042
20	Buckley	19,639

Most local authority areas are 'collections' of many towns but Newport is one city. It is this economic, geographical, and demographic fact that warrants special attention for the City of Newport.

Cities and towns are 'real' - they are full of people and economic activity, and voters. Local authority boundaries by comparison are 'not real'. They are historical or administrative lines on a map but not on the ground. Local government re-organisers should not just look at the list of local authorities.

A review of local government must have proper regard to the cities and towns and villages themselves. If this is done then the very large (in a Welsh context) City of Newport is shown in a completely different, and more accurate and real perspective. It points to different solutions benefitting everyone.

The size, and considerable comparative size, of the City of Newport sets it apart from all other urban settlements in Wales except the Cities of Cardiff and Swansea. It needs looking at as a special case as has been carried out for Powys, albeit for a different reason.

Daily Inflow of workers 1 Cardiff 73,126 2 Newport 30,415 3 Swansea 27,797 4 RCT 19,635 5 Bridgend 17,256 6 Caerphilly 15,993 7 NPT 15,700 8 Torfaen 13,913 9 Vale of Glam. 13,305 10 Monmouthshire 13,009

Wales would be much stronger economically if the City of Newport is retained as a separate Principal Local Authority . Wales could be damaged considerably by losing the City of Newport as a Principal Local Authority.

a) Weakening one of Wales's most important and valuable economic assets

The City of Newport as Wales's third largest city has a key role in economic development in South Wales and in the Cardiff City Region attracting and stimulating new investment. The City of Newport has the second largest concentration of economic activity in Wales and the second largest daily inflow of workers. Newport is a special case and especially valuable to retain and enhance further and not undermined and down-grade.

ONS -Travel to Work Data

This table is one of many which show the economic importance of Newport and the need to be careful about proposing any change to its status. More workers come into the City of Newport every day than into 20 of the other existing 22 unitary authorities - only Cardiff has more. Surely this signals that Newport is special in Wales and should be retained for good economic reasons. Newport cannot be regarded as the same as other towns when it has this key role.

It should be clear that Newport should be treated in the same way as Cardiff and Swansea and not lose its identity by being merged into another Principal Local Authority. The Government should ensure that the prominence of all 3 of its 3 largest cities is enhanced and not reduced.

Part of the process of stimulating, retaining and attracting investment in Wales is a strong focussed city authority able to engender confidence locally and in the minds of potential investors. A city able to make decisions about planning and investment in its area is vital for economic growth and development. Cities all over the world have been 'empowered' in this way - it is not appropriate to take this power away from the City of Newport.

Recent Global events and publicity for South Wales like the Ryder Cup in 2010 and the visit of many world leaders in 2014 came from events at **Newport,** not Cardiff

What does Newport have to do to convince the Government that the City of Newport is 'a key player' able to do big events, and get good publicity, recognition, and investment for Wales!

Don't reduce Newport's standing, status, and powers - protect and enhance them.

Cardiff needs a strong Newport. The Cardiff City Region strategy needs a strong City of Newport bringing in activity and investment which Cardiff itself can't bring in. Cardiff is not compromised by an active City of Newport next door - this adds to Cardiff's role as the premier city of South Wales. An impoverished Newport, lacking even Principal Local Authority status - a status which every small 'district' in England has - is not going to help the Cardiff City region.

If Wales's third largest city is not a Principal Local Authority with a city leader able to 'do business' and make decisions - what does that say about Wales itself and doing business in Wales, and what does that say about Newport? Why should any investor want to do business with 'Newport' when 'Newport' is no longer on the Principal Local Authority map, and has less status and powers than over 300 local authorities in England?

Currently Wales's third largest city, **the City of Newport, as a unitary authority 'with city status', is 36th in status out of 391 area local authorities in the UK** (England, Scotland, Wales, and Northern Ireland). If Newport is merged into Gwent it doesn't just sink 355 places -

it is no longer even on the list of 391 Principal Local Authorities in the UK.

Wales's third largest city is 'outranked' by every single district in England, Scotland, and Northern Ireland, when previously it had one of the highest and most sought after statuses in the UK. It's not just a 'status' thing - important as image is in economic development - all those authorities have powers which Newport will no longer have. And these are our competitors.

b) Removing Wales's third largest city's name from most major world-wide data bases

Despite Newport's considerable locational advantages for business, Newport's name won't even feature on world-wide internet search engines and the like, on data bases for economic activity and location, which are and will always driven by Principal Local Authority area based data because that's how world Governments collect and publish data - by Principal Local Authority area. It is ironic that the UK Headquarters of the Office of National Statistics (brought to Wales by the City of Newport in competition with other cities around the UK) is based here in Wales in the City of Newport and yet this important fact about preparation of Government and economic statistics has not been recognised. But all Newport's competitors will be on the lists.

Global databases like the tables shown above from Experian and Lambert Smith Hampton and almost all internet based data bases provide information by Principal Local Authority Areas and it is hugely significant for Wales that Newport is on these lists (and high up). If Newport is submerged into Gwent it can never appear on such lists which are used world-wide.

This is massively important for promoting Wales. This type of publicity cannot be bought. Gwent could appear but of course its position would be weighed down by the rest of the Authority's size and even if it wasn't weighed down how would anyone abroad know what Gwent was - it's not a place. How would Newport's advantages become known. If anyone did pursue it, and found Newport they might question its attractiveness given that it is not on the lists and databases that all their colleagues and competitors are familiar with - and if Newport is such a good place why did its own Government down-grade it recently?

To take Newport - Wales's second best performing asset - off these data bases and lists would be incredibly damaging for Wales - it would be like a Wales 'own goal' a minute from time in a goal-less cup final. **It would a phenomenal mistake to make.**

c) Giving up the City of Newport's prominent, and 'very hard to get', UK status
The City of Newport is one of 3 Welsh cities in the top category of UK Principal Authorities. It is a unitary authority with city status. This should not be given up. It has taken Newport nearly 700 years to get there. It would be 'crazy' for Wales to give up such a position.

Note: There is no formal classified list with categories but all the categories exist and it Is generally recognised that authorities in a lower category would wish to progress to the higher category if eligible and if the opportunity arose thus indicating a form of 'hierarchy'. There is no recognised hierarchy by population size but it is conventional to list by size, and size has some informal status. The 36 unitaries which have city status cover most of UK's leading cities. It would be very unusual to give up a place in the top category given the marketing potential of such status.
If the name of a city isn't there in the data lists used by investors, search engines and agents, it won't even have passed the first test for inward investment or relocations or conference venues and other aspects of communicating with the rest of the world.
None of us knows the name of sub regions of other countries - we only know cities and towns. It is the same for others looking at us. They look at a map or use a search engine and understand us through our principal places. If they can't find Newport they won't come here. And if Newport is not a local authority it is unlikely to be on the maps and search engines being used by those who might be able to help bring investment, economic activity and recognition.
The City of Newport will have disappeared if it is no longer a Principal Local Authority.

Why should Wales itself inflict this colossal diminution in status on its third largest city? We have enough problems with global banks, and world steel prices and things we can't influence. This diminution of Newport's position is something Wales will be doing to itself. Let's put our best foot forward on the things we can control. Promoting Cardiff and the Cardiff City Region has been a good example of this and promoting the City of Newport is a key part of that strategy and Newport has been successful in the current model for bringing development and activity into South Wales - let's keep that happening. Submerging Newport into Gwent will kill much of it. We will be trying to promote and market a location whose name we erased (by reorganisation) from all the data bases and maps around the world!

Gwent will never be able to deliver the commitment to developing Newport that Newport itself can and has delivered. It would be very dangerous economically to de-stable the City of Newport when it is the second largest centre of economic activity in Wales.
Newport should focus on activity south of the M4 and Gwent CC on activity north of the M4. It makes sense. Let them both focus on the large job they each have to do.
Local authorities in the UK are desperate to get the unitary city status that the City of Newport currently has. Why give this up? It will be exceedingly damaging to Wales and to economic development in Wales to down-grade its third largest city. It doesn't need to done to achieve the overall aim of the Government's local government re-organisation, so why do it?

5. County of Gwent would be a far better local authority without Newport in it.

In addition to the economic disadvantage to Wales and Gwent of subordinating Newport into a massive Gwent County Council (see section 3 above), the proposed Gwent County Council will have considerable operational difficulties if such a large city as Newport was part of the County authority.

Newport's presence within Gwent is not necessary for critical size.

Gwent CC will be enormous by Welsh and even by UK standards without Newport so it is not necessary to include Newport just to get the economies of scale for Gwent. On some services like Education and Social Services it is always possible for Gwent CC to be a contractor/provider to the City of Newport unitary authority if that helped bring economies for the Newport authority.

Newport has been one of the most cost effective local authorities in Wales with comparatively low budgets and low council tax so it is already able to achieve efficiencies on its own without being part of a massive council, and correspondingly, it won't have much to offer the mega Gwent authority in savings because it has been traditionally a low spender.

The main problem for Gwent CC is that 'Newport' will dominate every debate, every strategy, any coherence of service provision, and

- Newport **'not getting'** adequate resources within Gwent will cause problems for Newport, and
- Newport **'getting'** adequate resources within Gwent will cause problems for everywhere else in Gwent.

It is not right or fair to saddle a Gwent County Council with the daily problem of deciding the appropriate level of resources for Wales's third largest city. This is a matter for Government.

The Welsh Government should decide the allocation of resources for Wales's third largest city and that is why the City of Newport should remain as a separate unitary authority with a direct funding relationship with the devolved Government.

Endless battles over Newport's needs and priorities should not be allowed to interfere with the day to day running of the new Gwent County Council. There is some coherence of a Gwent north of the M4 and a City of Newport mostly south of the M4.

Refereeing the different needs of the smaller towns and settlements in more rural locations north of the M4 with the needs of the massive concentration of people in the very urban setting of Newport should not have to be the daily problem of a Gwent CC. It will dominate (and potentially spoil in one way or another) everything the new Gwent ever tries to do.

Gwent CC will function much better if it serves the communities north of the M4, and not Newport.

The City of Newport is too big to subordinate successfully within a single tier Gwent structure. The administrative methods required to try to make it work will end up destroying the integrity of the city and the local democratic voice of the city, and cause problems for Gwent County as a whole. Newport broken up and governed by 'area committees' is not city government and won't bring any satisfaction to the other 400,000 residents of the County either.

Gwent would function far better **without** Newport in it. It would still have a population of 430,000.

The Health Authority needs Newport to be in its area of 'Gwent' because without it the Health Authority isn't big enough for many services, but for local government the proposed Gwent of 430,000 population is very large by UK standards - it would still be the 12th largest single tier local authority (of 150 unitary authorities) in the UK without Newport.

Gwent will not be able to give Newport what it needs without major political problems and resource problems across the majority of its area north of the M4. And if it doesn't give Newport what it needs then Wales and Newport and Gwent itself will be much the poorer.

- **If Gwent is to succeed then it shouldn't have Newport.**
- **If Newport is to succeed it shouldn't be in Gwent.**

There is a 'win' 'win' solution here - two authorities - City of Newport (150,000) and a Gwent County Council (430,000) north of the M4 (and north of Newport).

6. City of Newport would be damaged considerably by loss of Principal Local Authority status.

It has been mentioned earlier that the City of Newport has an enviable position in the ranking of local authorities in the UK. By having unitary powers and city status it is a very strong position and up there with the far larger UK cities. It is a position, earned by heavy and concentrated industrial production and innovation over the years, renewal and regeneration and welcoming new residents and business including whole new industries so its population has grown.

In 1891 it became a County Borough making it one of the top 80 urban local authorities in the UK and it has gone on to prove its worth as a major economic hub.

In particular it was rewarded in 2002 with **city status** - a status that hundreds of other towns and local authorities are desperate to achieve to enhance their town and its chances of inward investment. It would seem crazy for all this to be thrown away and that for the first time in 700 years Newport would no longer have principal local authority status (originally from charters and later from designations under local government reforms).

The table show how successful Newport has been and how long it has taken Newport to raise its status and powers of self government over the centuries and how damaging the proposed reorganisation would be to Newport and to the foundations of city government laid down and built on by successive generations of Newport's elected members particularly in the 19th century and late 20th century.

It would not be a proud moment for Newport (or Wales) if it lost all this progress in one year, 2017, through a reorganisation which didn't need to remove these powers. City pride is an important issue as is the power of local democracy and self determination. None of these issues have been given sufficient attention in the impact analysis for the Bill but they have horrendous consequences. Wales's 3rd largest city will have no Principal Authority powers for the first time in 693 years - and this situation makes no contribution to the objectives of the reorganisation. Newport should be allowed to continue and keep its position in the 'premier league' of UK cities. It would be good for Wales (and good for the rest of Gwent to be so close to two premier cities - Cardiff and Newport).

If Newport starts to fail because of 'down-grading' it will not only impact badly on Newport but on Cardiff and Wales as a place to do business. Cardiff's catchment includes Newport. Locational specialists look at all these factors in deciding where to go.

Even if the title of 'city' could be retained if it merged into Gwent, it would mean absolutely nothing once the most basic power of local self- government is taken away. What would 'city' mean when over 300 local authorities in the UK that do not have 'city' status have much greater local authority powers than Newport would have if it was relegated to Non-Principal status.

The 'city' wouldn't even be able to decide on small planning applications, let alone something major affecting the City, because it would all be in the hands of a Gwent County

Council of whom three quarters will not come from Newport. Even establishing an 'area committee' for Newport will do nothing as it would still be a committee of, and report, to the CC.

Currently 100% of the votes on Newport City Council are with councillors with a Newport interest. In future everything for Newport will be decided by a Council with 75% of the votes with no interest in Newport and possibly even a dislike of Newport (big cities often engender that attitude in the surrounding towns - which is why it is better for the city to govern itself). Of course, this is a problem for all towns consumed by a larger authority but here we are talking about **the third largest city in Wales being governed this way - by a majority of councillors who have no stake in the city.** Once something big comes up that the people of Newport don't want, they won't be able to do anything about it because three quarters of the votes on the principal authority able to make the decision (the Gwent CC) will be with those who do not have a Newport focus, loyalty or interest - that is not local democracy nor local accountability.

A few years ago the City of Newport decided that despite the economic crisis of 2008 it was going to rescue its shopping centre project and ensure that it got built - and it succeeded. The only city in the UK to make a project like that succeed despite market conditions. Newport could do it because it was in charge of its own affairs and committed. It couldn't have happened under a Gwent Council - there would be too many other pressing issues elsewhere in the Valleys to justify significant expenditure in Newport. Newport's Leader could make it happen - and did.

To many with a fierce pride in Newport the fact that no baby would ever be born in the future in 'Newport' and no-one could be married in 'Newport' (once the Principal Local Authority and Registration Authority became 'Gwent') would be a source of huge regret - and surprise given that Newport is Wales's third largest city.

The principal loss to Newport, however, will not come from being unable to make local decisions locally, or for 700 years of Borough and City status to be wiped out, or not having any identity (not even on a birth certificate) it will be the gradual erosion of Newport's ability to draw in economic development and jobs and a slow impoverishment of the economic base.

As the old industries go, as they inevitably will, new jobs must come and those new jobs are much more interested in the vitality of Newport as a city. Image is very important in the new economy. How can Newport say it is a city when many of the things it said it did in its bid for city status it no longer does, and most it would no longer have control over its own affairs. **Why should people and investors come to Newport if Newport is being down-graded?**

It is exactly the opposite message to what they need to hear. Gwent CC will not be able to make anything happen in Newport which Newport City Council couldn't have done - but more alarmingly Gwent has got 400,000 other reasons not to prioritise Newport. **A single tier Gwent Unitary Authority will be a great threat to Newport's future - the greatest in 700 years.**

Gwent is not going to be able to bring resources that Newport City Council didn't have. Quite possibly the opposite -Newport has always been a low spending council with consistently one of the lowest council taxes in Wales. It has been a very low cost and efficient council.

A larger Gwent Council with larger problems could well be looking to Newport for resources to spread further up into the Valleys. If Newport is inside a 'mega' Gwent its resources could be used and assets disposed of to fund expenditure outside Newport and Newport residents would be able to do nothing about it because they no longer have local control and can be out-voted by the rest of the huge council.

Although Newport is the largest city by far within the Gwent area, it would only have 22% of the votes on the Council. It makes no sense for Wales's third largest city to be part of an Authority in which it can be consistently outvoted by a huge majority.
This isn't a return to the old situation of a Gwent County Council and a Newport Borough where Newport Borough was still a Principal Local Authority within Gwent, this is 'no Newport at all' - just Gwent.
What happens to the local authority jobs based at Newport? Where does new investment guided by the Gwent County go when three quarters of Gwent Council of 120 councillors live outside Newport. Even with a well- intentioned Gwent CC it can't be good for Newport and it can't be good to lose in 1 year a status within the UK which it has taken 700 years to build.
The City of Newport should remain separate from the new very large Gwent Unitary Authority. It would be better for everyone and the Welsh Government should recognise this and provide for it - in the interests of the better government of Wales.

Powys with 130,000 has been made a special case. Newport with 150,000 population, and growing, has a far stronger case to be considered as a special case and should be retained as a separate unitary authority. This would not compromise the overall reorganisation

7. Conclusion - retain City of Newport as a separate Unitary Principal Local Authority
Cities and local government provide important services but they have much greater significance than just their service provision side - they are a focus for the area, the voice of the area, the identity of the area - and they are involved in many ways in the life and general well-being of the community and in particular in **economic development**. **In Newport's case its economic development role is of strategic significance to the Welsh economy and must be cherished and enhanced and not reduced if Wales is to be successful.**
The whole of the world learns about what cities have to offer through the use of statistics almost always compiled by agencies and data portals on a Principal Local Authority area basis (because that's how countries including the UK provide them). Taking away Principal Local Authority status from Newport not only deprives it of powers which much smaller 'competitor' locations have, but takes Wales's 3rd largest city and second largest centre of economic activity off all the critical data bases used by all economic development specialists, property advisers, and investors world-wide, and this will have far reaching serious consequences for Wales**.**
Retaining Newport as a unitary authority, treated like Powys, overcomes this problem and provides a better and more balanced Gwent Authority.
The list of Authorities in the Draft Bill should be changed from 'A' to 'B' as follows.

1 Gwent 579.101 2 Cardiff and Vale 478.869 3 Merthyr-Rhondda - Bridgend 435.615 4 Dyfed 383.906 5 Swansea-NPT 380.230 6 Flint and Wrexham 289.639 7 Conwy and Denbigh 210.345 8 Gwynedd and Anglesey 192.002 9 Powys 132.705 3082.412
1 City of Cardiff and the Vale 478.869 2 Merthyr - Rhondda - Bridgend 435.615 3 Gwent 432.543 4 Dyfed 383.906 5 City of Swansea & NPT 380.230 6 Flint and Wrexham 289.639 7 Conwy and Denbigh 210.345 8 Gwynedd and Anglesey 192.002 9 City of Newport 146.558 10 Powys 132.705 3082.412

A. Draft Bill as proposed B. Draft Bill with retention of Newport
In the revised list which will be seen time and time again in Wales and UK and world over - Cardiff will be at the top of the list and this looks far more logical and better for promotion.

It is not a big change from the Bill, as proposed, but list in 'B' would have great advantages for:
Wales as a whole (particularly in ensuring that its 3rd largest city and 2nd largest concentration of economic activity is as competitive as possible and attractive for business and growth);
the new Gwent Authority giving it a better balanced and more coherent area to manage;
the Cardiff City Region objectives by providing greater strength for the regional economy from a strong Newport which retains its powers and status and contribution to the region; and for
the City of Newport itself, avoiding the huge losses that would result from a diminution of its status and powers, and capitalising on its very hard to get 'city status' achieved 14 years ago.
Retaining the City of Newport as a separate Unitary Authority has huge advantages for Wales.
Only Cardiff and Swansea can make a similar case to Newport and they are being retained.
The City of Newport should be made a special case and, like Powys, it should be retained.

Consultation on the Draft Local Government (Wales) Bill

Consultation response form

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The City and County Borough of Newport, which is the third largest city in Wales, should be retained as a separate Unitary Authority and be treated in the same manner as the County of Powys in the proposed Draft Local Government Wales Bill and schedules, and in any other way necessary, to retain the City and County Borough of Newport as a Principal Local Authority with Unitary powers.

A detailed submission is attached explaining the importance of separating Newport from Gwent both for economic development reasons - **of crucial significance to Wales as a whole** - and for local authority management reasons relating to the administration and success of the remaining, and still extremely large, Gwent Authority.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

The City and County Borough of Newport, which is the third largest city in Wales, should be retained as a separate Unitary Authority and be treated in the same manner as the County of Powys in the proposed Draft Local Government Wales Bill and schedules, and in any other way necessary, to retain the City and County Borough of Newport as a Principal Local Authority with Unitary powers.

A detailed submission is attached explaining the importance of separating Newport from Gwent both for economic development reasons - **of crucial significance to Wales as a whole** - and for local authority management reasons relating to the administration and success of the remaining, and still extremely large, Gwent Authority.

In view of the seriousness of the Newport issue, this response and attached notes are focussed on Questions 1.1 and 1.3.

There are no further responses below to other questions in this Consultation Response Form.

If any subsequent questions have a bearing on the principle of a separate City and County Borough of Newport then refer to the points made in the attached notes for Questions 1.1 and 1.3.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -117: Sarah Worby

Tref / Town : Haverfordwest
Sefydliad / Organisation : Pembrokeshire County Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The Council has established a clear position in respect of your proposals to establish a merged authority that covers the same footprint as the former County of Dyfed at its 22 October 2015 meeting.

The proposals will create a structure that is more centralised that the one which was in place between 1974 and 1996. This structure failed because it was too remote and was incredibly unpopular with its residents. The Council cannot see a rational argument for returning to this failed model.

Establishing a unitary authority that covers the former County of Dyfed will result in a structure where citizens are remote from where decisions are taken. We do not consider that Community Area Committees are well placed to fill this democratic deficit. We also consider that it is likely that this will feed through to service provision itself becoming more remote. It will become more difficult for citizens to get in contact with their local member, and the inevitable result of this is that it will be more difficult for Members to champion the interests of their constituents. We consider it is also probable that the local press will find it more difficult to report on, and if necessary, hold to account a larger, more remote County Council.

The Council accepts that a reform of local government is necessary but these

proposals are unlikely to have support in any of the three Counties affected. We welcome joint working, sharing of resources and other cost cutting proposals with our neighbouring authorities, and beyond where appropriate.

We agree with the Welsh Local Government Association (WLGA) that the rationale for the determination of the proposed map has not been consistently applied across all of the proposed new county councils, notably with regards scale and alignment with Local Health Board boundaries.

We agree with the WLGA position that your Regulatory Impact Assessment is inevitably based on historical employment and expenditure. As a result of continuing budget pressures by 2019-20 when reforms are scheduled to take place, a substantial proportion of the proposed savings (largely senior-management and back-office rationalisation) will have already been realised, so the proposed return on investment of reorganisation is likely to be lower and over a longer period.

Council tax harmonisation has also not been adequately considered as part of the Draft Bill nor the Regulatory Impact Assessment. Council tax harmonisation is of particular concern to us as our Council Tax rates are significantly below that of our neighbouring authorities.

There a numerous examples within the Bill where re-organisation of local government will complicate the implementation of provisions. This problem is most acute when the relevant provision is also dependent on work being completed by Public Services Boards for instance Community Area Committees and corporate planning.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Although this is a matter for North Wales authorities, we note that there are wider implications for how consistently the principles for re-organisation are being applied.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Whilst we recognise the need for reform of local government and are supportive of continuing efforts to save costs and work jointly, we are not convinced that structural reform of local government is the right answer.

We consider that the Williams Commission, which has provided the rationale for the current proposals, rejected functional reform of local government far too readily. We note that the proposals for merging Powys County Council and Powys Teaching Health Board are very radical and will fully integrate health and social care. We urge Welsh Government to re-consider the role that functional reform of public services might have in achieving responsive, high quality and cost effective public services. We also note that the provisions in Part 3 Chapter 4 on Improvement Requests could result in significant functional change.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

We agree with the WLGA that there are a number of practical issues to be resolved and the complexity of this task should not be under-estimated. We do not have a view on whether the merger of Powys with its Health Board is the optimal solution, however, we recognise that the integration of health and social care is a pressing issue and one that has considerable financial implications.

We consider that the experiences of Powys CC and Powys Teaching Health Board will be valuable to achieving greater integration of local services. We consider that this is likely to bring much greater benefits than merging local authorities with little consideration given to the services that they provide.

Question 1.5: What are your views on the procedure for naming the new Counties?

The proposals outlined in the Draft Bill appear appropriate.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposals outlined in the Draft Bill appear appropriate if taken in isolation, though we note that they do not fit well with the duty to produce a Well-being Plan in the Future Generations Act. We note that significant burdens will be placed on local elections staff.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

We note that the Society of Welsh Treasurers (SWT) and WLGA officials are examining financial implications of the Draft Bill and their comments will be added to the WLGA submission.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

See above.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

See above.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

See above

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Welsh Government's proposals will not result in any change from the current for Pembrokeshire.

Question 1.12: Are there other matters of a technical nature which should be considered?

We note that the WLGA's submission contains a number of observations on the: options appraisal, redundancy cost calculations, pay harmonisation and council tax harmonisation aspects of your Regulatory Impact Assessment. We note that different, arguably more realistic assumptions, will result in a much weaker financial case for local government reform.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The Council welcomes the proposed introduction of the power of general competence.

We agree with the WLGA that the experience of England where a power of general competence was introduced under the Localism Act 2013 indicates that its implementation raises some legal issues that will require specialist advice. The new power will need to be backed up with financial resources and, as a result, we do not anticipate that the new power will make a practical difference to our communities in the short term.

We note that the new power could, for example, bring additional confidence to work to improve efficiency, for example through joint arrangements, in particular to provide back office and support services which may be defined as 'incidental' in law to their primary functions. The irony is that this power will be of much more use to existing local authorities rather than to the much larger ones provided for in the draft Bill.

We agree with the principle set out in Section 25 of the draft Bill that any charges for a service provided under the power should not exceed the costs incurred. We query whether the "taking one financial year with another" clause in Section 25 (4) is overly restrictive. Some of the services provided will have peaks and troughs in their costs and consideration of a longer time period for calculating charges and costs may be appropriate.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

We do not have strong views on the proposal relating to community councils with competence.

None of our community councils met the proposed electoral requirements at the 2012 Elections. Two councils came close with 19 candidates for 12 seats and 12 candidates for 8 seats respectively. Overall, there were fewer candidates than the seats available at our 2012 community councils' elections.

We agree with the WLGA that the Regulations for what constitutes a 'relevant professional qualification' will require clarification. We also agree that if requirements are too onerous, this could affect recruitment and disadvantage smaller community councils.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

We support measures to encourage participation. We now broadcast both Council and Cabinet meetings and we are considering options for extending this to other meetings. We have considerably expanded our communication with people via social media.

We have adopted the nationally developed principles of public engagement and we produce an annual report on our activities. We note that the work encapsulated in our annual report is much broader than the list of functions in Section 38 (2). We anticipate that we will update our participation strategy at about the same time that the Bill will be going through the Assembly and we anticipate that we will be able to incorporate the provisions of the Bill without difficulty. We note that if a strategy only addressed what is in section 38 (2), it would be unlikely that this would add a great deal of value.

We agree with the WLGA that it is important that other public bodies follow similar engagement principles such as the broadcasting of board meetings.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

We agree with the WLGA that the proposed duty is likely to be covered as part of the proposed new general 'good governance' duty outlined in Part 5 of the Draft Bill. It also appears to be very close to the work of Public Service Boards and various provisions in the Wellbeing of Future Generations (Wales) Act 2015.

We do not consider it is appropriate to place statutory responsibilities on Principal Councils to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities; this will inevitably have resource implications for councils and clouds accountability and responsibility for delivering on any public participation duties.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The WLGA has written an extensive section in its response on Community Area Committees. We agree with its position and the points that they have raised and consider that much more work needs to be done in this area.

We do not consider that Welsh Government has explained its rationale clearly enough why community areas established as part of a needs assessment should form the basis of formally constituted committees with decision making powers. Like the WLGA, we question whether it is appropriate for Public Service Boards to undertake this task.

We are unclear on the logic for current local authorities establishing Community Area Committees. There is a much stronger rationale for delaying their creation until elections in 2019 if the main rationale for them is driven by the creation of merged authorities. The WLGA's point on the potential for our partners to be over-burdened would also be addressed by delaying the introduction for formal Community Area Committees.

We agree with the WLGA that political balance considerations cannot be ignored.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

We agree in principle that functions could be delegated to Community Area Committees and that in the case of the merged authorities that are envisaged from 2020, this may be desirable. However other models, such as working with Town and Community Councils may be just as effective. Given the amount of time and effort required to set up effective delegation arrangements, we doubt that it is practical for existing authorities to do this if they will be abolished in 2020.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Further clarification of Section 52 would be helpful. Any Act which follows the Bill is unlikely to have received Royal Assent prior to the May 2017 Council elections, so this date does not seem relevant. Councillors for the new merged authorities in April 2020 would have been elected in May 2019, about 11 months previously so it would appear to be very difficult to meet this requirement.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

We echo the concerns raised by the WLGA in its submission. We agree that alternative models of service provision should be explored and we are actively pursuing how we might deliver some services through community interest companies.

We consider there is a risk that the provisions in the Bill may over-formalise an approach that can work well, and perhaps works best, on a voluntary basis. If the provisions in the Bill were enacted, this would result in an increase in bureaucratic activity, but would not necessarily result in an increase in services being delivered through mutual or third sector mechanisms.

As we have stated in question 1.1, the provisions could result in wholesale functional change. We consider that Education is one area where this could happen, and perhaps play out in a way that was not intended by Welsh Government.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

We agree in principle that meetings should be broadcast and have recently started broadcasting meetings of our Cabinet.

We agree with the WLGA that there will be cost implications of requiring all meetings to be broadcast; the cost will be dependent on the size and shape of rooms used for meetings. Our understanding is that this provision could only apply for a relatively short period of time to existing authorities prior to merger. It is possible that existing authorities will be obliged to spend resources on putting the infrastructure for filming which could be redundant a few years after it is installed.

Allowing the option of audio-only broadcasts may be a cost effective way of achieving greater access to meetings for existing authorities.

We agree that it is helpful to provide a constitution guide and the new constitution that we are preparing incorporates one of these.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

We have a number of mechanisms in place to enhance participation by children and young people and have signed up the United Nations Convention on the Rights of the Child. There is already a statutory duty on local authorities through the Children Act 2004 to have a lead elected member for Children and Young People, and a specified part of that role is to engage with children and young people to gain their views on policies that impact on them. It is therefore unclear what benefits a new statutory duty would achieve.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

We agree with WLGA that it is important that standards are applied consistently across the public sector. The public do not necessarily differentiate between different bodies and any approach for county councils should apply more widely, for instance to non-governmental public bodies.

If co-opted Members are to be given a vote, we consider that the relevant elements of the provisions in Part 4 Chapters 2, 3 & 4 should also apply to them. We have already stated our opposition to an extension of the current arrangements for voting co-optees.

We agree with the WLGA that the list of duties presents a simplistic interpretation of the formal role of county councillors. Attendance at a meeting, in itself, is no guarantee that a Member is discharging their role effectively. Whilst surgeries suit some constituents, the ability to use more immediate mechanisms such as email or social media is equally important.

Further clarification on what constitutes good reason for not answering consultation within 14 days would be very helpful. Based upon comments made in numerous consultations, we anticipate that this is a provision which some members of the public will wish to test.

We agree with the WLGA that the proposals have the potential to increase the workload of standards committee and the Monitoring Officer. We also agree that any breaches of the provisions in this section of the Bill are unlikely to be of the same magnitude as breaches of the current member standards regime.

We note that Section 89 implies that the Head of Democratic Services role and Monitoring Officer role remain separated. Section 105 (1) (a) of the draft Bill removes the necessity for these roles to be undertaken by different people. Our preference, (which we stated in our response to your consultation on the Local Government White Paper) is that Councils have discretion to combine these roles.

We remain to be convinced that Section 100 on manifestos: election of an executive leader is workable. As it stands, the provisions beg more questions than they answer.

We agree with the WLGA that the proposals that: leaders separately set and report on objectives for the Chief Executive on an annual basis; the council in turn sets and reports on a corporate strategy and annual corporate objectives annually, as well as wellbeing objectives and joint PSB wellbeing objectives will create duplication, possible confusion and may have little practical impact on transparency.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Section 98 of the Bill does not anticipate Members who are not part of a political group. Twelve of our Members are non-affiliated and have taken a conscious decision not to be part of any political group. We consider that it is important that Members continue to have the ability to remain outside political groupings and have some concern that the this section could be interpreted as applying pressure for them to do so.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

We look forward to sight of future consultations on proposals as they are developed.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

We agree with the WLGA that it is vital that the Independent Remuneration Panel for Wales (IRPW) remains independent. If this is compromised, the Panel will lack legitimacy and the public will not have confidence in its decisions.

We are concerned that the relevant provisions were not included in the draft Bill. This omission goes against the principles of transparency and good governance that Welsh Government espouses.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

We agree that with the WLGA that it is desirable to re-visit the relevant sections in the Local Government (Wales) Measure 2011 on remote attendance.

The current proposals are not used as they are impractical. There are numerous technical hurdles to overcome to make them work effectively. This is a relatively complex task, especially in the context of broadcasting meetings. Further work is needed and it may prove very difficult to draft workable proposals that guarantee transparency by the time the draft Bill is laid.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

This proposal seems appropriate. We consider that further thought is given to the appointment and remuneration of the Returning Officer function.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

We agree with the WLGA that it is desirable for the Welsh Government to review the existing statutory process with a view to replacing it with a streamlined alternative that still incorporates a role for an independent third party to ensure the process is legally robust, fair and protects the interests of both sides.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

We agree with the WLGA that Welsh Government's proposal to reform the framework of council functions is desirable and will reduce unnecessary complexity.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

We do not have enough information to comment on this area. We agree with the WLGA that there is a need to balance what community asset transfer can bring to the development of local services with financial implications.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

We welcome the underpinning principles around self-improvement, self-assessment and good governance.

We welcome, in principle, the proposals to tie Council's corporate planning arrangements with the provisions in the Future Generations Act but consider that further work is needed, especially on reducing duplication on setting and reporting on objectives.

The WLGA has helpfully mapped the various proposed objective-setting duties in the Draft Bill and the new duties of the Wellbeing of Future Generations (Wales) Act 2015. Councils will have to annually set (or at least participate in the setting of) and report on six sets of similar corporate priorities:

1. **Councils must set and report annually 'Wellbeing Objectives'** (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
2. **PSBs must set and report annually 'Wellbeing Objectives'** (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
3. **Leaders must set and report annually 'objectives to be met by the Executive'** (S99 of the Draft Bill)
4. **Leaders must set and report annually 'objectives to be met by the chief executive** (S104 of the Draft Bill)
5. **Councils set and report annually on corporate plan priorities** (council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term)) (S112 of the Draft Bill)
6. (A number of) **Community Area Committees must set an annual 'statement of priorities and objectives'** in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill)

We agree with the WLGA that much of the detail will need to be explored further. Discussions with Welsh Government officials have highlighted that there are inconsistencies between various different pieces of legislation and we would welcome further opportunities to discuss these in greater detail.

Some sections within this part of the Bill (eg those dealing with peer assessment) appear to be only relevant to merged authorities, whereas others apply to existing ones. This may create some confusion.

We support the principles around 'good governance' as outlined in the Draft Bill. We cannot comment in detail without more information about what will be in Regulations.

We note that statutory Performance Indicators do not feature on the face of the Bill but understand the final Bill will include provision for Welsh Government to make Regulations about what must be published. We consider that the current framework is not viable with a smaller number of merged authorities. We would like further information on the local application of the proposed new National Wellbeing Indicators. We have responded separately on this issue. In short, we consider that there is still a lot of work to do, especially if these indicators are to be mirrored at county council level geographies.

Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria (such as evidence which might be considered) before the triggering of an intervention.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

We agree with the WLGA that the proposed governance arrangements are broadly welcomed, but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

We agree with the WLGA that peer review should remain a key component of a reformed improvement regime in the future.

We are not convinced that a peer review is a process that lends itself for legislation. It is a model that works well because of high levels of flexibility and trust.

We think that further dialogue on what really needs to be prescribed and what can be left more open for peer reviews would be helpful. We note that Section 119 suggests that peer reviews will be completed in 2023 so there appears to be sufficient time to work issues through. An obvious issue raised by suggestions in Appendix A of the consultation document is how people (or their employers) will be remunerated for their time and what might constitute reasonable expenses. It strikes us that the commitment required goes beyond what can be reasonably expected through voluntary, mutual arrangements.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

We are currently reviewing the role of our Corporate Governance and Audit Committees as part of a review of our Constitution. The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in new constitutional arrangements.

We agree with the WLGA that it is not necessary to prescribe the membership of the committee to the degree that it is within the proposed legislation. We agree with the principles that underpin these sections; it is important that this committee is independent and that it is not chaired by a Member from the controlling group.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

We agree with the WLGA that it is not necessary to establish local public accounts committees as the original proposal largely duplicated the role of existing scrutiny committees and the duty to scrutinise designated persons (regulations for which are yet to be introduced).

We agree with the WLGA that it is important that local authority scrutiny functions have a broad enough remit to effectively scrutinise all public services (either individually or collectively) in their area.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

We agree that Public Services Boards are the right bodies to do this.

Question 5.7: If so, would they benefit from additional legal powers?

No. The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

This is a complex area. We consider it will be better to re-visit this question when issues such as local government re-organisation are more settled.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

We agree with the WLGA that it is appropriate that any review of community council arrangements will be conducted by the Local Democracy and Boundary Commission. We are not convinced that Welsh Government has established a clear view on its vision for Community Councils, including the sorts of services they should provide and the role they should have in representing their communities. This feeds through into what the criteria for merging community councils should be.
It is important that the process for the establishing of Community Area Committees needs to be aligned with any reforms of community council arrangements. The current arrangements for how this is initiated (the Future Generations Act) do not appear to be fit for purpose.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

We support this proposal to bring this date forward to 2019.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

We do not have a view on this question, but we suspect that any new local authority will have a large amount of work to do and that implementing Boundary Commission reviews will be one of a large number of competing priorities.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

We are committed to work with Town and Community Councils to improve quality of life in local communities.
We have some reservations about compulsory training for community councillors. If compulsory training is to be implemented, we consider that it makes sense that this is primarily a responsibility for community councils themselves. We think that it makes sense to re-visit this section as part of a broader piece of work on the future role of community councils.
We agree with the WLGA that the proposals, as currently drafted, risk placing a 'strain on the good relations between the clerk and the council' (as your consultation document itself notes).

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

We agree with the WLGA that a six year term would be a very long municipal term with implications in terms of local accountability. This proposal does not sit comfortably with the idea of competent councils and the aspiration that at least two-thirds of community councillors are elected.

We are also realistic about the practical impact. In reality, few of our Community Councils have held elections in 2008 or 2012 so the extension of the term may have result in little change.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

See our comments under question 6.4. It is not appropriate that local authorities should have a duty to discharge over other autonomous and democratically accountable bodies.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

This is a matter for community councils. This proposal will be very difficult to implement in many of our small community councils where the role of the Clerk relies on a significant degree of goodwill.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

We welcome this proposal which appears to be pragmatic and cost-effective. There needs to be clarity about how any e-petition will be considered so that there is transparency and clarity of expectation.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

We think that the Ministerial powers over workforce matters as outlined in Part 7 of the Draft Bill are too wide ranging and risk micro-management of local authorities' workforce practices.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

We do not have a strong view on this matter other than to note that a more constrained (ie focused) Public Services Staff Commission is likely to be more effective.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

We do not have any further comments

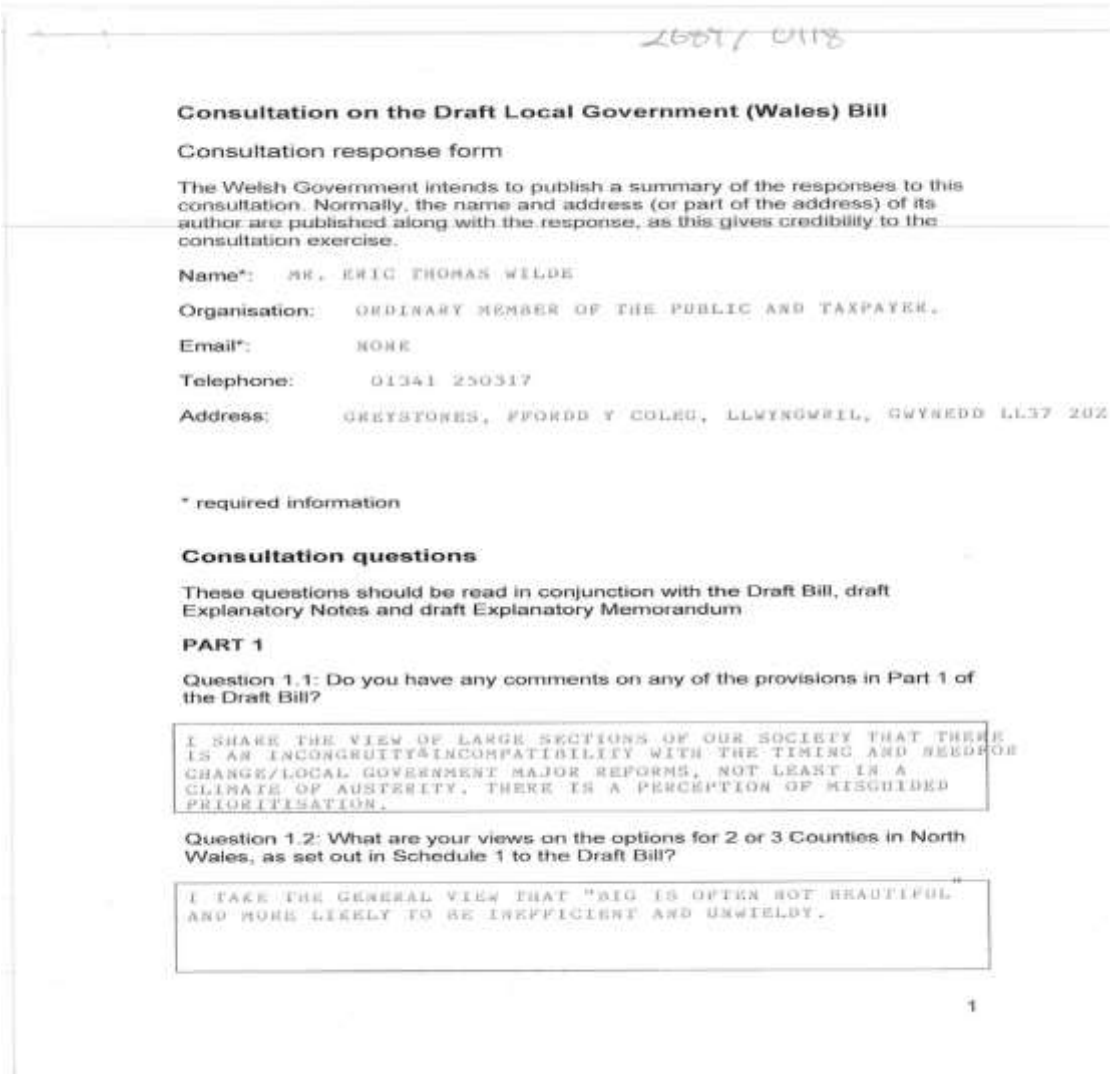
Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

We do not have any further comments

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -118: Mr Eric Thomas Wilde

Tref / Town : Llwyngwryl, Gwynedd
Sefydliad / Organisation : N/A



26897 / 0118

Consultation on the Draft Local Government (Wales) Bill

Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name*: MR. ERIC THOMAS WILDE

Organisation: ORDINARY MEMBER OF THE PUBLIC AND TAXPAYER.

Email*: NONE

Telephone: 01341 250317

Address: GREYSTONES, FFORDD Y COLEG, LLWYNGWRIL, GWYNEDD LL37 2UZ

* required information

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

I SHARE THE VIEW OF LARGE SECTIONS OF OUR SOCIETY THAT THERE IS AN INCONGRUITY&INCOMPATIBILITY WITH THE TIMING AND NEEDFOR CHANGE/LOCAL GOVERNMENT MAJOR REFORMS, NOT LEAST IN A CLIMATE OF AUSTERITY. THERE IS A PERCEPTION OF MISGUIDED PRIORITISATION.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

I TAKE THE GENERAL VIEW THAT "BIG IS OFTEN NOT BEAUTIFUL" AND MORE LIKELY TO BE INEFFICIENT AND UNWIELDY.

1

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

I AM NOT CONVINCED THAT THE PUBLIC WANT OR ARE READY FOR SUCH CHANGE PARTICULARY SO WHERE THEY ARE THE ONES FOOTING THE ENORMOUS BILL.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

I DO NOT HAVE SUFFICIENT UNDERSTANDING OF THE ISSUES AND LEGALITIES TO COMMENT ON THIS.

Question 1.5: What are your views on the procedure for naming the new Counties?

MY MAIN CONCERN WOULD BE GOOD COMMUNICATIONS TO ENSURE THE PUBLIC ARE AWARE WHEN THIS STAGE IS REACHED. MY PREFERENCE WOULD BE FOR NEWSPAPER BASED PUBLIC NOTICES TO RAISE AWARENESS RATHER THAT UNDUE RELIANCE ON "SELF DISCOVERY" THROUGH INTERNET MEDIUM.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

I AM NOT HAPPY WITH 5 YEAR TERMS - ITS TOO LONG.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

DO NOT HAVE ANY INFORMATION ABOUT SECTION 16 OR SCHEDULES

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

NOT ANSWERED

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

PASS

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

PASS

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

PASS

Question 1.12: Are there other matters of a technical nature which should be considered?

PASS

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

NO

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

I I AGREE WITH PROPOSALS

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

NO

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

NO

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

NO COMMENT

I AM UNABLE TO ANSWER ANY FURTHER QUESTIONS BECAUSE I AM MISSING THE BACKGROUND INFORMATION.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

26897 -119: Geraint Thomas

Tref / Town : Pencoed
Sefydliad / Organisation : Pencoed Town Council

Good morning Kayleigh

Please accept this email as Pencoed Town Council's response to the Draft Bill following last week's Seminar /Presentation:

We agree that training should be provided by the County Council but that should be supplemented by Town and Community Councils.

We support the three requirements for competency and that they should form part of the Annual Report.

We think that the number of electors per Community Councillor should be set at a maximum of 2,500.

We support the introduction of Area Boards as a conduit for dealing with Principal Authorities during the first term of the new Authorities . Thereafter subject to review.

Regards

Geraint

Town Clerk

26897 -120: Claire Hallett

Tref / Town : N/A
Sefydliad / Organisation : South Wales Police

Following the request for submissions in response to the Draft Local Government Bill, South Wales Police would wish to raise the following for consideration;

a) The priorities for South Wales Police are set by our Police and Crime Commissioner in the Police and Crime Reduction Plan. There is however a legislative requirement upon the Commissioner (section 10(1) of the Police Reform and Social Responsibility Act 2011) that in exercising his/her functions regard **must** be had to the relevant priorities of each responsible authority, the definition of which includes "the council for the area and, where the area is a district and the council is not a unitary authority, the council for the county which includes the district". There is also an absolute obligation in section 10(2) that a police and crime commissioner must act in cooperation with such local authority.

   We acknowledge that the imposition of duties on commissioners and chief constables is outside the legislative competence of the National Assembly, however there are clear benefits to be achieved from joint working on key strategies and plans of county councils, and we would therefore suggest that consultation with the police service remains important. In this respect, we would be supportive of specific duties being placed on county councils to co-operate with and to consult with Commissioners and chief constables (to reflect the obligations currently set out in police legislation).

   In this respect, we note that in relation to the preparation, publication and review of corporate plans a county council must only consult with (a) each Local Health Board, (b) the 'public services board' within its area (at which the police would be an 'invited' participant) and c) any other persons the council thinks appropriate (section 115). Similarly, other obligations within the Bill include discretion on the part of local government as to its consultees e.g. section 39, which deals with local people participation, provides that in preparing its first public participation strategy a county council must consult with local people and '*such other persons as it considers appropriate'*.

b) The police service supports greater collaboration and cooperation with its public sector partners which at times can be fragmented. The proposed reduction in the number of local authorities (and in the number of public engagement fora) could potentially reduce bureaucracy, duplication and enhance partnership working but our key priority is ensuring that the fora at which we are engaged have representation from the relevant authorities and that such individual

representatives are sufficiently senior to enable decisions to be made and resources committed. We acknowledge that many issues require an effective multi-agency approach by all key stakeholders. We are already engaged in collaborative projects with our local authority partners e.g. the creation of a joint fleet workshop with Bridgend County Borough Council, and would wish to ensure that any proposed changes do not impact upon the inception or continuation of such projects.

c) We remain committed to exploring opportunities afforded through technological innovation, and we are currently reconsidering our approach to digital services in terms of what we can provide for our communities. We would strongly support closer working with other public services within Wales to maximise the benefits that such use of technology can provide. We would also suggest that further work is undertaken in relation to the introduction of a common IT platform and that improvements are secured in information and data sharing across the public sector. The progress of such issues will remain imperative regardless of the final configuration of any proposed changes to local government areas.

Claire Hallett

Chief Inspector / Prif Arolygydd

26897 -121: Samantha Roberts

Tref / Town : Mold
Sefydliad / Organisation : Mold Town Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Mold Town Council believe that table 2 would suit North Wales.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Mold Town Council believe that three year terms for elections is too short and suggest to accommodate five year terms the new Principal Authorities should take over full Local Government functions from 2023, in line with Community Councils. This would allow for a 2018 election, with members serving a 5 year term. A shadow election in 2022, with the shadow members taking over in 2023.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The term “Competence” does not reflect the aim of the Draft Bill, as all councils would like to be recognised as Competent, as the alternative is incompetent. A more suitable term could be “Quality Council” or “Accredited Council”. What happens to the competency rating after a merger of community councils’ post 2023? Is there legislation to allow for interim arrangements, and if so what would those arrangements be?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

Mold Town Council believe that the competency of a community council should be reviewed annually and agreed each year at the AGM. Holding the status for five years, could be risky as it does not allow for any changes such as a qualified audit, or change of Clerk.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Mold Town Council believe that the original comments and concerns over bureaucracy and representation have not been addressed and still stand.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The selection of a community council representative should be the responsibility of the community councils. Community Councils of an area should nominate and elect a representative who should be given an agreed mandate on behalf of the collective community councils.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Mold Town Council believe that the Boundary Commission should submit their reports to the New Principal Authorities in 2020 and not bring this forward. Bringing it forward to 2019 reduces the amount of time to conduct the review of over 700+ community councils which could have a negative impact.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

It is irrelevant who implements the recommendations as the outcome is the same.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Mold Town Council agrees that there should be compulsory training for councillors in specific areas such as the Code of Conduct and Planning, but this should be determined by the Community Council and not the Principal Authority.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Mold Town Council agrees with this.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Mold Town Council agrees that Community Councils should consider a plan for training needs of members and employees. Advice and guidance could be sought from the Principal Authorities, but the decision should be with the community council.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Mold Town Council agrees with this, as the Town Council already carries out performance appraisals with objectives. However, there needs to be recognition that the Chair should have training/guidance on how to conduct an appraisal.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Mold Town Council believes that removing community polls and replacing them with e-petitions could exclude some members of the public who either do not have access to the internet or choose not to use this form of poll/petition.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -122: Sandra Williams

Tref / Town : Ruthin
Sefydliad / Organisation :Ruthin Town Council

Ymateb i Fil Llywodraeth Leol (Cymru) Drafft gan Gyngor Tref Rhuthun

Mae'r ymatebion hyn yn ymwneud yn bennaf â'r cynigion sy'n berthnasol i Gynghorau Tref a Chymuned. O ran aildrefnu y cynghorau sir, mae aelodau'r Cyngor Tref o blaid tair sir yng ngogledd Cymru, gyda Sir Ddinbych a Chonwy yn uno gan fod y ddwy yn fwy gwledig ac amaethyddol eu natur, mae Sir y Fflint a Wrecsam yn fwy diwydiannol.

Ym Mhennod 2 y Bil Drafft cyfeirir at Gynghorau Cymuned â Chymhwysedd. Er mwyn bod â chymhwysedd rhaid i o leiaf ddwy ran o dair o gyfanswm aelodau'r cyngor fod wedi eu hethol, rhaid i'r clerc feddu ar gymhwyster proffesiynol perthnasol a rhaid i'r cyngor fodloni'r amod archwilio – sef barn ddiamod gan Archwilydd ar gyfrifon y cyngor am ddwy flynedd ariannol yn flynyddol.

Rhaid cofio mai gwaith rhan amser yw rôl y clerc mewn llawer o gynghorau cymuned. Rhaid ystyried y costau a'r amser sy'n ofynnol ar gyfer astudio cwrs er mwyn ennill cymhwyster perthnasol. Er enghraifft, cost cofrestru ar gyfer y cymhwyster CiLCA (Certificate in Local Council Administration) yw £250 a chynigir cwrs pedwar diwrnod, i gynorthwyo gyda llunio'r portffolio tystiolaeth ar gyfer sicrhau cymhwyster, gyda mis rhwng pob diwrnod hyfforddiant, am £250 + TAW. Hyd yma mae'r cyrsiau agosaf wedi eu cynnal yn ne Cymru a chanolbarth Lloegr. Rhaid cwblhau'r modiwlau a'r portffolio mewn 12 mis.

Mae'r Bil Drafft hefyd yn nodi fod rhaid i gyngor sir ystyried a ddylai fod yn orfodol i aelodau o gynghorau cymuned yn ardal y sir gwblhau unrhyw hyfforddiant a sicrhau y darperir unrhyw hyfforddiant y mae'n orfodol i aelodau o'r cynghorau hynny ei gwblhau. Rhaid cofio fod aelodau cynghorau tref a chymuned yn gwneud hyn yn wirfoddol, mae llawer ohonynt â swyddi a hefyd eisoes yn rhan o gymdeithasau a mudiadau eraill yn eu hardal, ac yn llywodraethwyr ysgol ac ati, a bod eu hamser yn brin. Dywed y Cynghorwyr Tref y dylai unrhyw hyfforddiant fod ar sail gwirfoddol, gan nad yw'r cynghorwyr yn derbyn unrhyw dâl am eu hymroddiad.

Os cyflwynir hyfforddiant gorfodol a bod cwyn nad yw cynghorydd wedi cwblhau'r hyfforddiant, mae'r Bil yn awgrymu mai mater i'r clerc fydd dyfarnu a yw'r aelod wedi torri'r dyletswydd ac, os yw'n dyfarnu bod yr aelod wedi torri'r dyletswydd, rhaid i'r clerc hybysu'r cyngor am y dyfarniad hwnnw mewn cyfarfod o'r cyngor.

Oni fyddai'n well, er budd perthynas waith dda rhwng y clerc ac aelodau'r cyngor, i'r clerc fod yn cyfeirio unrhyw achos o'r fath at y Pwyllgor Safonau?

Croesewir yr egwyddor o gynghorau lleol yn cysylltu mwy efo cymdeithasau lleol, a llunio Pwyllgor Ardal Gymunedol a fyddai'n cynnwys cynrychiolydd o'r cyngor tref. Hefyd croesewir y syniad o annog pobl ifanc i ymddiddori mwy yn yr hyn sy'n digwydd ac yn effeithio ar eu cymuned, ac i ymwneud mwy â'u cynghorau lleol.

Responding to the local government (Wales) Bill by Ruthin Town Council

These responses are primarily concerned with the proposals relating to town and community councils. In terms of rearranging the county councils, members of the Town Council in favour of three counties in North Wales, with Denbighshire and Conwy will merge as both more rural and agricultural nature, Flintshire and Wrexham is more industrial.

In Chapter 2 of the draft Bill referred to community councils with competence. So that eligibility must at least two thirds of the total members of the Council have been elected, the clerk must possess relevant professional qualification and the Council must satisfy the condition audit – namely an unqualified opinion by the Auditor on the accounts of the Council for two financial years annually.

It must be remembered that part-time work is the role of the clerk in many community councils. Consideration must be given to the costs and time required for studying a course in order to earn a relevant qualification. For example, the cost of registration for CiLCA qualification (Certificate in Local Council Administration) is £ 250 and are offered four-day course, to assist with the formulation of the portfolio of evidence for ensuring qualification, with months between each training day, for £ 250 + VAT. So far the closest courses have been held in South Wales and the Midlands. The modules must be completed and the portfolio in 12 months.

The draft Bill also noted that County Council must consider whether it should be mandatory for members of community councils in the area of the County completed any training and ensure that they are provided with any training that is mandatory for members of those councils is complete. It must be remembered that members and town councils are doing this voluntarily, many of them with jobs and also already part of associations and other organisations in their area, and school governors, etc, and that their time is limited. He says the town councillors any training should be on a voluntary basis, given that the Councillors will receive any remuneration for their dedication.

If introduced mandatory training and that a complaint is not a councillor has completed the training, the Bill suggests that the clerk issue will determine whether the Member has breached the duty and, if it determines that the Member has breached the duty, the clerk must appeal the Council wants that ruling at a meeting of the Council.

Would it not be better, in the interests of a good working relationship between the clerk and members of the Council, to the clerk that will refer any such case to the Committee on standards?

Welcomed the principle of local councils is linked more with local associations, and prepare Community area Committee which would include a representative of the Town Council. Also welcomed the idea of encouraging young people to take more interest in what is happening and affect their community, and to be more involved in their local councils.

26897 -123: Hayley Parkes

Tref / Town : Conwy
Sefydliad / Organisation : Towyn and Kinmel Bay Town Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

This Town Council believes that there should be 3 Counties in North Wales and strongly back the merging of Conwy and Denbighshire, as we believe that the two counties have successfully worked together already in certain areas and feel that the residents have similar needs.

Gwynedd and Anglesey are more culturally connected and have a much higher level of Welsh speakers compared to Conwy.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

We believe the removal of the £200,000 precept threshold is sensible and the current criteria are a fairer reflection of what would make a competent

Council.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Yes this seems a sensible time frame.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Should be left with the Boundary Commission to follow through to its fruition, as it would make the procedure and any changes run more smoothly.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

This Council believes that compulsory training should be provided in the areas of the Code of Conduct, how to Chair a Meeting and Planning training. These should be provided by the County Council and all Community Councillors should have to attend as part of taking on their role, in much the same was as a School Governor. Any more compulsory training than this would potentially put people off standing as Councillors, due to this being a volunteer role and their free time.

In relation to the clerk's role in terms of dealing with a Councillor who does not attend compulsory training, we do not believe that the suggested procedure is the correct way to deal with it, as this could lead to a strain between the clerk and Councillors. While the Council at this time do not have an alternative suggestion, they want it noting that they do not feel the one currently mentioned in the draft Bill is the right way to address this issue.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

6 years allows the time to grow the experience among the Councillors and provides continuity to the community, especially during the change and upheaval that will arise as a result of all the proposed changes that will come about as a result of this Bill.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

This Council believes that as well as compulsory training that should be offered by the County Council, Community Councils should have training budgets in place so that Councillors and clerks can take advantage of the training offered by One Voice Wales and the SLCC. This training would be more localised dependent on the needs of that Council area, such as allotment and burial training being relevant to one area but not another. This type of training need should be the responsibility of the Community Council, and be encouraged.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Although a Community Council Clerk will have a job description that applies to their role at all times, I think it's important that they have annual objectives for the year, within reason. These objectives could be set by the clerk and the HR/Staffing Committee for the year ahead.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Having e-petitions poses the problem of alienating certain sections of the community that are not online or don't have computers. In another

generations time this would probably be a viable option as eventually society will all be computer literate and IT savvy.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -124: Dr Roisin Willmott

Tref / Town : Cardiff
Sefydliad / Organisation : RTPI Cymru

15 February 2016
e-mail response sent to: RLGProgramme@wales.gsi.gov.uk
Dear Sir/Madam,
Response to: Draft Local Government (Wales) Bill and Explanatory Memorandum
The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built

environment, works to raise professional standards and supports members through continuous education, training and development.

The response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

Thank you for the opportunity to contribute views on the above consultation. Many of the issues raised as part of this consultation are outside the remit of spatial planning. We have therefore addressed below specific points that we believe to have an impact on the delivery of spatial planning.

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Our concerns with the proposals lie primarily with the impact of the provisions on Local Planning Authorities (LPAs) and the delivery of an effective planning service for communities. In responding to the consultation on the White Paper, we indicated that we felt that the establishment of significantly larger Local Authorities (LAs) and subsequently larger LPAs, would give rise to concerns regarding their ability to connect with local communities.

The perception of remoteness / peripherality is an issue with the current local government arrangements, particularly the large rural counties, and would be significantly more difficult to address if authorities were geographically larger and lacked a sense of identity which encouraged a respect for the governance structure and geographic focus. We continue to hold these views.

Within many LPAs the development management function (planning application process) is already divided into area teams to enable more manageable workloads, including management of what can be extensive travelling times and distances. In rural areas, the sheer geographical size of merged LPAs would create challenges in terms of the organisation of services and customers' access to them. There would also be challenges in the perception of where democratic control lies. Long travel distances, for example between centres and locations of democratic functions, would also impact markedly on the

Royal Town Planning Institute
Cymru (RTPI Cymru)
PO Box 2465
Cardiff
CF23 0DS
Tel +44 (0)29 2047 3923
email walespolicy@rtpi.org.uk
Website: www.rtpi.org.uk/rtpi_cymru

participation of Councillors and their knowledge of areas, and on the ability of local communities to participate in council activities and consultations.

We also believe that the costs and disruption that would arise from merging planning authorities, together with the drawbacks of creating much larger authorities, means that there would be a need for very clear evidence to justify undertaking such an initiative. We remain to be convinced that this evidence base is in place.

These concerns are particularly relevant in the short to medium term, given the financial constraints facing LAs. While the workload of planning services is increasing, staff shortages are also arising, with difficulties in staff recruitment and retention caused by financial constraints, coinciding with an increase in job opportunities for planners in the private sector, and the current lack of security in LA

jobs created by the discussion of reform, as well as constraints to budgets. We believe that managing the merger of authorities at this time would distract attention from facilitating economic growth and furthering community well-being.

While we do not support the merging of LPAs as a result of the merging of LAs, we do support the sharing of specialist skills across authorities which can be on a more informal and flexible basis is a proven and positive way of delivery services effectively without the need for formal merger. For example, the successful model used by the north Wales LPAs on waste and mineral provision. This helps to overcome the issue of a lack of specialist skills for each individual LPA for what may be needed infrequently; it retains local accountability and democratic input and encourages the development of a stable specialist team.

Notwithstanding the above, where local authority boundaries are proposed to be redrawn, we would favour boundaries which most closely reflect the spatial behaviour of communities, based on evidence such as travel to work and travel to learn patterns.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales,
as set out in Schedule 1 to the Draft Bill?
Given the concerns expressed in response to Question 1.1 about overly large authorities, any final solutions should be for manageable geographic areas which provide for engagement with local communities and effective governance.
Question 1.4: Do the Welsh Ministers need to seek any further powers to support the
integration of Powys Teaching Health Board and Powys County Council?
Spatial planning takes account of a wide set of issues including inequalities in health and education etc. Spatial planning should integrate and be an integral part of the full range of public, corporate and community strategies and initiatives.
Question 3.1: Do you have any comments on any of the provisions in Part 3 of the
Draft Bill?
We broadly welcome the principle of promoting greater access to local government, including securing greater community involvement and encouraging more public participation.
Question 3.4: Do you agree County Councils should be able to delegate functions to a
community area committee? If yes, are there any functions that should or should not
be capable of being delegated?
We would oppose any proposals that might see decisions on any planning functions being delegated to any committee that includes members who are not full members of the LPA.
The members of the LPA have a level of legitimacy and accountability that would not apply to wider members of a community area committee as proposed. More generally, there would also be concerns about the delegation of any LA decisions to committees where all members were not fully accountable and subject to the operation of the Nolan principles.
In 2013 Welsh Ministers invited RTPI Cymru to take forward a recommendation of the Independent Advisory Group (IAG) by establishing a group of expert independent stakeholders to oversee a piece of commissioned research on the operation of Planning Committees in Wales to determine whether there is a link between efficiency and effectiveness and committee size. While the study focused on the

planning function it does have relevance beyond planning in relation to review of committees, functions and appropriate benchmarking/consistency; our point being that careful consideration of such measures should collectively feed into evidence for appropriate ratios and numbers of members. The study can be found on our website at http://www.rtpi.org.uk/the-rtpi-nearyou/
rtpi-cymru/policy-in-wales/waleslegislative-programme/study-into-the-operation-ofplanning-
committees-in-wales/

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
We believe that decisions to delegate the functions of LAs are most appropriately taken by the authorities themselves to take account of local circumstances and third party structures, which vary across Wales.
We have concerns about the proposals to give Welsh Ministers the power to delegate to third parties by regulations the functions of local authorities, given that these could apply to their functions as LPAs. These functions have been allocated to the local authorities by those legislators who approved the primary planning legislation in the first place, and it would not seem appropriate for Ministers to be able to then delegate by regulations, these functions to third parties. There would also be concerns about the delegation of any local authority decisions to third parties who would not be fully accountable to those authorities, and not subject to the operation of the Nolan principles.

Role and engagement of elected members
RTPI Cymru believes that there is a need to ensure that there are sufficient elected Members to enable the effective, democratic input to the discharge of local government
functions, including planning. Members need to effectively engage in the planning process and recent Planning (Wales) Act 2015 measures to ensure an effective relationship between Council Members and electors. How would the proposals impact on Members resources andworkload and in turn this important relationship? The changing role of Council Members requires consideration and how different functions, such as planning are impacted. Consideration should therefore be given to the changes set out in the Planning (Wales) Act 2015 as well as Members' work in relation to planning applications, local plan consultations, plus the important role of planning committee members.

If you require further assistance, have any queries or require clarification of any points made,
please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk
Yours sincerely,
Dr Roisin Willmott MRTPI
Director
RTPI Cymru

26897 -125: Caryn Furlow

Tref / Town : Neath
Sefydliad / Organisation : Neath Port Talbot County Borough Council

Neath Port Talbot County Borough Council has input to the WLGA response and will consequently not be submitting a separate response to this consultation.

Regards, Caryn

Caryn Furlow
Corporate Policy, Performance & Partnership Manager

26897 -126: Prof Trevor Ashenden

Tref / Town : Beaumaris
Sefydliad / Organisation : Beaumaris Town Council

CYNGOR TREF BEAUMARIS TOWN COUNCIL
TOWN HALL/NEUADD Y DREF, CASTLE STREET/STRYD Y CASTELL, BEAUMARIS, ANGLESEY/YNYS MON LL58 8AP
TEL/FFON : 01248 810317 e-mail/e-bost: beaumaristowncouncil@tiscali.co.uk
TOWN CLERK/CLERC Y DREF: PROFESSOR T W ASHENDEN JP, BSc(Hons), PhD
Our Ref: TWA/PSG/7863
12 February 2016
Reforming Local Government
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Dear Sir/Madam

DRAFT LOCAL GOVERNMENT (WALES) BILL – CONSULTATION RESPONSE
Thank you for the opportunity to comment further on the proposals in the Draft Local Government (Wales) Bill.
Beaumaris Town Council is an active council with a long history. Though the council area is small (only around 1030 D band equivalent properties) it is in the fortunate position of having other sources of income which enables it to run or support several locally valuable services and facilities (public toilets, leisure centre) which the County Council has decided to stop providing.
In broad terms the Town Council is not averse to being able to ‘do more’. However it is concerned that ‘doing more’ comes with a cost: for example in running a full time rather

than a part time office or maintaining extra buildings. The Town Council feels that community councils in general will struggle to find the resources to meet the new demands without having to place a greater tax burden on local residents. The experience in this part of Wales is that shifting services from county councils to community councils has not reduced the council tax take of the principle authorities but has increased that of community councils. The end result is an unwelcome larger tax bill for residents.
In response to some of the specific issues raised by the consultation document the Town Council's responses are set out below.

Local Government Mergers (Question 1.3)
The Town Council remains opposed to the merger of Anglesey and Gwynedd. Councillors' are not convinced that large public bodies are necessarily a good thing. Their experience is that the pre 1996 combined authority was not a success. The merger that created Betsi Cadwaladr Health Trust has been a disaster. The Town Council's view is that too many constraints were placed on this current merger exercise with a result that opportunities for new ideas has been missed. For example:

- In North Wales the A55 has completely changed the dynamics of catchment areas, travel to work areas etc. from that of the 1970's when the present boundaries were put in place. The Wales Coast is an important coherent economic corridor and a local government structure that reflects this would make sense. Anglesey has much more in common with Llandudno and Colwyn Bay than it does with Dolgellau, Aberdovey or even Caernarfon.
- Some services such as education could be effectively run at a national all Wales level. Combining some services and removing them from local authority control offers similar scope for cost saving to that of merging authorities.

The Town Council's preferences are (in order):
1. Retain Anglesey County Council as a separate council.
2. Create a new coherent council area based on the A55 corridor linking Anglesey, Bangor, Conwy, Llandudno – possibly as far as Colwyn Bay. The rest of Gwynedd would be in an authority based around natural communication routes in south Gwynedd centred on Caernarfon, Porthmadog, Bala and Dolgellau.
3. Two authorities for North Wales (i.e. Anglesey, Gwynedd and Conwy combined) in line with One Voice Wales's view.

General Power of Competence (Question 2.2)
It is not clear what tangible benefit this brings. Currently the Town Council does not appear to be prevented from doing the things it feels to be important by the current limits on its powers.
There is a risk that the term 'Competent' risks labelling other councils as 'incompetent'. A term such as 'Chartered Council' might be less divisive and would have a neat historical link - Beaumaris Town Council is proud of the heritage associated with the historical charters granted by Edward and Elizabeth many hundreds of years ago.
Given the costs associated with gaining Competent status (e.g. a formally qualified clerk) and the limited benefits obtained; Beaumaris Town Council would not want Competence to be a factor to be taken into account when the Boundary Commission considers community council mergers (see below).

Duty to Consult on Budget (Question 3.2)
The Town Council believe that there should be a duty to consult and to respond constructively to comments and observations made. See also comments made in relation to question 3.3.

Community Area Committees (Question 3.3)
These committees appear to be just another layer of unnecessary bureaucracy. They will be yet another demand on community councillors' time. Community Councillors are unpaid volunteers many of whom have work commitments during the day.
While the intention to provide communities with a better voice is to be welcomed, if the committees include a wide range of groups (e.g. police, fire and rescue, health) the local community voice risks being drowned out.
A better approach may be to give county councils a duty to formally consult community councils, hear their representations and formally respond. At the moment the Town Council feels frustrated that its representations appear to be ignored. Even providing a response (if only to explain why the answer is no) appears to be beyond the capability of the County Council.

Filming proceedings (Question 3.7).
Allowing others to film or record proceedings has several pitfalls:
 The Data Protection issue of ensuring that all those present have given permission to have their images (where they can be identified) publically broadcast.

 What will be the impact on the integrity of the official record? At the moment any recordings or notes made to assist writing the minutes are destroyed as soon as the minutes are adopted. Once councillors have adopted the minutes they are the official record. Officers need the protection that if they put into effect the official record they would not be liable should there be a subsequent ruling, based on a third party recording, that the official record is inaccurate.

Review of Community Council Arrangements (Question 6.1)
The Town Council is suspicious of the motives behind proposals to merge community councils. It looks like a return to the pre 1974 structure of local government. The proposals have the appearance of a fudge designed to make it easier for county councils to offload services and hide increases in local taxation. Recreating two tier local government will reintroduce confusion about who is responsible for what; a confusion that was removed by the 1996 reorganisation.
The process of merging community councils will cost money. Many small community councils currently operate out of a part-time clerk’s home. Once combined these councils

will have to find (and pay for) office accommodation to be able to provide the quality of service expected.
Once set up even combined community councils will struggle to find the resources to sustain and deliver services. They will tend to have narrow tax bases and, unless they have alternative income that they can use, will find it difficult to raise money to fund the staff required to run devolved public services, maintain transferred buildings etc.
The Town Council fears that the end result of these proposals will be increased taxation of local residents for which the community councils rather than Local Authorities or Welsh Government will take the blame. There is already an example on Anglesey where the transfer of a recreation ground to Holyhead Town Council from Anglesey County Council is resulting in a proposed £7 increase in band D council tax (through an increased community council precept).
Increased demands on the resources of community councils also apply to the councillors themselves. They are volunteers, often with other jobs or responsibilities. Giving them ever growing responsibilities for the safe, economic delivery of local services will put increased demands on their time and skills. If the demands become too great it will become harder and harder to attract suitable candidates. Already many community councils struggle to find enough candidates for proper contested elections. These changes are unlikely to make the situation easier. A big benefit of current community councils is their sense of identity and of being rooted in a location. Bigger councils risk losing that local link and will make it harder for councillors to judge the local community public interest.
Finally, there may be some benefit in merged community councils. It is already the case that Beaumaris Town Council provides services which are of benefit to neighbouring communities. If more services and facilities are devolved from county councils a mechanism will be needed to ensure that councils in local service centres (like Beaumaris) get financial support from other communities in their catchment area whose residents use those facilities. The success with which this benefit can be realised depends heavily on the direction given to the Boundary Commission about how community councils will be joined together. Constraining combined communities to current ward boundaries or setting upper and lower limits on size, or to be clustered around a 'competent' council runs the risk of creating councils that don't serve a sensible catchment area or have a sense of place and belonging.
Yours sincerely
Professor T W Ashenden
Town Clerk

26897 -127: Bernadette Elias

Tref / Town : Ebbw Vale
Sefydliad / Organisation : Blaenau Gwent County Borough Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The Council welcomes the opportunity to respond to the Welsh Government on the Draft Bill as part of the consultation process.

As part of our response we would ask you to note that the Council is in broad support of the views expressed in the Welsh Local Government Association commentary in response to the consultation.

In addition we also acknowledge the commentary from the Local Government HRD (Wales) Network and Solace Cymru.

We would make the additional comments in the attached consultation response form, including where we would wish to reiterate comments in the WLGA response.

We would state our preference for a North Gwent Model, and would reiterate commentary of the WLGA regarding consistency and co terminosity. We would make the comment that any configuration would need to be proportionate to support the needs of the area and are mindful that the Council is the largest employer in the area.

The approach taken in the City Deal Programme may be a useful reference.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

We would state our preference for a North Gwent Model

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

No specific comments

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

We support the WLGA commentary and would add that in relation to Council Tax Harmonisation we would not support an outcome where Blaenau Gwent would be disadvantaged compared to others.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

As part of our response we would ask you to note that the Council is in

broad support of the views expressed in the Welsh Local Government Association response to the consultation. We would make the additional comments.

We strongly advocate the approach for general power of competence for local authorities.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

We strongly support the commentary of the WLGA.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

As part of our response we would ask you to note that the Council is in broad support of the views expressed in the Welsh Local Government Association response to the consultation. We would make the additional comments including where we would wish to reiterate comments in the WLGA response.

We would make the general point that the Bill as set out needs to guard against corroding local democracy including the scrutiny function.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

We would support the commentary of the WLGA and would make the observation that a coherent approach to participation could be explored and maximised via Public Service Boards.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

We strongly support the commentary of the WLGA including comments in relation to questioning the appropriateness of PSB's in establishing community area committees.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

We support the commentary of the WLGA, and would reiterate the commentary of Solace Cymru that we do not feel it would be appropriate to delegate functions in relation to Education or Social Services.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

We support the WLGA commentary and would reiterate comments regarding potential cost implications. We would also make the comment that more qualitative evidence that electronic broadcasting enhances engagement in democratic processes and democracy would be helpful.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

As part of our response we would ask you to note that the Council is in broad support of the views expressed in the Welsh Local Government Association response to the consultation. We would make the additional comments.

We strongly support the commentary of the WLGA on this section of the draft Bill.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

We support the commentary of WLGA and whilst we would welcome a review of the existing statutory process with a view to replacing it with a streamlined alternative, we would wish that would still incorporate a role for an independent third party

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

As part of our response we would ask you to note that the Council is in broad support of the views expressed in the Welsh Local Government Association response to the consultation. We would make the additional comments.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local

Authority's response to the self assessment, peer assessment, combined assessment and governance review?

We support the commentary of the WLGA, and feel it is appropriate that the committee appoint the chair.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

We support the proposals, and note that we have in place a protocol for public petitions.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -128: Anonymous

Tref / Town : N/A
Sefydliad / Organisation : Anonymous

Question 6.4 Mandatory training should be transferred to the Welsh Government to ensure fairness and coherence for community councils throughout Wales.

Question 6.5 Preference 4 years, as 6 years onerous for volunteers.

Question 6.6 OSMCC already makes budgetary provision for members and employee training.

Question 6.7 Community Councils should have ownership of objective setting for clerks, with the current advice from One Voice Wales being transferred to the Welsh Government.

Question 6.8 Too devisive.Too many sections of the community would be unable to access and participate in an e-petition.

26897 -129: David Cook

Tref / Town : Cardiff
Sefydliad / Organisation : Wales Council for Voluntary Action

Consultation questions

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PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

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Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

- We welcome encouragement for public to become more involved in local democracy and for it to be a statutory duty. However this must not be a tick-box exercise. The National Principles for Public Engagement in Wales. and the National Children and Young People's Participation Standards offer excellent guidance of effective, meaningful participation and should be referenced in this section. All public bodies should be actively encourages to endorse the National Principles. To date, 130

public service organisations have done so in Wales. For full list see www.participationcymru.org.uk/principles

- With the emphasis on 'voice' and 'control' within the Social Services and Wellbeing Act (Wales) 2014 and the Wellbeing of Future Generations Act (Wales) 2015 having a statutory duty of involvement for public bodies as a way of working, engagement and participation with the public needs to be co-ordinated across public bodies and across sectors. A more joined up approach to engagement needs to happen and engagement practitioners need to be recognised for the professional nature of the work they carry out and data collected from engagement work needs to be shared widely and not duplicated.

- Engagement and scrutiny: much work has been carried out by the Centre for Public Scrutiny and Participation Cymru is looking a new models of scrutiny to further enable the public to be involved. This means 'doing things differently', offering support and training to elected members to enable them to use new ways of working and support and training for members of the public to allow them to be involved effectively.

- In accordance with the National Principles for Public Engagement, using a variety of methods to engage is vital. Online tools are inexpensive and have a wide reach but should not be the default position as the method should match the audience and not everyone is able or would choose to engage online.

- Every effort should be made to reach as wide and diverse a population as possible. Extra efforts will be needed to reach hard-to-reach individuals. The third sector is well placed to support this work and must be included as an equal partner in any engagement activity.

- Consultation on the budget is necessary and important. However it is also complex and often inaccessible to the majority of the public. The consultation on the budget should begin with early pre-budget engagement to seek people's views on their priorities and concerns but also their ideas and solutions for alternative service provision (i.e. an asset based approach as outlined in the Social Services and Wellbeing Act where it is termed co-production). These views should then be used to inform council decisions when setting draft budgets, before going back out to the public to formally consult on the budget itself. The views of the public have to make a difference, otherwise everyone's time and resources are wasted and public apathy and resentment will prevail. Working with Participation Cymru many of the local authorities have made significant improvements already in the ways in which they consult on budgets and it is making a difference to the relationship between Local Government and the people they serve. A current example of this is Pembrokeshire County Council

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Third sector representation on Community Area Committees is vital, as the sector is often at the front line in terms of community services. The third sector infrastructure partnership of WCVA, CVCs and VCs could help facilitate representation. Local sector organisations and community groups should be involved to ensure diversity of the CACs. It is important to ensure that it is not just the 'usual suspects' and that community members are encouraged, supported and resourced to play an active role.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

CACs are a way for community views to be fed into Local Authority budget planning, as determined under the Wellbeing Of Future Generations (Wales) Act, so some functions around community engagement could usefully be undertaken jointly by CACs and County Councils. However, final decision-making should remain with the County Councils.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

We note the proposal that Principal Councils should be able to send out notices by electronic means only if they wish. Although welcome from a democratic transparency point of view, and also from the potential back office cost savings that can be sought by going 'digital by default', we feel that it would be important to undertake an equality assessment of the potential impact of this initiative on the 21 per cent of adults in Wales that are not online. Any development in this area would need to be incorporated into the work of Welsh Government Digital Inclusion Unit and the Digital Communities Wales project.

Also, it is worth stating that the third sector network of WCVA, CVCs, VCs and sector organisations across Wales are an excellent mechanism to distribute and disseminate information to harder-to-reach individuals and communities.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

Proposals to enhance youth participation in local democracy are always pleasing and we agree that children and young people's views should be embedded into all aspects of service delivery. However, it must be ensured that young people are able to participate in the way that they choose – for instance, the young people themselves may not feel it appropriate or desirable to have membership on CACs. However they are involved, though, they must be integrated effectively into decision-making rather than segmented away from the primary decision-makers. A facilitator skilled and experienced in youth work that can help engage young people and encourage them to express their thoughts would be very helpful.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The definition of 'Assets of Community Value' contained in the Localism Act raises several issues. The Act defines an asset of community value as furthering the social well-being or cultural, recreational or sporting interests of the local community. In Wales, the definition of cultural interests of the local community needs to include the Welsh language.

Furthermore, further clarification of terms used in the definition is needed to minimise the risk of differences of interpretation. The current difficulties with Local Authorities in England interpreting the definition on a case by case basis were outlined as part of the Welsh Government Protecting community Assets consultation. Learning from best practice elsewhere could help to overcome these difficulties. In Scotland, local government does not play a part in the operation of the community rights. The discretionary decisions and judgments involved in community right to buy requests are taken by Scottish Ministers.

The Land Reform (Scotland) Bill also links community assets and sustainable development. The Welsh Government could consider how a similar approach would help to achieve the aims of the Wellbeing of Future Generations (Wales) Act while empowering communities. The Land Reform (Scotland) Bill does not seek to define the sorts of land or buildings that may be community assets. Instead, it introduces a community's right to buy land for sustainable development. Communities seeking to use this right need to meet criteria that include:

a) the transfer is likely to further the achievement of sustainable development
b) the transfer is in the public interest
c) the transfer is likely to result in a significant benefit to the community, and is the only practicable way of achieving that benefit;
d) if the transfer were not permitted, that would likely result in significant harm to the community.

Our ongoing discussions with the third sector find broad support for the idea

that communities should have power to initiate asset transfer from public sector bodies. A key issue for community bodies looking at asset transfer is that transfers should be long-term leases or freehold. This would enable community bodies to maximise use of the asset, e.g. through raising finance and using the asset as security.

Consideration should also be given to facilitating transfers at below market value where there are clear community benefits. This could help local communities secure assets for community use and development. While many Local Authorities would like to do this, they are currently reluctant to do so and they lack the knowledge of how to do it. Local Authorities, other public bodies and communities would benefit from clear guidance on how this should be done.

Community groups would also benefit from robust support throughout and after the transfer process. This will include generic development and mentoring support that can be flexible in response to local circumstances alongside specialist and technical support for issues such as governance, TUPE, leases, and business planning. Volunteers are vital to supporting asset transfer and WCVA endorses the need for strong systems and processes to be put in place to recruit, train and retain a reliable volunteer base, including the Investors in Volunteers quality mark (IiV).

Community groups considering asset transfers from public sector bodies should be encouraged to become asset locked organisations. Asset locks prevent the assets of an organisation being used for private gain and help to ensure that the community benefit is maintained. Asset locks can be incorporated into the formal structure of community benefit societies, CICs and charitable organisations. This could help to ensure sustainable communities benefit from the right to initiate asset transfers over a long term period.

While there is broad support for the idea that communities should have “first refusal” when community assets are put up for sale, there are also some concerns over how charities owning assets would fit within this framework. Assets held by charities must, under charitable law, achieve best value on disposal. It is difficult for a charity to sell at less than market price unless there are very clear benefits to the charity in terms of its charitable objects. The right of first refusal raises the question of whether charities could be obliged to sell to a community group if the price offered was an open market value, even if the final purpose of the sale was not in conformity with their stated charitable purposes. This issue will need to be addressed in any future legislation.

Our experience of supporting community bodies to help them save local privately owned assets such as pubs and shops has highlighted the support needs of such organisations. Community groups considering such action may need support to raise the full market value of the asset. Support around funding, loans, community shares and crowdfunding would help such groups. The Welsh Government could consider how such support could be

built in to the provisions.

Community bodies will need capacity building, business advice and development support to help them take on assets and services. This will include generic development support that can be flexible in response to local circumstances alongside specialist and technical support for issues such as governance and business planning. To help ensure the sustainability of community assets, long term support will also be needed following the completion of the asset transfer. Respondents to the consultation welcomed the joined up approach to supporting Community Asset Transfers exemplified by such initiatives as the Welsh Government National Assets Working Group that looks to develop best practice in terms of procedures and policies that can be followed by the transferring authorities and the community organisation receiving the asset. The importance of ongoing support provided after the transfer has completed was highlighted by a number of respondents.

Evidence from organisations that have completed an asset transfer shows in the medium term a potential pattern of Trustee/Board disengagement and burn out and difficulties in continuing to promote sustainable business models whilst also continuing to show community benefit and social impact. Respondents welcomed the local longer term support links that can be fostered through their relationship with their local CVC, development trust, and social business support provider. The importance of community engagement in the process of asset transfer means that it is important that support is where possible delivered by organisations that are embedded in their local areas and have the appropriate local networks and skills to assist community organisations.

Resources supported should also be innovative in approach, learning from best practice in other parts of the UK, and sharing experience through on-line resources and toolkits. The development of mentors to community organisations looking at community Asset Transfer is also a potential approach to be investigated.

The need for additional support is also reinforced by the experience of implementing similar legislation elsewhere in the UK. While the community rights outlined in the Localism Act and the Community Empowerment (Scotland) Bill have been welcomed, there are concerns that the provisions risk further excluding disadvantaged or marginalised communities. Community rights provisions alone could further empower communities that are already organised and influential while those less able to take advantage would be left further behind. Some communities will also be unaware of new community rights or unable to take advantage of them without support and advice. The Welsh Government should consider both an awareness raising initiative and targeted advice and support services to help disadvantaged communities take full advantage of these proposals. We would welcome recognition of the need for additional support for community bodies and targeted support for disadvantaged communities along with a clear indication of how this will be resourced.

We would like to see an approach which incorporates community rights regarding both physical assets and services. The focus of Community Asset Transfer is clearly around the physical transfer of a tangible asset itself. However, of fundamental importance is the delivery of innovative and collaborative services that meet the evidenced needs of the local community. We broadly support the proposals on these areas contained in the Reforming Local Government White Paper.

Finally, the importance of the role of volunteers in taking on the running of local authority assets such as libraries, leisure centres and so on should not be underestimated. Many excellent resources exist to support volunteering, including the Volunteering Wales website, the Investing in Volunteers benchmark of good practice, and the training and advice services of local volunteer centres. There will, however, be a growing need for tailored support for community groups involved with asset transfer to ensure that volunteer involvement is planned and developed on a sound footing, to ensure sustainability.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Yes, providing the representative and engagement structure are sound and monitored by an independent body.

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

A useful piece of legislation would be one demanding the exploration of the possibility of co-productive working when a new service is announced, to

ensure communities and service users feel involved with decisions affecting them. Similarly, when a service currently existing is being revamped or cut, a requirement to explore whether co-production can improve or save a service would be welcome.

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We note that page 40 of the consultation document says: 'We advocate co-operative and mutual models of delivery and other alternative delivery models only as an alternative to ceasing or privatising services, as a "least-worst" option.' We consider this description of co-ops and mutuals to be surprisingly negative, and feel that if services are replaced, replacing them with a co-op or mutual service is a positive opportunity for transformative change, not something to be labelled as akin to 'better than nothing'. However, page 40 later says that 'mutualism, co-operation and shared ownership with communities should be at the heart of the transformation of public services'. While we would agree with this statement, it appears to contradict the sentiment of what came earlier.

There are several examples of co-ops and mutuals achieving positive change all around Wales, including the iSmooth community cafe in Ammanford, which provides employment for local people with learning difficulties; Swansea YMCA, who have used investment from WCVA's Communities Investment Fund to set up a gym, recording studio and other facilities for local people; and Theatr Mwldan, an arts centre in Ceredigion.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Again, we re-iterate our comments from Questions 3.2 and 3.7 about the dangers of digital exclusion.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -130: Dominic MacAskill

Tref / Town : Swansea
Sefydliad / Organisation : UNISON

Introduction

UNISON is Wales' largest public service union organising over 90,000 public service workers; 50,000 of these working in Local Government. The members we organise are triple stakeholders in Local Government: as employees of our councils; as providers of the services that our councils deliver; and as citizens who use and rely on these services.

UNISON is therefore uniquely placed to advise Welsh Government on how Local Government can be reformed to ensure that it can provide strong, democratic and sustainable quality services into the future.

UNISON Wales has contributed submissions (written and oral) to consultations on the Williams Commission; the July 2014 White Paper; the Public Services Staff Commission White Paper in January 2015 and the Reforming Local Government: Power to Local People White paper April 2015. This submission should be considered in the context of these earlier positive engagements.

Principles

UNISON is committed to maintaining the 'Welsh Way' that is embodied in a positive approach to public services: finding public sector solutions to public sector problems.

UNISON is committed to maintaining and developing strong partnership working between Welsh Government, Public sector employers, communities and the trade unions.

UNISON is committed to maintaining and enhancing the reputation of Welsh Public Services in the face of a UK Government driven austerity agenda which threatens to undermine public perception of their worth and threatens to push service delivery to be based on reducing cost rather than providing quality services.

UNISON is clear that Local Government services are best delivered by democratically accountable councils who directly employ the people providing the services. The March 2012 report from the Association of Public Service Excellence (APSE) entitled 'Shared services and collaborative working in a Welsh context: Applying theory to practice' looked extensively at different governance models for local government and found that there is little support for models of local government specifically that 'hollow out' local councils.

UNISON reaffirms its position of being against all forms of outsourcing and strongly believes that Local Government Services should be delivered by a directly employed council workforce.

PART 1 Local Government Areas and County Councils

1.1; 1.2 & 1.3 UNISON does not have a fixed view on the future configuration of Local Government areas in Wales, although UNISON does support the merger of existing areas as the most practical way of progressing a restructuring process in a timely manner.

However, UNISON can only support mergers if they take place between councils that sit within the boundaries of existing Health Authorities i.e. a newly merged council will need to have boundaries co-terminus with an existing Health Authority. Such an organisational alignment will assist in the necessary process of integrating health and social care services.

UNISON also believes that further empirical evidence needs to be produced, to support the merger process identifying the optimum scale for any new council to ensure that effectiveness and efficiency is maximised, before a merger of councils is agreed. This has particular relevance in respect of options for 2 or 3 Counties in North Wales.

UNISON can only support a restructuring of Local Government in Wales if the Welsh Government provides additional resources to local authorities to enable the initial additional costs, associated with mergers, to be met. These additional resources could be recouped from the savings that the restructuring delivers on the basis of an 'Invest to Save' strategy which has been utilised in other areas of the public sector in Wales. Should the Welsh Government insist on restructuring costs being met from existing Local Government resources then there would be a direct dramatic negative impact on the amount and quality of services that the new councils would be able to provide and would be accompanied by mass redundancies which UNISON would vigorously oppose.

1.4 UNISON doesn't see the need for additional powers in order to implement the proposed changes.

1.6 On the basis that it provides for more democracy, elections should take place every four years, as at present, not every five years. UNISON believes that these should be full elections and doesn't support elections being split into thirds, as this will dilute the democratic process and add significantly to the cost of elections.

1.7 The provisions in section 16 and Schedule 3 of the draft Local Government Bill are designed to confer of the new councils the relevant powers in respect of council tax and non-domestic rate collection.

The explanatory note says that *'The Welsh Government intends to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales.*

This will enable us to design a system which takes account of wider changes to the powers and fiscal responsibilities of the Assembly, and devolves greater financial independence and responsibility to Local Authorities.'

UNISON welcomes the separate consultation that this implies.

UNISON notes that in 2014 the IWA Senedd paper argued that:

"At present Council tax is regressive in property values, going up more slowly than house prices across the range. In Wales in 2013 the average council tax on the lowest band, where properties are worth up to £44,000, amounts to nearly 1.9% of the value of the property. That falls to nearly 1.5% for properties in the range £44,000-£65,000 and it goes on falling for more expensive properties. For properties worth over £424,000, the tax is just over 0.5% of capital value.The council tax could be reformed to make it fairer"

UNISON believes that an opportunity exists, in advance of 2020 for the Wales Government to examine how the system of local domestic taxation could be altered in a progressive way that largely removes the need for local council tax support.

The explanatory note says

'In some cases, this may require a process of harmonisation to move to the same level of Council Tax across an Authority's area. This would not necessarily need to be achieved immediately upon the creation of a new Authority. For example, a period of transition could help to promote stability in tax revenues and to ensure residents are protected from sudden changes in Council Tax liability. Conversely, early harmonisation could result in a fairer system for those taxpayers who would see a reduction in their bills. The existing finance legislation contains a broad range of powers which could be used to effect a number of policy approaches to the setting of Council Tax.'

An eight local authority and a nine local authority model are currently proposed. UNISON has examined the current council tax levels for each of the proposed models and the details are shown in *Table 1* and *Table 2* (Please see attached Appendix One).

1.8; 1.9 & 1.10 All these questions address avoidance and fraud within the Non-Domestic rates system. UNISON welcomes the proposal to place a duty on rate-payers to inform the valuation officers and the Billing Authority of a change in circumstances which may affect their liability, or eligibility to claim a relief, discount or exemption.

Examples of business rates fraud include:

- Not declaring a new business premise
- Not declaring that a property is being used for business purposes
- Failure to inform the Council that a business has moved into a property
- Falsely stating that a property is no longer in use when it is
- Falsely claiming a reduction or relief

UNISON recommends that, in parallel with any legislation, good practice is developed drawing on good practice and experience in other local authorities. UNISON would be pleased to support such an initiative. For example UNISON understands that an innovative team has been set up by Oxford City Council to tackle fraud "with a vengeance" including business rates. The council states that the fraud investigation service was so successful it paid for itself in its first month, stating 'our team is tough, tenacious and goes after any suspicious activity or fraud with a vengeance'.

The success of the scheme in Oxford will no doubt encourage other councils to adopt similar schemes and take a more aggressive approach to granting exemptions for empty properties'

Part 2: General Power of Competence

2.1 & 2.2 UNISON is concerned about the suggestion that Councils should acquire extra rights and responsibilities depending on their passing competency tests. Clearly, there must be safeguards to protect citizens from Councils which are failing or not deemed competent. But in general, either a power should be devolved or it shouldn't – and that is a political decision. It does not seem right for Councils which pass a 'competency' test to have more devolution.

Part 3: Promoting Access to Local Government

3.1 UNISON is in favour of local democracy, and co-operation between local authorities, communities, service users and employees. To this extent, we are generally supportive of the principle of Community Area Committees, such bodies could play a really positive role in bringing interested groups together in the best interests of communities. However, we have some concerns about the details, in particular the details which have not yet been spelled out.

3.2 UNISON is supportive of the need for councils to consult on their annual budgets and generally be more transparent over this important process. At present financial information provided by councils (e.g. budgets, accounts and Medium Term Financial plans) is opaque and bespoke making it difficult for members of the public to interpret and to compare. UNISON would like to

councils' financial reporting made more accessible and standardised, across Wales, to assist in this consultative process.

3.3 Community representatives on community area committees should be elected. Exactly what form of election is used will depend on what powers the committees have. For example, if they are limited to powers of scrutiny, or to the suggested advisory role, in which the committee advises the Council, then an indirect election might work best. Local authorities could nominate councillors to sit on relevant committees in their areas; local trade unions and third sector organisations could do the same.

3.4 However, question 3.4 asks whether the Council should be able to delegate its own functions to a community area committee, and whether any such functions should not be capable of being delegated. UNISON is clear that the commissioning of public services should never be delegated to these committees. We are opposed to privatisation, but in addition, if community groups and other third sector organisations are to be used in service delivery, there is no way they can be involved in community area committees. If decisions about service delivery were left to the community area committee, there would be a massive conflict for any third sector organisations which sit on the committee and which may want to provide services.

In addition, although community area committees may play a useful role in scrutinising the decisions and actions of the Council, it is vital that service delivery is scrutinised by them against the twin benchmarks of universal standards determined by the democratically elected Welsh Government, and the objectives for communities set by the Council that was elected by those communities. To this end, it is vital that the Welsh Government utilises the full potential of the new EU Public Procurement Regulations (under the new European Union Public Procurement Regulations it is possible to use procurement to promote social value, including environmental, labour and employment standards, tackling blacklisting, ensure the payment of a living wage to outsourced workers, enshrine equal pay, and develop training and apprenticeships), so that scrutiny by community area committees is not used to force Councils to outsource services.

UNISON would also not wish to see physical assets transferred from the Council to community area committees. There is value in Council property being owned by the Council, as it is the body which represents every member of the community equally. We should not assume that a community group is more representative. And we would have concerns about staff terms and conditions following such a transfer. Therefore we would recommend that the ownership and management of physical assets should be reserved by and for the Council.

3.8 UNISON is in favour of the proposed public participation duty, and we strongly support the specific proposal that the duty on the Local Authority to involve children and young people in decision-making should not be limited only to those areas which specifically "might affect them". The proposed guidance on this is welcome.

However, this is of course only part of the battle. As well as having a duty to involve young people in local decision-making, Local Authorities should also have a duty to provide youth services. Involvement in high-level decision-making will provide immense benefit to the small amount of young people who would get involved – they would get a real insight into how society and communities can work. But only a full programme of fully funded youth services can ensure that such opportunities are provided for every young person. UNISON appreciates that this is slightly outside the core purpose of the draft Bill, but it is a point worth making.

Part 4: Functions of County Councils and their Members

4.3 UNISON believes any delegation of functions could lead to the 'hollowing out' of councils. UNISON is clear that Local Government services are best delivered by democratically accountable councils who directly employ the people providing the services. The March 2012 report from the Association of Public Service Excellence (APSE) entitled 'Shared services and collaborative working in a Welsh context: Applying theory to practice' looked extensively at different governance models for local government and found that there is little support for models of local government specifically that 'hollow out' local councils.

UNISON reaffirms its position of being against all forms of outsourcing and strongly believes that Local Government Services should be delivered by a directly employed council workforce.

4.4 UNISON recommends that the Independent Remuneration Panel (IRP), even though they have no responsibility for staff pay generally, should advocate a pay rise for employees in addition to councillors. This is not a call for the IRP to interfere in existing collective bargaining arrangements but merely a call for them to advocate for equal treatment for councillors and staff.

Mergers, whether voluntary or by virtue of this Bill, do not equate to a rise in payments to Councillors but do provide an opportunity create a fairer society. Some councillors have seen an increase in their basic allowance of over 14% in recent years. Whereas in contrast, council staff have experienced years of pay freeze and control.

UNISON support direction for a maximum proportion of payments to be made to members of shadow authorities who are also members of existing Local Authorities to ensure that such members are not paid twice for doing the same job.

4.7 UNISON doesn't support giving Councils power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote. UNISON shares the views of SOLACE in that: "Votes in full council concerning the employment of individual officers would inevitably lead to protracted litigation in employment tribunals and

courts for unfair dismissal, and could easily lead to reputationally damaging and costly claims of bullying, harassment and discrimination. It is hard to see the justification for carrying out such procedures in public, and easy to see how it could turn into a "witch hunt" playing to the public gallery."

4.9 UNISON would not wish to see physical assets transferred out from Council ownership and control. There is value in Council property being owned by the Council, as it is the body which represents every member of the community equally. We should not assume that a community group is more representative. And we would have concerns about staff terms and conditions following such a transfer.

Certainly, we need to know:

a) What happens if property is transferred to a community group about which concerns later emerge – e.g. about how representative it is? What if the organisation goes bust? Can the Council get the property back?

b) Is this the 'thin end of the wedge' – is this really privatisation of property and the services that are carried out within that property? The proposals talk about safeguards, but we would want to see the details. Are staff terms and conditions involved? If so will they be protected?

c) Will workforce be given the opportunity to put together a case for retention of the asset as a public asset? In effect will 'in-house' bids be accepted and encouraged?

Therefore we would recommend that the ownership and management of physical assets should be reserved by and for the Council.

Part 5: County Councils: Improvement of Governance

5.1 UNISON is very concerned about the quality of the auditing of local authorities' decisions, particularly those concerning procurement. External audit of council procurement decisions and expenditure is weak, and there is an absence of effective mechanisms to review external audit inadequacies. While there are many examples of 'procurement failures', there do not appear to be any examples where external audit has prevented a procurement failure. External audit only appears to identify a problem 'after the event' and even then a 'light touch' approach appears to be the modus operandi.

The presence of independent members on Audit Committees could work, but we would want to know how they would be appointed, and who they would be accountable to. Election and accountability are two of the cornerstones of any democratic system. In England, with the disbanding of the Audit Commission, external audit for councils now rests in the hands of 'self-regulating' accountancy firms – many of the same firms which have been criticised by the Public Accounts Committee for their activities in helping corporate clients dodge taxes. Furthermore, many of these companies have 'arms' which also bid for council contracts and it is not clear how impermeable the walls

between them are. If the independent members of Audit Committees being proposed by the Welsh Government are taken from similar sources, then the same problems are likely to occur.

The proposal to instigate a 'peer review' system may be helpful, providing the entire process is based on, and judges Councils' performance against, two clear strands: the goals the elected Council has set itself, and the statutory duties laid down by the Welsh Government. These should be the standards against which peer reviewers measure progress and success.

5.5 UNISON recognises the Welsh Government's concerns about local public accounts committees. If it is felt that they are less suited to the Welsh model of local government than the emerging English structure of combined authorities, then it would be wrong to implement them. UNISON strongly agrees with the Welsh Government that as well as scrutinising past decisions and performance, a broader and more progressive system which also incorporates analysis of future plans would be far more preferable – again, providing the standards against which such plans are judged are the Council's own goals for improving the lives of local people (which are judged at the ballot box), and the universal duties laid down by the Welsh Government.

5.6 If Public Service Boards (PSBs) can achieve this, then we would support them. However, some of the terminology used in the consultation document is slightly ambiguous. A "joint local public service leadership model", which already exists in places, must be limited by the primacy of elected councillors in local authorities.

UNISON would have no problem with giving PSBs the legal powers to call officials to give evidence and provide information. On balance, we are also in favour of enabling PSBs to commission external expertise to inform their investigations. However, we would also be strongly in favour of funding PSBs to employ the staff they need to perform the duties they are given. On occasion, it may be more efficient for PSBs to commission and external expert, for example: when such expertise is only rarely needed. But if similar commissions are repeated, it may be more efficient (and enable better depth of knowledge) for the PSB to employ the experts they need. We would not want PSBs to be a vehicle for expensive and repetitive engagement of private consultants earning hefty and disproportionate fees.

5.8 UNISON has concerns about the growth of shared service models for service delivery.

Where there is genuine duplication of provision, then of course the Welsh Government has a duty to address this.

There are clear democratic concerns; the combination of local authorities within shared service arrangements has obvious implications for the ability of elected councillors to make decisions about services in their communities. If other Councils have stake in deciding the fate of services and the contracts agreed for their delivery, then local democracy is undermined. This factor is

increased massively if local authorities enter into shared service arrangements with public sector bodies which have even less local democracy behind their governance, for example NHS Trusts or combinations of NHS Trusts.

The consultation document refers to "the ability of Local Government to participate in joint ventures and similar arrangements with the public sector and *other partners*" (italics added). No detail is given about these other partners, but it seems to be suggesting that the public sector should engage the private sector in service delivery arrangements. UNISON opposes any further privatisation or outsourcing of local government services.

The evidence from the last 35 years of private sector involvement in public service delivery is mixed at best, with numerous instances of service deterioration, profiteering and a race to the bottom on pay and terms and conditions of the workforce. In addition, in recent years more private sector organisations providing public services have walked away from their contracts, leaving the public sector to pick up the pieces meaning none of the risks of service delivery are ever transferred (as detailed below). As such, any new approach ("joint ventures or similar arrangements") must put services and their users above the bottom line, take out the profit motive, save on transaction costs and ensure stability of provision:

- Keeping services in-house should be the default position for all public services

- New regulations must make better use of the new EU Public Procurement Directive, with authorities able to choose in-house models of provision, with trade union recognition, national and local collective bargaining and social criteria applied to contracts. These are known as 'fair wage' clauses and are common in Europe and American cities and cover much more than just the living wage.

- Before any service goes out to contract there needs to be a mandatory 'public interest case' made which sets out the reasons and business case as to why the contracting authority wishes to outsource the service. This should be a public consultation with an onus on the contracting authority to make the case that outsourcing is in the public interest. If the case is not answered then there should be no outsourcing and if the case is answered then in-house bids should be automatically included in the tender process.

<u>Procurement failure</u>

Recent trends in public sector procurement in local government place reliance on bidders to work out the detail of service design and delivery and calculate the costs – variously referred to as 'outcomes-based commissioning', 'enabling', 'thin client', 'intelligent client' and 'light client'. Andy Mudd from the Association of Public Service Excellence (APSE) has highlighted how the risks and complexity of working out the necessary 'inputs' are increasingly

being left to the bidders.[1] In theory this is supposed to ensure that failure risks are transferred to the bidders and client side costs are reduced to a minimum. It is supposed to free providers from detailed input specifications so that they can identify for themselves the most cost- effective way of delivering the required end result. On the other hand contracting authorities are supposed to no longer need to employ their own experts and can therefore reduce the cost of both letting and managing contracts.

However, the assumption that the more decisions about how to deliver a contract are left up to the contractor, the more likely they are to be able to optimise cost and deliver savings, is flawed. Recent examples West Coast Main Line (Department for Transport), G4S (LOCOG) and allegations of fraud by the Ministry of Justice against SERCO and G4S cast serious doubt on the likelihood that this form of commissioning can deliver best value or transfer risk. Risk transfer is frequently illusory. And it relies on the assumption that bidders will always make commercially sensible judgements that will not over-expose them to demand and other risks.

Multiple failures amongst local government contractors, such as Connaught, Southern Cross, Transform Sandwell, Impact (Rochdale and Mouchel) and Southwest One, demonstrate how the commercial failings of contractors rebounds very quickly and expensively, on public bodies.

The Institute for Government has concluded that private contractors are prone to 'gaming', that is responding in undesirable ways to the reward structures commissioners have created. It also found: "*reluctance to force underperforming public, private and voluntary sector providers out of these markets in service provision – partly as a result of a lack of confidence that government can manage transitions between different service providers without causing excessive disruptions to service users.*"[2]

The costs of procurement

The costs associated with complex procurement, and the creation of complex new arrangements like joint ventures, are very significant. UNISON is concerned that they often involve substantial expenditure on 'consultants' rather than using the expertise of councils' own staff, unions and service users. For example three district councils in Lincolnshire spent almost a quarter of a million pounds on consultants advising on the privatisation of 'back office' services. A report commissioned by UNISON for approximately 1% of the cost exposed the weaknesses in the consultants' report and enabled the local authorities to pursue a better course of action.

The EU Public Procurement Regulations

Under the new European Union Public Procurement Regulations, it is possible to use procurement to promote social value, including environmental, labour

[1] http://watford.moderngov.co.uk/documents/s3979/Appendix%206.1.pdf
[2] http://www.instituteforgovernment.org.uk/publications/making-public-service-markets-work

and employment standards (including tackling blacklisting), ensure the payment of a living wage to outsourced workers, enshrine equal pay, and develop training and apprenticeships.

Unfortunately, the UK Government rushed through new Public Contracts Regulations, which among other problems, fail to make it a mandatory requirement for public contracts to be awarded on the basis of 'best price/quality ratio'. The failure of the government to make it a mandatory requirement for public and social services to be awarded on the basis of 'best price/quality ratio' leaves the door firmly open to the continuation of damaging price-only competition fuelling the race to the bottom. This represents a lost opportunity to send a clear signal of much needed shift in UK public procurement to encourage public bodies to implement the Living Wage; fair employment practices; improve financial transparency; apply FOI to private contractors; adopt CSR, prevent serious breaches of employment law including blacklisting, non payment of employment tribunals, health and safety breaches and breaches of environmental and tax obligations.

Regulation 77 of the new UK Regulations covers the issue of new forms of delivery, for example commissioning services to mutuals or co-operatives. But this Regulation allows the contracting authority to reserve a contract for a wide variety of hybrid and private sector organisations. This means that a commercial enterprise could enter the public procurement market by creating a 'special purpose vehicle'. The only bids that would not be able to tender for a public contract would be an existing in-house provider which has the effect of making the regulation appears to be anti–public sector. So the supposed promotion of mutuals and co-operatives is, fairly transparently, another way for the UK Government to privatise public services.

While these new Regulations do cover Wales, there is nothing to stop the Welsh Government doing more, doing things better, than the minimum that is mandated by the UK Government. In UNISON's view it is up to the Welsh Government to send a strong message that it wants to do more than the UK Government has mandated, ensure that quality is built into procurement processes (rather than just cost), and ensure that service delivery by mutuals and co-operatives is not used as a backdoor to privatisation, and UNISON is calling on the Welsh Government to do exactly this, issuing Councils with guidelines to this effect.

<u>Procurement from mutuals, co-operatives and the community and voluntary sector</u>

Moreover, UNISON would question the current trend to favour mutuals and co-ops. Our fear is that outsourcing to mutuals and co-ops will lead us down a similar path to that experienced in the community and voluntary sector.

UNISON is seeing a rise in consortia bidding for contracts instead of just individual charities. However, these are large and expensive exercises to engage in, and often a large private contractor will be the principle bidder while work flowing to the charities will be sub-contracted. This has led to the

phenomenon of the profitable work being creamed off by the contractor and charities left to deliver services at bargain basement prices, which are sometimes loss making. It also means charities having to squeeze down even further on the pay and terms and conditions of staff, and increasingly using zero-hour contracts.

Contracts with voluntary sector providers sometimes do not include 'full cost recovery' and there is insufficient allowance for the costs of back office support services – with an often tacit assumption that these can be borne by the organisation's fund-raising activities. In some cases, commissioners have cut the price of a contract mid-contract, causing huge disruption. The private sector would walk away, but charities tend to work in just one area and commissioners can take advantage of the reputational damage they would suffer if they did this.

Generally, funding is getting so tight that additional services that charities provided from any surplus are being cut back or abolished, which has a knock-on effect on local communities. If the Welsh Government is serious about working together with community and voluntary organisations to provide better public services, then grant funding for community and voluntary organisations needs to be revisited as a viable alternative to procurement.

Whatever the level of funding, UNISON's experience is that, often, the unique benefits of working with the C&V sector are crowded out by the very system which hands the work over to the sector. For example, one organisation in the North East of England, which worked with young homeless people, has described to us how, upon reaching the end of a financial year, it had some surplus resources left over, and so decided to invest them in a piece of research on how their services could be improved. The research produced useful findings, and so the organisation presented them to the commissioning authority – the Council. The Council agreed that the findings were helpful, but said that to implement them would entail a brand new contract. They therefore terminated the organisation's contract, re-tendered the service based on the findings of the research, and awarded the work to a different organisation. Such behaviour by commissioners acts as a real disincentive for the voluntary sector to engage in any innovation – the innovation which one of the reasons used by the public sector for outsourcing to the voluntary sector.

In UNISON's view, if a local voluntary organisation, mutual, co-op, or charity knows a particular community well, or has expertise in a particular type of service; their knowledge and expertise should be harnessed by the Council – not exploited.

Part 6: Community Councils

6.2 There is no evidence within the paper that would suggest the Boundary Commission would be unable to submit draft reports to Shadow Authorities from May 2019.

6.3 It would be preferable to ensure that implementation of the Boundary Commission's recommendations is a responsibility shared between the Commission and the new County Councils.

6.5 Although accepting the need for a transitional arrangement, whilst councils are being re-organised, UNISON believes that elections should take place every four years, as at present, not every five years; on the basis that it provides for more democracy.

6.6 UNISON agrees that Community Councils should be required to consider and plan for the training needs of their own members and employees. But equally, it is vital that the Welsh Government provides them with the resources and support to enable them to do this: which means the funding, and also advice and information about the training resources available.

6.8 The evidence within the paper would suggest that whilst community polls are a valuable process by which to encourage participation in local democracy, low turnout and high costs undermine the contribution they make. A lower cost method, such as e-petitions could continue to offer a valuable method for communities to participate in public policy debates at a local level. However efforts should be made to ensure that those without access to the internet or who are less familiar with e-petitions are not disadvantaged by the repeal of the legislation relating to community polls. Community Polls should not be abolished until the Local Authority has satisfied itself and its scrutineers that a series of criteria have been met:

- All sections of the community can access e-petitions. How do lower-paid workers access the necessary technology? Are workplaces, libraries and other community resources geared up to assist? Is the necessary training in place for each member of the community? If the answer to any of these questions is 'no', then an over-reliance on e-petitions will exclude some people.
- Disability access is ensured. People who are less able to use technology must be considered and included.
- Is the e-petition technology used smartphone-friendly? Many people who do not have access to a computer *do* have access to a smartphone, but some platforms are not properly readable on smartphones. Only smartphone-readable platforms should be used.

Part 7: Workforce Matters

7.1 & 7.2 If we are to deliver effective, high quality public services, we must be able to prevent recruitment and retention problems, being able to guarantee safe staffing levels, and ensuring the very best service provision all rely on properly valued employees that work in partnership with employers and service users to shape provision around need.

We are seeing continued attempts to make savings by pushing down pay, most vividly seen in the home care sector with zero hours contracts and unpaid travel time sadly all too prevalent .

A new deal for the workforce must include:

- A renewed commitment to collective bargaining and equal pay
- An end to the pay cap
- Recognition of the professionalism of support staff across the public services
- Effective data collection and monitoring to support the implementation of the Public Sector Equality Duty

UNISON would want the proposed Public Services Staff Commission to ensure that equality of terms and conditions applies to outsourced staff with the same force as it does to publicly employed staff. In particular, where services are procured by the public sector the 'Code of Practice on Workforce Matters in public sector service contracts' must be applied to guarantee consistent employment conditions for all staff. These services must then be subject to a thorough, robust and ongoing monitoring to ensure the Code is consistently applied. In addition, new tough public procurement rules should be introduced stipulating high employment standards including trade union recognition.

UNISON welcomes the list of areas that the proposed Commission would advise on. However, if the Commission remains non-statutory, we have doubts as to how much influence it can have.

In addition, UNISON would want reassurances that the Public Services Staff Commission would have as its primary reference point the Workforce Partnership Council and would in no way undermine these existing partnership arrangements at Welsh Government level, or bargaining and negotiating arrangements that are in place locally or nationally.

February 2016

Appendix One

Table 1

9 Authority Model								
				2015/16 Band D Council tax £	2016-17 Band D equivalents from CT1 forms notified by 11 November 2015.		Min Council Tax (assumes 100% collection) £m	Max Council Tax (assumes 100% collection) £m
Isle of Anglesey				1,296.08	30,709		105.171	116.052
Gwynedd				1,430.17	50,437			
Conwy				1,286.20	50,504		115.737	127.993
Denbighshire				1,422.40	39,480			
Flintshire				1,300.82	63,393		149.616	152.474
Wrexham				1,276.44	53,821			
Powys				1,286.93	62,114			
Ceredigion				1,299.59	31,773		164.182	215.008
Pembrokeshire				1,029.01	55,033			
Carmarthenshire				1,347.57	72,748			
Swansea				1,341.90	91,437		187.751	225.076
Neath Port Talbot				1,608.67	48,477			
Bridgend				1,482.94	53,247		219.618	230.094
Rhondda Cynon Taf				1,518.86	76,207			
Merthyr Tydfil				1,553.68	18,642			
Vale of Glamorgan				1,311.72	58,291		246.998	264.613
Cardiff				1,224.40	143,439			
Caerphilly				1,214.69	61,418		252.462	357.717
Blaenau Gwent				1,635.05	21,200			
Torfaen				1,352.41	33,228			
Monmouthshire				1,348.56	45,789			
Newport				1,153.95	57,146			

Table 2

8 Authority Model								
				2015/16 Band D Council tax £	2016-17 Band D equivalents from CT1 forms notified by 11 November 2015.		Min Council Tax (assumes 100% collection) £m	Max Council Tax (assumes 100% collection) £m
Isle of Anglesey				1,296.08	30,709		169.328	188.282
Gwynedd				1,430.17	50,437			
Conwy				1,286.20	50,504			
Denbighshire				1,422.40	39,480		200.01	222.881
Flintshire				1,300.82	63,393			
Wrexham				1,276.44	53,821			
Powys				1,286.93	62,114		79.936	79.936
Ceredigion				1,299.59	31,773		164.182	215.008
Pembrokeshire				1,029.01	55,033			
Carmarthenshire				1,347.57	72,748			
Swansea				1,341.90	91,437		187.751	225.076
Neath Port Talbot				1,608.67	48,477			
Bridgend				1,482.94	53,247		219.618	230.094
Rhondda Cynon Taf				1,518.86	76,207			
Merthyr Tydfil				1,553.68	18,642			
Vale of Glamorgan				1,311.72	58,291		246.998	264.613
Cardiff				1,224.40	143,439			
Caerphilly				1,214.69	61,418		252.462	357.717
Blaenau Gwent				1,635.05	21,200			
Torfaen				1,352.41	33,228			
Monmouthshire				1,348.56	45,789			
Newport				1,153.95	57,146			

26897 -131: David Barnard

Tref / Town : St Fagans
Sefydliad / Organisation : St Fagans Community Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

St Fagans Council is supportive of the general provisions in Part 1.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

St Fagans believes that 8 Counties for Wales is the maximum needed, so considers that 2 Counties is appropriate for North Wales.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

St Fagans Council understands the advantages of basing the new Counties on the existing local authority boundaries, but is not convinced that it provides the best long-term structure for the delivery of council services throughout Wales.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

No comments.

Question 1.5: What are your views on the procedure for naming the new Counties?

No comments.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

On balance, Members consider the timetable is acceptable.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

No.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

No comments.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

No.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

No suggestions.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

St Fagans has no views on this.

Question 1.12: Are there other matters of a technical nature which should be considered?

None that St Fagans can think of.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

St Fagans supports the principles set out in this Part.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

St Fagans generally supports the comments of One Voice Wales on this matter, though it fails to understand what the first criteria (at least two-thirds of Members elected) achieves in establishing competency.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

No.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

No.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

St Fagans Council opposes the proposal to create Community Area Committees. It considers this would create an additional tier of Government that would only serve to confuse the public and is definitely not required.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

No. As stated above, St Fagans does not support the proposal to establish Community Area Committees.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

No – because St Fagans does not support Area Committees. The Charter arrangements between the two tiers of local government are not currently used to their full potential and need to be strengthened. There needs to be a commitment from both tiers of local government to engage 100%.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and

those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

St Fagans supports the principle of 'Improvement Requests', subject to suitable safeguards.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

St Fagans Council has reservations about these proposals with particular concerns about Data Protection. We echo the points made by One Voice Wales about the difficulties that are already experienced in attracting people to stand as Community Councillors.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

St Fagans supports these proposals to attract wider participation.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

St Fagans supports an element of compulsory training for community councillors, but does not consider that the County Councils are the appropriate vehicles, as it could be piecemeal and inconsistent. St Fagans considers that, given adequate resources, One Voice Wales has the expertise to facilitate a complete and consistent training programme across Wales.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

No.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

St Fagans Council supports the views of One Voice Wales on the subject of delegation of functions.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

St Fagans Council supports this proposal. It is vital that any increase in the responsibilities of community councillors are suitably reflected if people are not to be deterred from standing for election.

Question 4.5: Do you agree the provisions relating to remote attendance in representation for all

Yes. All means possible should be explored to facilitate membership of all Councils from the widest sections of society. St Fagans is concerned that Cardiff Council has not adopted a policy to extend or introduce new community councils in the City. Members feel this is a lost opportunity to introduce representation for all those areas at the basic level of local government, which should be addressed as soon as possible.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

No.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

No.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

No.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The proposals seem logical.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

St Fagans Council has no comments to make in relation to Part 5 of the Bill.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

No.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

No.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

No.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

No.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

No comment.

Question 5.7: If so, would they benefit from additional legal powers?

No comment.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

No comment.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Review of Community Council Arrangements:

St Fagans Council is opposed to enforced amalgamation of smaller councils, resulting in more remote community representation and cohesion. It would prefer an arrangement where groups of adjacent councils are encouraged to work together in clusters in order to accommodate economies and efficiencies of scale.

Furthermore, many small community councils only have one employee (the Clerk) and rely on him/her using their home as the Council's 'office'. Larger councils could not operate on that basis and would require a permanent office with all the associated costs. Is that something that constituents would welcome?

If the role of community councils is to be expanded, serious consideration needs to be given to the continuing voluntary nature of community councillors. St Fagans believes that, in the absence of some form of remuneration, fewer people will be prepared to stand for election.

Other matters.

Community Council Precept:

St Fagans Council supports the proposal to deal with this on a longer time basis. It stresses the need to establish arrangements for the development of resources eg guidance documents / good practice models to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged.

Annual Reports:

St Fagans Council supports the development of Annual Reports but considers that the requirements should be proportionate to the size of council and functions undertaken. Annual reports should facilitate greater local accountability and encourage democratic engagement with the first tier of local government.

Transition arrangements::

St Fagans Council urges Welsh Government to place the local council sector on an equal footing with Unitary Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent

inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

St Fagans Council does not agree with the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. To do so would place a limited timeframe for the completion of a critical exercise for the future of local democracy. The timeframe of April 2020 is more realistic however this may still pose capacity problems given the number of local councils. The Commission must not be rushed to complete its work programme – it will be better to get it right than push through changes without full consideration of their consequences. Before reviews are commenced Welsh Government needs to articulate the purpose of merging local councils – for example, what will be the future functions of the local councils sector as this has been absent from both the White Paper and this latest consultation. St Fagans Council is concerned that one of the potential unintended consequences of merged councils is a significant reduction in the number of local councillors which will only undermine the ability of the sector to act on behalf of its electorates as the capacity of the sector will be significantly reduced.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

St Fagans Council supports the view of One Voice Wales that the Boundary Commission should hold this responsibility to avoid the possibility of Ministers or local authorities attempting to use this power to unduly influence outcomes of such reviews. The development of robust transition arrangements for the community and town councils sector will allow for consideration of local geography, demographics, and Welsh Language matters by local councils and can support the work of the Local Government Boundary and Democracy Commission and overcome any perceived lack of knowledge of local areas on the LGBDC part.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

St Fagans Council supports the policy of One Voice Wales that states that all sector councillors should receive compulsory training. This would be an appropriate and reasonable element of general training relating to the running of local councils and how to be an effective councillor. However, we would also strongly support a framework where there was ample encouragement and support for further training within and across numerous specialist fields of council work. We would want and expect sufficient resources to be made available by Government in order for this to be possible.

St Fagans Council is opposed to Unitary Authorities determining compulsory training and believes this should be a matter for the sector itself to determine in collaboration with its representative body One Voice Wales.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

St Fagans Council does not welcome a six year term of office, but accepts it is the better option than two terms of three years.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

As stated in Question 4.1, St Fagans Council opposes the training needs of community councils being guided by county councils. It would much rather have a training regime regulated by our own sector, having both the knowledge and experience in this matter over many years.

One Voice Wales is ideally placed to support and monitor such developments with appropriate support from Welsh Government.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

St Fagans Council sees the merit in the introduction of a performance management framework as a matter of good employment practice. However,

any such scheme would need to be proportionate to the size of the council and Members are not convinced that this is a matter for legislation.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

St Fagans Council supports this proposal in principle.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

St Fagans Council considers the introduction of Transition Arrangements and the development of transition committee's to be essential.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

St Fagans Council considers that a Staff Commission will be essential.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No.

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

There are no matters that we are aware of.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

No other issues come that we are aware of.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -132: Mark Thomas

Tref / Town : Merthyr Tydfil
Sefydliad / Organisation : Merthyr Tydfil County Borough Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

SOLACE Cymru make a number of valid points that we support and are replicated below: "We understand Welsh Government's wish to undertake a reform of local government

in Wales from the current model of 22 authorities, particularly given the pressures on capacity in the smaller authorities as a result of austerity. However, we are not in favour of change for change's sake; and we only welcome such changes as will deliver better services, reduced cost and greater efficiency."

"We do not believe that reorganisation into a fewer number of large authorities is in itself a solution to tackle the current financial restrictions on public service, and we feel that it is imperative that the newly created councils are well led and citizen centric, with a strong organisational culture focusing on performance, innovation and staff engagement."

"We are concerned that the already longstanding uncertainty on how these proposals will be taken forward has made it difficult to maintain morale in the current local authorities and to plan ahead effectively. Even if the timetable currently proposed in the Bill goes ahead exactly as planned, we are looking at another four years before the new local authorities come into being, and those issues will continue to be of concern, particularly as staff take decisions to leave or retire."

Any proposal for a re-organisation of local government should have a well evidenced and reliable cost-benefit analysis and should achieve performance improvements in public services (the performance case) and financial efficiencies through the economies of scale (the financial case). There is no evidence from comparable restructuring exercises in local government in the United Kingdom, or indeed comparable parts of the public sector e.g. health, that a smaller number of larger administrative and delivery units achieve objectives of either or both of the performance or financial cases.

Similarly , we support the observations made by the WLGA which are replicated below:

Local government has repeatedly stated that clarity and consistency was a pre-requisite for a successful public service reform programme. The Welsh Government has outlined 3 different preferred options for local government reform in the past 18 months, the current map of 8 or 9 and the preferred (Williams Commission) map of 12 of the autumn of 2014. The consultation document describes the 8 or 9 maps as the Welsh Government's '...current preferred options'. It is widely anticipated therefore that the Assembly elections will have a significant bearing on the final direction of travel in terms of local government reorganisation.

The Draft Bill's accompanying documentation outlines some rationale for the determination of the proposed map of 8 or 9 authorities. However, the rationale has not been consistently applied across all of the proposed new county councils, notably with regards scale and coterminosity with LHBs, which was originally a key criteria which shaped both the Williams Commission and Welsh Government's first proposals for 12 authorities. It is unclear for example why the map of 9 option proposes authorities with a population range of between 192,000 to 580,000. Similarly, if the issue of coterminosity of LHB boundaries can be relaxed in one proposed council, why not in others which might mean more relevant proposed council areas being proposed. Since the establishment of the Williams Commission, the WLGA's position has been that all public services should be subject to reform and a more holistic

approach to structural alignment might lead not only to better consistency and contiguity, but also a more appropriate geographical scale of other public services.

The Regulatory Impact Assessment provides a cost-benefit analysis that was largely absent from the Williams Commission proposals and the Welsh Government's previous proposals. The cost-benefit analysis appears to provide a generally realistic assessment of potential costs and benefits and is consistent (in parts) with the WLGA commissioned CIPFA analysis. The financial analysis however focuses in places on the more conservative, lower-end cost estimates (such as the impact of pay harmonisation), underestimates likely redundancy costs and significantly omits the impact of council tax harmonisation (see Q1.12 below). The cost-benefit analysis is also inevitably based on historical employment and expenditure in a climate of austerity; by 2019-20 when reforms are scheduled to take place, a substantial proportion of the proposed savings (largely senior-management and back-office rationalisation) will have already been realised, so the proposed return on investment of reorganisation is likely to be lower and over a longer period.

Council tax harmonisation has also not been adequately considered as part of the Draft Bill nor the RIA. Council tax harmonisation is a significant component and a potential risk to the reform proposals not only in terms of potential income forgone and financial volatility, but In terms of public acceptability of proposed reforms. It is therefore essential that the Welsh Government urgently considers the implications and plans for transition an early stage.

The merger of local authorities as outlined in the Draft Bill will have consequential impacts on other authorities, such as Fire and Rescue Authorities. The Draft Bill establishes new councils and abolishes the old councils on 1st April 2020, however, this will have consequential impacts on Fire and Rescue Authorities Combination Orders, where the statutory composition, membership, operation and funding, amongst other things, is prescribed in secondary legislation by reference to the current local authority structure. Section 17 will not adequately cover the changes required to the Combination Order as it specifically relates to transfer of functions exercisable by and in relation to local authorities. As a separate legal entity, functions in relation to the provision of a Fire and Rescue Service are conferred on the Fire and Rescue Authority through separate primary and secondary legislation and are not conferred on the local authority.

In this respect, consideration should therefore be given to amending the Combination Order to take account of any proposed new structure and for the current funding of the Fire and Rescue Services through its levy being amended and for the Services to be funded direct from Welsh Government through RSG.

Similarly, Section 18 of Chapter 3 of Part 1 makes reference to transitional provisions in Schedule 4; Schedule 4 paragraph 3 removes the requirement of the Minister to hold a public inquiry under the Fire and Rescue Services Act 2004 as a consequence of changes made to local government boundaries. It is not clear whether this proposed revision adequately meets the specified situations as outlined in Section 4 of the Fire and Rescue Services Act 2004 (sections 4(6) and (7)) why specify when a public inquiry need not be held.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

This is a matter for the Authorities in North Wales however, it does not appear that the Welsh Government has applied consistent criteria across the whole of Wales in determining proposed new council boundaries for example in relation to scale and coterminosity with Health Boards.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

As stated in 1.1 any proposal for a re-organisation of local government should have a well evidenced and reliable cost-benefit analysis and should achieve performance improvements in public services (the performance case) and financial efficiencies through the economies of scale (the financial case). There is no evidence from comparable restructuring exercises in local government in the United Kingdom, or indeed comparable parts of the public sector e.g. health, that a smaller number of larger administrative and delivery units achieve objectives of either or both of the performance or financial cases.

In terms of the specific configuration we will restrict our comments in relation to the proposed Bridgend, Rhondda Cynon Taf and Merthyr Tydfil Council.

This is clearly a recreation of the former Mid Glamorgan County Council minus the former Rhymney Valley Council, now part of Caerphilly CBC.

Whilst fully understanding the arguments around sustainability and critical mass our concerns are that the developments and improvements seen in Merthyr Tydfil would not have been achieved over the last 20 years if we had been part of a much bigger Council. We do not want that pace of improvement and development to slow down or stop which is a distinct risk with the current proposals. The linked concern is the increased distance between the new Council and its constituents and the resultant impact on democracy and engagement.

The other anomaly and practical difficulty relates to the fact that the proposals straddle 2 Health Board boundaries (Cwm Taf UHB & Abertawe Bro Morgannwg UHB). How will the new Public Service Boards work with two Health Boards, with one only delivering services to part of the new Council area? Similarly, police Basic Command Unit structures are not coterminous either. (Northern BCU-Merthyr & RCT, with a separate BCU covering Bridgend & The Vale of Glamorgan).

This clearly adds to complexity and is surely at odds with what this reorganisation is attempting to achieve and cannot, in practice, be for the benefit of the communities we serve.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

No comment.

Question 1.5: What are your views on the procedure for naming the new Counties?

The proposals outlined in the Draft Bill appear appropriate.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposals outlined in the Draft Bill appear appropriate, though it should be noted that there is scope for electoral congestion should timetables slip and significant burdens will be placed on local elections staff.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The main point to raise is to try and close the loophole referred to in Welsh Government's consultation document and explanatory memorandum relating to avoidance of Business Rates by not allowing retrospective claiming of non-occupation of business premises .

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

We have no further comment other than to support the work of the Working Group established by Welsh Government and Council Officers that has been looking at this area and the views given by the WLGA.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

We have no further comment other than to support the work of the Working Group established by Welsh Government and Council Officers that has been looking at this area and the views given by the WLGA.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

We have no further comment over and above our response to 1.7 and to support the

work of the Working Group established by Welsh Government and Council Officers that has been looking at this area and the views given by the WLGA.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Lord-Lieutenants and High Sheriffs are currently appointed to the 8 preserved counties. Should mergers take place, it would be appropriate for purposes of consistency and clarity that the new counties should be used for the appointment of Lord-Lieutenants and High Sheriffs from 1st April 2020.

Question 1.12: Are there other matters of a technical nature which should be considered?

No additional comments over and above those provided by the WLGA & SOLACE Cymru.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

We welcome the proposed introduction of the power of general competence. We support the observations made by the WLGA as follows:

Whilst this new power is welcomed, as drafted, it is constrained by legal provisions which local authority lawyers would have to carefully consider before the power could be used, as has been the case in England where a power of general competence was introduced under the Localism Act 2013.

Despite legal constraints, the Local Government Association has said that it has given authorities the confidence to work in new ways and develop new services and partnerships. Use of the power has been limited, a survey by the magazine Local Government Lawyer and Freeth Cartwright (December 2013) found only 6% of councils said GPC had made 'a significant positive difference'. 45% said it made a 'slight' positive difference, and the remaining 49% said it made no difference.

> APSE have argued that "*the power must be seen to be in line with ordinary principles of public law. The doctrine of 'ultra vires' remains and local authorities still have a fiduciary duty to local taxpayers not to act in an*

irresponsible or risky way and therefore, how the new general power is exercised, will be potentially subject to challenge through judicial review. As with previous restrictions on commercial trading through a company APSE would point out that the formation of a company for these specific purposes can be time consuming and cumbersome to set up. Companies should only be considered after a full market assessment, taxation and market analysis. However local authorities could put to great effect better use of charging powers to realise additional income (in a sensible and sensitive way) for example through selling services to the public or private sector to help balance budgets, improve productivity and maximise the use of assets and human resources. The new general power should help to alleviate, for English local authorities, any previous uncertainties about the powers to charge for certain non-statutory services."

Bearing in mind these caveats it is vital that Welsh councils are given renewed confidence in their powers to continue this work to improve efficiency, for example through joint arrangements, in particular to provide back office and support services which may be defined as 'incidental' in law to their primary functions.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

We do not have strong views on the proposal relating to community councils with competence, although given the legal constraints around use of the power as outlined above, likely use of the power by community councils will be limited.

It would be appropriate that should a community council consider exercising this power, it should consult with the county council to assess any consequential impact on the county council's planned discharge of its own duties or powers.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Part 3 of the Draft Bill seeks to promote access to local government by placing duties on councils to promote access to, and public participation in, local government

We are supportive of the underlying principles and ambitions of the Welsh Government; councils active seeking to engage with communities and promote democratic and participative engagement. We have adopted the nationally developed principles of public engagement, broadcast council meetings, hold youth forums and undertake extensive consultation and engagement over budget and service planning

proposals. We have engaged with communities over local priorities around the delivery of services or provision of assets.

Whilst supportive of the underlying principles and ambition, many of the proposed new duties however will create additional burdens on authorities which will require additional investment in administrative and 'back-office' capacity during a period where resources are being focused on front-line services. Some proposals are impractical and their likely effectiveness and impact are therefore questioned.

We note that some provisions in Part 3 and elsewhere in the Draft Bill apply only to local government. The WLGA notes for example that expectations and duties to broadcast do not apply to meetings of the Local Health Board or Welsh Government Sponsored Bodies. We believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

We already consult and engage with communities on budget proposals, so it is unclear what value a new statutory duty to undertake such activity would achieve.

We do not agree with the proposed statutory Public Participation Strategy, in particular the proposal to place statutory responsibilities on councils to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities; this will inevitably have resource implications for councils and clouds accountability and responsibility for delivering on any public participation duties.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

In response to the White Paper, we supported the concept of community based models of governance particularly should county councils merge and become more 'distant' from local communities. We are concerned about the clarity and complexity of the original proposed models and, critically, the relationship with community councils and Public Service Boards.

We are still unconvinced of the proposals for Community Area Committees and would welcome further dialogue with Welsh Government to develop proposals that would allow local flexibility in order to ensure continued local community governance and engagement in an era of larger county councils.

The Draft Bill proposes that the areas covered by CACs would be established by Public Service Boards under S37(5) of the Wellbeing of Future Generations (Wales)

Act 2015. We do not support this and feel that community governance arrangements should be more flexible and at the discretion of the county council. It is not appropriate that a statutory partnership (the PSB), should determine the area coverage and the basis for local democratic and community governance mechanisms (which would form the basis of statutory council committees). The provisions of the Wellbeing of Future Generations (Wales) Act 2015 regarding community areas were set out for very different purposes (e.g. the undertaking of wellbeing assessments and planning) and not necessarily for determining identifiable communities for community governance or representative purposes.

It remains unclear, as yet, how many CACs there would be in each council area, the size of membership and number/regularity of meetings – however, CACs will present an additional burden on authorities in terms of administration (in particular policy and support staff given the proposed statutory duty to prepare and consult on annual priorities, as well as committee administration, translation and electronic broadcasting requirements).

It is not clear how the committee roles relate to the proposed roles or geographical areas of reviewed (and larger) community councils. Furthermore, not all council areas would have community councils and so geographical spread of community representation could be imbalanced as could the balance of democratically elected members with community and public body 'co-optees'. It is critical that the areas of any 'community area committee' should be undertaken after the Local Democracy and Boundary Commission has prepared its reviews of community council arrangements in each county area (from 2019 as per Part 6 of the Draft Bill) to ensure adequate alignment.

Although the Draft Bill allows councils to delegate functions to CACs, there are implications around delegations of powers and functions given the broad membership of the committee which could include executive and scrutiny members, and, potentially, members of the community with particular interests; this therefore could affect good governance and cause confusion around the separation of executive and scrutiny functions.

Depending on the membership of public bodies on CACs, there could be implications in terms of burden of representation on multiple bodies which the current PSB reforms are seeking to address. Larger public bodies such as fire and rescue authorities, local health boards and police representatives have found it challenging to sit on numerous LSBs within their area, whilst there will be fewer PSBs (8 or 9) with the proposed local government reforms, these bodies could be invited to attend numerous CACs, for example, South Wales Fire and Rescue Service currently sits on 10 LSBs and would sit on 3 PSBs under the new reforms, but could feasibly be invited to attend at least 30 CACs (assuming 10 per authority as noted in the Draft Bill documentation). Should community safety planning functions be devolved to CAC areas, fire and rescue authorities would be required to attend as statutory members.

It should be noted that CACs may be affected by political balance requirements, given it is feasible in some areas that the majority of members of a CAC would be from one political group.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

We support, in principle, flexibility to allow councils to delegate functions to more localised community governance models. It should be noted however, that the political balance implications as outlined above may have an impact and levels of delegation need to be carefully considered in order to avoid any confusion of roles and responsibilities around quasi-judicial, executive or scrutiny functions. Clearly there will need to be strong governance in place including around accountability, financial matters and budget implications.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

We have no Area Committees and therefore no strong views on this.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Councils already initiate and respond to informal 'improvement requests' on an ongoing deliberative basis in terms of service design and delivery, both through formal community consultation and engagement and ongoing user and service feedback or complaints.

The 'improvement requests' proposal as drafted over-formalises such an approach and will create a significant amount of bureaucracy which would add burden and could impact on the speed of decision-making; it is likely that councils will have to formally consider and report (either through executive or scrutiny or both) any such requests from the community received. Concerns have been expressed regarding 'counter' improvement requests where a different community group or body submits an alternative request in response to a request from another body. There should therefore be proportionate criteria to indicate levels of wider community support for any proposal and proportionate accountability and governance arrangements should be built into any alternative delivery model that may arise as a result.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

We already webcast all Full Council meetings.

A duty to broadcast all public council meetings (including proposed new CACs) will create an additional administrative burden on councils and require additional resources. The Draft Bill's accompanying documentation assumes that the combined cost of current councils' expenditure on webcasting would cover the likely future costs of webcasting in 8 or 9 councils. The costs are likely to be higher as there would be a duty to broadcast all council meetings broadcasting which would see around a 50% increase in the number of meetings broadcast (most currently broadcast only council and planning meetings and some broadcast cabinet, scrutiny and other meetings of interest to the public). This increase would mean more meetings being broadcast in a wider number of committee rooms or other venues – there would be additional cost implications in terms of investment in hardware as well as ongoing administrative support to manage the broadcasting of meetings.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

We already actively engage with children and young people, and promote the concept of democracy and the role of council and councillors through school councils, youth forums along with engagement and participation initiatives during Local Democracy Week. There is already a statutory duty on local authorities through the Children Act 2004 to have a lead elected member for Children and Young People, and a specified part of that role is to engage with children and young people to gain their views on policies that impact on them. It is therefore unclear what benefits a new statutory duty would achieve.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Part 4 of the Draft Bill outlines proposed new Functions of County Councils and their Members, including 'Performance Duties' for councillors.

We support the WLGA views on this which are repeated below:

In its response to the White Paper consultation, the WLGA argued that any new proposals affecting councillors' remuneration and standards of conduct should be applied consistently across all levels of representative government. Furthermore in response to the recent Welsh Government consultation on Draft Directions to the Local Democracy and Boundary Commission, leaders called for consistency across all levels of government in Wales and a wider review of all levels of governance. This stems from a wider frustration that the Welsh Government response to the Williams Commission, which proposed wholesale public service reform, has focused on local government structural reform and new duties and standards applying only to local government rather than all public services.

As noted previously, local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

The proposed 'Performance Duties' on councillors are therefore not supported by the WLGA as they are not only inconsistent with expectations placed on Assembly Members for example, where no such 'performance duties' or standards are in place, but appear to be based on an outdated understanding of the role of a local councillor which is at odds with the community activist concept outlined elsewhere in the Draft Bill. Similarly, the implicitly pejorative undertone of an excessive and prescriptive 'performance' and standards regime for councillors is at odds with the wider narrative

of trust between devolved and local government and enhanced local accountability.

The list of performance duties in the Draft Bill, including compulsory meeting attendance and the holding of surgeries, presents a simplistic interpretation of the 'formal' council role of councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities, facilitating community engagement with public services and providing an advocacy and support role to members of the community with particular needs.

Similarly, the above list does not adequately equate to assessing a councillor's 'performance', for example, a councillor may attend every council meeting and therefore be deemed to be performing well by the above criteria, but he or she may not contribute effectively or at all to those meetings. Whilst surgeries are useful forums for many, councillors use varied methods of engaging with and being available to their communities, through street surgeries, social media and being available and readily contactable 365 days of the year.

With regards the handling of correspondence, it should be noted for example that the Draft Bill suggests that councillors would have 14 days to respond to correspondence (when they will be covering larger populations of around 4,000 voters), Welsh Ministers have 17 working days to respond to correspondence (according the to the Welsh Government's website). Councillors therefore may need additional 'constituency' or administrative support than is currently available.

Notwithstanding the above, the conflation of 'performance duties' with the current standards regime is problematic, as the comparable seriousness of breaches is questionable.

The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

The WLGA notes from the consultation document that the Welsh Government is continuing to explore options for the recall of councillors. In response to the White Paper when this was originally proposed, the WLGA stated that it does not support the concept of the right to recall. While WLGA members are fully prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation across Wales.

The prescriptive and far-reaching implications of the proposed 'performance duties' are excessive in that there is not a wide-spread problem with regards councillor attendance or 'performance'. Whilst there are some individual councillors whose attendance, whilst lawful (under the terms of the '6 month rule' (Section 85 of the Local Government Act 1972), is not satisfactory given the current expectations placed on councillors, they are in the minority and wholesale reform with the consequent burdens of bureaucracy is not a proportionate response. Many councils

already operate local 'customer service' standards or council-agreed expectations of attendance and conduct, for example where councillors' attendance at training and meetings is published and considered by Standards Committees or Group Leaders if particular members' attendance rates are a concern.

In order to address its concerns about councillor 'performance', the Welsh Government should instead therefore consider the effectiveness of the current '6 month rule' and empower councils to set and 'enforce' their own attendance and/or performance standard regimes, as is the case in the Assembly.

The Draft Bill proposes that leaders should produce a manifesto before seeking election as leader. It is however not clear why a leader of a majority group elected on an electoral manifesto should also need to set out a further manifesto prior to their election as leader, a process which is not replicated in the National Assembly or Parliament.

The WLGA agrees that councils need clear political leadership and accountability and notes that the Draft Bill proposes that leaders publish and report annually on 'political' objectives for the executive. The Draft Bill however also proposes that leaders separately set and report on objectives for the Chief Executive on an annual basis, and the council in turn sets and reports on a corporate strategy and annual corporate objectives annually, as well as wellbeing objectives and joint PSB wellbeing objectives. This duplication will create bureaucratic and regulatory burdens and will be of little value to the authority or in terms of contributing to enhanced public accountability, engagement or understanding. These proposals therefore need further consideration. See response to question 5.1 below.

The Bill is not entirely clear on the question of which Returning Officer roles would be regarded as included as being integral to the role of Chief Executive. A fundamental error has also been proposed by the Bill as it seeks to impose the requirements of being a Returning Officer upon the Chief Executive without any form of remuneration whatsoever (i.e. should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable) or whether the Chief Executive is the correct one to perform this role.
The role of Returning Officer appears to be misunderstood, as with the role comes "personal responsibility" for the running of any election and all that entails. If it is to be imposed then appropriate safeguards will also need to be given.
It should be a matter of "local choice" of a Principal Council as to whether it appoints it Chief Executive as Returning Officer or another Senior Officer of the Council and not imposed by legislation.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

We support the proposals to strengthen arrangements which promote and support good standards.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

We support proposals to reform regulations around delegation of functions and look forward to future consultation on proposals as they are developed.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

We strongly object to the proposal to give Welsh Ministers the power to effectively direct the Independent Remuneration Panel for Wales (IRPW).

There have been widespread concerns in the recent period over the influence, actual or perceived, that the first ever Ministerial remit letter has had on the IRPW's determinations in its Draft Annual Report 2016. The IRPW has provided assurances that it remains independent and its determinations are based on evidence and engagement with stakeholders. A Ministerial power of this nature would fundamentally undermine the credibility of the independence of the IPRW and it would be little more than an advisor group for a Ministerially set remuneration framework for councillors.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

We support proposals to make remote attendance more flexible.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

This proposal seems appropriate subject to the comments in 4.1 above.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

We object to this proposal and support the views of SOLACE Cymru as follows:

"the statutory protections afforded to certain senior officers of the Council" being "given to statutory officers for a specific reason, which is that they are required to "speak truth to power" for the safety, proper conduct and reputation of the organisation and those leading it, particularly in cases of potential corruption or illegality. We would strongly oppose, and advise extreme caution on, taking any

action to remove these protections in Wales."

"Votes in full council concerning the employment of individual officers would inevitably lead to protracted litigation in employment tribunals and courts for unfair dismissal, and could easily lead to reputationally damaging and costly claims of bullying, harassment and discrimination. It is hard to see the justification for carrying out such procedures in public, and easy to see how it could turn into a "witch hunt" playing to the public gallery."

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

We welcome the proposal to reform the framework of council functions.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

We welcome the proposal in the consultation document to make the community asset transfer process more proportionate and we look forward to considering the detail when published in due course. A more strategic and coordinated programme of community asset transfers however will create resource implications for authorities.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

We welcome the White Paper proposals regarding the reduction of regulation and promoting self-assessment and peer assessment. The WLGA, with local government, had developed a programme of self-assessment and peer assessment which has largely been translated onto the face of the Draft Bill.

The underpinning principles around self-improvement, self-assessment and good governance are therefore generally welcomed and shared by local government. Although the detail and likely burdens around external regulation needs to be explored further, it appears on the face of the Draft Bill that external regulation is likely to be more timely and proportionate than the current regime (under the Local Government (Wales) Measure 2009).

The proposals around corporate planning (S112) largely build on the processes that councils already follow, albeit prescribe a list of specified documents or policies (or links to such documents) that should be included in a council corporate strategy.

The corporate planning and reporting proposals, as outlined in the Draft Bill should be better aligned with the new duties of the Wellbeing of Future Generations (Wales) Act 2015. The specific corporate planning proposals (and other objective setting proposals elsewhere in the Draft Bill) duplicate new Wellbeing duties and therefore will increase internal bureaucracy and do little to aid public understanding or accountability.

When the proposed objective-setting duties in the Draft Bill are combined with the new duties of the Wellbeing of Future Generations (Wales) Act 2015, councils will have to annually set (or at least participate in the setting of) and report on six sets of similar corporate priorities:

1. **Councils must set and report annually 'Wellbeing Objectives'** (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
2. **PSBs must set and report annually 'Wellbeing Objectives'** (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
3. **Leaders must set and report annually 'objectives to be met by the Executive'** (S99 of the Draft Bill)
4. **Leaders must set and report annually 'objectives to be met by the chief executive** (S104 of the Draft Bill)
5. **Councils set and report annually on corporate plan priorities** ('council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term) (S112 of the Draft Bill)
6. (A number of) **Community Area Committees must set an annual 'statement of priorities and objectives'** in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill)

The Draft Guidance accompanying the Wellbeing of Future Generations (Wales) Act states that public bodies '...should not treat well-being objectives as separate from the objectives that guide and steer the actions and decisions of the organisation...'. It is therefore unclear why there needs to be two separate statutory duties to produce what are, in essence, the same set of priorities.

Furthermore, although the WLGA supports the principles around 'good governance' as outlined in the Draft Bill, the Wellbeing of Future Generations (Wales) Act 2015 broadly sets out a statutory governance framework for all public bodies with regards the discharge of the sustainable development duty, which includes: 'taking all reasonable steps (in exercising its functions) to meet those [wellbeing] objectives' and taking into account the statutory sustainable development principle (S5) which broadly refers to governance arrangements in the form of: long term decision-making, integration, involving other persons with an interest, collaboration with other persons and prevention.

Statutory Performance Indicators do not feature on the face of the Bill (unlike the predecessor 2009 Measure) but it is understood that they are may feature in a final

Bill. At this stage, it is not clear what the relationship of any new national local government performance indicators will have with the proposed new National Wellbeing Indicators, nor why any local government review is being undertaken separately from the wider consultation on the national Wellbeing Indicators, many of which cover local government performance.

Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria (such as evidence which might be considered) before the triggering of an intervention.

The WLGA notes that the consultation paper states that a final Bill will include provisions for councils to publish key data and documents through an online portal. As noted in the WLGA's response to the White Paper, such a portal already exists in the form of My Local Council http://mylocalcouncil.info/. This includes comparative performance information (across authorities and across time) of statutory and national indicators, local summaries of the National Survey of Wales, links to councils' statutory improvement plans, objectives and performance reports as well as links to external inspection or regulatory reports. My Local Council also includes a contact form should members of the public wish to address any performance queries to a council.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

We welcome the proposed governance arrangements duty, but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

We welcome the Welsh Government's recognition of the value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future. We support the WLGA's comments on the proposals.

The WLGA stated in its White Paper response that Peer review should remain a sector-led, sector-owned and sector-commissioned model and should not be legislated for. This is the model that applies in England. The WLGA therefore does not agree that there should be legislative requirement for peer reviews.

Legislating and prescribing a peer review process as drafted in the Draft Bill essentially creates a peer inspection framework, rather than a peer review framework; although the membership and process would remain largely the same, the purpose, ownership and implications of a review will significantly change.

At present, peer review is an effective improvement process owned by, designed and timed to meet the needs of authorities. The suggested model turns it into a quasi-regulatory role which potentially duplicates the role of the Wales Audit Office. Formalizing the process will affect the dynamics and flexibility of the review process and the openness and ownership of the authority.

The current approach in Wales is 'not broken and does not require fixing' and has delivered a credible, robust and respected mechanism for providing critical-friend challenge which has supported improvement in services and corporate governance arrangements.

Notwithstanding the above, the Draft Bill includes some prescription around proposed peer review processes which in some parts is inflexible, for example, as councils would only be allowed to choose Welsh peers from a non-neighbouring authority, the only Welsh peers that Powys County Council would be permitted to use would be from the new Cardiff-Vale of Glamorgan council.

Prior to changes in the WLGA's improvement role, the WLGA Council committed in 2013 that every council would receive a peer review once during a rolling four year period (as is the case in England) and seven authorities have received a peer review between 2013 and early 2015. The WLGA agrees that peer review reports should be published, but that this is a matter for local discretion and does not need legislation. To date, all WLGA peer reviews have been published by authorities.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

We support the proposed role of new Corporate Governance and Audit Committees. The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in new constitutional arrangements.

We do not support the proposed changes to the membership of corporate governance and audit committees. Lay members are valued members of audit committees currently, but the balance of membership should be left to local discretion. The proposed prescription regarding the increased proportion of lay membership and that the chair must be a lay member fetters local discretion and undermines local democracy, particularly as the reformed committees will have an enhanced role in terms of overseeing the governance and service performance of councils.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

We agree that it is not necessary to establish local public accounts committees as the original proposal largely duplicated the role of existing scrutiny committees and the duty to scrutinise designated persons (regulations for which are yet to be introduced).

That said, the scrutiny arrangements as introduced under the Wellbeing of Future Generations (Wales) Act 2015 curtails scrutiny committees' 'public service scrutiny' powers as it only allows scrutiny of the joint functions of the 'corporate body' of the PSB (not the individual members). The public service scrutiny powers over 'designated persons' under the Local Government (Wales) Measure 2011 (if introduced through regulations) would have be more flexible and allow the concept of 'local public accounts committees' through enhanced democratic oversight over public bodies. The scrutiny of a PSB's joint functions is limited as the PSB will not undertake a significant range of joint functions (other than exercising its duties to prepare a wellbeing assessment, publish (and review) a well-being plan and publish annual reports; it will be the constituent bodies' individual and joint actions and duties under the Act where all the impact and outcomes will be achieved.

Although scrutiny committees could continue to exercise the power under S21 (2)(e) of the Local Government Act 2000 'to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area', the WLGA would favour an amendment to S169 of the Wellbeing of Future Generations (Wales) Act 2015 to give local authority scrutiny (and therefore local democratic representatives) greater remit over the scrutiny of public services in their areas.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Public Service Boards and their individual member organisations were established to consider and inform (through wellbeing assessments) the policy choices facing public services. As noted above, local authority scrutiny needs to be strengthened to allow locally elected members a broader remit in examining policy choices facing all public services (either individually or collectively) in their area.

Question 5.7: If so, would they benefit from additional legal powers?

The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

We support the SOLACE Cymru views on this:
None required. Co-operation and visionary collaboration thinking cannot be enforced. As set out in our written evidence "experience suggests that there not as many legislative barriers to the scaling of shared services across not only local authorities but public services generally as may be supposed. There are state aid considerations in terms of commercial trading but these can be accommodated with the appropriate legal advice. The general powers of competence proposed in the Bill should help to iron out any existing wrinkles around legal powers."

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

We question whether The Local Democracy and Boundary Commission has the capacity and capability to undertake the roles and duties being proposed to the timescales set out.

We support the views given by the WLGA on Part 6.

They are repeated below:

The WLGA welcomes the Welsh Government decision that a review of community council arrangements will be conducted by the Local Democracy and Boundary Commission. Such a duty on newly established county councils would have been a significant burden during a period of significant organisational transition.

It is important that the process for the establishment of any area based model of county council governance (as per the Draft Bill proposals for Community Area Committees) need to be aligned with any reforms of community council arrangements (as noted above).

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The WLGA is supportive of this proposal as it will allow earlier and more timely consideration of any draft proposals.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

We have no strong views on this.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

The WLGA supports and encourages all elected members to undergo appropriate development and training for their roles. Generally, the WLGA supports the concept of locally determined compulsory member development and training, as outlined in the Draft Bill.

The Draft Bill proposals around compulsory training for community councillors should be refined however, as they place a burden and responsibility on clerks as well as risking a 'strain on the good relations between the clerk and the council' (as the consultation document itself notes).

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

A six year term would be a very long municipal term with implications in terms of local accountability, however, it is a necessary transitory arrangement during a period of significant reform which will lead to greater clarity around accountability and electoral management in the future.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

The WLGA does not support the proposed duty (under S167) that county councils should consider the training needs and 'secure the provision' of training for community councillors. This would be an additional burden and will have resource implications for local authorities and should be the responsibility of community councils themselves; it is not appropriate that local authorities should have a duty to discharge over other autonomous and democratically accountable bodies.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

This is a matter for community councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The WLGA welcomes this proposal as it will reduce burden and costs for the local authority, as well as encouraging a more accessible and immediate mechanism for communities to express their views. Although community polls have generally not been widely used, there is a risk that they can be misinterpreted by the community as binding local referendums which can cause tension between communities, their elected representatives and the council.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

We agree with the WLGA views on this matter:

The Ministerial powers over workforce matters as outlined in Part 7 of the Draft Bill are far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the local authority workforce (and of other public bodies) on a wide range of workforce matters as fundamental as: the planning by public bodies in relation to the size and composition of their workforce; recruitment and retention of staff; the management, organisation and remuneration of staff; and the training and development of staff of public bodies.

These powers could potentially 'cut across' and affect the legal contractual relationship between that public body as the employer and its employees, as well as undermine local democracy and local planning. This is particularly relevant in local government where there are 22 individual sovereign employers.

Democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively. Different councils face different challenges and demands from their electorate. A 'one–size fits all' approach will not enable local needs to be met and councils need the freedom and flexibility to make and implement decisions on recruiting and restructuring (including decisions on pay) that are designed locally to best meet the needs of the communities they serve.

Local authorities have demonstrated that they can successfully develop and improve services working in partnership with others, and engaging with their workforce and their representatives to improve services. A managed approach to workforce reduction has also been successful whilst maintaining as best as possible the local services the community want. However there are some areas that the WLGA could work in partnership with Welsh Government to develop and agree guidance that could help support Councils on workforce issues.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

We support the views taken by the WLGA. We support the establishment of a Public Service Staff Commission (PSSC) to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. Section 178 does repeal the role of the PSSC in 2021 to reflect that the PSSC is specifically to assist with local government reorganisation planned for 2020.

We would not wish to see a statutory PSSC set up if there is no local government re-organisation. Therefore the WLGA would wish to see that that the establishment of the statutory PSSC and its role is predicated on and explicitly linked to local government re-organisation.

There would need to be clarity and a renewed agreement on the matter of any continuation of a non-statutory PSSC if no local government re-organisation should take place.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

N/A

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -133: Tref Alaw Community Council

Tref / Town : N/A
Sefydliad / Organisation : Tref Alaw Community Council

1
Consultation on the Draft Local Government (Wales) Bill
Consultation response form
The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1
Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?
No
Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?
The areas will become far too big and unwieldy with 100 miles between north Anglesey and the south of Gwynedd. This cannot be classed as LOCAL government. In addition, travel costs for staff and members would increase significantly.
Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?
No particular view to express
2
Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?
See 1.3
Question 1.5: What are your views on the procedure for naming the new Counties?

See 1.3
Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
See 1.3
Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?
See 1.3
Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?
See 1.3
Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?
See 1.3
Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?
See 1.3
3
Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?
See 1.3
Question 1.12: Are there other matters of a technical nature which should be considered?
See 1.3
PART 2
Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?
No particular view to express
Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?
With regard to the need for 2/3 members elected this will prove difficult as people are not prepared to stand for election with more and more burdens and responsibilities being placed upon them. This results in the need to coopt members.
PART 3
Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?
No particular view to express
Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?
See 3.1
4
Question 3.3: How should community representatives to sit on community area committees be sought and selected?
From within the Community Councils and other local bodies
Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that

should or should not be capable of being delegated?
See 3.1
Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?
See 3.1
Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?
See 3.1
Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?
See 3.1
Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?
See 3.1
5
PART 4
Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?
No particular view to express
Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?
See 4.1
Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
See 4.1
Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?
See 4.1
Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?
See 4.1
Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?
See 4.1
Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?
See 4.1
6
Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?
See 4.1
Question 4.9: Do you have any comments on our proposals in relation to the

disposal and transfer of Local Authority assets?
See 4.1
PART 5
Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?
No particular view to express
Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?
See 5.1
Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?
See 5.1
Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?
See 5.1
Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?
See 5.1
7
Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?
See 5.1
Question 5.7: If so, would they benefit from additional legal powers?
See 5.1
Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?
See 5.1
PART 6
Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?
Review of Community Council Arrangements: it should not be forced but by neighbouring communities working together on an *ad hoc* basis when of benefit to all areas.
Annual Reports: these should not be a 'one size fits all' type as town/city councils reporting should be different from rural communities.
Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?
2020 is more realistic.
Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?
WAG/Boundary Commission must to do it. The County Councils do not want/need change therefore will not do so willingly.
8
Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?
It is currently nearly impossible to get Community Councillors to attend training at present. They give up their time for nothing as it is, to have

compulsory training would result in fewer people standing for election.
Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?
It is too long.
Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?
They already do.
Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?
Already have enough to do and the nature of the annual cycle of the position provides natural objectives.
Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?
Impossible in rural areas where broadband is not available.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?
No particular comment
Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more
9
constrained in the matters on which it could issue guidance than a nonstatutory
Commission?
No particular comment

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?
No particular comment

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?
Not aware of any
Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.
No particular comment
Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.
Local Area Committees appear to be an un-necessary additional level of bureaucracy.
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -134: Margaret Buckley

Tref / Town : Maesteg
Sefydliad / Organisation : Maesteg Town Council

MAESTEG TOWN COUNCIL
Welsh Government Consultation Document

Response to Draft Local Government (Wales) Bill and Explanatory Memorandum

Reforming Local Government

Part I

1.1: Any comments on any of the provision of Part 1 of the Draft Bill

- Concerns in competency - changing our boundaries by simply changing orders.

1.2: Views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill

- Prefer Option 2

1.3: Views on the proposed configuration of Local Government areas in Wales

- Due to time constraints impossible to change in any meaningful way

1.4: Do Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Boards and Powys County Council

- Sufficient Powers

1.5: Views on the procedure for naming the new Counties

- None

1.6: Views on the proposed changes to the Local Government election timetable

- Agree

1.7: General comments on the provision in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance

- Agree, WG proposals

1.8: How could the WG measure the current level of avoidance of Non-Domestic Rates

- Counties currently efficient – no additional measures required.

1.9: Any comments or suggestions on how future legislation could help to reduce instances of avoidance of NDR

- No

1.10: Other ways WG could enable Local Government t reduce the level of avoidance and fraud within the NDR system
  - Added staff and vigilance as read

1.11 Agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord Lieutenants and High Sheriffs are made in respect of the Counties in existence after 1st April 2020
  - Yes

1.12 Are there other matters of a technical nature which should also be considered
  - No

Part 2

2.1 Any comments on any of a technical nature which should also be considered
  - No

2.2 Any comments on any of the provisions relating to Community Councils with competence
  - Not in agreement that all community councils able to apply for competency should be based on size & budget of councils, small councils could run into difficulties very quickly.

Part 3

3.1 Any comments on any of the provisions in Part 3 of the Draft Bill
  - Consensus of Council that Community Area Committees not required.
  - This must be the role of Town and Community Councils.

3.2 Any comments on the proposed public participation duty and the requirement to consult on the annual budget
  - Agree with public consultation but useless paper exercise re: budget

3.3 Should community representatives sit on community area committees be sought and selected
  - Not in agreement with Community Area Committees

3.4 Agree County councils should be able to delegate functions to a community area committee
  - No – not in agreement

3.5 Any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient

- None

3.6. Any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty(Part 3 - Chapter 2) and community area committees (Part 3 – Chapter 3)

- None

3.7 Any comments on any of our further proposals relating to access to meetings

- None

3.8 Any comments on our proposals to enhance participation by children and young people through the public participation duty

- Agree

PART 4

4.1 Any comments on the provision In Part 4 of the Draft Bill

- No

4.2 Any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards committee

- Standards Committee should have powers to hold Leaders directly responsible

4.3 Any comments on proposals in relation to the delegation of functions by LA

- Disagree

4.4 Any comments on proposals to give Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors

- Fully Agree
- Object to greater payments to County Councillors

4.5 Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible

- No

4.6. Any comment on our proposal that Shadow Authorities should be required to appoint interim Returning Officers

- Yes

4.7 Any comments on the desirability of giving Councils the power to dismiss the Chief Executive, The Chief Finance Officer, The Monitoring Officer and the Head of Democratic Services through a vote

- Yes

4.8 Any comments on proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated

- Unsure due to lack of precedent

Part 5

5.1 Any comment on any of the provision in Part of the Draft Bill

- No

5.2 Any comments on proposal to subject LA to a governance arrangements duty

- Agree

5.3 Any comments on the model approach to peer assessment set out in Annex A

- Good theory – doubt practise

5.4. Any comment on the proposed role for the Corporate Governance and Audit Committee in relation to the LA response to the self assessment, peer assessment, combined assessment and governance review

- Audit recommendations should be statutory.

5.5 Any comments on our proposal to reject local public accounts committees

- Agree

5.6 Are Public Service Boards the right bodies to examine the policy choice facing local public services

- No alternative

5.7 If so, would they benefit from additional legal powers

- Unsure

5.8 What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role

- Good theory – practise questionable

Part 6

6.1 Any comments on any of the provision in Part 6 of the draft Bill

- Competence

6.2 Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019

- Refer to Response 2.2
- Minor Planning proposals to be determined by community councils who are proved financially competent

6.3 Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

- Yes

6.4 Any comments on our proposals relating to compulsory training for community councillors

- Agree – Clerks report on non-attendance of training – who report to and what sanctions available

6.5 Any comments on proposals to extend the term community councillors elected in2017 to six years

- No option

6.6 Any comments on proposals that community councils should be required to consider and plan for the training needs of their own members and employees

- Yes

6.7 Any comments in relation to the setting of objectives for a community council clerk

- Set by Community Council – oversee by Chair/Mayor or delegated power

6.8 Any comments on our proposal to repeal the legislation relating to community council and to require instead that Local Authorities should implement a system of e-petitions

- Agree with removal, e-system not available to all.

Part 7

7.1 Any comments on any of the provisions in Part 7 of the Draft Bill
No

7.2 Any views on whether it would still be desirable to establish a statutory public service staff commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory commission

- Agree – restrained to specific areas.

Part 8

8.1 Any comments on the provision of Part 8 in the Draft Bill

- No

Additional Questions

9.1 Are you aware of any consequential amendments to legislation that will need to be made

- To be considered after first term of new system

12th February 2016

26897 -135: Fiona Williams

Tref / Town : Brecon
Sefydliad / Organisation : Brecon Town Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Not to the best of our knowledge

Question 1.5: What are your views on the procedure for naming the new Counties?

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

6 year terms could be unsatisfactory. Similar views could be held about 3 year terms. It could put strain on political parties, and deter independents, both of whom may not have resources to fight elections within such a short timescale and both of which could lead to fewer candidates and contested elections. Any organisation takes time to normalise after an election, and similarly a period before an election is focused on electioneering. Three year cycles could limit the timeframe for effective. Finally, if election clashes are unacceptable, local elections on the same day as a general election must be avoided.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Possible impact of merging health board and County Council finances must be considered for Powys.Impacts on town and community council budgets of principal authorities transferring assets must also be carefully assessed.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

We would strongly support NDR policies that encourage local small businesses, and perhaps also reward good/ethical employers eg who pay a Living Wage. We applaud the action the Welsh Government has taken around business rate relief. Devolution of NDR gives us a great opportunity to get this right.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Concerns about the 'competency' element to allow access to General Power of Competency. Restrictions on Councils that cannot achieve 'competence' due to issues outside their control may cause unbalance.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

Unfair to exclude Councils where less than 2/3 are elected Members from competency eligibility. Concern that if competency status cannot be achieved because of this then may be presumed 'incompetent' by default.
Recommendation for ongoing requirements to be maintained annually otherwise 'competency' may be achieved even if there has been a qualified audit or change of clerk to an unqualified clerk. This may result in an inaccurate perception of the Council.
Recommendation for Clerk to be CILCA qualified. Professional qualifications alone, whilst extremely helpful to the role, do not fully prepare the Clerk as CILCA does.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Consultation is good - but robust mechanisms must be put in place so that any consultation is meaningful. Consultation must also take place with the widest possible group - not just the 'usual suspects'.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Election by town/community council or by clusters of such bodies.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Powys already has Area Committees. Adapting them to become community area committees could be a useful way of best reflecting local needs and priorities. Return to the old county/borough council policy distinction?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Support a move to electronic communication/notice. The Welsh Government should perhaps look at supporting community/town councils so they can enable this eg wifi in meeting rooms. Principals authority meetings should be broadcast live, town and community councils if possible or there is local

demand. Public participation should be encouraged by means of statutory 'public question time'.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

Greatly support this.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

This should be encouraged - Powys is a big county! Council premises outside the county town could be used.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

Better communication and data needs to be provided to Town Councils to enable forward planning and budgeting to be undertaken in plenty of time for precepting and full impact analysis to be undertaken.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

How will boundary changes be dealt with where community boundaries cross county boundaries?
Have ratios of Councillors to electorate been considered in boundary realignment plans?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Will funding be provided? Will e-training be available otherwise could cause difficulties for full time employed Councillors. Distances may be an issue in rural areas and compulsory training may be off putting to some new (and not so new!) Councillors. Training must also be worthwhile and purposeful.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Maybe off putting to new Councillors. Recruitment is difficult now.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Training would be better if it was part of a strategy throughout Wales, maybe delivered by One Voice Wales to ensure equality of delivery. If delivered by each County there will be differing provisions. OVW should be properly funded to provide the required training. Along with other town and community councils, we don't affiliate with OVW as we don't feel they offer particular value for money. A properly funded OVW with responsibility for support functions like training could provide a reason for town and community councils to affiliate.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

This would be helpful although they should be set by committee. The Chair of a council may change annually, as in Brecon. This would prohibit continuity in objective setting, which a committee could provide.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -136: Anthony Griffith

Tref / Town : Trefnant, Denbighshire
Sefydliad / Organisation : Tefnant Community Council

COMMUNITY AND TOWN COUNCIL ENGAGEMENT EVENT
DRAFT LOCAL GOVERNMENT (WALES) BILL

POTENTIAL POINTS TO RAISE – SESSION 1

There will be a chance to ask questions at the end of each overview session; and attendees will also be encouraged to record comments and questions on post-it notes to form part of the note of the event.

MEMBERS TO COMPLETE TRAINING

What are your views on principal authorities providing mandatory training for certain matters where community councillors would have to complete appropriate training?
Madatory training for all will discourage people from becoming community councillors. As a matter of good practice, it should be suggested that a minimum of 2 councillors should attend planning seminars at least every two years. For those that work full time, maybe it would be possible to offer an on-line course with a simple test to make sure the councillor has covered the material. Other courses should be suggested in a similar vein depending on relevance of subject to the size & remoteness of council.

Have you any views on the proposal about the Clerk's duty to look into a matter where a complaint is received that a councillor has not completed compulsory training?
The clerk can look into the matter & raise the complaint. If the issue is bad enough, it can be dealt with by elections if required

Do you have any views on an alternative approach?

COMMUNITY COUNCIL ELECTION DATES

What are your views on extending the term of office of community councillors elected in 2017 to six years?

Do you have an alternative suggestion or would you like the timetable to match the same election timetable earmarked for the new county councils?

POTENTIAL POINTS TO RAISE – SESSION 2

REVIEW OF COMMUNITY COUNCIL ARRANGEMENTS

Do you agree the Boundary Commission should be required to submit their draft reports about community councils to shadow authorities from May 2019?
Yes
Do you have any concerns about the timing associated with conducting reviews and what do you see as the issues?
Do you agree the new county councils should implement the Boundary Commission's recommendations for community and town councils or should the Boundary Commission have complete control over this? Do you have concerns with either proposal?
Do you have any views on the directions to be issued to the Boundary Commission by Welsh Government before conducting the community reviews?

ANNUAL REPORTS

What are your views on Welsh Government's intention to require all community councils to publish an annual report so that people understand what each council has achieved during the previous year? Entirely unnecessary on small community Councils

COMMUNITY COUNCIL PRECEPT

What are your views about the review process and the impact on the community council precept especially when new common councils are created from smaller communities?

PERFORMANCE MANAGEMENT

Do you have any comments in relation to the setting of objectives for a community council clerk? Who is best placed to set the objectives? Should the duty to set objectives apply to all community councils?

COMMUNITY POLLS

What are your views on proposals for the existing legislation governing community polls to be repealed and replaced by an alternative approach which will require principal councils to establish a petitions scheme and e-petitions facility? Tough on villages with many elderly who do not use computers

TRANSITION ARRANGEMENTS

Would you like to see the introduction of appropriate local arrangements and controls to manage and oversee community council mergers so that this is done consistently and fairly throughout Wales? What system would you like to see in place to govern and determine:

- recruitment and selection processes;

- assimilation of staff to new common councils and negotiating staff contract variations;
- the processing of potential redundancies;
- the transfer of assets;
- the delegation of services from principal authorities;
- the freezing of balances/reserves to prevent inappropriate spending decisions being made in the run up to new community councils being created and to prevent the potential disposal of assets by those community councils at risk of being merged.

Would you like to see the SLCC/OVW having a place on the Public Services staff commission or would you prefer to see the creation of a community council commission to oversee any of the issues identified above?

POTENTIAL POINTS TO RAISE – SESSION 3

COMMUNITY AREA COMMITTEES

How would you like to see community councils represented on these committees? Entirely unnecessary & creating a new layer of beaurocracy…. Disasterous idea. Concentrate on improving communication channels between community and county councils

IMPROVEMENT REQUESTS

Is it right that community councils can serve improvement requests upon principal authorities? How do you think this will affect on-going collaboration between the two tiers of government?

ACCESS TO COMMUNITY COUNCIL MEETINGS

Should community councils be able to issue an electronic summons on members to attend meetings similar to the proposals allowing principal authorities to do this? No problem

Have you any views on the provisions of the Local Government Act 1972 being repealed to allow meetings to be convened in premises where alcohol is being served?
No problem

What are your views on members of the public attending a community council meeting that they must be given a reasonable opportunity to make representations about any items of business due to be discussed at the meeting, unless the person chairing the meeting considers that doing so would prejudice the effective conduct of the meeting? Fine

What are your views about Welsh Ministers making regulations allowing the filming, photography or sound recording of community council meetings? Very unnecessary & could create potential legal threats to councillors that currently do not exist & once again will discourage participation

POTENTIAL POINTS TO RAISE – SESSION 4

What are your views on proposals relating to community councils with competence?
Common sense prevails on our Community Council

Antony Griffith
Chair Trefnant Community Council
08.02.2016

26897 -137: Llew Thomas

Tref / Town : N/A
Sefydliad / Organisation : N/A

Good morning,

Just to thank you once again for your help in allowing me to attend the meeting yesterday at such short notice.

I found the meeting extremely useful and informative. The presenter Claire Jermaine was excellent, extremely knowledgeable, professional but also a good communicator both in terms of providing and receiving information. The atmosphere created was friendly and conducive to encouraging participation. A good constructive event.

I notice that the proposal to deem Councils as having "competency" was an issue and exercised peoples minds in finding an alternative.

Well its not original or inspirational but hopefully not contentious - Might I offer for your consideration a small offering - Certificate of Additional Powers or Certificate of Assurance . I confess its a bit magnolia but would be unlikely to offend anyone.

I should not that these are my own personal comments and not those of Gorslas Community Council - they have not , had a meeting since yesterday. !!!

Llew Thomas

26897 -138: David Morris

Tref / Town : Cowbridge
Sefydliad / Organisation : Cowbridge (Ancient Borough) with Llanblethian Town Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Under the proposals the Local Health Board boundary areas will not be co-terminus with the proposed County boundary areas. This could lead to post code medical provision depending in which LHB area you reside even though you are all in the same county. In addition to ensure Community Safer Partnership working should the boundaries of the proposed new County Boundaries also take into account the Boundaries of the Welsh Police Forces and be co-terminus so that there is no overlapping of Counties into separate Force areas.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Recognising that there are sound pros and cons for either option the choice would be for Option 2 – two county structures. Although there would be issues in terms of attracting European Funding and create mis-alignment with the local LHB/Policing structures, the two counties would have similar population sizes to the other proposed Welsh Counties, create a stronger Welsh speaking presence and provide similarity of performance comparisons to the other Welsh counties, service provision and taxation issues. Plus reduce bureaucracy in terms of the number of Welsh principal Counties i.e. 8 counties instead of 9

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Agree

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

If Powys County Council and Powys Teaching Health Board are working well as a partnership no need to change unless to reduce bureaucracy and create a better more efficient and effective structure.

Question 1.5: What are your views on the procedure for naming the new Counties?

Need to ensure that naming the new County Councils recognise the identity of all the merged Authorities. That no Authority through the name is seen as the lead within the new County Council. Suggest that Boundaries Commission recommend new names for the Shadow Authorities to consider and agree. If not agree to give reason why not.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Recognising the need to put in place transitionary procedures to move to a five year fixed term election process in 2023 and not requiring Councillors to remain in Office for a lengthy period, then the suggested arrangements are supported. However, cognisance must be taken in terms of the quite short periods between elections and the adverse impact on reducing numbers of voters taking part and Councils being elected with minority votes.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

None other than there may well need to be a period of harmonisation for payment of Council Tax especially for merged Councils in which public services vary. Should be left to individual 'shadow' Councils to work a timetable to harmonise Council tax – whether straight away or over a period of time.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Difficult question other than through identifying the number of registered businesses in Wales against non-domestic rates paid.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Greater regulation and enforcement. Possible area for identifying avoidance of non-domestic rate payment is through the Council Planning Department where change of use or planning applications may help in terms of identifying new business premises.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Cannot answer.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Agree

Question 1.12: Are there other matters of a technical nature which should be considered?

Not at the moment.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The issue with a Community Council declaring it self 'competent' is when it fails to meet the criteria for competence but continues to operate as such. Is this misleading to the electorate? If a Community Council fails one of the criteria to be competent or declares it is no longer competent – is it incompetent and therefore a possible reputational issue as far as the electorate are concerned. Need for external audit/inspection to ensure a Council meets the competent criteria and maintains it. Should not be left to the Community Council to declare itself competent or not. Maybe a role for the Principal Council to audit, make sure the Community Council meets the criteria and authorise competence.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

In relation to the criteria for competence –
Two thirds Councillors elected – presume includes those who stand unopposed but not those co-opted.
Two years unqualified accounts – if third year qualified accounts should automatically be no longer competent.
Clerk – professional qualifications. Is this CiLCA. If so need to ensure training and assessment provision provided to ensure that Clerks can become professionally qualified as soon as possible so no detriment to the Community Council. Again if a 'qualified' Clerk leaves and an 'unqualified' Clerk is appointed does this adversely impact on a competent Community Council and it becomes not competent. Need to have a development structure in place for Clerks with incentives and rewards to become qualified.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

With larger County (Principal) Councils there will be a larger gap between the community and engagement with these Councils. The introduction of Community Area Boards will not fill this gap. They create another level of bureaucracy and 'gate-keeping' in terms of accountability and direct participation by the public in relation to consultation of budget setting, identifying priorities and provision of services. The role of the newly merged Community Councils should be seen as the vehicle to bridge this gap in terms of services provided to the local communities.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

No agree that the new County Councils must be regulated to engage with the public and to consult on the annual budget especially in relation to expenditure and service provision, identifying priority areas.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Do not agree with Community Area Committees. Community Representatives are the elected Community Councillors.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Do not agree with Community Area Committees. Delegation of responsibilities from the County Council for local service provision/asset transfer should be to the Community Councils provided it is funded and resourced.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Do not agree with Community Area Committees. However if to be introduced then should have a lead in time after the new County Councils and new Community Councils are in situ.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Agree with proposals but should also extend to Community Councils and other connected authorities such as Fire & Rescue Authorities and National park Authorities.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Agree with the proposals but mindful that some rural areas electronic communication is not effective. This means of communication alone can be a disadvantage to those who do not have efficient internet access or are not use to using it.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

Should be extended to include such a duty on Community Councils to encourage engagement by youth and young people.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Agree with the position of the White Paper that Monitoring Officers and Standards Committees should have enforcement roles especially in ensuring that there is duty to respect and positively encourage respect for diversity, equality and fairness. That there is a duty on leaders of political groups to promote and maintain high standards of conduct and this compliance is monitored through the Standards Committees. That the Standards Committees publish an annual report making recommendations, recognising good practice and action plans for improvement. These reports should be in the public domain.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Agree with the proposals contained in the draft Bill for greater scrutiny and monitoring of standards of leaders and of all elected members regardless if they are members of a political party or iindependant.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Supportive of the proposals to give greater powers to local authorities including community councils for delegation to third parties and contracting out of service.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Supportive of this proposal for Welsh Ministers to direct IRPW and to consider remuneration and allowances for Community Councillors in line with Principal Authority Councillors especially with the increasing workloads and responsibilities.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

There is already provision within the Draft Bill to allow electronic summons (emails) and remote attendance recognising the difficulties arising from work,

travel or other commitments. The use of remote attendance can have financial impacts and dependant on the size of the Council whether a Principal or Community Council. Larger Councils will have the ability and financial capability to use video conferencing links however for smaller Councils, especially Community Councils the provision to use Skype, FaceTime, Messenger and other social media video links should be included. The use of modern communications media should enable the members of the smaller councils to be able to participate in meetings remotely to ensure that there is the fullest consideration of all issues by the council members either directly present or via an electronic link.

The provisions for the use of Remote Attendance should apply to Community Councils as they do and will do to Principal Councils.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

No comments agree with proposal.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Employment Law should apply to these roles as to any other officer employed in public office. If there are allegations an independent investigation should take place by an outside body and recommendations made. It should then be the responsibility of the Leader of the Council to take to the Council and a decision made by the Council whether there is sufficient evidence to warrant dismissal, warning etc. There should be a structured policy and process in place that applies to all roles/grades whether Principal or Community Council.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Agree with proposals.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

Although in agreement with proposals would also like to see a statutory obligation for Principal Authorities to consult with and seek the views of Community Councils if the disposal or transfer has an effect on the local community as a visible service e.g. public toilets. In addition need to ensure that in disposing/transferring local assets the Community Council has opportunity to take ownership control before offering to other agencies.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Part 5 does not directly affect the role of Community Councils but in broad terms supportive of the proposals in terms of greater local accountability and determination.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Agree

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

No Comment agree.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Broadly agree but any recommendations especially for improvements should be subject of timed action plans and publically accountable in reporting progress through the Council Annual Report.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Agree with the proposal to reject PACs – appears to be a retrospective view with another level of bureaucracy.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Agree with proposal and that they have legal powers to undertake investigations, reviews and requires Authorities to provide information either verbally or written with deadlines.

Question 5.7: If so, would they benefit from additional legal powers?

See Answer 5.6

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Such arrangements should be subject of audit/inspection to establish whether service provision can be better delivered more efficiently and effectively through sharing services and if the recommendation is that they are then legislatively a requirement on the Authority to do so against a timeline.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Review of Community Council Arrangements – Agree that a review of Community Council boundaries needs to take place to ensure that they have greater capability and capacity to take on greater responsibility for the provision of services. The issue is whether as a result of Boundary Commission recommendations mergers of local Community Councils should be enforced or through consensual agreement taking into account demographics, remote Councils and those communities which do not want the establishment of such Councils in their area. An alternative is that groups of adjacent councils should be encouraged to work together in clusters in order to accommodate economies and efficiencies of scale as part of the competency test procedures.

Community Council Precept: Agree that equalisation of precept should be dealt with on a longer time basis however there is a need to establish arrangements for the development of resources e.g. guidance documents/ good practice models to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged.

Annual reports: Agree with the development of Annual Reports for Community Councils but should also include a costed Annual Plan for the forthcoming year as part of an election period five year strategy plan so that Councils can be held to account in terms of performance and delivery. Allowing greater transparency and local accountability.

Transition arrangements: The Local Community Council transition period should be on an equal footing as Unitary/Principal Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling

redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Support that the Boundary Commission should undertake a review of the boundaries for Community Councils rather than Shadow Authorities. Although it would be ideal for the Boundary Commission to submit their draft reports to the Shadow Authorities from May 2019, there are issues in terms of tight timescales for such a national review that will have a critical impact for the future of local democracy. The timeframe of April 2020 is more realistic however this may still pose capacity problems given the number of local councils. Suggest that consultation with the Commission take place to set realistic timescales for completion of the review. However before such reviews take place there is a need for Welsh Government to articulate the role and function of the future Community Councils, their purpose and what statutory services they will be expected to deliver as a minimum. Will there be an expectation that the current number of elected Councillors with current Community Councils will reduce to accommodate larger Community Councils, which may well undermine the ability of the Councils to act on behalf of its electorates as the capacity of the sector will be significantly reduced. Additionally Welsh Government need to provide directions to the Boundary Commission to have due regard to the safeguarding of the Welsh Language when making its recommendations.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Boundary Commission should have responsibility to implement their recommendations once approved by Welsh Government to avoid local authorities attempting to unduly influence the outcome of the review and its recommendations. The development of robust transition arrangements for the community and town councils sector must allow for consideration of local geography, demographics, and Welsh Language matters.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

In agreement for compulsory training for all councillors that there is a core training curriculum that all Councillors must complete once elected especially

for the first time and that development training is also provided especially in relation to the running of local councils and how to be an effective councillor with further training within and across numerous specialist fields of council work. One Voice wales should be the designated training provider and Welsh Government needs to ensure that sufficient resources are made available for this to be possible. The compulsory training requirement and curriculum should be a matter for Community Councils and One Voice Wales in consultation with Principal Councils and Welsh Government to determine.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Agree that election for Community Councils should fall in line with Principal Councils. The election of Councillors in 2017 serving a term of six years could be seen as subverting the democratic process however recognising the financial implications of having two elections in short period of time, supportive of extending the 2017 election for six years to 2023.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

In agreement that each Community Council should produce a Training Strategy for its members/employees and that individual training plans should be developed in accordance with this strategy. That a training budget is identified to deliver the training/development. However recognise that such plans will vary dependant on size and experience, previous training of the Councillors and Officers.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Agree that the role of Clerk although reportable to the Council should come under the direction of the Chair of the Community Council for day to day management. However there does need to be a formal grievance/complaints procedure in place to ensure the Clerk is protected from overbearing management/prejudice etc. That the Clerk is subject of annual performance appraisal and as part of that process is set objectives linked to the Council Annual Plan and training requirements. There are opportunities for performance related pay to reward for achievement against the objectives.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Agree with proposals.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Approve the introduction of Transition Arrangements and the development of transition committee to support the development of the local councils. Active involvement of One Voice Wales along with other sector bodies such as the SLCC would ensure that all workforce related matters are appropriately considered during the six year window prior to 2023

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

In support for the creation of a statutory Public Services Staff Commission but would like to see representation on the Commission from the Local Council sector through One Voice Wales and the Society of Local Council Clerks.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No Comment

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Supporting documents constructive and useful in providing this feedback. No other comments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

None

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -139: Robert Hepworth

Tref / Town : N/A
Sefydliad / Organisation : N/A

Consultation on the Draft Local Government (Wales) Bill

Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name*: Robert Hepworth

Organisation:

1. Community Councillor, Bishton (Responding in personal capacity)
2. Secretary, Newport Labour Campaign Forum (Responding in personal capacity)

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Question

1.2: What are your views on the options for 2 or 3 Counties in North

Wales, as set out in Schedule 1 to the Draft Bill?
Question
1.3: What are your views on the proposed configuration of Local Government areas in Wales?
I believe the original decision not to consider dividing existing authorities was mistaken. The existing 22 authorities are not always the right building blocks. In the case of the increasingly urbanised area around Newport, the review should have instead built on the official " Newport Built Up Area" defined by the United Kingdom Office for National Statistics (ONS). This identifies a continuous urban area including Cwmbran and other contiguous settlements comprising over 300,000 people. Were the surrounding rural area and towns along Severnside such as Caldicot and Chepstow to be added, the total would be closer to 400,000. Either of these options would allow the formation of a coherent and manageable new local authority area of Newport (or "Greater Newport") with 1014%
of the population of Wales. All of these
communities would have Newport as their natural city centre in SE Wales. The Government's alternative of a Greater Gwentsized
authority comprising
20% of the population of Wales is simply too large for the delivery of all services. It risks reducing Newport as the third largest city and second largest urban area in Wales, to the role of a "Competent Community Council". It also risks alienating the majority of our population who will not be able to identify with such a huge and diverse local authority.
Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?
Question
1.5: What are your views on the procedure for naming the new Counties?
If the proposals are pursued despite the comments at 1.3 above, then the 5 existing Councils to be merged in SE Wales should be renamed "Greater Newport", as it is by far the largest freestanding town and the only City.
Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
OK except for Community Councils (see below)
Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?
Question
1.8: How could the Welsh Government measure the current level of avoidance of NonDomestic
Rates?
Question
1.9: Do you have any comments or suggestions on how future
legislation could help to reduce instances of avoidance of NonDomestic Rates?
Question
1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the NonDomestic

Rates system?
Question
1.11: Do you agree that the preserved counties be abolished and
that consequential amendments are made so that the appointments of
LordLieutenants
and High Sheriffs are made in respect of the counties in
existence after 1 April 2020?
Yes
Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2
Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?
Question
2.2: Do you have any comments on our proposals relating to
Community Councils with competence?
As a Community Councillor for more than 5 years, I would strongly advise the Wales Government to establish an independent yardstick to decide whether CCs are "Competent". The suggestion that Community Councillors can vote to decide that their own small Councils with a couple of employees are "Competent" for a range of service delivery, without receiving a certificate to that effect from an accredited body, is naive and could lead to serious misuse of public funds. Unpaid Community Councillors cannot be expected to have the expertise themselves to decide whether their Council meets modern standards of competence for service delivery. Nor should they be expected to shoulder the burden for such a decision without having access to a mandatory, independent and positive assessment of their Council's capacity to move into the "Competent" category.

PART 3
Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?
Question
3.2: Do you have any comments on the proposed public
participation duty and the requirement to consult on the annual budget?
Agreed
Question 3.3: How should community representatives to sit on community area committees be sought and selected?
Area Committees should include a set number of Community Council representatives where appropriate
Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?
Yes but not mainstream functions such as education, social services, waste, environmental protection, flood prevention, major planning applications, regeneration or primary roads and urban transit systems.
Secondary roads, local/country buses, footpaths, signage, litter, local environmental improvement and planning applications currently delegated to officials (eg house extensions), are the sort of functions that can be

decentralised.
Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good leadin time
sufficient?
Good lead time sufficient
Question 3.6: Do you have any comments on the revised provisions for ‘improvement requests’ or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?
Question
3.7: Do you have any comments on any of our further proposals
relating to access to meetings?
Question
3.8: Do you have any comments on our proposals to enhance
participation by children and young people through the public participation duty?
Agreed in principle

PART 4
Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?
Question
4.2: Do you have any comments on the proposed duty on leaders
of political groups or the monitoring and reporting roles of the Standards Committee?
Generally support them
Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
Question
4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?
Question
4.5: Do you agree the provisions relating to remote attendance in
the 2011 Measure should be made more flexible?
Strongly support any proposals to make it easier for Councillors to participate in meetings and other work of their Council. Any Councillor unable to attend a meeting should have simple access to participate via laptop etc
Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?
Question
4.7: Do you have any comments on the desirability of giving
Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?
They should be able to do so but only after receiving an independent report on their performance
Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Any proposals should ensure that the maximum number of elected Councillors are able to participate in the Executive.If the 5county merger
takes place in SE Wales, there will need to be arrangements to ensure that more Councillors serve on the Executive than in smaller authorities (see comments below). There should be a formula for the size and remuneration of an Executive related in part to the population it serves.
Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?
There should be a register of all community assets worth over (say) £10,000, publicly available

PART 5
Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?
Question
5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?
Question
5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?
Question
5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?
Question
5.5: Do you have any comments on our proposal to reject local public accounts committees?
Question
5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?
Question
5.7: If so, would they benefit from additional legal powers?
Question
5.8: What legislative measures could be considered to enable Local Government to take a public sectorwide
shared services role?

PART 6
Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?
Question
6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?
Yes get
on with it !
Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Commission as Councils will have their hands full elsewhere.
Question
6.4: Do you have any comments on our proposals relating to
compulsory training for Community Councillors?
Yes but this should be in the form a mandatory 56
hour training event given
over a single day (probably Saturday). Keep It Simple... Perhaps any Councillor not attending within (say) 6 months of election to be excluded from voting until he/she attends.
Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?
I am against this it's
far too long both for Councillors and the electorate. It
will also give you an even higher age profile for Community Councillors when you are hoping to attract younger people, and those who can operate in a rapidly evolving IT world.
Assuming that we need to hold elections for County and Community Councillors at the same time to save costs, I would recommend that Community Councillors serve a two year term May 2017May
2019, followed
by a four year term to May 2023.
Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?
Agreed
Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?
I support these proposals
Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of epetitions?
EPetition
system would be fine.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?
Question
7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a nonstatutory
Commission?
Would totally support a PSSC with strong powers to root out the corruption and related practices that have sadly disfigured too many local authorities in Wales (Newport is a notable exception). One of my real concerns with amalgamation is that the kind of practices we have seen in some neighbouring authorities will be imported into the new one. I would myself support the appointment of all the senior Council officers by the new

Executive, in partnership with an independent Commission which would have a reserve power of veto.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question

9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question

9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

I am concerned to see there are no proposals to deal with (County) Councillors' remuneration in the transition period 201920, or indeed salaries in general.

This is the sort of area where the public will not tolerate excessive payment to Councillors serving simultaneously on both the outgoing and incoming authorities. This is especially sensitive because all extra payments would be wholly a result of the local government reorganisation. I would propose a starting point that there should be no additional remuneration for “backbench” outgoing Councillors they should continue to get the basic Councillor rate (about £13,000) irrespective of whether they sit on one or two authorities during 201920.

I would recommend that incoming ordinary Shadow Councillors who are not members of the current LAs should receive a fixed honorarium of (say) £3000 for the year 201920 to cover attendance at shadow meetings. They will not have significant other duties to perform that year in relation to representing their individual constituents on casework.

The position of Executive members is more tricky:

If they are on the outgoing or both authorities they should continue to get one executive salary (whichever is highest if serving on both)

If they are on the Shadow Executive only then they should get the rate for that job but surrender the £3000 “backbench” honorarium for 201920.

As far as future Councillors are concerned I think that Executive salaries will need to be adjusted (perhaps in both directions) to allow remuneration in the £30,000£ 45/50,000 range for a larger number of Executive members, certainly in the case of an authority like the SE 5County amalgam serving 600,000 people. I would expect to see around 20 Executive members in our

area, plus the Planning Committee Chair, all fulltime
or 4 days a week, to
ensure the democratic deficit of such a large authority was reduced.
Executive members should get at least £30,000. Their Councillor allowance should be halved (to about £6500) after 2020 to allow for the fact that they will be mainly occupied on Executive business.
Scrutiny Committee Chairs should receive an appropriate Executiverelated salary related to the number of days worked, and a prorata
reduction in
Councillor allowance.
Depending on the ultimate size of the Council there may be a case for increasing standard backbench Councillor salaries. I have an open mind on that. I would prefer it to be related to easily measurable performance for example part of the salary of Councillors could be related to audited attendance at meetings of the Council, Committee and other bodies, and at ward surgeries.
On Community Councillors I have a vested interest (see above). On balance I think they should continue to be unsalaried servants of the local community. However any new burdens placed on them by the Wales Government (eg mandatory training for one full day see
above) should be fully recompensed,
including decent allowances for travel and attendance at the course. All the resources for this mandatory training should come through a direct WG grant or claim. This could be administered through One Voice Wales.
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -140 : Shan Morris

Tref / Town : N/A
Sefydliad / Organisation : North Wales Fire and Rescue Service

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

The Explanatory Memorandum explains that a Shadow Authority elected in 2019 would be required to decide about the new county's name before it came into being in 2020. With Fire and Rescue Authority combination orders in mind, we see this as a sensible way of avoiding the unnecessary cost and upheaval that would otherwise arise from making consequential amendments twice in short succession.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The draft states that members elected in May 2017 would serve for a term of three years. We assume, however, that there is no intention for their term of office to actually continue beyond 31 March 2020 when the council to which they were elected ceases to exist.

We anticipate that people standing for election to the new councils on 02 May 2019 (serving as shadow authorities for the first 11 months, and then as fully functioning councils until May 2023) would be a combination of existing county councillors and other new entrants. We assume that there would be nothing to prevent one individual holding two offices – as a county councillor in a merging county and as a shadow authority member in a new (geographically different, but also potentially distant) county. Similarly, we assume that there would be nothing to prevent one individual also being a member of a Transition committee.

We wonder, therefore, what consideration has been given to the capacity for elected members to serve simultaneously on:

a) a merging council;
b) a shadow authority, possibly in a different area;
c) a merging council's Transition Committee; and
d) external bodies such as fire and rescue authorities.

Also, we assume that the Welsh Ministers will be issuing guidance (s.15 of the draft bill) on the relationship between shadow authorities and external bodies such as fire and rescue authorities in their area, and look forward to being able to contribute to the development of that guidance.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The shadow authorities will be responsible for setting their budgets and issuing bills for the financial year 2020-21. We would assume, therefore, that Welsh Ministers will ensure through issued guidance that the shadow authorities engage with fire and rescue authorities in relation to their financial contributions to those authorities for that year.
We note the statement in paragraph 4(6) of Schedule 3 (relating to section 101(1)(b) of the 1972 Act) and would welcome clarification of this in the explanatory notes for section 16 of the draft bill.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Under the Regulatory Reform (Fire Safety) Order, fire and rescue authorities enforce fire safety in non-domestic premises. They therefore have an interest in ensuring that registers of such premises in their area are complete and accurate. North Wales Fire and Rescue would welcome discussions with the Welsh Government and local government colleagues to explore whether any benefit could be drawn from increased information sharing in relation to non-domestic premises.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

We recognise the value of ensuring that community areas under this legislation would be the community areas determined by Public Services Boards under the Wellbeing of Future Generations Act, and generally support any approach that allows local flexibility and avoids unnecessary complexity. However, time would be needed for the new PSBs, configured under the new county boundaries, to determine those community areas, and a recognition given within this legislation that PSBs (either for themselves or in accordance with Welsh Government regulations, if issued) may at some future point decide to reconfigure those community area boundaries.

As regards the membership and administration of community area committees and their various sub-committees, we note that fire and rescue authorities, though not specifically mentioned in these sections, could presumably be invited by a county council (section 46(2)) as 'a body with a connection to the area' to nominate someone to sit on those committees. It is difficult to see how organisations spanning large geographical areas (such as fire and rescue authorities) would have the time or capacity to participate in even a small proportion of all these meetings being held in their area at any given time.

As a general observation, the overall picture of county and community councils, public services boards, community area committees and community area sub-committees does seem crowded, and although it is clearly aimed at promoting public engagement, planning and accountability at a local level, the burden of administration, negotiating terms of reference, tracking decisions, and involving the many different participants may prove overwhelmingly over-ambitious at a time of budgetary constraints and large scale reorganisation.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

We note the inclusion of fire and rescue authorities on the list of authorities 'connected with a county council', and the intention to introduce a duty on county councils to prepare strategies to promote public awareness of, and participation in the activities of those listed authorities. We look forward to collaborating on the detail of how this would work in practice.

We also note the intention that county councils will consult the persons listed in section 40 in relation to their estimated expenditure for a financial year, but would have expected fire and rescue authorities (or perhaps all authorities 'connected with a county council') operating in those county areas to have been included on that list.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

We note that fire and rescue authorities are not listed as "interested bodies" or "relevant authorities" under this section, but that they could become listed under regulations made by Welsh Ministers (S.64(b)). What is not clear is why improvement requests made in strict accordance with the detailed sections of Part 3 Chapter 4 would be treated any differently from any other correspondence that is routinely received and responded to by public sector organisations.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

We note that the requirement to ensure that meetings are broadcast electronically are currently limited to county councils, but that the draft bill makes provision for the Welsh Ministers to extend those duties to fire and rescue authority meetings, and to allow people to film, photograph, make sound recordings etc. at meetings of committees and sub-committees.

In relation to the inclusion of fire and rescue authority meetings, and considering the cost implications of introducing this, we support the approach being taken and would welcome the opportunity to discuss this with the Welsh Government should it decide to apply this section to fire and rescue authorities in future.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

In relation to investigating a possible breach of performance duties by members, and the provision in s.94(2)c that would enable a monitoring officer or a standards committee to refer matters to the monitoring officer or

standards committee of a fire and rescue authority (as another 'relevant authority') – we would have expected any such referral to be limited only to matters relating to the member's involvement on that fire and rescue authority.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Councils already have the authority to dismiss individuals provided that there is sufficient evidence of wrongdoing to constitute a fair dismissal as defined under employment law. Any decision to introduce a mechanism for dismissal by vote would need to maintain the required rigour around fairness and legality of process.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

We note the intention to amend the Local Government Measure 2009 to omit paragraph 1(a), thereby removing county councils from the list of 'Welsh Improvement Authorities', but to retain fire and rescue authorities and national parks authorities on that list. As such, we would welcome discussions with Welsh Government about the alignment of the various stages of improvement planning and wellbeing, equalities and Welsh language planning (including reporting requirements) to take account of the new arrangements following the introduction of this new legislation.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

We note the intention that Welsh Ministers may publish statutory guidance to "public bodies" – which includes fire and rescue authorities - about workforce matters, and that such matters (s.173) would include guidance on the size and composition of the workforce and the management, organisation and remuneration of staff.

Consistently following improvement planning consultation the Fire and Rescue Authority has determined how to maintain excellent affordable fire and rescue services for the community of North Wales. To enable the provision of these services, the size and composition of the workforce and its management has been determined locally, relying on professionally qualified leaders. This local flexibility has ensured a responsiveness to changing circumstances, the provision of high quality services despite difficult economic circumstances and the advancement of partnership working.

The National Joint Council for Local Authority Fire and Rescue Services is responsible for the supervision of the pay and conditions of service for the majority operational Fire and Rescue Service employees. UK FRS cross-

border arrangements require Welsh fire and rescue service personnel to have comparable pay and conditions with their counterparts elsewhere in the UK.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -141 : Bryn Jones

Tref / Town : Wrexham
Sefydliad / Organisation : Esclusham Community Council

Good morning

Comments - ESCLUSHAM COMMUNITY COUNCIL

Draft Bill, Part 6 – Community Councils

Having community councils with precepts in excess of £200k will mean a significant reduction in number compared to the present situation. Post 2023 the ratio of community councillors to electors will be markedly different, making it more difficult to achieve effective representation. An expected outcome will be a reduction in the diversity in councillors due to increased time demands. It will be very difficult for working people to become councillors for example. An additional effect of increasing the size of community councils will be increased costs at election time for candidates to engage with the electorate. Again this is expected to dissuade many more people from even considering putting their candidacy forward.

Within the draft bill, training for councillors is stated to be compulsory. Councils will also be responsible for identifying training needs for employees. The Chair will be required to monitor the performance of the clerk, with objective setting and review being the defined process. The clerk will be responsible for monitoring training acquisition of councillors, which no doubt will include the Chair. This is unsatisfactory as there is little prospect of independent review, unless monitored on a regular basis by the Local Authority. The setting of objectives for the clerk implies an annual performance review conducted by the Chair. This is unsatisfactory – no prospect of appeal is possible, plus that annual review may extend to pay, which again cannot be viewed as an acceptable practice with the first tier of local government.

Larger community councils will require fewer clerks, but it would be expected that this position would move from part time to full time. Apart from the redundancy costs associated with reducing the number of clerks, community councillors would be faced directly with the problem of selecting the clerk. As indicated, many are now part time, with no prospect or desire of taking a full time position. Presently there are a significant number of councils with a hall or community building. Typically a proportion of the clerk's hours are allocated to the management of the building from which the community council operates. Merging will mean more buildings coming under the direct control of the community council. This presents two issues. Firstly there will be a requirement to ensure there is a community building of sufficient size and support resources to accommodate a large community council. Secondly if the community council occupies one building, who is going to be responsible for the day to day management of remaining buildings? The implication is that additional employees would be required to take on the management functions. Alternatively these buildings would be closed, representing a significant loss to a local community.

The draft bill is clear in its requirements for electronic communication, including recording of council sessions. Support for the implementation is not considered. Council meeting rooms/chambers will need further investment to allow purchase and installation of the necessary equipment. Then there will be the training requirement to consider. Recording of community council meetings is not seen as good use of public money.

The financial arrangements of merged community councils have not been considered in any detail within the draft bill. This is considered to be a serious omission. No detail has been presented on transitional arrangements. Community councils can only exist as one legal entity. In practice it is viewed therefore that there is no transition. Elections in 2017 would proceed as unchanged. The election of 2023 would be used as the move from existing arrangements to merged community councils. This represents a challenge from a financial standpoint. No doubt elections would take place in May, i.e. part way through the financial year. Budget setting in the February/March would therefore need to be based on the post election position. This would take place in a context of a

number of community councils of different sizes, with an attendant difference in negotiating ability. No measures are proposed within the bill to ensure a fair and equitable solution to financing of merged community councils.

The draft bill suggests that a boundary review would be conducted to define the new community wards. Conducted by LDBCW, there is no mention of any appeals process. Imposition is either by County Council or Boundary Commission. The terms under which boundary reviews are to be conducted are not presented.

Draft Bill Part 3 Community Area Committee

The need for Area Committees is questionable. Firstly their make up could be considered undemocratic as a significant proportion of members would be unelected. Saying the Area Committees would be used, in effect, to hold Local Authorities to account by suggesting areas for improvement could be considered as interfering with the democratic process, a view supported by the fact that membership would be appointed the Public Services Board.

The CAC concept could also be viewed as adding un-necessary bureaucracy and potentially be self serving. Performance of the Local Authority is to be assessed to then consider improvement. The CAC appears to have no powers and no budget. As the CAC has representation from the LA the prospect of the improvement suggestions may be limited to areas felt to be uncontroversial by the LA. The LA in reality is not accountable to the CAC, nor should it be. The LA is accountable to the electorate. The CAC concept is not felt to contribute to the efficacy of local government.

General Comments

The proposals made for the restructuring of local government are too radical, expensive to implement and will hamper the development of communities for at least decade. While it is understood that increasing challenges are presented by reductions in funding from central government, the methodology presented in the draft bill is too drastic. The development of the voluntary sector is key to maintaining of a number of services and assets as funding streams are reduced. If the bill is allowed to proceed increasing centralisation will result, with less ability to provide support and influence at a local level. More community buildings will close & leisure facilities will be compromised. Community cohesion will reduce.

The need for change is accepted, but base it on local empowerment, not increasing centralisation. Sharing of services such as police, fire & ambulance across local authorities is viewed as a natural progression. This could also extend to core activities such as HR, legal, accounts, planning & asset maintenance. However from an electoral position, the existing local authority structure should be maintained. This extends to community councils also. This avoids significant levels of expenditure compared to implementation of the proposals detailed in the draft bill. LA elected members and community councillors need to act as facilitators within their communities to improve the prospects of maintaining services.

Bryn Jones
Clerk / Clerc
Cyngor Cymuned Esclusham Community Council

26897 -142 : Adam Foster

Tref / Town : Cardiff
Sefydliad / Organisation : City of Cardiff

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APPENDIX A
Consultation on the Draft Local Government (Wales) Bill
Consultation response form
The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.
Name*: Gareth Newell – Head of Cabinet Office
Organisation: City of Cardiff Council
Email*: Gareth.Newell@cardiff.gov.uk
Telephone: (029) 2078 8561
Address: County Hall, Cardiff CF10 4UW
* required information

Consultation questions
These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1
Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?
Public services in Cardiff are facing the twin challenges of population growth and financial austerity. The City of Cardiff Council has made over £120m in savings over the past 5 years, and is facing a budget shortfall of over £73m over the next three years. Cardiff is also set to be the fastest growing UK City (and Welsh local authority) in percentage terms over the next 20 years.
The capital city is the economic engine of the city-regional economy. Each day around 80,000 people – over a third of the city's 200,000 workforce – commute in to Cardiff from elsewhere in the Cardiff Capital Region. Similarly, the capital city hosts major events on behalf of the whole of Wales, and is the centre for culture and leisure for the city region's 1.4m population. These additional capital city responsibilities come with additional costs, and for Cardiff to continue to play this important role on behalf of Wales this needs to be reflected in the funding settlement.
2
Accommodating this population growth at a time of rapidly reducing budgets in an inclusive, sustainable manner, and doing so in a way which does not damage Cardiff's economic performance is a major long term challenge for the city, and given its importance for the Welsh economy, for Wales.
We recognise that this will mean that the way public services are delivered will need to change. However, the approach to reform should not be dominated simply by a debate about structures. Local government reorganisation can

only ever be part of the solution.
What is more, the challenges facing local services are immediate. Change to services are happening on the ground now. There are pressing demand and financial challenges facing all public services, and these cannot wait for – and in any case will not be solved by – Local Government Reorganisation in Wales, which will not be completed until 2023.
We believe that reforming public services and securing economic growth in the face of cuts, and catalysing local democratic renewal, will require responses which are sensitive to the complexities of place.
For supporting economic growth, this will mean pursuing a city-regional approach, aligning strategic planning and investments across the functional economic area. This is currently being taken forward in the Cardiff Capital Region as part of the City Deal process. The Council would argue strongly that this city-regional approach continue irrespective of whether local government re-organisation takes place.
For public service reform this will mean a fundamental rethink about how public money is spent in a more effective way, asking how the totality of public resources can be deployed to best effect in a city or a neighbourhood, aligning local budgets and services over several years. This will require moving towards budgets that are multi-year and increasingly pooled across local delivery partners, free of national ring-fence constraints and conflicting outcome measures.
Furthermore, the Council believes that the Welsh Government should give consideration to using the powers that it currently has more inventively, working with local partners to develop policies which meet the distinct needs of each part of Wales.
The City of Cardiff Council continues to argue for local fiscal flexibilities to be devolved to local authorities to ensure that Cardiff is not left behind in terms of economic competitiveness by other UK and European cities. In particular, the Council believes that the Welsh Government should revisit the issue of business rate devolution and reform and that localisation of business rates should be a priority area of fiscal reform. This reform would both incentivise local authorities to promote growth and provide additional revenues to help balance budgets. We believe that the Welsh Government should look again at this issue to ensure that Cardiff and the wider city-region are not left behind cities in England.
3
Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?
No comments.
Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?
See 1.1
Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?
No comments.
Question 1.5: What are your views on the procedure for naming the new Counties?
The procedure as outlined in the Draft Bill is supported.

The City of Cardiff Council supports the move towards consistency of titles for comparable local authorities across Wales. However, given the recognised importance of cities in driving economic growth and the role that Cardiff as the capital city should play as a leading economic and cultural brand for Wales, the discretion and flexibility should exist for local variation.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposals outlined in the Draft Bill appear appropriate, though it should be noted that there is scope for electoral congestion should timetables slip and significant burdens will be placed on local election staff.

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Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Council would reiterate its view that the Local Government Finance system is no longer adequate. The current system does not provide the required budgetary flexibility to address the unprecedented financial challenges or unlock the growth potential of local areas. The current financial arrangements also fail to adequately recognise the unique pressures faced by the capital city. This, it should be noted, is in the context of Cardiff facing significant levels of growth and associated demand pressures. Furthermore, this has the potential to place Cardiff and the Cardiff Capital Region at a competitive disadvantage against other UK Core Cities that are being given greater freedom and flexibilities - in areas such as local business rate retention - to drive their city-regional economies.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

The Council would argue that there is a need in the first instance to agree a definition of what constitutes ‘avoidance’. This will be difficult to measure and in some cases could be subjective. It is also very difficult to produce a report from billing systems to identify avoidance cases and this may rely upon the knowledge and experience of Rating Officers to individually identify properties in their area. In Cardiff, some of the common methods of rate avoidance include:

- **Charitable use**

The total award of mandatory charitable rate relief for Cardiff has been increasing year on year from around £10.2m in 2012 to £12.7m so far this year. It peaked at £14.2m for 2014. In addition we currently award £320k empty charitable rate relief for 2015. There is a trend for large empty properties to be let to charities while seeking a genuine commercial tenant or awaiting planning consent for redevelopment. In addition, charities have leased office space with a Rateable Value of £120,000 in the City Centre, which they then occupy for training purposes for one day each quarter. There are other assessments where the Council has refused to award charitable relief as we are not persuaded that the use is wholly or mainly for charitable purposes. In these cases, the Council obtained liability orders which often involved contested Court cases, which were both time consuming and expensive. The rate liabilities have never been paid and the charity is eventually wound up. The Council believes that the Charity Commission and the law in general should be much more proactive in

identifying and prosecuting the people who run these fraudulent charities.

5

- **Contrived short term occupation**

This practice is now so widespread that some ratepayers are surprised that they actually have to tell us about the 6-week 'occupation'. One ratepayer assumed that we would automatically charge for six weeks and then award another three month void on a repeat cycle until they tell us otherwise. All surplus government property has been utilising this method of empty rate avoidance since 2008. For example, one company in Cardiff has had 37 separate short term occupations over a number of different properties. In some cases, the Rateable Value has been as high as £257,500. It is possible that the use made of these properties does not constitute occupation as the items stored in the properties are of little or no value, but there is no appetite for billing authorities to challenge this in Court due to the time, expertise and expense that a contested case would entail.

- **Small Business Relief on properties with Rateable Value below £6,000**

As there is nothing to pay when occupied, many businesses do not inform the Council when they move in and out. Landlords also do not inform the Council when their tenants move out because they would wish to avoid being left with an empty rate bill. It is an anomaly that rates are chargeable when empty, but not when occupied. This leads to contrived occupations where ratepayers claim property is occupied for storage purposes.

- **Abuse of Limited Liability Companies**

Many individuals abuse the Companies Act to avoid paying business rates. Businesses trade with no intention of paying any business rates and are then put into liquidation and a new company is set up. By operating in this way, there is no legal remedy to collect rates as the companies placed into liquidation, in most cases, have no assets and the new companies usually have new director names. To compound these problems, as a Licensing Authority, we are not allowed to take non payment of business rates into account when granting a license. This is a glaring error and if the legislation were changed to enable the linking of the two, it would help to reduce the incidence of rate evasion. There have been multiple cases owing significance debts that have been written off totalling hundreds of thousands of pounds in Cardiff.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Avoidance has become so normalised that it is difficult to see how the trend can be reversed. Unless there the financial incentive to manipulate occupation periods is removed, then this trend is likely to continue. Even if empty rates were reinstated at 50% of the occupied charge, property owners would still seek to benefit from multiple void periods. As 6 weeks at 100% charge and 13 weeks at nil charge would average around 32% charge, this would be more beneficial than 19 weeks at 50%.

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With small properties benefiting from high levels of Supplementary Business Rate (SBR) when occupied and the test for occupation being set so low, it would be very difficult to refuse SBR to properties with low Rateable Values. The Council would therefore argue for occupation periods and void allowances to be set at a level where there is no financial incentive to contrive occupations. This could involve restricting the number of void allowance periods unless there is a long term occupation (e.g. 1 year).

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

The Council would welcome proposals that would require businesses to notify Local Authorities of changes in circumstances. However, in order to be effective, there would need to be a time limit on awarding rate reliefs retrospectively.

Perhaps the biggest fraud in respect of rate avoidance is the mis-use of limited liability status. There are many examples in Cardiff of high value properties being let out to market stall type traders. There are currently around ten such places in Queen Street where Rateable Values are up to £400,000. Typically, the properties are let at a fraction of the market value to a company which, in turn, immediately sub-lets to another company. The company which claims to occupy will be a sham, the director will register a false address with Companies House and the company will trade for as long as it takes for the Local Authority to obtain a Liability Order. When the bailiff calls to enforce the Liability Order, he will be told that the business changed hands in the previous week and a new sub-lease will be produced to support the claim. Enforcement action is frustrated because the company has no assets and the company director cannot be located because he has registered a false address.

The Council recognises that this type of scenario may be outside the scope of the amendments that are being considered by the Welsh Government, but this is probably the biggest type of business rate avoidance/fraud currently experienced in Cardiff.

In addition, in relation to properties in the nature of pubs/clubs where licenses are involved, it might be easier to stop repeat offenders avoiding paying rates if it was easier to refuse applications for new licenses in the first place, particularly if the applicant was a known avoider of paying NNDR historically.

7

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

It would be appropriate for purposes of consistency and clarity that the new counties should be used for the appointment of Lord-Lieutenants and High Sheriffs from 1st April 2020. The creation of new counties to replace the current preserved counties in Wales should also result in associated changes to the postal counties used by the Royal Mail as part of their geographical referencing data that used widely by businesses.

Question 1.12: Are there other matters of a technical nature which should be considered?

No comments.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The City of Cardiff Council welcomes the introduction of the power of general competence.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

No comments.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

The Council supports the proposals in the Draft Bill to promote access to local government by placing duties on councils to promote access to, and public participation in, local government. However, the Council is concerned that many of the proposed new duties will create additional burdens on authorities which will require additional resources for the provision of administrative support.

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Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The City of Cardiff Council is supportive of the spirit of the Welsh Government's ambitions and councils are committed to promoting access to local government.

It is not clear what improvements a new 'public participation duty' on local authorities would achieve, apart from creating an additional regulatory burden. Such a duty should already be covered as public engagement would be a key aspect of the proposed new general 'good governance' duty outlined in Part 5 of the Draft Bill.

The Council does not agree with the proposed statutory Public Participation Strategy, in particular the proposal to place statutory responsibilities on councils to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities; this will inevitably have resource implications for councils and clouds accountability and responsibility for delivering on any public participation duties.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The proposed appointment of community representatives from "at least one body whose functions are of a public nature in relation to the whole or any part of the community area". Further guidance from the Welsh Government is required in relation to this process.

The nomination and appointment process for voluntary sector representation within each community area should be coordinated by the voluntary sector council operating in the Council's administrative area.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Yes, the Council would support flexibility to allow councils to delegate functions to more localised community governance models.

There are implications around delegations of powers and functions given the broad membership of the committee which could include executive and scrutiny members, and, potentially, members of the community with particular interests. Levels of delegation therefore need to be carefully considered in order to avoid any confusion of roles and responsibilities around quasijudicial, executive or scrutiny functions.

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Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

There are no significant implications in terms of the transition from the existing neighbourhood management area arrangements which are currently in place within Cardiff.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

The Council is supportive of the 'activist' or 'co-operative council' model and has taken steps to increase the engagement with communities and partners in the design and delivery of services.

The Council has some concerns relating to the provisions for 'improvement requests.' Councils already initiate and respond to informal 'improvement requests' on an ongoing deliberative basis in terms of service design and delivery, both through formal community consultation and engagement and ongoing user and service feedback or complaints.

The 'improvement requests' proposal in the Draft Bill over-formalises such an approach and will create a significant amount of bureaucracy, which would be an additional administrative burden on local authorities and could impact on the speed of decision-making. It is likely that councils will have to consider and report formally (either by the executive, scrutiny or both) on any such requests that are received from the community.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

The Council would support provisions for the use of webcasting to be extended to all formal council, committee or sub-committee meetings of the Council that are open to the public. However, the Council believes that this provision should not extend to any such meetings (e.g. Community Area Committees) that are held in non-council owned premises within local communities due to associated logistical issues and resource implications relating to the staffing and portability of webcasting equipment to CAC meetings.

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Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

The Council believes that the existing requirements placed on local authorities under Section 12 of the Children and Families (Wales) Measure 2010 are sufficient. The Council would request further clarification on how the proposed requirement for local authorities to involve children and young people in the decision-making process of the Authority would work in practice.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

The Council is sceptical about whether the additional obligations in the Draft Bill would ensure a better public service for their electorate. In particular, the Council does not believe that the 'performance duties' or obligations set out in the Draft Bill assist in assessing effectively how well a Councillor has performed in his/her Ward in furtherance to their community leadership role. The ultimate determinant of a Councillor's performance by local people is through the democratic process at the ballot box in local elections. Furthermore, the Council is concerned that an overly prescriptive approach which places new 'performance duties' on councillors will deter potential new candidates from putting themselves forward for election, particularly if they have other personal business, childcare or caring commitments. This would run counter to the aspiration to 'renew local democracy.'

The Council would also support the arguments put forward by the WLGA about the need for any proposals relating to the performance duties, remuneration and standards of conduct of elected representatives should be applied consistently across all levels of government in Wales.

Section 82 – Attendance at Meetings

The obligation to attend all relevant meetings would be difficult to meet as Councillors are often invited to meetings that will inevitably clash with other community meetings, events and commitments as part of their Council role. For example, school governor and PACT meetings, briefing and training sessions, other community events and meetings with officers.

The Council also feels that a more nuanced approach to measuring participation should be developed, which could potentially include, for example, a minimum attendance commitment for all Members. The current system recognises those Members who had 100% attendance at Committee meetings - even if they only attended the minimum requirement of attendance at Full Council (9 meetings a year in Cardiff). However, if a Councillor sat on many Committees, resulting in a requirement to attend a large number of

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meetings a year, and missed a small number of these, their performance would appear to be worse than another member who had a 100% attendance rate from a small number of meetings.

Section 84 – Correspondence

The Draft Bill proposes that councillors would have 14 days to respond to correspondence that is sent to their 'official address', as required under Section 80 of the Draft Bill. Section 84 does not specify whether this is based on working or calendar days. In contrast, it is noted that Welsh Government Cabinet Members have 17 working days to respond to ministerial correspondence. The Council objects to this proposal in terms of the additional resource implications of supporting both Cabinet Member and Ward Member correspondence and casework in order to comply with these timescales, as well as the lack of consistency with other public services in Wales in terms of standards of customer service in replying to correspondence.

Section 85 – Training

The proposal to require Elected Members to attend mandatory training on key topics in order to develop appropriate skills is supported.

Section 86 – Annual Reports

The Council disagrees with the proposed statutory requirement for all members to produce an Annual Report. The current provisions of the Local Government (Wales) Measure 2011 are sufficient in that local authorities "must make arrangements" for Members to make an annual report should they wish to do so. Many Councillors already produce regular newsletters detailing their activities throughout the year which are valued by their communities and often provide much greater detail than a single, size-limited annual report.

Sections 87-94 – Complaints about a Member's non-compliance with 'performance duties'

The Council is concerned about matters relating to Members' performance duties being brought within the remit of the Council's Standards Committee due to the implication that any failure to meet these duties is comparable with more serious breaches of the Code of Conduct for Members. As it stands, the Standards Committee will not routinely consider serious complaints about Members who may have breached the Code of Conduct for Members unless the complaint has been referred to the Standards Committee by the Public Services Ombudsman for Wales. The Council is also concerned that the proposals will lead to an increase in the number of vexatious complaints about councillors' performance, which will place additional burdens on the workload of Monitoring Officers, Standards Committees and Heads of Democratic Services.

Section 99 – Objectives to be met by council executives

In order to be effective, the Council believes that this proposal needs to be supported by a requirement for a 'performance review' of executive members to be undertaken by the Leader of the Council.

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Section 100 – Manifestos: election of executive leader

The Council is concerned about the timescales in which a written manifesto would need to be prepared (e.g. publication prior to consideration at the Annual Meeting of the Council) and would request further clarification on this. The Draft Bill also implies an open competition among candidates for the role of Leader, which does not always take place as it is an internal matter for the ruling political group to determine before being 'ratified' by the Council.

Section 101 – Appointment of assistants to the executive

This provision is supported and has already been implemented in Cardiff.

Section 104 – Council leaders to set objectives for chief executives etc.

This proposal is supported and has already been implemented in Cardiff.

Section 105 – Head of Democratic Services

The Council agrees that the requirement preventing the Monitoring Officer from also being the Head of Democratic Services be removed.

More generally, the Council believes that the Welsh Government needs to support the work of Councillors by improving the way in which it communicates and consults with local Councillors more widely in Wales. For example, the Welsh Government should make clearer to Councillors their plans for future legislation and initiatives; alert Councillors to relevant consultations more effectively, and provide direct and concise updates on

Assembly legislation and Welsh Government policy developments.
Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?
The Council supports the proposed duty on leaders of political groups to promote and maintain high standards of conduct by members of their groups. This will assist in upholding the Code of Conduct for Members and supporting good governance within councils. However, the Council's Standards & Ethics Committee has expressed some concerns about the proposed new role and remit of Standards Committees in monitoring the work of political group leaders and their compliance with the duties imposed on them.
The Council's Standards & Ethics Committee has also noted with concern the proposed new function for Standards Committees to consider complaints about Councillors that have breached the proposed new statutory duties relating to replying to correspondence, holding ward surgeries, attending meetings and attending mandatory training. The Committee believes that this proposed new role will amount to a 'performance management' role for Standards Committees, as opposed to a standards monitoring role ensuring adherence to the Members' Code of Conduct.
In Cardiff, the Council's Standards & Ethics Committee already submits an annual report to the Council on its work during the municipal year, as proposed in Section 109 of the Draft Bill.
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Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
The proposals are supported.
Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?
The Council would question the future 'independence' of the Independent Remuneration Panel for Wales if its work is placed under proposed Ministerial Directions. This would be similar to the Directions issued to the Local Democracy and Boundary Commission for Wales. It is noted that the word 'independent' does not form part of the Commission's official title.
Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?
The proposed intention to provide increased flexibility for remote attendance at meetings is supported in principle, but the Council believes that a lack of demand for this facility and related technical challenges are likely to persist. There is also a need to ensure that increased flexibility for remote attendance does not impair the proper and effective conduct and business of formal meetings, particularly if they are being webcast.
Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?
This proposal is supported.
Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?
This proposal is supported based on the substantial costs associated with the current Designated Independent Person (DIP) process, which can be both

lengthy and bureaucratic. However, any consideration of the dismissal of statutory officers by the Council must be informed by an investigation report or legal advice that should be provided by an independent third party in the interests of fairness.

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Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

This proposed amendment to Section 13 of the Local Government Act 2000 is supported, but the Council believes that the proposed power of direction for Welsh Ministers to require local authorities to allocate responsibility for a function in a particular way is not needed.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The proposals are supported and are consistent with the Council's Community Asset Transfer strategy and 'Stepping Up' tool.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

The Council welcomes the approach to performance and improvement based on the principles of self-improvement, self-assessment and good governance outlined in the Draft Bill. In its response to the previous consultation on the 'Power to Local People' White Paper, the Council raised concerns that the approach put forward was not proportionate to risk and, in practice, will be resource intensive, bureaucratic and complex. The Council therefore welcomes the proposals regarding the reduction of regulation and promoting self-assessment and peer assessment.

Although the detail and likely burdens around external regulation needs to be explored further, it appears on the face of the Draft Bill that external regulation is likely to be more timely and proportionate than the current regime (under the Local Government (Wales) Measure 2009).

The City of Cardiff Council agrees with the requirement that Local Authorities should produce a Corporate Plan and supports the proposals around corporate planning (S112), which largely build on the processes that councils already follow, albeit prescribing a list of specified documents or policies (or links to such documents) that should be included in a council corporate strategy.

The Council would like to re-iterate that there is a clear disconnection between the expectation that the Corporate Plan is a long term document and the absence of a commitment to move towards a longer term financial planning regime. Effective multi-year planning will require multi-year budgeting.

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The corporate planning and reporting proposals, as outlined in the Draft Bill should be better aligned with the new duties of the Wellbeing of Future Generations (Wales) Act 2015. The specific corporate planning proposals (and other objective setting proposals elsewhere in the Draft Bill) duplicate new Wellbeing duties and therefore will increase internal bureaucracy and do little to aid public understanding or accountability.

When the proposed objective-setting duties in the Draft Bill are combined with the new duties of the Wellbeing of Future Generations (Wales) Act 2015, councils will have to annually set (or at least participate in the setting of) and report on six sets of similar corporate priorities:

1. **Councils must set and report annually 'Wellbeing Objectives'** (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
2. **PSBs must set and report annually** '**Wellbeing Objectives'** (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
3. **Leaders must set and report annually 'objectives to be met by the Executive'** (S99 of the Draft Bill)
4. **Leaders must set and report annually 'objectives to be met by the chief executive** (S104 of the Draft Bill)
5. **Councils set and report annually on corporate plan priorities** ('council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term) (S112 of the Draft Bill)
6. (A number of) **Community Area Committees must set an annual 'statement of priorities and objectives'** in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill)

As stated above, care must be taken to ensure that the Draft Bill and the Future Generations Act do not create duplication, and overly-bureaucratic or a confused approach to planning and performance management.

Statutory Performance Indicators do not feature on the face of the Draft Bill (unlike the predecessor 2009 Measure) but it is understood that they are may feature in a final Bill. At this stage, it is not clear what the relationship of any new national local government performance indicators will have with the proposed new National Wellbeing Indicators, nor why any local government review is being undertaken separately from the wider consultation on the national Wellbeing Indicators, many of which cover local government performance.

Crucially, it is important that the Welsh Government recognises the distinction between area wide outcomes and organisational effectiveness. Achieving area wide outcomes is a collective and long term endeavour, whereas organisational effectiveness is measured by more immediate performance indicators. The lines between the two should not be blurred. **The Corporate Plan must be about organisational effectiveness measured through performance information. It contributes to wider outcomes measured by broader "macro level" data.**

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The Council agrees with the need to better coordinate external regulators, notably the WAO, CSSIW and Estyn. The principle of the proposed 'whole system assessment' of local authorities undertaken jointly by the main regulatory bodies is much welcomed. Similarly, Local Authorities should not be compelled to respond separately to Self-Assessment, Peer Review and WAO reports as it will create a fragmented policy position that is ultimately unworkable. The three reviews should be mutually re-enforcing and inform the Corporate Plan.

The Council would agree that in some circumstances Welsh Ministers should intervene where a Local Authority is showing signs of failure; however, only

under extreme circumstances and as a last resort. Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria (such as evidence which might be considered) before the triggering of an intervention.
Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?
The Council broadly welcomes the proposed governance arrangements duty, but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).
Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?
The Council welcomes the Welsh Government's recognition of the value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future.
However, there is a danger that legislating and prescribing a peer review process as drafted in the Draft Bill essentially creates a peer inspection framework, rather than a peer review framework; although the membership and process would remain largely the same, the purpose, ownership and implications of a review will significantly change.
At present, peer review is an effective improvement process owned by, designed and timed to meet the needs of authorities. Formalising the process will affect the dynamics and flexibility of the review process and the openness and ownership of the authority.
Furthermore, the Chief Executive should have the discretion to commission the peer review, focusing on areas identified by the self-assessment and Wales Audit Office as requiring improvement.
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Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?
This proposal is supported.
The Council agrees that the proportion of independent members sitting on a Local Authority's Audit Committee should be increased, with existing arrangements for the appointment of independent members to the Audit Committee in Cardiff already benefiting the work of the Council. Even before the Local Government (Wales) Measure 2011 and the statutory provision for the establishment of Audit Committees, the Council had more than one independent member on its former Independent Audit Panel. The Council believes that independent members bring a wealth of experience from a range of disciplines and helps ensure that the Audit Committee remains apolitical.
The Council also agrees that the chair of a Local Authority's Audit Committee should be an independent member, which is consistent with the current position in Cardiff. The Council currently has 8 Councillors and 4 independent members on its Audit Committee and we would consider this 2:1 ratio to work well. The Council believes that elected members provide local knowledge and experience, whilst independent members can offer an external perspective from a wide range of professional disciplines, as well as experiences from other organisations and sectors.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?
No comments.
Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?
The Public Services Boards are the right bodies to examine long term trends and strategic policy choices facing local public services. They are also the right bodies to examine issues which in their nature require a partnership response (including the pooling of data, resources and assets) to achieve shared outcomes. However, the decision-making responsibilities should continue to rest with the individual member bodies of the PSB.
Question 5.7: If so, would they benefit from additional legal powers?
The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.
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Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?
No comments.

PART 6
Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?
The Council supports proposals for a review of community council arrangements to be conducted by the Local Democracy and Boundary Commission.
Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?
Yes, this proposal is supported.
Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?
The Council believes that this should be a matter for implementation by the new County Councils.
Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?
The Council does not support the proposed duty on County Councils to consider the training needs and 'secure the provision' of training for community councillors. This should be solely a matter of responsibility for Community Councils.
Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?
The Council is concerned that this would include provision for the undemocratic co-option of community councillors for a potential 5-6 year term.
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Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?
This proposal is supported (see also response to Question 6.4)
Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

No comments.
Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?
This proposal is supported and is consistent with the Council's previous submission in response to the recent Welsh Government consultation on the community polls legislation which was undertaken from November 2013-February 2014.

PART 7
Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?
The Council is concerned about proposed Ministerial powers over workforce matters, including the size and composition of the workforce; recruitment and retention of staff; the management, organisation and remuneration of staff; and the training and development of staff, which should be matters for local authorities to determine.
Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a nonstatutory
Commission?
The establishment of a statutory Public Services Staff Commission to specifically support the process of local government reorganisation in Wales is a logical next step following provisions in the Local Government (Wales) Act 2015 to establish a Commission on a non-statutory basis.
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PART 8
Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?
No comments.

ADDITIONAL QUESTIONS
Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?
No
Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.
n/a
Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -143 : Jane Blagojevic

Tref / Town : Monmouth
Sefydliad / Organisation : Monmouthshire County Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Monmouthshire County Council fully recognises the need for public service reform. The County Council has an agreed policy position that the most beneficial vehicle for public service reform is that of combined authorities that bring the benefits of scale in some critical areas but also retain a far closer proximity to the communities that Elected Members serve.
In light of this accepted and endorsed policy position we will not make any further comments in relation to questions regarding reorganisation with the exception of a remaining concern that Council tax harmonisation has also not been adequately considered as part of the Draft Bill nor the Regulatory Impact Assessment (RIA). Council tax harmonisation is a significant component and a potential risk to the reform proposals not only in terms of potential income forgone and financial volatility, but in terms of public acceptability of proposed reforms. It is therefore essential that the Welsh Government urgently considers the implications and plans for transition at an early stage.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

No further comment.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

No further comment beyond those in the overall response to Part 1.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

No further comment.

Question 1.5: What are your views on the procedure for naming the new Counties?

The proposals outlined in the Draft Bill appear appropriate.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposals outlined in the Draft Bill appear appropriate, though it should be noted that there is scope for electoral congestion should timetables slip and significant burdens will be placed on local elections staff.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Our professional colleagues have responded through the WLGA and we refer to that submission.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Our professional colleagues have responded through the WLGA and we refer to that submission.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Our professional colleagues have responded through the WLGA and we refer to that submission.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Our professional colleagues have responded through the WLGA and we refer to that submission.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Lord-Lieutenants and High Sheriffs are currently appointed to the 8 preserved counties. Should mergers take place, it would be appropriate for purposes of consistency and clarity that the new counties should be used for the appointment of Lord-Lieutenants and High Sheriffs from 1st April 2020.

Question 1.12: Are there other matters of a technical nature which should be considered?

Council tax harmonisation - As noted above, the approach to council tax harmonisation is a key issue and a significant risk to the proposed merger programme which should be considered as a matter of priority. Council Tax payers will need some assurance about the future direction of Council Tax Bills in merged authorities. Practitioners must take account of any future constraints on Council Tax to make reasonable estimates of income forgone for financial planning purposes. The limiting cases are for Council Tax levels to 'level up' or 'level down'. Between these two options is the option referred to under the pay harmonisation where there is convergence to a weighted average. The CIPFA study estimated the income forgone annually at £56.9m which at the time would have referred to the option 3a of 12 authorities. This is based on a 'levelling up' scenario where the highest Council Tax is held constant and the others catch up. Whichever approach is taken there needs to be a balance in terms of impact on the council tax payer and income forgone.

There is an outstanding and quite separate legal issue as to whether differential council taxes can co-exist within a new authority during a transitional period of harmonisation. Even if the current legislative provisions are strong enough to support this, it is likely that this is challengeable in the courts from the perspective of the Council Tax payer.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Monmouthshire County Council fully welcomes the proposed introduction of the power of general competence.

We would echo the concerns of the WLGA that, as drafted, the Power is constrained by legal provisions which local authority lawyers would have to carefully consider before the power could be used.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

Monmouthshire is committed to working closely with Community Councils and as such we do not have any specific views on the proposals except to stress that the size and scale of current Community Councils means that many are unlikely to take on the opportunities that the Power offers [we recognise the proposals in Part 6 regarding the reorganisation of Community Councils].

In light of closer working between Community and County councils we would expect community councils to engage with county councils when proposing to use the Power.

The size of the Community Councils within Monmouthshire is a key concern especially when considering that the Clerk requires a 'relevant professional qualification'. Many of our Community Councils have part time Clerks who are in role simply to administer meetings and manage very small precept budgets. If there are significant requirements these may simply be too onerous, and this could affect recruitment and disadvantage smaller community councils.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Part 3 of the Draft Bill seeks to promote access to local government by placing duties on councils to promote access to, and public participation in, local government

Monmouthshire is very supportive of the underlying principles and ambitions set out in the Draft Bill. Many of the aspects such as promoting engagement with communities and improving democratic and participative engagement are areas that we have advanced on significantly in the past period.

As a Council we have:

- adopted the nationally developed principles of public engagement as a part of our LSB Engagement Framework;
- we have pioneered the development of extensive consultation and engagement over budget and service planning proposals.
- we have a youth forums E2C (Engage to Change); and
- we broadcast the vast majority council meetings including Cabinet, Council, Scrutiny and often Member Seminars;

Given this clear direction of travel that has been set by the Council we are concerned that the breadth of the new duties will create additional burdens on authorities which will require additional investment in administrative and 'back-office' capacity. There is an apparent conflict within this Part of the Bill given the ongoing decisions to focus on front-line services, as evidenced by the Administration's decision to create a fourth priority of 'Maintaining Locally Accessible Services'.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Since the 2013/14 budget Monmouthshire has undertaken extensive public engagement and consultation regarding the development of its budget. We recognise this as the proper and appropriate process to undertake but would be naturally cautious of any developments that brought additional bureaucracy to the process.

The proposed statutory Public Participation Strategy and in particular the proposal to place statutory responsibilities on councils to discharge duties for other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities is again problematic. The Members of Monmouthshire County Council did not agree that there was a compelling rationale for the County Council to fulfil this role. Furthermore, we believe that it will have additional resource implications for us.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Monmouthshire has had four Area Committees since 2002 which provide a mechanism for local councillors to engage with local issues and maintain a strong link of democratically elected members and their local community. At the moment the Council is working through a review of its community Governance and this is one of the key questions that is being addressed.

Monmouthshire is also certain that localism is the most appropriate vehicle to deliver highly effective, efficient services in the future and mechanisms that bring together interested parties are to be supported. However, Community Area Committees [CAC] in their proposed format, as a sop to the risks of greater centralisation, are not an appropriate vehicle.

One area where Members had particular concerns was that the areas covered by

CACs were to be determined by the Public Service Board rather than by the Local Authority. The determination of such an integral aspect of local governance should be determined by the appropriate local authority rather than a partnership board whose membership would not even be compelled to be a part of the CAC.

As mentioned above Monmouthshire currently has four area committees and we have based the development of our place based working around these areas. The uncertainty around the future shape, and critically number of CACs in an area has the potential to undo the success that have been made in Monmouthshire's localist approach. The development of CACs larger than the model currently in operation would risk the creation of bureaucratic and administrative areas that do not resonate with their communities and populations thereby negating any benefits.

The membership of the CAC is also problematic in its current form; in our current structure this could mean engaging with as many as fifteen Community Councils in one area and the development of effective representation from the third sector would also require significant orchestration and administration. The current role of the County Voluntary Councils (GAVO in Gwent) is already stretched and their ability to coordinate the sector effectively at both PSB and CAC level would have to be questioned.

Councillors in Monmouthshire were in agreement with the WLGA where they identify the risks associated with delegating services to CACs. We believe that there are implications around delegations of powers and functions given the broad membership of the committee which could include executive and scrutiny members, and, potentially, members of the community with particular interests; this therefore could affect good governance and cause confusion around the separation of executive and scrutiny functions.

As we navigate the transition from Local Service Board (LSB) to Public Service Board (PSB) we have seen the challenges for public service partners in engaging with a high number of partnerships. Although there is the potential for the number of PSBs in Wales to reduce in line with the ambitions of Part 1 of the Bill the CACs will create a huge demand for public service engagement.

It should be noted that CACs may be affected by political balance requirements, given it is feasible in some areas that the majority of members of a CAC would be from one political group.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Greater flexibility in the delivery of services to a local level is to be welcomed but the current proposed structure of CACs is problematic in that it has the potential for reducing the clarity in the clear roles that currently exist between the Executive and

Scrutiny functions and even the quasi-judicial functions that local government undertakes.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Monmouthshire saw no significant implications in terms of transition from existing areas committee arrangements.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

When this matter was discussed with Councillors in Monmouthshire there was considerable concern that the proposed developments around 'improvement requests' represented the bureaucratisation of an existing process.

We have long sought to develop closer relationships with community and third sector partners and have entered into dialogue with many different organisations about how they can deliver local services and run assets in the community. These have emerged through community consultation processes and operational engagement with communities.

Members in Monmouthshire echoed the concerns raised by the WLGA in their response where they identify the additional administrative capacity, and inevitably cost, associated with this.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Monmouthshire has been an advocate for the live streaming of its meetings. Currently all Council meetings, meetings of the Executive and Select Committees are live streamed and then available for review on the authority's YouTube channel.

However, this is facilitated through the use of hardware and equipment in our Usk headquarters. The ability to broadcast all meetings, including CAC meetings would be restricted or require substantial investment in new equipment. It also fetters the ability of Councillors to take their meetings 'on the road' to local settings where equipment may not be accessible.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

Given that as a council Monmouthshire already proactively engages with children and young people through our youth forum there seems little to be gained from this new duty.
Furthermore, the lead elected member for Children and Young People (as per the 2004 Act) have a key role in engaging with children and young people to gain their views on policies that impact on them again it is therefore unclear what benefits a new statutory duty would achieve.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Elected Members had strong views with some of the aspects set out in Part Four of the Draft Bill.

In particular the proposed 'Performance Duties' on councillors were not supported by Monmouthshire at the most basic level and there is an inconsistency with expectations placed on other elected members in Wales e.g. Assembly Members. There was a clear view expressed by Councillors that the 'Performance Duties' were at odds with what the public now expect of their elected members but were also at odds with modern ways of working. Many Councillors suggested that their availability through social media, email and telephone is far greater and promotes far greater accountability than holding four surgeries a year. The pervading sense was that this section of the Bill was far too prescriptive. It was also noted that the enforcement of the duties was likely to deter working councillors seeking re-election or deter people standing in the first instance. This would seem to be directly in conflict with the White Paper's aspiration to extend the range of backgrounds from which Councillors are drawn.

The Performance Duties overly simplify what it means to be a good councillor. They measure compliance and attendance rather than 'performance'. A councillor could attend every council meeting and therefore satisfy the performance duty but he or she may not contribute effectively or at all to those meetings.

Furthermore, the performance duties run contrary to the model of local leadership that the Council advocates. The focus on local councillors for these performance duties brought a sense of 'done to' and reinforces the notion of 'tiers' of government and hierarchy rather than understanding the real benefit of local democracy and was unnecessarily pejorative.

Even if all of the issues above were to be set aside conflating 'performance duties' with the current standards regime was seen as problematic, the equivalence of the two regimes was questioned by all members. There is a very real risk of the generation of a significant number of vexatious complaints which will affect the

reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

Members felt that there was an inconsistency in the way that Local Government is treated when compared to other elected parts of governance in Wales. There was a view that the reform agenda focused unduly on Local Government. Consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

Nowhere was this inconsistency more evident than in the proposals to recall councillors – there is the need for a national debate about whether such a provision is needed at all and its relevance to all tiers of government across Wales.

Members agreed with the WLGA perspective regarding Leader's Manifestos. It is however not clear why a leader of a majority group elected on an electoral manifesto should also need to set out a further manifesto prior to their election as leader, a process which is not replicated in the National Assembly or Parliament.

Some of the further expectations regarding the setting and reporting of priorities and objectives by political and managerial leadership seem to promote duplication with existing and other proposed regulatory activity. In our response to Part Five of the act we will expand on this more fully.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Monmouthshire Members supported the proposals to strengthen arrangements which promote and support good standards.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Monmouthshire County Council is supportive of this endeavour and looks forward to seeing more detail in these proposals as they are developed.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Monmouthshire would strongly object to the proposal to give Welsh Ministers the power to effectively direct the Independent Remuneration Panel for Wales (IRPW).

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Monmouthshire would support proposals to make remote attendance more flexible.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

This proposal seems appropriate.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Members in Monmouthshire were supportive of the WLGA position that a review of the existing statutory process with a view to replacing it with a streamlined alternative that still incorporates a role for an independent third party to ensure the process is legally robust, fair and protects the interests of both sides would be appropriate.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Councillors in Monmouthshire welcome the proposal to reform the framework of council functions; successive local government legislation, particularly since the Local Government Act 2000 which introduced executive arrangements, has created a complex framework relating to the responsibilities for the discharge of certain council functions, duties or powers.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

Monmouthshire already works very closely with communities regarding the transfer or management of community assets. We therefore welcome any proposals to make the community asset transfer process more proportionate and looks forward to considering the detail when published in due course. A more strategic and coordinated programme of community asset transfers however will create resource implications for authorities. Our concerns around the proportionality of any process are akin to the concerns raised with regards to 'Improvement requests'.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Monmouthshire is entirely supportive of all attempts to ensure that external regulation is more timely and proportionate than the current regime (under the Local Government (Wales) Measure 2009).

Whilst Members saw some value in the corporate planning aspects of the bill they felt that these built on aspects that are already in place or being developed within Monmouthshire. Once again prescription is not welcomed and an individual organisation's ability to shape its own planning architecture was seen as valuable.

One area of considerable concern was the apparent extensive overlap with the Wellbeing of Future Generations (Wales) Act 2015. The specific corporate planning proposals (and other objective setting proposals elsewhere in the Draft Bill) duplicate new Wellbeing duties and therefore will increase internal bureaucracy and do little to aid public understanding or accountability. This comes at a time where there is pressure to maintain services at the front line rather than invest in the back office.

Members were particularly disheartened when they reviewed the full range of proposed objective-setting duties in the Draft Bill combined with the new duties of the Wellbeing of Future Generations (Wales) Act 2015. A requirement to annually set (or at least participate in the setting of) and report on six sets of similar corporate priorities was seen to be a huge bureaucratic burden.

7. **Councils must set and report annually 'Wellbeing Objectives'** (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
8. **PSBs must set and report annually 'Wellbeing Objectives'** (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
9. **Leaders must set and report annually 'objectives to be met by the Executive'** (S99 of the Draft Bill)
10. **Leaders must set and report annually 'objectives to be met by the chief executive** (S104 of the Draft Bill)
11. **Councils set and report annually on corporate plan priorities** ('council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term) (S112 of the Draft Bill)
12. (A number of) **Community Area Committees must set an annual 'statement of priorities and objectives'** in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill)

As an early adopter of the Wellbeing and Future Generations Act Monmouthshire agrees with the position set out by the WLGA that questions why in the Draft Guidance accompanying the Wellbeing of Future Generations (Wales) Act it states that public bodies '...should not treat well-being objectives as separate from the

objectives that guide and steer the actions and decisions of the organisation...'. It is therefore unclear why there needs to be two separate statutory duties to produce what are, in essence, the same set of priorities.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Monmouthshire is sympathetic to this but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Having commissioned a peer review in the last eighteen months Monmouthshire fully recognises the value of peer review and agrees that it should be a key component of a reformed improvement regime in the future.

Critical aspects of effective peer review are that it is sector-led, sector-owned and sector-commissioned model and should not be legislated for, as is the case in England. Monmouthshire does not agree that there should be legislative requirement for peer reviews.

In essence the current draft legislation moves beyond review into an inspection setting this will fundamentally change the basis and nature of the exercise. The key concern is that it would reduce the openness and ownership of the process and in doing so significantly reduce its value to the organisation.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Monmouthshire supports the proposed role of new Corporate Governance and Audit Committees. The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in new constitutional arrangements.

Monmouthshire currently has a lay Chair of its Audit Committee and this is set out in the constitution. Members were not opposed to the changes in membership requirements.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Monmouthshire agrees that it is not necessary to establish local public accounts committees and will await the regulations for the scrutiny of designated persons.

Monmouthshire has recently established its scrutiny processes to address the requirements set out in the Wellbeing of Future Generations Act and noted during their development that this restricts scrutiny committees' 'public service scrutiny' powers as it only allows scrutiny of the joint functions of the 'corporate body' of the PSB (not the individual members).

The public service scrutiny powers over 'designated persons' under the Local Government (Wales) Measure 2011 (if introduced through regulations) would have to be more flexible and allow the concept of 'local public accounts committees' through enhanced democratic oversight over public bodies.

Some elected members were frustrated by the extent of the scrutiny of a PSB's joint function given that the PSB will not undertake a significant range of joint functions (other than exercising its duties to prepare a wellbeing assessment, publish (and review) a well-being plan and publish annual reports; it will be the constituent bodies' individual and joint actions and duties under the Act where all the impact and outcomes will be achieved.

In light of these concerns and in line with the WLGA position we would favor an amendment to S169 of the Wellbeing of Future Generations (Wales) Act 2015 to give local authority scrutiny (and therefore local democratic representatives) greater remit over the scrutiny of public services in their areas.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Public Service Boards and their individual member organisations were established to consider and inform (through wellbeing assessments) the policy choices facing public services. As noted above, local authority scrutiny needs to be strengthened to allow locally elected members a broader remit in examining policy choices facing all public services (either individually or collectively) in their area.

Question 5.7: If so, would they benefit from additional legal powers?

The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Monmouthshire would expect proposals in this area to be developed in the future and consulted as a part of those developments.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Monmouthshire members were fully supportive of the Welsh Government decision that a review of community council arrangements will be conducted by the Local Democracy and Boundary Commission rather than the local authority.

Members were particularly concerned that the timing of the reform of the community councils and the establishment of CACs took place in a structured and aligned way.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Monmouthshire agrees with this proposal.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Given that any changes are likely to be part of a wider range of significant changes in order to ensure that the new County Councils can focus, appropriately, on their transition it would be appropriate if the Boundary Commission led on this.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Monmouthshire Members are supportive of the concept of professional development and training for all members that allows them to better fulfil their elected remit. It supports and encourages all elected members to undergo appropriate development and training for their roles.
The Draft Bill proposals around compulsory training for community councillors should be refined however, Members felt that it was the County Councils role to help facilitate the provision of effective training and development opportunities but it should not be the duty of the County Council to enforce this.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Members agreed with the WLGA's position that a six year term would be a very long municipal term with implications in terms of local accountability, however, it is a necessary transitory arrangement during a period of significant reform which will lead to greater clarity around accountability and electoral management in the future.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

As per 6.4 Monmouthshire County Council members do not support the proposed duty (under S167) that county councils should consider the training needs and 'secure the provision' of training for community councillors.

This would be an additional burden and will have resource implications for local authorities and should be the responsibility of community councils themselves; it is not appropriate that local authorities should have a duty to discharge over other autonomous and democratically accountable bodies.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

This is a matter for community councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Monmouthshire was supportive of this.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

This Part of the Bill prompted a wide ranging discussion.

Within the Draft Bill there are a number of Ministerial powers that are far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the local authority workforce (and of other public bodies) on a wide range of workforce matters as fundamental as: the planning by public bodies in relation to the size and composition of their workforce; recruitment and retention of staff; the management, organisation and remuneration of staff; and the training and development of staff of

public bodies.

These powers could potentially 'cut across' and affect the legal contractual relationship between that public body as the employer and its employees, as well as undermine local democracy and local planning. This is particularly relevant in local government where there are 22 individual sovereign employers.

Members within Monmouthshire believe that democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively. Any belief that a 'one–size fits all' approach will enable local needs to be met was dismissed and Members were keen to retain the freedom and flexibility to make and implement decisions on recruiting and restructuring (including decisions on pay) that reflect local need and circumstance.

That said Members did see some benefit in a shared partnership to develop and agree guidance that could help support Councils on workforce issues.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

In so far as the Staff Commission was established on a statutory footing to oversee the staffing matters relating to a potential Local Government reorganisation in 2020 the members were supportive of this. If that reorganisation were not to progress then it was felt that this body would not need to be moved to a statutory footing.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory

Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

N/A

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -144 : Mo Baines

Tref / Town : N/A
Sefydliad / Organisation : Association for Public Service Excellence

Consultation on the Draft Local Government (Wales) Bill

Name*: Cllr Arwyn Woolcock, APSE Wales Chair and Paul O'Brien, Chief Executive, APSE
Organisation: Association for Public Service Excellence
Email*: Officer contacts Mo Baines, Head of Communication and Coordination mbaines@apse.org.uk Wayne Priestley, APSE Wales Principal Advisor wpriestley@apse.org.uk
Telephone: 0161 772 1810
Address: APSE, 2nd Floor, Washbrook House, Lancastrian Office Centre, 32 Talbot Road, Old Trafford, Manchester, M32 0FP

* required information

Consultation questions
These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

APSE has an over-arching concern that at a time when local authorities are facing the most wide-ranging and prolonged series of cuts in many years, and are introducing new ways of working, and delivering efficiencies to cope with these challenges, they are now faced with a large scale re-organisation which could seriously threaten these works. Local authorities will now need to focus on costly restructures instead of developing innovative and best practice services, this lack of focus could inadvertently lead to reduced resources for service provision. Added to this is the fact many of the proposed savings envisaged have a significant pay-back period raising the issue of how these will be affected if the global or national political environment were to change. Indeed it is believed that by 2020, existing proposed budget reductions will
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have delivered the efficiency savings required to maintain Welsh local government spending within the parameters set out in the spending review. As such many of the reorganisation savings proposed may prove more of a high risk strategy during the period 2016-2020 when a great deal of additional unrest and disruption is least required.

APSE agrees with the principle of continuously working to make local authority services more economic and efficient but with a likely funding reduction of less than 2% for 2016/17, would it not be more prudent to consider and support the current work being carried out and gauge the savings and efficiencies it could deliver before a whole scale re-organisation is entered into?

In addition APSE's expertise in performance management and measurement, provides evidenced based assumptions which suggest that, contrary to often assumed judgements, that bigger will be cheaper, there is strong evidence to suggest that upscaling service delivery, beyond a point of optimal efficiency can in fact generate additional costs and inefficiencies. For example in areas like refuse collection the loss of local knowledge, and responsibilities spread over a larger geographic catchment, can lead to increased fleet and operational costs and inefficiencies in core strands such as recycling performance.

A final point is that reducing the current number of local authorities, to create larger local authorities in the name of efficiencies, has not always been borne out as the most practical way to make savings, and certainly public dis-engagement has often been a by-product of larger and seemingly

unrepresentative models of local government. Indeed one can argue that by making such large geographical areas the ‘local’ in local government could be lost.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

APSE would perhaps ask the question why the need for 2 or 3 authorities when North Wales have been regularly proving their success in joint working and innovative service delivery. This has not required large scale re-organisation to achieve and may well be stifled if new boundaries are introduced e.g. access to EU funding.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

APSE has a concern that by creating larger local government areas such as those proposed, then this could lead to local authorities distancing themselves from the very people they are charged with serving, resulting in services becoming less relevant to local needs.

There are also more wide-ranging concerns about losing the ‘local’ in local government if organisations become bigger. Reliance upon local authority

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services in Wales is considerable, with more people employed in the public sector than in any other part of the UK, therefore reducing the number of local authorities and by association their workforce structures, could have enormous impacts on communities, local businesses and families, as jobs and local markets are lost. There is a concern around diseconomies of scale and any transition from a public sector dominated economy towards a growing private sector model will take decades to deliver.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

This would be a matter for the authorities concerned rather than general consultation.

Question 1.5: What are your views on the procedure for naming the new Counties?

The naming of the new local authority areas is very much a local issue but there is a need to ensure that the name chosen reflects geographical boundaries and are not simply convenient names, such as a local feature or historical person, as occurred in some areas within England. People will need to have a cultural/historical

tie to the new local government area, thereby being able to locate themselves spatially. Equally names will need to be easily remembered, so brevity would be an advantage when choosing a new local authority area name – avoid' x and y and z' This requirement will also be important for non-resident and businesses who may also be confused if the new name has no recognisable link to the previous area name.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

It is not clear if this question is seeking views on the proposed terms of office or the transitional arrangements or both. Any new electoral arrangements will place a burden on local authorities during the course of reorganisation. As to the proposed terms of office five years is longer than that in place in other UK administrations. Whilst there are advantages to long term planning during an electoral cycle it is important that the term of office also balances the ability for the local electorate to have an effective mechanism through the ballot box to hold their councillors to account.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Whilst these provisions are largely concerned with the process of amalgamating the technical and financial provisions of local government finance, to enable the new authorities to operate with lawful budgets, the provisions illustrate the added administrative burden, and cost, associated with local government reorganisation.
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In addition they do not appear to allow for any transitional arrangements on current council tax for 'predecessor' authority areas compared to the new authority area. This could potentially lead to widespread changes in council tax bills for residents – and indeed would therefore require both detailed management of the changes to billing, with all of the associated upfront costs to be carried by the new authority, as well as the political sensitivities of harmonising the levels at which council tax would be paid.

It would be essential that greater consideration is given to the way in which harmonisation of finances would be possible and appropriate 'smoothing' arrangements put into place.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

APSE believes that the answer to this question could be found within a cross-party and multi-authority working group to share

best practice, and identify the most prevalent, and costly, forms of avoidance or misuse of categories for non-domestic rates. This would then allow for benchmarking to provide an evidenced based approach of what interventions and actions work best to minimise (if not eradicate) the most prevalent forms of avoidance. By taking this approach one would hope to maximise the impact of anti-avoidance measures rather than concentrating on the most obvious but potentially least costly forms of avoidance. This would provide the maximum financial benefit to the public purse.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

APSE does not purport to be an expert in the regulatory measures on Non-Domestic Rates however our member authorities have suggested a review and simplification of the regulations may be needed. This would also include disputes being resolved at the Valuation Tribunal rather than the magistrates court whereby local authorities are restricted to just £70.00 in court costs, which is woefully inadequate for the true costs incurred. In addition there is very strong support for the review of charities relief which can be misused by commercial property companies. Encompassing a review of this provision would assist genuine charities but hopefully prevent misuse by those who are clearly not a charity.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

As detailed above in Q1.8 and 1.9 collaborative working would be of help. In addition support when needed from the Welsh Government on any significant precedent cases and the possibility of a code of practice.

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Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

APSE member authorities have no strong views on this issue and would appear to regard this as merely consequential in nature.

Question 1.12: Are there other matters of a technical nature which should be considered?

No comment.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

APSE is supportive of the General Power of Competence but it is worth noting that this is nevertheless limited and is something of a misnomer. As with the Localism Act 2011, where a GPC was provided to English local authorities – which the Welsh Government could have adopted – the GPC as drafted does not provide a true general power as the provisions are restricted by any pre-commencement limitations. As such this means that local authority lawyers, relying upon GPC, would need to still make vigorous checks that they are not otherwise restricted in relying upon the power.

The repeal of the wellbeing powers is sensible and consistent with the broader reach of the proposed GPC.

It would appear that the proposals would also extend the GPC to Community Councils with Competence. This therefore raises questions of accountability. For example a Community Council with Competence could arguably set up a Trading Company, which could take on liabilities which could then revert back to the local authority as the 'parent'. Under the accounting framework for English authorities any wholly owned Trading Companies ultimately sit within the local authority accounts. It is not clear if this would be the case for Welsh authorities with the adoption of GPC as a framework.

APSE would therefore be concerned about accountability measures for Community Councils with Competence and what their legal personality would be deemed to be. This therefore raises further questions of accountability and indeed the status of any companies they might establish – would they be considered to be local authority controlled or influenced companies but not 'wholly owned'? In addition would such companies therefore fall outside of the current exemptions around Teckal (as codified under the new EU Public Procurement Directive 2014/24 EU) for these companies to carry out work on behalf of the parent local authority?

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It would seem to be more sensible to operate the GPC at the local authority level and allow for the usual forms of delegation rather than to potentially complicate matters or inadvertently open up services to costly and avoidable 'competition' measures. It is not clear why the Community Councils with Competence would require a separate GPC to that of the local authority.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

APSE member authorities appear to view the further development of Community Councils as being potentially burdensome on local authorities and this raises questions as to responsibility without being able to enforce accountability or governance measures. As drafted the Bill appears to pass on additional responsibilities over these ‘connected bodies’ but over which the new authorities would appear to have little control.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Whilst it is appreciated that the aim is to involve local communities in local government the manner in which this is proposed could add additional burdens to already stretched staff and financial resources. Most councils have communication methods with local communities both through local councillors and via other techniques such as friends groups, social media and consultation and participation events. By formalising the system the spontaneity which often helps these processes may be lost.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

As previously mentioned it is felt placing a duty on local authorities is introducing an unnecessary burden, which may be difficult to enforce and not meet the stated aims of gaining public participation.

Consultation can, on certain issues, produce very selective participants who may not provide a representative sample, particularly if some local authorities who have been amalgamated do not have well developed public communication systems. It should be left to individual authorities to develop their own communication/participation strategies which themselves could be opened to further scrutiny by for example peer authorities or the Welsh Government as to their effectiveness.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

APSE members are very concerned that this whole process of Community Area Committees could give greater to weight to those with the loudest voices

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rather than taking into account the democratic wishes of the majority. The CAC proposals add a further layer of cost and bureaucracy without adequate accountability.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

APSE disagrees with this proposal. There are existing powers enabling delegation to town and community councils so it is not clear why or how it would be helpful to permit further delegation to a body that is not fully and democratically elected. Furthermore to delegate functions and potential funding to CAC raised questions about procurement issues and the need to avoid bias or falling outside of the need for openness and transparency in public spending.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

This would be a matter that is different for individual authorities dependent upon their position and not one which APSE would therefore wish to comment on.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

APSE feels there is again a desire to formalise a process which is already working in local authorities. People are able to raise concerns about aspects of service delivery via a number of different routes: local councillors, petitions, FOI requests and day to day contact with council officers, all of which can bring about changes. To introduce such a duty will require considerable amount of staff time to receive requests and formally consider each one on its merits. Multiple requests from communities about a particular service, which may be geographically or technically contradictory could cause significant logistical problems.

APSE has significant experience of the problems created when a similar measure was introduced under the Localism Act 2011 in the form of a Community Right to Challenge. The subsequent guidance on the Community Right to Challenge provided an additional burden on local authorities but without any measurable improvement in community engagement. Moreover, a fear that the measure could be used as a Trojan Horse for privatisation, or be mischievously used for vexatious or political purposes, meant the measure was greeted with suspicion in many quarters. There does not appear to have been widespread take-up of the right to

challenge and conversely anecdotal evidence suggests where communities have raised issues it was simpler and more effective to deal with such matters outside of the cumbersome guidance.
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It is also noted that, as with the Localism Act in England, there are reserve powers to the Minister to impose further regulations.
Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?
APSE members view these measures as overly prescriptive and again could carry a cost burden. If a person is elected as a council leader or an elected member then the degree of effectiveness and accountability to local democracy is ultimately tested at the ballot box. Standard broadcasting and recording of meeting is unlikely to be suitable on all occasions and could be open to mischievous misuse.
Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?
APSE members have generally welcomed measures to strengthen the involvement of young people and are able to demonstrate examples of good practice with, for example, the way in which they operate Youth Councils.
PART 4
Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?
APSE members generally view these provisions as being overly prescriptive and not consistent with those that the Welsh Government itself complies with. Elected members, on a democratic mandate, will for example put in place arrangements that provide for consultation with their constituents and avail themselves to meeting their constituents to support them; they do not feel, given the range of platforms on which they interact, that it is necessary or effective to prescribe the quantity or method of engagement. For example ‘four surgeries per annum’. APSE would draw attention to its’ own research on the role of elected members and the true position which emerges is one of a group of remarkably hard working and genuine local politicians working with their local communities.
Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?
Again APSE members feel this is overly prescriptive when Leaders are elected within their own party groups. The party system,

though imperfect, is still a relatively effective mode of operation and as such it is imperative that democracy operating at this level is not fettered by inappropriate regulatory measures. It is noted that once again there are further reserve powers to the Minister. This appears to once again allow more centralised as opposed to devolved decision making as to the operation of democratic processes at a
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local level.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Delegation of functions is a matter considered across a range of existing local authority legislation and it is not clear what is being asked in the context and positioning of this question?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

This measures gives rise to the potential for vexatious misuse of recall powers. Furthermore independence on remuneration is critical and the levels of intervention proposed will undermine that independence. Potentially this could be seen as political interference by the Welsh Government on the legitimate business of local government.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

APSE would generally be supportive of the use of technologies which would help both access to meetings and potentially attract a more diverse range of people to stand for elections – for example women with childcare responsibilities or disabled people who might otherwise have difficulty in travelling to physically attend every meeting. However cost and security considerations must be thoroughly assessed; this measure also needs to be supported by both operational and technical knowledge as well as the appropriate IT infrastructure being in place, including broadband.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

The proposal for an Interim Returning Officer is sensible.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

APSE would not support this proposal; as is often the case a necessary part of a Chief Executive's role in good governance would be to challenge elected members. Being fettered by a threat of a vote to dismiss them from employment would run diametrically opposite to the principles of good governance and indeed fair employment practice. May we be so bold as to say we operate as local authorities not as a football club dismissing a losing manager?

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Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Councils should enjoy a flexible framework to determine their functions.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

This is slightly misleading as it relates to the White paper and is not clear within the draft Bill. However in terms of its' equivalent 'English' leg of the Localism Act this appears to relate to the so called 'community right to buy' or 'assets of community value' providing at least an option of first refusal on a proposed disposal. The problems encountered with the practicalities of this legislation in England have been manifold and it has proven to be cumbersome and ineffective. Again a non-statutory approach is more practical and workable.

To genuinely keep regeneration at the heart of local authority areas, and local economic growth, the flexibilities needed by local councils, to fully utilise their asset base, may not always align with the preferences of one area, or indeed a group within a community or area. There is scope for the wishes of the few to skew the benefits of the majority and create unwarranted and mischievous delays. Councils are nevertheless committed to engagement and already do so in many ways before disposing of an asset. In addition the 'English' regulations require authorities to hold an asset register of the properties where there is a call for them to be regarded as an asset of community value and again this creates a bureaucratic and costly burden on councils. This could also limit local authority's responses around commercialisation of their asset portfolios as an approach to meeting funding gaps.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

APSE welcomes a strengthening of governance processes but is especially supportive of processes which allow for robust peer reviews and robust use of performance information.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

APSE members are concerned that this could be confusing given other duties and responsibilities on local authorities – particular those stemming from the Wellbeing of Future Generations Act. If the governance arrangements are overly complicated rather than inform good governance it could lead to confusion.

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Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

APSE would support peer review processes but backed up by evidence based performance information. APSE's Performance Networks service is in its' 18th year of data collection making it the largest voluntary data benchmarking group, within local government, anywhere within the UK.

APSE Performance Networks uses measures of cost, quality and productivity as part of the key performance indicators helping councils to understand the efficiency and efficacy of frontline services. APSE would view it as essential that peer review processes are heavily supported by peer data on frontline service cost, quality and productivity; crucially it is adaptable to allow for local performance reporting by councils to their residents in a meaningful way. Examples of this would be the cost of collecting household waste or recycling or the cost of maintaining a local park or changing a street light.

APSE Performance Networks is itself led by local authorities for local authorities and operates under peer challenge and assessment on the performance data submitted; this consequentially allows for the sharing of data and best practice in performance outcomes as well as business process re-engineering based on what has been proven to work in other authorities.

Equally APSE Solutions, which is an ethical not-for-profit consultancy service operated by APSE has vast experience in reviewing and assessing services, utilising core cost, productivity and quality data as well as exploring demand side cost reductions in services.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Whilst APSE welcomes strengthening local accountability it is anomalous to assume that this would come from the appointment of a lay chair of an audit and scrutiny committee. It raises questions as to democratic accountability and conflict of interest. This should be a matter which councils determine for themselves.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

APSE members have generally supported the rejection of this proposal but APSE is supportive of robust and transparent ways in which to hold public services and public service providers to account.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

APSE would not wish to comment in the absence of a strong steer either way from its' member local authorities.

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Question 5.7: If so, would they benefit from additional legal powers?

This should be a matter for ongoing review when fully operational.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Local authorities already have many powers to share services through delegation, service level agreements and contracts and more commercialised approaches such as trading companies. There is often a mistaken view that the answer to shared services must lie within structural solutions when this is both more costly and often unnecessary. You are referred to the APSE Research Publication 'Shared services and collaborative working in a Welsh context: applying theory to practice' (APSE and De Montfort University 2012).

In terms of shared services across the boundaries, for example of Local Government and partners such as the NHS, there is the obvious risk that staff will work side by side on markedly different terms and conditions. There is nothing new in this dilemma but it is not the main reason to prevent shared services. Indeed in the context of integration of health and social care it is the willingness for collaboration that has made schemes work rather than the structures or differing terms and conditions of staff.

APSE has also extensively researched the use of cooperatives and mutuals in public service delivery. Our findings are that there is little to suggest that these models work – particularly in the context of reductions in budgets as they are often financially

immature and are placed in a position of bidding for work in open competition. It is not a model of delivery that lends itself to greater processes of collaborative working or shared services. Conversely the powers which already exist within councils, and which will be enhanced by the new General Power of Competence, provides a solid framework for councils own services to be innovative in working across traditional boundaries – both geographic and sectoral.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

APSE supports greater training and development opportunities for councillors but this should be a matter of local choice as opposed to imposition.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Yes

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Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

There would be a call on council resources to implement the recommendations so to avoid this APSE would support the Boundary Commission itself taking responsibility which appears to also be supported by our members.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

This would again create a cost burden. Training should be determined locally alongside any budget for this.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

APSE members appear to support this proposal but we would again caution on the length of terms and the balance of accountability.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

We are unclear as to the intent of the question given our response to Q.6.4 above.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

One would expect that a Community Clerk would have objectives set as standard practice.
Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?
In a modern era e-petitions are generally supported providing this does not exclude those within internet access.
PART 7
Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?
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APSE is concerned that these workforce provisions could undermine existing bargaining frameworks within Wales, which have served trade unions and their members, in addition to the Welsh employers, well over a number of years. Also APSE is concerned that workforce planning matters should be locally determined. Workforce planning is indeed integral to developing strategies to implement the policies and modes of service delivery determined democratically by the elected members. There is no justifiable reason for centralist interventions.
In terms of the Staff Commission it is disappointing that the proposed arrangements do not reflect the Independent Local Government Reform Joint Forum set up to assist local authorities in Northern Ireland transition to the new authority arrangements. This appears to be much more of an interventionist process and it is not clear how this will help the transition should reorganisation go ahead.
APSE would go so far as to say that should reorganisation go ahead a purposeful Staff Commission or similar body should be established, to include trade union and employer representatives, and expert bodies to assist in the very detailed work that would be required to bring the new authorities into being.
APSE would also regard it as essential that the spirit and intention of TUPE be fully adhered to and that employers go beyond the letter of regulation to ensure staff are part of the process of reorganisation, as true partners, rather than by-standers or indeed ‘victims’ in terms of job security. To assist this process any form of joint forum or staff commission should be treated as a special purpose vehicle with a clear end date and clear objectives rather than a long-term additional layer of government.
Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission

if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?
We would refer you to our response to Q.7.1 above
PART 8
Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?
Is there any intention to amend SI 2006 No.979 The Local Government (Best Value Authorities) (Power to Trade) Wales Order in light of changes to GPC?
ADDITIONAL QUESTIONS
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Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?
APSE is concerned by the proposals to allow the passing of a General Power of Competence to Community Councils with Competence and the impact of this on the accounting measures for their activities back on the parent local authority. Greater clarity is needed.
Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.
The questions in the consultation are not entirely sequential to the Bill and some provisions cited have yet to be drafted and refer back to the white paper. This creates some confusion.
Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.
We are concerned that there is some misunderstanding of procurement issues and some of the provisions or cited intentions in the white paper appear to assume that public contracts can be awarded as of right or be classed as a matter of ‘delegation’ to bodies which by their structure would not be a public body and may in fact invoke procurement rules. Greater clarification in the impact assessment would be helpful.
APSE is also concerned that recent legislation, for example the Well-being of Future Generations (Wales) Act 2015, and other planned legislative measures provide further duties and responsibilities on local councils. In the case of the well-being measures these also provide, in certain circumstances, new duties on Community Councils. It would seem that the proposed Bill placed addition burdens and responsibilities on local councils that are not matched by any funding measure, creating a cost burden

at the very point when councils are least able to afford such measures. This approach appears to lack coherency.
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -145 : Rebecca Williams

Tref / Town : N/A
Sefydliad / Organisation : CLA Cymru

CLA Cymru, Tŷ Cymru, Presteigne Enterprise Park, Presteigne, Powys, LD8 2UF T: 01547 317085 E: rebecca.williams@cla.org.uk www.cla.org.uk

Leighton Andrews AM
Minister for Public Services
Y Senedd
Cardiff Bay
CARDIFF
CF10 4PZ 15 February 2016

Dear Minister

Draft Local Government (Wales) Bill and Explanatory Memorandum

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales. We help safeguard the interests of landowners and those with an economic, social and environmental interest in rural land and the rural economy. Between them our members own and manage about half of the rural land in England and Wales, including edge of settlement locations and some urban portfolios.

We have been looking after the interests of our members, as well as promoting the positive aspects of land ownership, land management and rural business activities for the past 100 years. The quality of the countryside and its natural resources are of vital importance to our members. Most objectives for the countryside - economic, social and environmental - rely on landowners and managers for their success. Equally, a healthy environment relies upon a thriving rural economy and financially viable agricultural businesses.

We will not be responding to the specific consultation questions, however members have made the following observations which are relevant. CLA Cymru is broadly supportive of the principles of rationalisation and professionalisation of public services in Wales. However, the key concerns for members centre around the needs of rural communities being overshadowed in any reorganisation in large authorities with significant urban populations.

There are some interesting statistics cited in the White paper R*eforming Local Government: Power to Local People* on the concentration of the population in relatively few urban centres, but a large proportion of our wealth is generated outside our cities. Members see rural communities as the driving force for economic prosperity in Wales and we need to ensure that any changes proposed have appropriate regard for provision of services and opportunities within these areas.

We support the principle of openness and the need for transparency in Local Government, however the proposals for making some communications exclusively electronic does disadvantage rural areas which are less well served by broadband connectivity. Community engagement is paramount and while we support the view that electronic means should be favoured, alternative methods should also be available to ensure we foster a truly inclusive communication strategy for the people of Wales.

We will continue to keep abreast of development in this policy area, and would be happy to discuss any rural specific proposals as the work moves forward.

Yours sincerely

Rebecca Williams
Director, Wales

26897 -146 : Phil Williams

Tref / Town : Merthyr Tydfil
Sefydliad / Organisation : Merthyr Tydfil County Borough Council

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The Merthyr Tydfil County Borough Council Labour Group (the Group) notes that across Wales there remain different views about whether the case has been made for reorganisation or what the future shape of local government should be; there are different views across the 22 authorities, within the Welsh Government and across the Assembly.

Local government has repeatedly stated that clarity and consistency was a pre-requisite for a successful public service reform programme. The Welsh Government has outlined 3 different preferred options for local government reform in the past 18 months, the current map of 8 or 9 and the preferred (Williams Commission) map of 12 of the autumn of 2014. The consultation document describes the 8 or 9 maps as the Welsh Government's '...current preferred options'. It is widely anticipated therefore that the Assembly elections will have a significant bearing on the final direction of travel in terms of local government reorganisation.

The Draft Bill's accompanying documentation outlines some rationale for the determination of the proposed map of 8 or 9 authorities. However, the rationale has

not been consistently applied across all of the proposed new county councils, notably with regards scale and coterminosity with LHBs, which was originally a key criteria which shaped both the Williams Commission and Welsh Government's first proposals for 12 authorities. It is unclear for example why the map of 9 option proposes authorities with a population range of between 192,000 to 580,000. Similarly, if the issue of coterminosity of LHB boundaries can be relaxed in one proposed council, why not in others which might mean more relevant proposed council areas being proposed.

The financial analysis set out in the Regulatory Impact Assessment focuses in places on the more conservative, lower-end cost estimates (such as the impact of pay harmonisation), underestimates likely redundancy costs and significantly omits the impact of council tax harmonisation (see Q1.12 below). The cost-benefit analysis is also inevitably based on historical employment and expenditure in a climate of austerity; by 2019-20 when reforms are scheduled to take place, a substantial proportion of the proposed savings (largely senior-management and back-office rationalisation) will have already been realised, so the proposed return on investment of reorganisation is likely to be lower and over a longer period.

Council tax harmonisation has also not been adequately considered as part of the Draft Bill nor the RIA. Council tax harmonisation is a significant component and a potential risk to the reform proposals not only in terms of potential income forgone and financial volatility, but In terms of public acceptability of proposed reforms. It is therefore essential that the Welsh Government urgently considers the implications and plans for transition an early stage.

The merger of local authorities as outlined in the Draft Bill will have consequential impacts on other authorities, such as Fire and Rescue Authorities.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

This is not a matter that the Group wishes to comment on other than, as noted above, it is not clear whether the Welsh Government has applied consistent criteria across the whole of Wales in determining proposed new council boundaries.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

See above.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

No comment

Question 1.5: What are your views on the procedure for naming the new Counties?

The proposals outlined in the Draft Bill appear appropriate.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposals outlined in the Draft Bill appear appropriate, though it should be noted that there is scope for electoral congestion should timetables slip and significant burdens will be placed on local elections staff.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Group defers to the views of Welsh Treasurers on this matter.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

The Group defers to the views of Welsh Treasurers on this matter.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

The Group defers to the views of Welsh Treasurers on this matter.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

The Group defers to the views of Welsh Treasurers on this matter.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Lord-Lieutenants and High Sheriffs are currently appointed to the 8 preserved counties. Should mergers take place, it would be appropriate for purposes of consistency and clarity that the new counties should be used for the appointment of Lord-Lieutenants and High Sheriffs from 1st April 2020.

Question 1.12: Are there other matters of a technical nature which should be considered?

The Group refers to the response from WLGA in respect of this question.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The Group welcomes the proposed introduction of the power of general competence. Whilst this new power is welcomed, as drafted, it is constrained by legal provisions which local authority lawyers would have to carefully consider before the power could be used, as has been the case in England where a power of general competence was introduced under the Localism Act 2013.

The Group refers to the response from WLGA for further comments.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

The Group supports the comments of WLGA in this matter.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Part 3 of the Draft Bill seeks to promote access to local government by placing duties on councils to promote access to, and public participation in, local government

The Group is supportive of the underlying principles and ambitions of the Welsh Government; councils active seeking to engage with communities and promote democratic and participative engagement. Merthyr Tydfil CBC has adopted the nationally developed principles of public engagement, and it broadcasts council meetings, holds youth forums or councils and undertakes extensive consultation and engagement over budget and service planning proposals.

Although the Group is supportive of the underlying principles and ambition, many of the proposed new duties however will create additional burdens on authorities

which will require additional investment in administrative and 'back-office' capacity during a period where resources are being focused on front-line services. Some proposals are impractical and their likely effectiveness and impact are therefore questioned.

The Group also notes that some provisions in Part 3 and elsewhere in the Draft Bill apply only to local government. For example the expectations and duties to broadcast do not apply to meetings of the Local Health Board or Welsh Government Sponsored Bodies. The Group is aware that local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The Group is supportive of the spirit of the Welsh Government's ambitions and Merthyr Tydfil County Borough Council is committed to promoting access to local government. It is therefore not clear what improvements a new 'public participation duty' on local authorities would achieve, apart from creating an additional regulatory burden. Such a duty should already be covered as public engagement would be a key aspect of the proposed new general 'good governance' duty outlined in Part 5 of the Draft Bill.

MTCBC already consult and engage with communities on budget proposals, so it is unclear what value a new statutory duty to undertake such activity would achieve.

The Group does not agree with the proposed statutory Public Participation Strategy, in particular the proposal to place statutory responsibilities on councils to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities; this will inevitably have resource implications for councils and clouds accountability and responsibility for delivering on any public participation duties.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The Group is unconvinced of the proposals for Community Area Committees (CACs) as drafted and it notes that WLGA seeks further dialogue with Welsh Government to develop proposals that would allow local flexibility in order to ensure continued local community governance and engagement in an era of larger county councils.

The Draft Bill proposes that the areas covered by CACs would be established by Public Service Boards under S37(5) of the Wellbeing of Future Generations (Wales) Act 2015. The Group does not support this and argues that community governance

arrangements should be more flexible and at the discretion of the county council. It is not appropriate that a statutory partnership (the PSB), should determine the area coverage and the basis for local democratic and community governance mechanisms (which would form the basis of statutory council committees). The provisions of the Wellbeing of Future Generations (Wales) Act 2015 regarding community areas were set out for very different purposes (e.g. the undertaking of wellbeing assessments and planning) and not necessarily for determining identifiable communities for community governance or representative purposes.

It remains unclear, as yet, how many CACs there would be in each council area, the size of membership and number/regularity of meetings – however, CACs will present an additional burden on authorities in terms of administration (in particular policy and support staff given the proposed statutory duty to prepare and consult on annual priorities, as well as committee administration, translation and electronic broadcasting requirements).

It is not clear how the committee roles relate to the proposed roles or geographical areas of reviewed (and larger) community councils. Furthermore, not all council areas would have community councils and so geographical spread of community representation could be imbalanced as could the balance of democratically elected members with community and public body 'co-optees'. It is critical that the areas of any 'community area committee' should be undertaken after the Local Democracy and Boundary Commission has prepared its reviews of community council arrangements in each county area (from 2019 as per Part 6 of the Draft Bill) to ensure adequate alignment.

Although the Draft Bill allows councils to delegate functions to CACs, there are implications around delegations of powers and functions given the broad membership of the committee which could include executive and scrutiny members, and, potentially, members of the community with particular interests; this therefore could affect good governance and cause confusion around the separation of executive and scrutiny functions.

Depending on the membership of public bodies on CACs, there could be implications in terms of burden of representation on multiple bodies which the current PSB reforms are seeking to address. Larger public bodies such as fire and rescue authorities, local health boards and police representatives have found it challenging to sit on numerous LSBs within their area, whilst there will be fewer PSBs (8 or 9) with the proposed local government reforms, these bodies could be invited to attend numerous CACs, for example, South Wales Fire and Rescue Service currently sits on 10 LSBs and would sit on 3 PSBs under the new reforms, but could feasibly be invited to attend at least 30 CACs (assuming 10 per authority as noted in the Draft Bill documentation). Should community safety planning functions be devolved to CAC areas, fire and rescue authorities would be required to attend as statutory members.

It should be noted that CACs may be affected by political balance requirements,

given it is feasible in some areas that the majority of members of a CAC would be from one political group.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Notwithstanding the above concerns with the committee model as outlined, the Group would support flexibility to allow councils to delegate functions to more localised community governance models. It should be noted however, that the political balance implications as outlined above may have an impact and levels of delegation need to be carefully considered in order to avoid any confusion of roles and responsibilities around quasi-judicial, executive or scrutiny functions.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

There are no significant implications in terms of transition from existing areas committee arrangements.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

The proposal for 'improvement requests' builds on the Welsh Government's 'activist council' ambitions as outlined in the Power to Local People White Paper. The Group notes that Councils and the WLGA were broadly supportive of the 'activist' concept as councils are pro-actively (and increasingly) engaging with communities and partners in the design and delivery of services. MTCBC, along with many councils, has led the way in terms of developing alternative delivery models for services.

This proposed 'improvement request' power is similar to that of 'participation requests' introduced in Scotland through the Community Participation and Renewal Act 2015. It is not clear whether any analysis or evaluation of the Scottish experience has been completed since enactment, however, during the passage of the Bill, COSLA expressed the following concerns:

> "The financial impact of the Bill in this area is two-fold. Firstly, the resource required to enable communities, on an equal basis, to have the ability and capacity to take a proactive role in how services are planned and delivered. Secondly, the staff resource required to set up and manage a new process for participation requests within Local Authorities. However, the main concern from COSLA centres around the difficulty of anticipating the demand for this

legislation and, in turn, quantifying the costs that will be incurred by Local Authorities. It has been suggested that the impact could be similar to the current Freedom of Information process and COSLA is therefore concerned by the potential administrative burden that these new duties could create."

The Group would echo those concerns. As noted above, councils already initiate and respond to 'improvement requests' on an ongoing basis through formal consultation or service user and community feedback. The 'improvement requests' proposal as drafted over-formalises such an approach and will create a significant amount of bureaucracy which would add burden and could impact on the speed of decision-making; it is likely that councils will have to formally consider and report (either through executive or scrutiny or both) any such requests from the community received. Concerns have been expressed regarding 'counter' improvement requests where a different community group or body submits an alternative request in response to a request from another body. There should therefore be proportionate criteria to indicate levels of wider community support for any proposal and proportionate accountability and governance arrangements should be built into any alternative delivery model that may arise as a result.

The Welsh Government is currently consulting on a draft Action Plan to support the development of Alternative Delivery Models in Welsh public services. It should be noted that community groups will require adequate business and project planning capacity and capacity-building support for community groups may be necessary.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

A duty to broadcast all public council meetings (including proposed new CACs) will create an additional administrative burden on councils and require additional resources. The Draft Bill's accompanying documentation assumes that the combined cost of current councils' expenditure on webcasting would cover the likely future costs of webcasting in 8 or 9 councils. The costs are likely to be higher as there would be a duty to broadcast all council meetings broadcasting which would see around a 50% increase in the number of meetings broadcast. This increase would mean more meetings being broadcast in a wider number of committee rooms or other venues – there would be additional cost implications in terms of investment in hardware as well as ongoing administrative support to manage the broadcasting of meetings.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

MTCBC already actively engages with children and young people, and promotes the concept of democracy, and the role of council and councillors through school councils, youth councils or forums and engagement and participation initiatives during Local Democracy Week. There is already a statutory duty on local authorities

through the Children Act 2004 to have a lead elected member for Children and Young People, and a specified part of that role is to engage with children and young people to gain their views on policies that impact on them. It is therefore unclear what benefits a new statutory duty would achieve.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Part 4 of the Draft Bill outlines proposed new Functions of County Councils and their Members, including 'Performance Duties' for councillors.

The Group is aware that WLGA, in its response to the White Paper consultation, argued that any new proposals affecting councillors' remuneration and standards of conduct should be applied consistently across all levels of representative government. Furthermore in response to the recent Welsh Government consultation on Draft Directions to the Local Democracy and Boundary Commission, leaders called for consistency across all levels of government in Wales and a wider review of all levels of governance. This stems from a wider frustration that the Welsh Government response to the Williams Commission, which proposed wholesale public service reform, has focused on local government structural reform and new duties and standards applying only to local government rather than all public services.

As noted previously, local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

The proposed 'Performance Duties' on councillors are therefore not supported as they are not only inconsistent with expectations placed on Assembly Members for example, where no such 'performance duties' or standards are in place, but appear to be based on an outdated understanding of the role of a local councillor which is at odds with the community activist concept outlined elsewhere in the Draft Bill. Similarly, the implicitly pejorative undertone of an excessive and prescriptive 'performance' and standards regime for councillors is at odds with the wider narrative of trust between devolved and local government and enhanced local accountability.

The list of performance duties in the Draft Bill, including compulsory meeting attendance and the holding of surgeries, presents a simplistic interpretation of the 'formal' council role of councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities, facilitating community engagement with public services and providing an advocacy and support role to members of the community with

particular needs.

Similarly, the above list does not adequately equate to assessing a councillor's 'performance', for example, a councillor may attend every council meeting and therefore be deemed to be performing well by the above criteria, but he or she may not contribute effectively or at all to those meetings. Whilst surgeries are useful forums for many, councillors use varied methods of engaging with and being available to their communities, through street surgeries, social media and being available and readily contactable 365 days of the year.

With regards the handling of correspondence, it should be noted for example that the Draft Bill suggests that councillors would have 14 days to respond to correspondence (when they will be covering larger populations of around 4,000 voters), Welsh Ministers have 17 working days to respond to correspondence (according the to the Welsh Government's website). Councillors therefore may need additional 'constituency' or administrative support than is currently available.

Notwithstanding the above, the conflation of 'performance duties' with the current standards regime is problematic, as the comparable seriousness of breaches is questionable.

The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

The Group notes from the consultation document that the Welsh Government is continuing to explore options for the recall of councillors. While members are fully prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation across Wales.

The prescriptive and far-reaching implications of the proposed 'performance duties' are excessive in that there is not a wide-spread problem with regards councillor attendance or 'performance'. Whilst there are some individual councillors whose attendance, whilst lawful (under the terms of the '6 month rule' (Section 85 of the Local Government Act 1972), is not satisfactory given the current expectations placed on councillors, they are in the minority and wholesale reform with the consequent burdens of bureaucracy is not a proportionate response.

In order to address its concerns about councillor 'performance', the Welsh Government should instead therefore consider the effectiveness of the current '6 month rule' and empower councils to set and 'enforce' their own attendance and/or performance standard regimes, as is the case in the Assembly.

The Draft Bill proposes that leaders should produce a manifesto before seeking election as leader. It is however not clear why a leader of a majority group elected on an electoral manifesto should also need to set out a further manifesto prior to their election as leader, a process which is not replicated in the National Assembly or

Parliament.

The Group agrees that councils need clear political leadership and accountability and notes that the Draft Bill proposes that leaders publish and report annually on 'political' objectives for the executive. The Draft Bill however also proposes that leaders separately set and report on objectives for the Chief Executive on an annual basis, and the council in turn sets and reports on a corporate strategy and annual corporate objectives annually, as well as wellbeing objectives and joint PSB wellbeing objectives. This duplication will create bureaucratic and regulatory burdens and will be of little value to the authority or in terms of contributing to enhanced public accountability, engagement or understanding. These proposals therefore need further consideration. See response to question 5.1 below.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

The Group supports the proposals to strengthen arrangements which promote and support good standards.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

The Group is supportive of proposals to reform regulations around delegation of functions and looks forward to future consultation on proposals as they are developed.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

The Group strongly objects to the proposal to give Welsh Ministers the power to effectively direct the Independent Remuneration Panel for Wales (IRPW).

There have been widespread concerns in the recent period over the influence, actual or perceived, that the first ever Ministerial remit letter has had on the IRPW's determinations in its Draft Annual Report 2016. The IRPW has provided assurances that it remains independent and its determinations are based on evidence and engagement with stakeholders. A Ministerial power of this nature would fundamentally undermine the credibility of the independence of the IPRW and it would be little more than an advisor group for a Ministerially set remuneration framework for councillors.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

The Group would support proposals to make remote attendance more flexible.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

This proposal seems appropriate.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

The Group would welcome a decision by the Welsh Government to review the existing statutory process with a view to replacing it with a streamlined alternative that still incorporates a role for an independent third party to ensure the process is legally robust, fair and protect the interests of both sides.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

The Group welcomes the proposal to reform the framework of council functions; successive local government legislation, particularly since the Local Government Act 2000 which introduced executive arrangements, has created a complex framework relating to the responsibilities for the discharge of certain council functions, duties or powers.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The Group welcomes the proposal in the consultation document to make the community asset transfer process more proportionate and looks forward to considering the detail when published in due course. A more strategic and coordinated programme of community asset transfers however will create resource implications for authorities

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

The underpinning principles around self-improvement, self-assessment and good governance are generally welcomed and shared by local government. Although the detail and likely burdens around external regulation needs to be explored further, it appears on the face of the Draft Bill that external regulation is likely to be more timely and proportionate than the current regime (under the Local Government (Wales) Measure 2009).

The proposals around corporate planning (S112) largely build on the processes that councils already follow, albeit prescribe a list of specified documents or policies (or links to such documents) that should be included in a council corporate strategy.

The corporate planning and reporting proposals, as outlined in the Draft Bill should be better aligned with the new duties of the Wellbeing of Future Generations (Wales) Act 2015. The specific corporate planning proposals (and other objective setting proposals elsewhere in the Draft Bill) duplicate new Wellbeing duties and therefore will increase internal bureaucracy and do little to aid public understanding or accountability.

When the proposed objective-setting duties in the Draft Bill are combined with the new duties of the Wellbeing of Future Generations (Wales) Act 2015, councils will have to annually set (or at least participate in the setting of) and report on six sets of similar corporate priorities:

1. **Councils must set and report annually 'Wellbeing Objectives'** (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
2. **PSBs must set and report annually** '**Wellbeing Objectives'** (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
3. **Leaders must set and report annually 'objectives to be met by the Executive'** (S99 of the Draft Bill)
4. **Leaders must set and report annually 'objectives to be met by the chief executive** (S104 of the Draft Bill)
5. **Councils set and report annually on corporate plan priorities** ('council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term) (S112 of the Draft Bill)
6. (A number of) **Community Area Committees must set an annual 'statement of priorities and objectives'** in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill)

The Draft Guidance accompanying the Wellbeing of Future Generations (Wales) Act states that public bodies '...should not treat well-being objectives as separate from the objectives that guide and steer the actions and decisions of the organisation...'. It is therefore unclear why there needs to be two separate statutory duties to produce what are, in essence, the same set of priorities.

Statutory Performance Indicators do not feature on the face of the Bill (unlike the

predecessor 2009 Measure) but it is understood that they are may feature in a final Bill. At this stage, it is not clear what the relationship of any new national local government performance indicators will have with the proposed new National Wellbeing Indicators, nor why any local government review is being undertaken separately from the wider consultation on the national Wellbeing Indicators, many of which cover local government performance.

Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria (such as evidence which might be considered) before the triggering of an intervention.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

The Group broadly welcomes the proposed governance arrangements duty, but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

The Group welcomes the Welsh Government's recognition of the value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future. Peer review should remain a sector-led, sector-owned and sector-commissioned model and should not be legislated for. This is the model that applies in England. The Group therefore does not agree that there should be legislative requirement for peer reviews.

Legislating and prescribing a peer review process as drafted in the Draft Bill essentially creates a peer inspection framework, rather than a peer review framework; although the membership and process would remain largely the same, the purpose, ownership and implications of a review will significantly change.

At present, peer review is an effective improvement process owned by, designed and timed to meet the needs of authorities. The suggested model turns it into a quasi-regulatory role which potentially duplicates the role of the Wales Audit Office. Formalizing the process will affect the dynamics and flexibility of the review process and the openness and ownership of the authority.

The current approach in Wales is 'not broken and does not require fixing' and has delivered a credible, robust and respected mechanism for providing critical-friend challenge which has supported improvement in services and corporate governance arrangements.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

The Group supports the proposed role of new Corporate Governance and Audit Committees. The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in new constitutional arrangements.

The Group does not support the proposed changes to the membership of corporate governance and audit committees. Lay members are valued members of audit committees currently, but the balance of membership should be left to local discretion. The proposed prescription regarding the increased proportion of lay membership and that the chair must be a lay member fetters local discretion and undermines local democracy, particularly as the reformed committees will have an enhanced role in terms of overseeing the governance and service performance of councils.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

The Group agrees that it is not necessary to establish local public accounts committees as the original proposal largely duplicated the role of existing scrutiny committees and the duty to scrutinise designated persons (regulations for which are yet to be introduced).

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Public Service Boards and their individual member organisations were established to consider and inform (through wellbeing assessments) the policy choices facing public services. Local authority scrutiny needs to be strengthened to allow locally elected members a broader remit in examining policy choices facing all public services (either individually or collectively) in their area.

Question 5.7: If so, would they benefit from additional legal powers?

The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

The Group offers no comments at this time.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

The Group welcomes the Welsh Government decision that a review of community council arrangements will be conducted by the Local Democracy and Boundary Commission. Such a duty on newly established county councils would have been a significant burden during a period of significant organisational transition.

It is important that the process for the establishment of any area based model of county council governance (as per the Draft Bill proposals for Community Area Committees) need to be aligned with any reforms of community council arrangements (as noted above).

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The Group is supportive of this proposal as it will allow earlier and more timely consideration of any draft proposals.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Group would be inclined to give the powers to the new County Councils.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

The Group supports and encourages all elected members to undergo appropriate development and training for their roles.

The Draft Bill proposals around compulsory training for community councillors should be refined however, as they place a burden and responsibility on clerks as well as risking a 'strain on the good relations between the clerk and the council' (as the consultation document itself notes).

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

A six year term would be a very long municipal term with implications in terms of local accountability, however, it is a necessary transitory arrangement during a period of significant reform which will lead to greater clarity around accountability and electoral management in the future.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

The Group does not support the proposed duty (under S167) that county councils should consider the training needs and 'secure the provision' of training for community councillors. This would be an additional burden and will have resource implications for local authorities and should be the responsibility of community councils themselves; it is not appropriate that local authorities should have a duty to discharge over other autonomous and democratically accountable bodies.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

This is a matter for community councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The Group welcomes this proposal as it will reduce burden and costs for the local authority, as well as encouraging a more accessible and immediate mechanism for communities to express their views

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

The Ministerial powers over workforce matters as outlined in Part 7 of the Draft Bill are far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the local authority workforce (and of other public bodies) on a wide range of workforce matters as fundamental as: the planning by public bodies in relation to the size and composition of their workforce; recruitment and retention of staff; the management, organisation and remuneration of staff; and the training and development of staff of public bodies.

These powers could potentially 'cut across' and affect the legal contractual

relationship between that public body as the employer and its employees, as well as undermine local democracy and local planning. This is particularly relevant in local government where there are 22 individual sovereign employers.

Democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively. Different councils face different challenges and demands from their electorate. A 'one–size fits all' approach will not enable local needs to be met and councils need the freedom and flexibility to make and implement decisions on recruiting and restructuring (including decisions on pay) that are designed locally to best meet the needs of the communities they serve.

Local authorities have demonstrated that they can successfully develop and improve services working in partnership with others, and engaging with their workforce and their representatives to improve services. A managed approach to workforce reduction has also been successful whilst maintaining as best as possible the local services the community want. However there are some areas that the WLGA could work in partnership with Welsh Government to develop and agree guidance that could help support Councils on workforce issues.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

The Group would not wish to see a statutory PSSC set up if there is no local government re-organisation. There would need to be clarity and a renewed agreement on the matter of any continuation of a non-statutory PSSC if no local government re-organisation should take place.

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

N/A

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26897 -147 : Peter Mullen

Tref / Town : Gwersyllt
Sefydliad / Organisation :Gwersyllt Community Council

Good afternoon,

Gwersyllt Community Council was represented at the Welsh Government's recent consultation event at Venue Cymru, but has asked me to submit the following specific comments in response to the above consultation which closes today.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable ?

The Community Council is of the opinion that the proposal to extend the term of community councillors elected in 2017 to 6 years should be reconsidered as a 6 year term is considered too long and might deter potential candidates from standing which would be detrimental to democracy . . . . Furthermore, there are fears that a 6 year term could result in more by-elections thereby increasing election related costs.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relation to Local Government finance ?

The Community Council supports the view taken by One Voice Wales that decisions taken though the transition committees of unitary authorities will no doubt have a major impact on the town/community council sector . . . . Clearly, resources need to be made available to deal with issues such as asset merging, service merging, and

taking on services and/or assets from current unitary authorities or future unitary authorities as well as managing the transformation agenda in terms of new local council boundary arrangements and equalisation or harmonisation of precepts . . . . Unless such arrangements are put in place, it is difficult to see how the new arrangements can be progressed in a fair, consistent and effective manner.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence ?

The views put forward by One Voice Wales on this matter are generally supported by the Community Council though the Council has concerns about the requirement to have two-thirds of members elected and calls for this to be reviewed given that it is already proving difficult to attract people to stand for office.

Questions 3.3, 3.4 and 3.5 - Community Areas Committees:

The Community Council is totally opposed to the proposal to set up area committees as they are viewed as an unnecessary new layer of bureaucracy which members of the public would doubtless find confusing . . . . The Council considers that a number of key issues need to be clarified namely :

- what are the proposed governance arrangements ?
- what steps would be taken to ensure that town/community councils were not under-represented on the committees ?
- how would the committees be managed, supported and funded ?
- how would they carry out delegated functions and implement decisions given that they would not have a workforce ?
- how would they work alongside town/community councils ?

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill ?

The Community Council supports the requirement for every community council to publish an annual report so that local people can understand what the Council has achieved during the previous year.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors ?

The Community Council very much supports the provision of appropriate general training relating to the running of local councils and how to be an effective councillor . . . . However, it has concerns about the possible imposition of compulsory training for community councillors given that many community councils are already taking on increasing responsibilities and that a requirement to undertake compulsory training will require an even greater time/energy commitment from

councillors . . . . This may even deter some potential, suitable candidates from putting themselves forward for election.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees ?

The Community Council believes that it should be for the council itself to determine the training needs of its own members and employees with the help and support of One Voice Wales.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk ?

The Community Council fully supports this proposal as this is something it has been doing for some time . . . . This task is best undertaken by a sub-committee of the council, particularly in the case of larger councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that local authorities should implement a system of e-petitions ?

The Community Council supports this proposal in principle, but recommends that any system of e-petitions should be implemented on a phased basis . . . . As you will doubtless appreciate, about 30% of the population in Wales is over 60 and that many such people do not have a computer . . . . The Council would not wish to see people disenfranchised hence its call for the phased introduction of e-petitions.

Thank you.

Peter Mullen
Clerk to Gwersyllt Community Council

26897 -148 : Gwyneth Ayers

Tref / Town : Carmarthen
Sefydliad / Organisation : Carmarthenshire Town Council

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Carmarthenshire County Council
Response to Draft Local Government (Wales) Bill
February 2016
Overview Comments

i. Carmarthenshire County Council welcomes the opportunity to respond to the Draft Local Government (Wales) Bill.

ii. It could be said that local government reform in Wales through the decades has been a 'fiddling around the edges' exercise but it needs to be acknowledged that the pace and nature of change has shifted considerably over the last 5-10years. There has been no shortage of national policy which has been aimed at 'encouraging' local government to collaborate and in many cases this has led to improved outcomes and budget savings. Local Government has had to be fleet of foot and responsive to the need of its communities and we believe that it is this ability to deliver to and for our communities that this Bill will ultimately eradicate. Local democratic and governance structures are a fundamental aspect of what local government is about. The Draft Bill assumes big is always better, however we strongly dispute this case. Should it not be more a case of strategic planning but local delivery? Many examples of good practice exist across local government but they seem to have been ignored for the benefit of change for changes sake. Welsh Government needs to take a step back, to not try to line manage local government and to allow power to remain in the hands of local elected Councillors and the people they represent.

iii. As our White Paper response stated, we are not opposed to change where warranted and change that leads to improved outcomes, however, we do not feel that the proposals outlined in the Draft Bill are looking at this matter collectively across the whole of government. It is a mistake not to consider other public services that in some cases are not accountable to the people they serve and where services often overlap. The Bill is focused on local government in isolation, whereas we believe that all levels of government should be subjected to the same level of review. There are different expectations being set on local councillors and councils compared to those on Assembly members and national government. It is evident from the level of prescription in the Bill that local government will be facing increased levels of intervention by Welsh Ministers and/or Welsh Government officials. As previously said, the Bill clearly proposes putting more power in the hands of Welsh Government and less for local government, thus contradicting the intended purpose of local government reform of giving greater power to the people.

iv. As a result of the requirements set out in the Draft Bill local government will have significantly less flexibility to respond to local need and demand. Much of what local government does will be prescribed by national government. In a country such as Wales where there is significant variance in terms of the social, economic, environmental and cultural make-up of our communities removing this

flexibility will stifle performance and ultimately impinge on the level and quality of services our communities receive.
v. We are also concerned about the plethora of potential bureaucracy and the cost to local government of delivering and sustaining this. The level of detail and prescription in the Draft Bill will inevitably require resource to administer it. We feel it will tie money up in a disproportionate manner and lead to unnecessary and complicated bureaucracy when our priority should be delivering front line services. Fulfilling a number of the requirements set out in the Draft Bill will require significant investment and re-shaping of current functions in certain areas of local government provision. How will this be funded?

vi. Although supportive of the proposed intention to increase public and community engagement, some of the requirements outlined are too prescriptive and do not allow for different approaches with different communities. They also do not consider the existing systems that are in place, many of which are effective and produce good consultation results. We would go as far as to suggest that the over prescription of process in the Draft Bill could indeed lead to ineffective systems and hence questionable results.

vii. Many of the requirements of the Draft Bill either duplicate or contradict with the requirements of the Well-being of Future Generations (Wales) Act and the other numerous legislative requirements placed on local government by both Welsh and UK governments. There has to be greater cross policy consideration and consistency. We need to clarify what you are asking local government to do? Then, we can decide what policy and subsequently structures are needed.

viii. The remaining comments in our response relate to specific parts of the Draft Bill.

Part 1: Local Government Areas and County Council
1.1 We welcome the introduction of a five-year fixed term cycle for local government elections with effect from 2023 which would mean local elections fall in line with Parliamentary and Assembly cycles. This will also give elected members a realistic planning period and allows them the ability to properly plan services for their communities.

1.2 We do not believe that the financial analysis undertaken to date on the cost and implications of undertaking reform is sufficient as it does not take full consideration of the likely costs of council tax harmonisation (clarity is needed as to whether varying council tax levels can co-exist during the transition period), pay harmonisation and possible redundancy costs. It also ignores existing good work that has already delivered real improvement and efficiency.

1.3 In addition, we do not believe that enough consideration has been given to the fact that, regardless of any reforms, local government is facing a continued period over the next five years of reduced
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Budgets, therefore, basing calculations on current expenditure is a false economy and is in fact misleading.

Part 2: General Power of Competence

2.1 We welcome the move towards the introduction of the general power of competence as this is something local government in Wales has been lobbying for some time. We are however disappointed that there is a restriction in the use of the general power of competence if some other legislation prevents it i.e. local authorities would still have to identify if there are any prohibiting powers. We feel that this weakens the purpose and intention of introducing the general power of competence and again means that national government can intervene in local decisions.

Part 3: Promoting Access to Local Government

3.1 Carmarthenshire is fully supportive of the drive to encourage and facilitate public participation in local government and has over the last few years introduced a number of initiatives aimed at making the Council the most open and transparent in Wales. However, it must be recognised that encouraging and facilitating the public to engage and participate requires resources (both in staff time and costs) and when faced with a reducing budget local government has to balance this against protecting front line services. Do we have evidence that suggests current models are ineffective and/or specific evidence around what models are proven? In addition, we do not see why it should be the Council's responsibility to discharge duties over other 'connected authorities'. Why undertake change for changes sake? We are totally committed to encouraging and improving citizen engagement, however, we do have concerns relating to the additional requirements of the 'participation duty' when good governance is already a part of the Draft Bill.

3.2 The proposed new County Council structure would in some places (including Carmarthenshire) cover very large geographical areas and due to the need to ensure a more localised engagement network we are not opposed to the introduction of a new local engagement forum. However, we do have significant concerns about the additional layer of bureaucracy and cost of supporting the kind of network outlined through the Community Area Committee structure. It is clear that the requirement to support, facilitate and manage this arrangement would rest at the local authority's door. The question of local flexibility and need driven structures should also be asked. Any local say will be removed by imposing such defined structures. We would have to therefore question whether this new tier is required and ask that Welsh Government re-consider what role community councils could play in facilitating and leading this local engagement? We feel that a re-design of the relationship between community councils and the new local authorities would be a more effective way of enabling local engagement.

3.3 If Community Area Committees are to be introduced further clarification would be required on whether or not members would need to be formally elected and if they are not what remit they would hold to represent the view of their local community. There is a danger that at times this type of forum, if not formally elected, can become dominated by individuals with strong personalities focused on single issue agendas. We are concerned that this would not best serve the views of the local community.

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3.4 There is also a danger that introducing this type of forum could further disenfranchise backbench elected members from local decision making processes and undermine their elected role and remit.

3.5 The delegation of functions to Community Area Committees is also something that needs further consideration. You could have a scenario where an Area Committee majority vote by mainly community council and community body nominees could carry a decision relating to County Council functions.

3.6 We are also unclear as to why Public Services Boards would be responsible for setting the geographical boundaries for Community Area Committees whilst they would clearly be local authority committees. We believe that if Area Committees are to be introduced their make-up should be determined by the local authority.

3.7 We also require further clarity about how the work and decisions of a Community Area Committee would be scrutinised.

3.8 We feel that the proposed approach for the introduction of 'improvement requests' is too formalised and is likely to slow down decision making. This work is already taking place, why do we need to legislate for it? We would prefer to allow the duty to participate to be fully utilised by local authorities before having to establish such prescriptive and time consuming measures. The same outcome can be achieved by allowing local discretion to implement.

3.9 In Carmarthenshire we have now introduced webcasting for all of our Full Council, Executive Board and Planning Committee meetings. We would however be concerned from a cost and administration perspective if a duty was introduced to webcast all public council meetings. If this requirement is to be introduced we would question whether the same duty to webcast should apply to the proposed Community Area Committees and if so the cost implications would again need to be factored. We would also ask why this provision does not apply to Local Heath Board and Welsh Government sponsored bodies?

Part 4: Functions of County Councils and their Members

4.1 We feel that any new proposals relating to the role, function and performance of county councillors should be consistently applied across all levels of government. In addition, any new requirements placed on local government should equally apply to all public service bodies in Wales as proposed in the Williams Commission but, to date, has not been considered.

4.2 Until the new performance duties outlined in the Draft Bill are consistently applied across all levels of government we cannot support their introduction.

4.3 Even if this approach were reconsidered by Welsh Government we feel that the proposed performance duties outlined e.g. compulsory attendance at meetings, holding surgery meetings etc does not truly reflect what it means to be an effective councillor and does not take any account of the important community leadership role that councillors undertake. 5

4.4. The proposals outlined in the Draft Bill also mean that councillors could be accountable to at least three different regimes: the ombudsman; the audit committee; and their group leader.
4.5 As a result we can only feel that the proposed performance duties are excessive and bureaucratic and will not address any issues that may arise locally.
4.6 We would strongly oppose the proposal to allow Welsh Ministers the power to direct the Independent Remuneration Panel for Wales (IRPW). The IRPW must remain independent of political intervention and their decisions should be based on evidence and engagement with stakeholders. Should this power be introduced it would undermine the credibility of the Panel.
4.7 Further clarity is required in relation to the proposal that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive. Once appointed, the Returning Officer role works independently of the Chief Executive role and when fulfilling election duties the Returning Officer has to be able to be in a position to act in accordance with the requirements set out in that role. In other parts of the Draft Bill it is proposed that the Leader of a Council should set objectives for a Chief Executive. We accept this requirement but how would this work at a time when the said Leader is up for election? By combining the Chief Executive and Returning Officer functions into one role the Chief Executive could be compromised in such scenarios. This could seriously undermine the independence of Returning Officers and lead to more challenges of election results and suspicion that Returning Officers are subject to political influence. We would question what wrong it is intended to put right here? The current system works and works well. We are unaware of any proposed changes at Westminster level and it seems that Chief Executives are once again being singled out in Wales alone.
4.8 We strongly oppose the proposed power to dismiss senior officers by a vote of the full Council. The statutory protections afforded to the Head of Paid Service, S151 Officer, Monitoring Officer and Head of Democratic Services were introduced so that they may 'speak truth to power' for the safety, proper conduct and reputation of the organisation and those leading it. Removing this protection could compromise the named officers and lead to undue pressure and influence on the advice they are giving. Chief Executives and other senior officers may become seen as political appointees, to be dispensed with when new parties gain power.
4.9 We welcome the proposal to simplify and give greater flexibility to new authorities in relation to the system for determining who within a Local Authority has responsibility for making decisions on the various functions of local government. This will remove over prescription and allow greater local determination on such matters.

Part 5: County Councils: Improvement of Governance

5.1 We welcome the change of approach from a 'general duty in relation to improvement' to the requirement for a Council to 'make, implement and comply with arrangements in order to ensure good governance, accountability and economy, efficiency and effectiveness in the use of the Council's resources'. However, we feel that there is still much duplication in the requirements outlined in the Draft Bill and the requirements set out for local government (and other public bodies) within the Well-being of Future Generations (Wales) Act. There needs to be greater 6

streamlining and co-ordination of the requirements set out in both sets of legislation to enable local government to set its priorities, implement, monitor and report in a consistent and streamlined way. Administrative and back-office support to fulfil these functions is reducing due to budget pressures therefore the requirements from Welsh Government need to be better co-ordinated and more consistent.

5.2 Matters around Ministerial intervention seem to be similar to those currently present in the 2009 measure, however, the detail around what would trigger an intervention is not prescribed therefore we are unable to comment further as this detail would be a fundamental consideration.

5.3 We very much welcome the proposals that require regulators to work and plan together and to carry out combined assessments. Local authorities understand the need for regulation but this needs to be balanced, reflective and meaningful. We believe that some regulators are currently duplicating effort.

Part 6: Community Councils

6.1 We welcome the proposal that the review of community council arrangements will be conducted by the Local Democracy and Boundary Commission.

6.2 Further clarity is required on the local authority's role in providing and ensuring training to community councillors. Although we can understand the principle of ensuring appropriate training and support for community councillors if this were to be placed as a requirement for the local authority to deliver it would require significant investment and development and in our eyes undermines the support role provided to community councils by One Voice Wales.

Part 7: Workforce Matters

7.1 We have grave concerns and strongly object to the proposals in the Draft Bill relating to the level of intervention Welsh Ministers would have on local authority workforce matters. Any such power would cut across legal contractual agreements with employees. There has been considerable public criticism of senior public sector officers in recent years and this has only but undermined and de-valued the role and the responsibilities these roles carry. There is no question that salaries should be commensurate with the duties but it must be acknowledged that local government senior officers' pay does not compare positively when looking at equivalent roles in both other public and private sector positions. Over the last few years every officer is having to do more for less whilst facing pay freezes and increased pension contributions, all of which means that staff are actually taking home less than they have done previously.

7.2 Whilst we agree with the need to ensure transparency on matters such as remuneration it must be understood that salary levels must acknowledge the demands on the role and be attractive enough to recruit and retain highly skilled individuals. Constantly attacking and undermining the value and role of senior officers in the Welsh public service could, and perhaps already is, lead to the 'dumbing down' of these roles and a dearth of highly capable individuals and effective leaders who are prepared to put up with public vilification from politicians. The evidence that this is what is happening in respect of Head teachers is perhaps a good example.

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7.3 We feel that staffing matters should be determined locally through the democratically elected councillors. The make-up and requirements of each of the proposed new local authorities will vary significantly in nature and having a one-size fits all model would not be the answer.

7.4 We welcome the proposal to establish a Public Services Staff Commission to develop guidance to help councils manage their workforce as part of any local government re-organisation. We would encourage further and ongoing engagement with the WLGA where relevant.

Conclusion
8.1 We feel there is a real opportunity to shape the future of local government in Wales. However, any reform must and should be based on a clear and well evidenced vision. This vision cannot be based on the assumption that all Councils and indeed current structures are failing; this is not the case and is an unfair presumption to make. It must also be recognised that many Councils are already delivering many of the proposals set out in the Draft Bill.

8.2 We are concerned that many of the proposals contained within the Draft Bill are geared towards more direct intervention from Welsh Ministers in local matters; something which we feel would undermine rather than promote local democracy. We strongly oppose that direction of travel.

8.3 Making changes at different levels of government and in total isolation will only but compound some of the current challenges Wales is facing. Further central control is not in the best interests of any level of government but most importantly it is not in the interest of the people who live within our communities. Certainty as to the future of local government is essential before we can make any fundamental reform decisions.

8.4 We therefore make a plea that future changes to the work of Councils be undertaken in dialogue with local authorities in order to co-produce proposals. Many proposed changes recently appear to be ill thought out, un-workable and signify a misunderstanding of how good local government works at the coal face. Over prescription and intervention stymies innovation and good local delivery. This cannot be good for Wales.

Cllr. Emlyn Dole
Leader, Carmarthenshire County Council & Leader of Carmarthenshire Plaid Cymru Group
Cllr. Pam Palmer,
Deputy Leader of Carmarthenshire County Council & Leader of Carmarthenshire Independent Members
Cllr. Jeff Edmunds, Leader of Carmarthenshire Labour Group

26897 -149 : Angie Norman

Tref / Town : Barry
Sefydliad / Organisation : Barry Town Council

To Whom it may concern

Barry Town Council, having been provided with a draft of the proposed response from One Voice Wales, would support their response, particularly in relation to parts 3 and 6 and would respectively ask that this be taken into account once you receive the response from One Voice Wales.

]However, Barry Town Council would like to enforce the response from One Voice Wales on the following points:-

Barry Town Council are, as are many Community Councils, against the introduction of Area Committees and feel that this is an area where community councils should be permitted to grow and improve upon within the community. The public are unaware of what the different tiers operate now, so how will they understand a further tier and the cost to them for this tier.

Barry Town Council believe that training for Councillors and their staff (in particular Clerks) is an important part of evolution for Community Councils and encourage this within their council.

Regards

Angie Norman
Acting Town Clerk
Barry Town Council

26897 -150 : Matthew Williams

Tref / Town : N/A
Sefydliad / Organisation : FSB Wales

Consultation on the Draft Local Government (Wales) Bill Consultation response form The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name*: Matthew Williams
Organisation: FSB Wales
Email*: matthew.williams@fsb.org.uk
Telephone: 02920 747 406
Address: 1 Cleeve House, Lambourne Crescent, Cardiff, CF14 5GP
* required information

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum
PART 1
Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?
FSB Wales has published extensively on Local Government reform, with papers by Professor Calvin Jones1 on the subject informing our policy provisions.
FSB Wales believes that the question of Local Government reorganisation cannot be answered without first determining the desired role and powers of Local Government in Wales in the future. In our manifesto for the 2016 Welsh Government elections2 we have called for Local Authorities to take on a statutory duty to promote economic development. The creation of such a duty
1 Jones, Calvin. 2015 Prosperity and Place FSB Wales Roundtable Seminar Series Paper [Online] Available at http://www.fsb.org.uk/docs/default-source/Publications/prosperity-and-place-report.pdf?sfvrsn=0
2 FSB Wales. 2015 A Better Way for Wales [Online] Available at http://www.fsb.org.uk/docs/default-source/fsb-org-uk/ref12926---fsb-brochure---onlined74281ba4fa86562a286ff0000dc48fe.pdf?sfvrsn=0
2
may fundamentally alter our conception of what the “map” of Local Government in Wales should look like, as boundaries would have to more closely map to existing economic geography and reflect the reality of Wales’ patterns of working and travelling. It is the view of FSB Wales that such a reorganisation may produce very different results to the exercise of “administrative” reorganisation currently being undertaken.
Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?
We do not believe that the questions regarding what the future economic role of Local Authorities have been sufficiently answered in order for us to give a rounded view in response to this question.
Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?
See our responses to questions two and three.
Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

n/a
Question 1.5: What are your views on the procedure for naming the new Counties?
n/a
Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
3
Such changes allow for a sufficient “handover” period.
Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?
FSB Wales has published a report by Prof Gerry Holtham examining the potential for the partial retention of non-domestic rates (NDR) by local authorities and for a replacement tax base for non-domestic rates3. In terms of the former, FSB Wales believes any implementation of local government retention of NDR receipts should only take place following local government reorganisation. The complexity that harmonisation of the NDR tax base during merger would render such a reform undesirable in the short term. In the long term, the merits of retention should be discussed in line with the role and functions of local authorities in terms of local economic development.
In relation to potentially replacing NDR as a source of local business taxation, FSB Wales believes work should start immediately on research to wider NDR reform. The Devolution of Business Rates report suggested that in the medium term research should be carried out into a Land Value Tax and other alternatives and FSB Wales would like to see this discussed in the context of reorganisation4.
FSB Wales has also submitted evidence to the Commission on Local Government Finance5, suggesting some measures for short and longer term reforms. We also have concerns over the implications of reforms to the system of Business Rates in England on businesses with cross border presence or cross border trading.
Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?
Full and proper research must be undertaken, with the co-operation of the Valuation Office Agency to ascertain the extent of the problem in Wales. FSB Wales suggests that such research should not commence until after
3 Holtham, G. 2015. Non-domestic Rates in Wales. FSB Wales Round Table Seminar Series Paper. [Online]. Available at http://www.fsb.org.uk/policy/rpu/wales/images/fsb%20seminar%20

series%20no.2%20non-domestic%20rates%20in%20wales%20v2.pdf (accessed 21st January 2016.)
4 Welsh Government. 2015. The Devolution of Business Rates to Wales [Online]. Available at: http://gov.wales/docs/det/publications/150202-devolution-of-business-rates-en.pdf (accessed 31st March 2015).
5 FSB Wales. 2015 Commission on Local Government Finance [Online] Available at : http://www.fsb.org.uk/docs/default-source/fsb-org-uk/final-new-logo-local-gov-financeab8f40ba4fa86562a286ff0000dc48fe.pdf?sfvrsn=0
4
revaluation for the 2018 lists are complete. With some measure to control for potential “avoidance” caused by upwards revaluation.
Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?
Any legislation relating to the avoidance of Non-Domestic Rates should be proportionate to the scale of the business and the scale of any avoidance. That is, any penalties should reflect the size of a business avoidance.
FSB Wales will work closely with Welsh Government to develop proposals around Non-Domestic Rates avoidance, and strengthen the evidence base as to the scale and nature of the problem in Wales.
Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?
As we do not know the levels of avoidance and fraud within the system it is difficult to provide detailed policy proposals. However, Billing Authorities, in whatever form they should take, should seek to build effective relationships with the Valuation Office Agency and major landlords operating within their areas. The local information of officers of Billing Authorities is likely to be invaluable in seeking to discourage avoidance and fraud as well as justly penalise those parties who are guilty.
Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?
n/a
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Question 1.12: Are there other matters of a technical nature which should be considered?
n/a
PART 2
Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?
FSB Wales welcomes the discussion of a General Power of Competence for local authorities. We often discuss the Welsh economy as if it is a homogenous entity. This is far from the truth. In reality, Wales has a number of economies that reflect the places around which they are based. Economies of place should set the tone for sustainable economic development but all too often this is neglected in the current policy dialogue.
FSB Wales recognises that often, local authorities are eager to engage with economic development but find themselves with little practical means of doing so. This is largely the result of the gradual erosion of local government capacity to act in economic policy terms. Local authority reorganisation should therefore consider the role of local government in this area. For instance, should local authorities be empowered with a statutory duty for economic development? WLGA research into the response of local government in Wales to the recession highlighted that lack of scale and the absence of a statutory duty to act in the area of economic development and regeneration contributed to a muted response to the recession at a local level6.
Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?
We are encouraged by such provisions and believe that empowering communities to make economic decisions and undertake regeneration and other activities would be a positive.
PART 3
6WLGA. 2008. Impact of Recession [Online]. Available at: http://www.wlga.gov.uk/publications-and-consultation-responses-env/wlga-impact-of-recession/ (accessed 1st October 2014).
6
Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?
Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?
Consultations on budgets should also include the business community as a key stakeholder in Local Authority functions such as tourism, regeneration, business rates, food hygiene etc.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?
m/a
Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?
Yes, functions such as tourism, regeneration and economic development should be capable of being delegated. This would empower local communities and in our view develop better economies.
Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?
n/a
Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and
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those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?
n/a
Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?
n/a
Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?
n/a
PART 4
Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?
n/a
Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?
n/a
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Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?
n/a
Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to

guidance when reviewing the remuneration framework for Councillors?
n/a
Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?
n/a
Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?
n/a
Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?
We are not convinced by the case for this, and believe it may effectively make senior officer roles political appointments.
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Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?
n/a
Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?
We are concerned that current disposal of assets have overly prioritised the not-for-profit sector and have not allowed small, local businesses to take on Local Authority assets. We do not believe that there is a convincing case that the not-for-profit and community sector are “better” at running community assets or are necessarily in the best position to deliver value for money to customers.
PART 5
Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?
n/a
Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?
n/a
Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?
n/a
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Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the

Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?
n/a
Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?
We do not agree with this proposal and believe Local Public Accounts Committees could be a powerful tool in enhancing public accountability within Local Authorities.
Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?
n/a
Question 5.7: If so, would they benefit from additional legal powers?
n/a
Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?
n/a
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PART 6
Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?
With the potential for larger merged local authorities in Wales, FSB Wales believes it is timely to consider the role and function of community councils as stated in the consultation document. It is widely recognised that community councils lack capacity in many areas of Wales and have few powers to promote economic development within their locality. Recognising that place-based policies should be the driving force of local government reform, FSB Wales would like to see wider consideration of the role of community councils in supporting their local towns. In particular, there could be a role for community councils in shaping town centre management policies in many areas, or utilising their role as a consultee in the planning process to support development that reflects a community's needs. In partnership with the Welsh Government's Department for Economy, Science and Transport, the potential for community councils to work more closely with, or incorporate some of the role of, business improvement districts (BIDs) should be explored.
Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?
n/a

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?
n/a
Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?
n/a
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Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?
n/a
Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?
n/a
Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?
n/a
Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?
n/a
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box: