

Draft Local Government (Wales) Bill

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

Full Responses (51 – 100)

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

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26897 -0051: Richard Rowlands

Tref / Town : Brecon

Sefydliad / Organisation : N/A

Dear Welsh Government,

Here are my comments in your consultation process.

I stand at the disadvantage of becoming aware of the process only recently:-

Q 1.3 Configuration of Areas.

Reforming Local Government. Power To The People, stresses how the Commission decided against "very large" authorities because of the need to "sustain local democracy".

How large or local does an Authority then have to be? Powys alone stands as a "continuing Authority", and your Government make a grave mistake in deciding this.

The distance from Ystradgynlais to Llandrindod Wells is 54 miles over poor roads, and a four hour round-trip by car. Public transport cannot reach and return in one day to take in appropriate meetings. Where stands the principle of local access here?

Powys County Council has repeatedly shown itself incapable of, or unwilling to meet, reasonable standards of process and communication even affecting its own members let alone the wider public it stands to represent.

In Brecon we suffer the added problems of having to deal with another Authority in the form of the Brecon Beacons National Park. Yet another authority that leaves much to answer in its dealings with the public.

Please may I draw your attention to the only legislative standards affecting Welsh authorities, The Local Authority (Executive Arrangements) Decisions Documents and Meetings (Wales) Regulations 2001 which are pitifully inadequate in providing acceptable restraints on authorities and communication with their public.

For instance, only three days notice of a meeting is required and it need only be listed at a "principal office" (whatever that may mean?)

These regulations provide no sanction for breaches of requirement, and no penalty even where a key decision is made without compliance. I seriously wonder how they could have been drafted by anyone with the slightest respect for decent standards.

How different then is the protection afforded to our English neighbours in their Regulations of 2012. Note the enforcement in key decisions of a "criminal offence".

It is an affront to the people of Wales that we are treated so disparagingly in comparison to the standards of protection afforded in England to each member of the public. That amounts to a situation impossible to justify in Wales. Little wonder, therefore, that as second class citizens we endure the very low standards sadly prominent in Wales.

Rather than the huge disruption of yet another full reorganisation of local government in Wales, the priority should be to ensure reasonable standards of governance for our people.

Question 5.1 Part Five. Providing a framework of structure for local authorities will itself do nothing to resolve the huge failings I have set out above.

There can be no more important principle in seeking to hold any authority accountable for their actions than the tenet in which the overriding rule that it must be for the individual authority to prove that they have acted lawfully and properly and not for an individual citizen to prove they have not.

Please will you confirm my representations will be considered fully at this stage?

26897 -0052: Angela Feltham

Tref / Town : Kerry

Sefydliad / Organisation : Kerry Community Council

To Whom It May Concern,

Ref; Consultation on the Local Government (Wales) Bill - Reforming Local Government in Wales

I write at the request of Kerry Community Council (KCC), who wishes to make the following comments:

- The organisation of community councils to be reviewed by “Local democracy and boundary commission for Wales” - probably with a view to grouping. WG asks it this should be done by April 2019 or 2020 **Question 6.2 & 6.3**

“It is felt that reducing the number of councils would prove to be counterproductive, effectively diluting the degree of local knowledge available to council and thereby defeating the very purpose of a community council.” “It was also noted that there should be one County Councillor to one Community Council.

- Introduces the idea of “competence” - the ability of a council “to do business”

Questions 2.1 & 2.2

“Government should be reminded that this is a voluntary service and members are democratically elected by their community for their life experiences and local knowledge”.

“Excessive or compulsory training will considerably effect an already struggling recruitment”

- There will be no minimum budget for a council to be “competent” - it was originally set at £200,000 **Question 6.1**

“Agree.”

- The 2017 election will be for a 6-year term, until 20123 when it will become a 5-year term **Question 6.5**

“Agree.”

- Members must be trained on matters to be decided by Powys. Clerk to have a role in deciding if members require training. **Question 6.6**

“We can only continue to encourage, we are not, nor should we be in a position to force any elected councillor.”

- There will be performance management of clerk, either by the chair or the council as a whole. **Question 6.7**

“KCC makes an annual review at each AGM when both Clerk and Council as a whole have an input.” “The relationship between the Chair and Clerk is pivotal to the smooth running of council and therefore should not be threatened by a personal approach by the chair over performance levels.”

- Community poles to be replaced by e-petitions **Question 6.8**

“Although KCC agrees that this is a highly effective way to cut costs they wish to point out that in rural areas such as they themselves serve, Internet access is not readily available and e-petitions are not open to all.”

In conclusion KCC wishes to make the following comment;
Recruitment of Councillors and Clerks is an ongoing problem to Community Councils especially in rural areas. It is felt that although many of the new proposals may prove of benefit to the urban community, that perhaps a broader picture needs to be considered and that once again rural issues are not always taken into consideration.

Yours sincerely.

26897 -0053: Tegryn Jones

Tref / Town : Pembroke Dock

Sefydliad / Organisation : National Parks 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?

Two thirds of National Park Authority members are allocated by the local authority. How will members be selected following a reorganisation and reduction of local authorities and still retain local representation?

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 Comment

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

No comment.

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?

No comment.

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

No comment.

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 comment.

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?

No comment.

PART 2

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

National Park Authorities should also be considered as competent authorities under this legislation.

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

No comment.

PART 3

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

No comment.

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

No comment.

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

No comment.

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 comment.

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)?

No comment.

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

No comment.

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

No comment.

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?

No comment.

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

There may be cost and technical implications for National Park Authorities.

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?

No comment.

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?

No comment.

PART 5

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

The Draft Bill removes County and County Borough Councils from the definition of a 'Welsh improvement authority' in the 2009 Measure, but not National Park Authorities and Fire and Rescue Authorities. Both sets of Authorities are also subject to the duties under the Well-being of Future Generations Act 2015. This could potentially lead to the Authorities facing additional audit regimes involving extra costs as well as additional demands on staff resources at a time of financial constraints. The National Park Authorities look forward to working with both Welsh Government and Wales Audit Office to develop an audit regime appropriate and proportional to our limited size and duties.

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?

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?

No comment.

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

No comment.

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 comment.

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

No comment.

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

No comment.

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?

No comment.

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

No comment.

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?

No comment.

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 comment.

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 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.

No 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 -0054: Emma Nelmes

Tref / Town : Hirwaun

Sefydliad / Organisation : Hirwaun & Penderyn Community Council

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?

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?

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

This is the wrong term. Are we to then be considered 'incompetent'? 'Specially qualified' would be better. Clerk training should be carefully considered as many excellent clerks just would not have the time to take extensive courses.

PART 3

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

Public taxation expected to rise to cover costs of extra duties. Yet another way to pass costs on to the general public.

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

Public participation in local government should be the responsibility of the Welsh Government and not a duty imposed on the councils.

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

It is a complete waste of time. Introducing community area committees would only add another tier of politics which is unnecessary. Community Councillors are elected to directly represent the people and community area committees can be rendered pointless by making it compulsory for county councillors to attend community council meetings. The use of 'Charters' not 'Committees' should be foremost in our consideration.

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)?

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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?

Community Council mergers – if this occurs, then some Clerk's will lose their jobs. This is unfair and should be a serious consideration when mergers are considered. Do we really need to merge? No.

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

It's imperative that the Boundary Commission has to submit these draft reports. This should also be seen by Community Councils/Parish Councils.

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 should be the Community Council that implement the recommendations not the Boundary Commission.

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

There should be compulsory training for all Councillors as it helps to keep up to date.
Also, compulsory training should also be provided if receiving extra duties from Principal councils. Councillors have to have the necessary knowledge to undertake any extra responsibilities. As a result of this, all training should be paid for by the Principal Councils and undertaken by One Voice Wales. It is up to the relevant bodies delegating the extra responsibilities to consider what training is deemed appropriate. It should be made clear what these extra duties are going to involve. The issue was dodged previously and it should now be addressed.

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

As a one off proposal it is fine, but thereafter the term should be no longer than 5 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?

All Community Councillors should support and attend training offered and should be paid for by Welsh Government.

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

This should be addressed in the job description.

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 may disadvantage some people because not everybody has access to the internet, and not everybody is computer literate.

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 -0055: Jackie Dix

Tref / Town : Caerphilly

Sefydliad / Organisation : Caerphilly County Borough Council

**Caerphilly County Borough Council Response
to the Draft Local Government (Wales) Bill Welsh Government Consultation**

Following endorsement by Full Council (26th January 2016) this is the Caerphilly County Borough Council response to the Draft Local Government (Wales) Bill, which is strongly based on the premise that the best outcome for our local communities is that Caerphilly County Borough Council remains as a stand-alone Authority.

Consultation questions

PART 1

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

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities, although the close collaborative work as documented in the Welsh Government consultation paper being undertaken across the Gwent region is noted and valued by the 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?

It is felt inappropriate for a South East Wales Council to respond to this question on reconfiguration of Local Authorities in North Wales.

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

We recognise that it is appropriate to review the configuration of Local Government in Wales. However, whilst Local Government is well placed to offer a view on the appropriate configuration going forward, we can see little evidence of those views being taken into account.

The proposed Gwent Unitary Authority would be the largest in Wales in terms of population, cover a large geographical area, and, more importantly, encompass communities with a diverse socio-economic profile and different needs and priorities. These multiple challenges present a risk which we believe can be mitigated if Welsh Government were to move away from the proposal of a single Authority in Gwent.

This consultation does not clearly demonstrate how local government re-organisation will be a cheaper option than retaining the current system, while encouraging greater collaboration. It is surprising that the consultation is stating - *Ministers have agreed that there "should be a moratorium on the establishment of any new collaborations and partnerships prior to finalising the map"* (p12) given the drive by Welsh Government for greater and better collaboration over the years. Appropriate collaboration can lead to greater

efficiency of public services, and without the extensive costs of wholesale local government re-organisation.

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 specific comment to make.

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

It is reiterated that Caerphilly County Borough Council wishes to remain as a stand-alone Authority.

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

It is reiterated that Caerphilly County Borough Council wishes to remain as a stand-alone Authority.

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?

It is recognised with growing devolution that - *the Welsh Government has to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local 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* (p14). However, the issue of considerable variation of council tax levels across the Gwent region remains a key issue for Caerphilly County Borough Council residents, particularly as Blaenau Gwent County Borough Council's council tax is more than 30% higher than Caerphilly's.

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

No specific comment to make.

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 specific comment to make.

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 specific comment to make.

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 specific comment to make.

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

Caerphilly County Borough Council would like to keep its *County Borough* status, if *mechanisms to preserve historic ceremonial rights, including city and borough status* (p19) could be made.

PART 2

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

While the call for a general power of competence is welcomed, the Council notes that as drafted, it is severely 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?

We do not oppose Community Councils determining for themselves if they wish to have the *general power of competence*. We note, however, that there is no power of withdrawal until a subsequent election.

PART 3

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

The proposal to strengthen Community Councils and introduce Area Committees is, in part at least a response to the scale of the proposed new unitary authorities. However, the need to strengthen and introduce these additional tiers of local government supports our view that in areas, such as Gwent, for example, the proposed Authorities are too large, and it would be better for Caerphilly County Borough Council to remain as a stand-alone Authority.

Promoting access and public participation in Local Government is welcomed. Caerphilly County Borough Council through its community planning processes has in the past established community area forums for ensuring that community interests and priorities are taken into account by the Council. These area forums were actively used as a means of engagement by the Council. The potential is there to develop this aspect further in the light of the Bill and the requirements of the Future Generations legislation.

We note the suggestion within the Draft Bill that Area Committees may be based on Upper Super Output Areas which may not be sufficiently representative particularly for less populous areas. Clearly, if they are smaller, they become more numerous and therefore more costly.

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

The proposed public participation duty and the requirement to consult on the annual budget are supported. The Council is currently actively engaged with local people and the Voluntary and Community Sector on its budget setting. However, we question the need for local authorities to produce a strategy and suggest that a duty to encourage and promote participation would be sufficient.

It's not clear to us why councils should have such duties and responsibilities over other autonomous *connected authorities* in producing a *statutory public participation strategy*. This not only has resource implications on councils but also clouds accountability and responsibility for delivering on public participation duties.

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

Caerphilly Council would do this through open consultation and engagement with the Voluntary Sector Liaison Committee in the borough, and through the Gwent Association of Voluntary Organisations (GAVO) our local County Voluntary Council.

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 our earlier comments, in a scenario where the substantive elements of the Draft Bill are introduced the principle of Councils delegating functions to a community area committee is supported. However, we have the following concerns:

- The proposals as drafted remain complex and could be construed as creating another tier of governance.
- Should council functions be devolved, there are issues in terms of clouding executive/scrutiny roles and accountability.
- Would community/public body *co-optees* be subject to the member code of conduct and proposed new *performance duties* on councillors?
- There is a risk that strengthening the role of unelected *co-optees* will undermine the electoral process and with it the role of elected members; we would be interested to learn how this risk will be mitigated.
- Community Area Committees will place an additional burden on authorities in terms of administration as well as in translation and electronic broadcasting requirements.
- There is a concern about the apparent lack of scrutiny in relation to the proposed Community Area Committees and how functions would be exercised and call in etc.
- There is potential overlap of role with Town and Community Councils and the proposed 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?

What appears to be additionally required through the Draft Bill in setting up Area Committees is onerous and would require transitional 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)?

On improvement requests the consultation notes that - *The Draft Bill includes provisions which oblige Local Authorities to enter into a dialogue with*

community bodies about how an outcome can be improved on receiving a request from a community body... The definition of community bodies is widely drawn. The procedure sets out that at the end of a period of dialogue, the Local Authority will publish on its website a summary of the discussions and the actions that have been agreed. We will expect both Local Authorities and community bodies to hold to the matters they have agreed publicly (pp23-24) – while the thrust of this is supported we have the following concerns:

- Councils already initiate and respond to *improvement requests* thus the *improvement requests* proposal as drafted risks over-formalising the process and creating a significant amount of bureaucracy which could impact on the speed of decision-making.
- With the definition of community bodies widely drawn there is a risk of multiple requests, perhaps regarding the same issue, adding to potential bureaucracy particularly where conflicting requests are made.

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

Caerphilly County Borough Council already has in place two of these proposals:

- Electronic publication of notices of meetings.
- Meetings of the Executive keep and maintain minutes.

There is no objection to:

- Electronic summons
- Removal of the restriction for Community Councils on having meetings in licensed premises on the assumption that alcohol is not available during the meeting.

However, a duty to broadcast *all* public council meetings (including the proposed Community Area Committees will create an additional administrative burden on councils and require additional resources. We would question whether viewing figures of council meetings actually justify the extra expense.

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 proposal to enhance participation by children and young people through the public participation duty is both welcomed and fully supported.

PART 4

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

The provisions for setting out *performance duties for councillors* are rejected. The proposals are inconsistent with expectations on Assembly Members where no such *performance duties*, standards or right to recall are in place. For example whilst councillors would have 14 days to respond to correspondence, according to the Welsh Government website, Ministers have 17 working days to respond to correspondence. Unlike councillors Welsh Government Ministers will also have substantially more resources at their disposal in making responses.

It is also not clear why any failure to adhere to the proposed performance duties could be deemed consistent as a breach of the sanctions to be imposed by the Standards Committee. The proposals as drafted risks the generation of vexatious complaints, which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

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 duty placed on leaders of political groups to promote and maintain high standards of conduct by the members of the group is supported. However, it is difficult to see how this would be monitored by leaders of political groups, and how training could be made appropriate to this proposed duty. There are also concerns that what is expected from the Standards Committee is becoming more and more onerous.

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

No specific comment to make.

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 proposal to give Welsh Government Ministers a power to direct the Independent Remuneration Panel for Wales (IRPW) is not supported as it would undermine the independence of the Review Panel.

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

This is only supported under exceptional circumstances.

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

It is noted that *The Welsh Government is seeking further legislative opportunity to provide - that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable...Whilst there is no provision in the Draft Bill, we propose that the Shadow Authorities be given powers in the Bill for introduction to appoint Returning Officers to serve until such time as it was convenient (p30) – and this 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?

The power 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 by Full Council is supported, as long as safeguards around claims against unfair dismissal can be built in.

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?

It is agreed that the functions of Local Government provided for in regulations made under the Local Government Act 2000 are prescriptive and liable to becoming out dated. Thus the Welsh Government proposal to simplify the system and give greater flexibility to new Authorities following mergers with the repeal of section 13 of the 2000 Act *by a more liberal provision* is welcome.

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

The disposal and transfer of Local Authority assets is supported where appropriate.

PART 5

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

In broad terms we support the proposed changes to Local Authority performance and planning framework and the Amendment of the Local Government (Wales) Measure 2009. However, there are similar, but not identical requirements in other legislation, most notably the Well-being of Future Generations Act. There is an opportunity to streamline local government planning and performance reporting as well as reinforcing our Well-being Duty as our organising principal by making it clear that Local Authorities can bring these together into a single planning and reporting framework. The importance of different departments across the Welsh Government having a common understanding of the requirements spanning legislation needs to be stressed. Further guidance will be required regarding the criteria for selecting and appointing lay members to the proposed corporate governance and audit committee, particularly the role of Chair.

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

No specific comment to make.

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

The model approach to peer assessment is a helpful guide but is rather detailed which could hinder a flexible approach. Turning the current successful voluntary models of peer assessment into a prescriptive statutory assessment and regulatory regime is opposed.

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 specific comment to make.

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

No specific comment to make.

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

No specific comment to make.

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

No specific comment to make.

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

No specific comment to make.

PART 6

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

The provisions relating to Community and Town Councils requiring the Local Democracy and Boundary Commission for Wales to undertake a review of Community Council arrangements are supported. The requirement for Community Councillors to complete training on matters specified by the Principal Council is also welcome, especially in the light of Community Councils being given on choosing the power of competency. Although stress must be made in making the training of specific relevance to Community and Town Councils.

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

No specific comment to make.

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 specific comment to make.

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

Compulsory training for Community Councillors is welcomed in ensuring the highest possible standards in meeting the needs of their local communities, but it is stressed that training needs to be relevant to 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?

No specific comment to make.

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?

No specific comment to make.

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

No specific comment to make.

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?

It is agreed that this proposal would - enable communities (of place or interest) to express their views on matters which concern them, without the restrictions and costs which currently apply to community polls (p45) - and is fully supported.

PART 7

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

The powers for Ministers to issue guidance which councils must have regard to over such matters of management and staffing is unacceptable, as it effectively gives Ministers more influence over a council's staffing structure.

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 specific comment to make.

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 specific comment to make.

ADDITIONAL QUESTIONS

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

No specific comment to make.

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 specific comment to make.

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.

An overall key concern with implementing the Draft Bill is about the resource implications in terms of staff and finance given that the timetable requires shadow authorities.

26897 -0056: Wyn Richards

Tref / Town : N/A

Sefydliad / Organisation : Powys 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?

See detailed comments below.

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?

3 counties would be preferred as the area is too large for just 2 councils.

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

The view of the Council is that there is unlikely to be any savings available by 2020. Therefore it is uncertain how the costs of this exercise will be paid for and over what period. The Council's view is that the proposal is taking local democracy further away from people. The Council is pleased that it will not be affected by the proposals so that it can continue the collaboration process with the Powys teaching Health Board.

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?

Integration will require changes to primary legislation in terms of governance, finance etc.

The Council do not feel that full integration is appropriate or achievable at this stage due to the need for changes outlined above and greater support will be required for collaboration.

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

This should be left to the new authorities to determine.

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

Two 3 year terms will potentially lead to a lack of continuity and not place individual Councils in a strong position to drive the proposed changes forward. As Powys is not subject to change this is of particular concern as it would introduce unnecessary upheaval and cost and would be detrimental. We therefore suggest that our current term is extended to 2018 followed by a 5 year term based on the reduced number of councillors proposed by the Local Democracy and Boundary Commission for Wales in 2011.

As an alternative if the election remains at May 2017, the Council suggests that the numbers of councillors should be based on the reduced number of councillors proposed by the Local Democracy and Boundary Commission for Wales in 2011.

We have evidence to show that this would be supported by the electorate who have made such comments at budget consultation meetings.

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 comment as these proposals do not affect Powys.

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

No comment. There does not appear to be a problem in Powys.

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. There does not appear to be a problem in Powys.

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. There does not appear to be a problem in Powys.

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?

Yes these should be coterminous.

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

No suggestions.

PART 2

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

See detailed comments below.

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

Support the proposals but the Council would encourage a reduction in the number of Town and Community Councils in Powys. More detailed information on the proposals is required for more detailed comments to be made by the Council.

PART 3

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

See detailed comments below.

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

Councils already undertake consultation with the public. Any provisions should not be prescriptive and authorities should be allowed flexibility and local discretion.

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

Nomination should be sought from appropriate 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?

The Council should have the ability to delegate functions to a community area committee where appropriate. The local authority, rather than Welsh Ministers, should decide which functions should be delegated in consultation with the community area committee. Regulations should be permissive rather than prescriptive.

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?

Yes there should be transitional arrangements with a good lead in time.

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 comment.

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

The Council agrees with the proposals but where Cabinet meetings are webcast there should be no need to take a minute of the meeting. However there should be a minute of the decision.

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 agrees with the proposal.

PART 4

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

The Council believes that the number of surgeries held should be discretionary rather than prescriptive, if any.

Responses to correspondence should be in line with the local authority's response code.

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 agrees with the proposals.

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

Delegation should be at the behest of the local authority in consultation with the Town or Community Council.

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 independence of the IRPW should be maintained with no ministerial intervention.

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

This should be at the discretion of a local authority. There continue to be concerns regarding the technological ability to deliver this. The Council would be willing to pilot a project to overcome the technical and governance difficulties for remote attendance if funded by Welsh Government.

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?

The present system should remain and is supported by the 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?

Proposals to simplify the delegation arrangements would be welcomed.

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

We will await the further consultation.

PART 5

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

See detailed comments below.

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

The Council agrees with the proposals.

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

The proposals are too detailed, inflexible and prescriptive.

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 appointment of the Chair of the Corporate Governance and Audit Committee should be at the discretion of the committee. This could be a lay-member.

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?

The Public Service Board has a role to play. However the local authority should have the role of scrutinising policy choices.

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?

No comment.

PART 6

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

See detailed comments below.

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

Yes the changes should be brought in earlier rather than later – see comments above.

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 undertake this responsibility. However

there should be local consultation before a proposal is made.

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

The Council agrees with the proposals. Training must be appropriately funded. The training provision should be linked to the review of the functions of 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?

As indicated earlier, in Powys the term of Community Councils should be tied to the proposals made for County Councillor terms i.e. 2018 for a term of 5 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?

The Council supports these proposals.

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

The Council supports 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 e-petitions?

Broadband limitations and access to computers can limit access to e-petitions in a rural area.

PART 7

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

See detailed comments below.

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 supports this proposal.

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.

No 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.

No 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 -0057: Margaret Walker

Tref / Town : Borth

Sefydliad / Organisation : Borth Community Council

Dear Sir

**Draft Local Government (Wales) Bill – Consultation Response
by Borth Community Council**

General Comment

Borth Community Council has considered the Draft Local Government (Wales) Bill and the Consultation Survey. What is of concern to us is the Bill is at odds with the aim of the Localism Act which was to devolve more decision making powers from government back into the hands of individuals, communities and councils. Yet the Bill is seeking to reduce the number of Local Authorities by establishing larger Authorities, which for large rural counties means that Local Government, especially County Councillors who will become more remote from their communities in rural areas. County Councillors usually live within their communities and residents are confident that issues can be raised and resolved locally. Our County Councillor is not a member of the Community Council but attends our meetings and offers advice when asked and updates the Council on relevant Local Authority matters and makes representations on our behalf. This works well for us.

Within the past 2 years there have been 3 proposed models for larger Authorities being 12, 9 and 8, which gives one the impression that whilst Welsh Government intend to reorganise Local Government it has no definite plan, which creates uncertainty for the residents of Wales. Furthermore, we are content to remain as at present as Ceredigion County Council provides a sound service for its residents.

The Bill seeks to group smaller communities under a Common Council, effectively creating large Area Community Councils. The merger of county councils into larger regional authorities will, in fact, serve to *increase* the importance of the small community councils, which operate at grass-roots level, *within* their respective communities. Any weakening of the traditional community council model would certainly have a detrimental impact on localism, especially in rural areas where new 'Common Councils' would cover a relatively wide geographical area. It will lead to a dilution of the *community level* representation and public service currently provided by dedicated Community Councils across Wales, reducing the relevance and utility of this lowest tier of local government to the people we serve.

Whilst ideally every Community Council should seek to be competent, it is envisaged there will be issues recruiting Clerks who will be required to hold a recognised qualification for the position. It is also noted that reference is made to Training, yet there is no mention of One Voice Wales undertaking a training role which is the current situation.

The Bill also seeks to introduce another tier of local government namely Community Area Committees, which is an area of concern. Who will decide the boundary areas which may overlap and conflict with a Common Community Council boundaries. Who will finance CACs and decide the composition of the Committee?

The Consultation Survey asks a number of questions of which only 8 relate to Community Councils. The Councillors on Borth Community Council believe they already serve the community competently. Our response to the questions is as follows:

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

If the Bill becomes Law in the next Welsh Government we would expect the Local Democracy and Boundary Commission in consultation with local communities to review community council arrangements.

It is important that the process for the establishment of any area based model of county council governance needs to be aligned with any reforms of community council arrangements.

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

The Council is supportive of this proposal as it will allow earlier and more timely consideration of any draft proposals.

Q 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 is of the view it should be the responsibility of the Boundary Commission.

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

Whilst the Council generally supports and encourages all elected members to undergo appropriate training we have reservations about compulsory member development and training as they will place a burden and responsibility on the Clerk as well as risking a strain on the good relations between the Clerk and the Councillors. It should be remembered that Community Councillors are volunteers who wish to serve their community.

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

This seems a sensible proposal during a period of significant reform for Principle Authorities.

Q 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 currently provides training for Community Councils and we believe they should continue to be our main training provider plus any local training undertaken within the Community Council.

Q 6.7 Do you have any comments in relation to the setting of objectives for a Community Council Clerk?

That would be a matter for discussion between the Chairperson and Clerk following the AGM, on the basis the Chair will have consulted with other Members of the Council.

Q 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 the repeal of the legislation and is in favour of providing a lower cost system to take community views into account and would support an e-petitions facility. But, not all members in a community have access to, or feel confident with, the internet and an e-petition. This may exclude some in the community. A dual approach of e-petition plus an opportunity to submit a paper based survey, advertised through normal Community Council routes

may be a suitable compromise. Whilst there has not been a community poll within our community, there is a risk such a poll can be misinterpreted by the community as being a referendum, which could cause tension between communities, their elected representatives and the council.

Finally, whilst any reorganisation will be post the May 2017 elections, we take the opportunity to reiterate we do not support the proposal to establish large Area Community Councils as that will detract from the Localism agenda. Community Councillors are unpaid volunteers who want to serve their local community. **It is important to get it right.**

Yours sincerely

M Walker

M Walker.

Clerk to Borth Community Council.

26897 -0058: Helen Odunaiya

Tref / Town :

Sefydliad / Organisation : Wrexham County Borough Council

Wrexham County Borough Council response to the Draft Local Government (Wales) Bill and Explanatory Memorandum

The Draft Local Government (Wales) Bill was the subject of much discussion at two all Member Workshops held in January 2016. The response below is the majority view of Members of WCBC attending the workshops. Furthermore, this response has been agreed by the Council's Democracy and Reforming Local Government in Wales Working Group on which there are representatives from all declared political groups on the Council. In our response we have included a context section (below) which we highlight as a key part of our submission. Our responses to the questions must be read within this context. For clarity the Council is responding to the questions for completeness but believes there are fundamental flaws and inconsistencies in the rationale for proceeding with a local government review in the current flawed manner which seriously undermines the validity of this consultation.

Context

Members agree that some of the questions posed in the consultation are difficult to answer as many presuppositions have been made and indeed some propositions are not reflected in the draft bill or at all at present. For example the outcome of the Boundary review is not yet known and this will have a huge impact on the Local Government (Wales) Bill. The Boundary Review needs to be undertaken before decisions are taken on mergers so that community implications can be properly considered. Furthermore, propositions such as Councillor Recall, removal of senior officers by Council vote and laudable

proposals such as youth involvement in local democracy are not reflected at all in the draft bill resulting in a consultation in many areas based on pure speculation. Members questioned the consideration of Local Democracy. It is far more than mere lines on a map and there is a feeling that the draft bill is promoting the disappearance of “local” and “community” from Wales in its rush to merge existing rather than properly redefining new Council areas.

Similarly, we have not been given the opportunity to express a preference for Wrexham remaining as a stand alone Council with enlarged boundaries. Members agreed that the boundaries of Wrexham should change but this is not the same as merging with the existing Flintshire or Flintshire and Denbighshire.

The bill is offering a 2 tier system of local government and there will be a gap between the large County Councils and small community councils. Roles are unclear and time has not been given to debate this new system of local government and whether it is a better offer than the existing model.

Part 1:

Local Government Areas and County Councils

1

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

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 majority of Members agree that there should not be an assumption that North Wales will merge into 2 or 3 counties. There remains a strong case for Wrexham County Borough Council to stand alone as approved by resolution of this Council on 24th September 2014, or with extended boundaries, as we are already a strong, efficient and lean authority. The current proposals represent a move towards regional government and away from localism. It should also be noted that Wrexham's draft Local Development Plan clearly shows a population increase across our current County Borough from around 136,337 people to 154,458 by 2028 a further indication that Wrexham is a growing population and therefore large enough to stand alone.

WCBC Members suggest that the WG approach to revising the county maps, by merely merging neighbouring counties is inappropriate. This presupposes that the existing principal authorities have no issues other than some being inefficiently small. This is a naïve approach. A root and branch boundary review should be undertaken to inform the decision on numbers and geographical areas of the new counties, taking account of local community links and infrastructure, as well as natural geographic boundaries.

Members also highlighted that it is possible to increase emphasis on regional / partnership working, without the unnecessary expense of a formal merger. There was considerable debate about the proposed merger options for North Wales. With all the caveats above, some Members felt that the three county option across the region would be better than two, meaning Wrexham would merge with Flintshire but not with Denbighshire. Some felt that this would help to maintain a local perspective, which could be supported by communities of interest.

It was highlighted that there could be some benefit to creating an 'industrial powerhouse' across Wrexham and Flintshire which would maximise the potential for employment and development as these authorities are far and away the greatest employers in the Region .

Other Members pointed to Wrexham's historical links with parts of Denbighshire, such as the Llangollen area with its tourist affinity with Wrexham's World Heritage Site around Trevor and Acrefair, rather than Flintshire. This group unanimously felt that a return to the old "Clwyd model" would be a retrograde step that would damage local democracy. In particular, Members were keen to consider the inclusion of Llangollen in Wrexham County Borough, as historically there are strong community links and, indeed the World Heritage Site strays across the border into Llangollen. The "easy option" of merging existing authorities precludes this highly desirable approach to a proper reorganisation of local government without a full merger of the 3 existing easterly counties

A minority of Members expressed views in favour of two North Wales counties rather than three ie Wrexham, Flintshire and Denbighshire together. These Members felt that the larger grouping offers further opportunities for economies of scale.

3. What are your views on the proposed configuration of Local Government areas in Wales?

We would be supportive of other authorities voluntarily merging but it is not appropriate to force expensive artificial mergers in the midst of austerity. This feels as though it is too much of a rush.

Any configuration should reflect local community boundaries and affinities. We should not be drawing an arbitrary line down a road in the middle of a community. Any reconfiguration should start with people and communities, considering culture and language, rather than starting from maps, numbers and existing boundaries which are by no means perfect.

There are historic community connections between Chirk in Wrexham and Llangollen - the existing county boundaries have to a large extent severed that historic link.

4. Does the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Members questioned whether the skillsets for Powys Health Board and CC are compatible.

5. What are your views on the procedure for naming the new Counties?

If the Shadow Authority chooses a name there will be significant expenditure on signage, liveries, paperwork, marketing and publicity etc. If a new authority is able to change that name at will it would lead to repeat expenditure. Why include provision for changing your mind?

Members felt strongly that there should be a public consultation on any change in name. This should be done by the shadow authority and help support a once and final decision on the new name.

6. What are your views on the proposed changes to the Local Government election timetable?

The proposed timetable will bring three sets of elections in six years. The practicalities mean that the Assembly elections in 2016 will set the direction for Wales, but there will be another year of flux within local authorities as we wait for our local elections. The new administration will have a very short period, maybe only a month, before moving straight into the transition committee arrangements. This would be a huge amount of work and change for both Members and officers whilst trying to induct the new councillors.

The majority of Members have suggested that the 2017 local elections should be dispensed with, and the current term extended until the major changes come into effect to elect the shadow authorities in 2019. The 2017 elections may lead to a significant loss of experienced people whose influence would be useful in transitioning between the old and the new authorities.

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?

It was agreed that the transition needs to happen in a phased way and there is a need for legislation to be much more clearly defined.

8. How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

This is difficult to measure as the majority of owners / agents participating in avoidance schemes are not prosecuted due to the lack of resources available in most Authorities to deal with avoidance cases, the cost in enlisting specialist rating advice and the weaknesses in the rating regulations which allow these practices to prosper.

Although the Welsh Government could ask Authorities to supply quarterly statistics on anti avoidance, it would need to make a distinction between actual avoidance cases where Authorities have been able to prove the existence of avoidance tactics, and suspected avoidance cases where no action has been taken.

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

Consideration should be given to making the legislation more prescriptive, i.e, making the exemption application based and stipulating that occupation should be reported to the Authority within 7 days of occurring in order that the appropriate checks/inspections can be carried out if there is a suspicion of anti-avoidance.

Consideration could also be given to prescribing a minimum percentage usage of the property before it is classed as occupied for future exemption purposes as a number of anti avoidance cases involve minimal occupation of a building and Authorities have not been assisted with this element of anti avoidance by the Makro case.

The Authority should be allowed to refuse ongoing exemptions where a change of circumstances is not reported within a 7 day period. Consideration should also be given to extending the commonly abused '6 week rule' to 12 weeks to make

anti avoidance practices less attractive, or even consider allowing a property owner to only claim a future unoccupied exemption once in any financial year following 6 weeks 'occupation'.

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?

Rate avoidance cases place a huge burden on Welsh authorities as business rates sections generally have low resources, and to investigate suspected avoidance cases thoroughly requires a great deal of time and expertise, usually culminating in a Magistrates Court appearance.

Also, the ambiguous nature of the rating regulations and lack of resources means that it is difficult for an Authority to present a strong case of avoidance to the Magistrates. This leaves a situation where most Authorities turn a blind eye to anti avoidance as they feel powerless to challenge it and there is no incentive for Authorities to do so with non-domestic rates being centrally pooled.

The majority of avoidance cases are administered by specialist rating agents and although Authorities do have access to their own legal advisors, matters are often referred to external advisors which is costly, especially as cases can proceed for a number of months and this is a definite barrier to the proper investigation of anti avoidance cases.

The Welsh Government should consider setting up a specialist unit where cases of suspected anti-avoidance can be referred. These specialists can deal directly with the rating agents and represent Authorities in Magistrates Court hearings meaning it would be far more likely to achieve a favourable outcome and reduce the instances of anti avoidance.

In cases involving charitable organisations taking a lease of a premises with a view to occupying it in the future in order to secure a 100% exemption, Authorities should be able to rely on the Charity Commission's support if it feels a charitable organisation has either been established purely to participate in rate avoidance schemes (Public Safety Charitable Trust), or is a genuine charity which has been persuaded to take a lease to facilitate an avoidance scheme. In these cases, consideration should be given to allowing Authorities to withhold the award of an exemption until such time the charity takes occupation of the property, following which, any money paid will be reimbursed. This will reduce the number of charities who take a lease but have no intention of occupying the property.

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?

A majority of Members agreed with this proposal, however some felt that the decision should be left to the new authorities, so that local people can have a say.

12. Are there other matters of a technical nature which should also be considered?

Any issues are already covered in earlier responses to this consultation.

Part 2

General Power of Competence

1. Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

There is general support for the power of competence, as this act does not restrict the Council's activities and there is support for its inclusion in the White Paper.

Whilst this new power is welcomed, as drafted, it is constrained by legal restrictions which local authorities would have to carefully consider before the power could be used. Given the difficulty in proving a negative, i.e. that absolutely no pre-existing legislation caters for the proposal, many authorities will just not use the power due to the risk of later challenge. It would have been far better to enact a far less fettered provision if Welsh Government are serious about enabling local authorities.

2. Do you have any comments on our proposals relating to Community Councils with competence?

Community Councils without competence may wish to carry out activities but do not have the legal or other professional resources available to them to investigate whether they are prohibited from acting.

Members feel that community councils work very differently and the workload on clerks is increasing. It should be noted that there is real difficulty in getting people with the right skills to participate in local government at this level, the bill will not ease this issue, but may indeed result in further difficulties of recruitment. Community clerks have an interest in their local community not governance. These are similar to the issues facing schools when recruiting governors.

Members have some concerns over the proposal of self-certification. Community councils do not have the professional support that Principal Local Authorities do, and could get into considerable difficulties as a result. A suggested way forward could be for all community councils to join 'One Voice Wales' although again does One Voice have sufficient resource to advise if all Town and Community Councils were to join.

Part 3

Promoting Access to Local Government

1. Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Wrexham Council are already actively seeking to engage with our local communities. We broadcast all Council and Executive Board meetings and some committee meetings. We also undertake extensive public consultation and engagement over budgets. Our last budget consultation had a response from 1,717 members of the community a very significant increase in engagement year on year..

2. Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

This is something that Wrexham already undertakes and the proposal would merely be to formalise these arrangements into one document. Members questioned whether there is a need for this.

Wrexham already consult on our budget, but it is recognised that this can be difficult to do accurately with the late notice of the actual settlement being received from Welsh Government.

Members also felt that participation cannot be forced onto the local community, no matter how much guidance is produced.

The idea of encouraging new Members is not the role of a local authority but a political party role.

Members also discussed several barriers, timing of meetings can stop the public being involved; it is difficult for working / people with young children to become Cllrs due to the amount of training / meetings they must attend and the roles are being made so wide that they are full time jobs without a full time salary which is again prohibitive.

It was noted that much more fundamental reforms such as paid time off work for employees and or higher member salaries is required to address the poor diversity in membership. Proposals in the bill are mere tinkering and will do little if anything to improve things. Indeed, the creation of bigger member roles in larger authorities is more likely to deter potential candidates than the positive effect the bill proposals will have in encouraging more public to stand.

3. How should community representatives to sit on community area committees be sought and selected?

Members had concerns around the introduction of Community Area Committees in terms of how they will be set up, what their purpose will be, how they will be resourced and what their existence will do to the existing community council role.

Members also expressed concerns that the CACs would be driven by PSBs. The PSB will only have one elected representative on them the other seats being taken by senior officers. Therefore the lines of accountability between the PSB and the CACs would need to be very clear.

There is also concern that the CACs will undermine the purpose and role of community councils.

There was agreement that the draft bill is making principal local authorities larger (County Councils) and CACs are being developed to keep a local view for people. This begs the question of why not just keep local authorities local? Members highlighted that more information and detail on this area is needed, and specifically the following comments and questions were posed:

- How will WG ensure this is not another layer of bureaucracy?
- Are they really needed?
- How will this fit in with the boundary review?

- What is the definition of a community area, how will these be determined for example will there be one to cover each previous Local Authority area?
- How many elected Members would be on them?
- Who will scrutinise them (and any services they deliver)?
- What would be the governance arrangements – would they also be subject to a Member Code of Conduct?
- How will these be resourced / funded / administrated?
- The term community committee may be confusing for public (as we already have community councils).
- There were also concerns about the accountability of non-elected members of these CACs.

However, there was the acceptance that these may be necessary if County Councils grow, as there will be fewer local Members. It will be important that they advise County Councils as part of their role as they will understand local priorities and issues.

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?

Please see comments above questioning the purpose of CACs. Members agreed that more information is required on this concept, specifically in relation to:

- What would be the balance of people on the committees?
- How many would be publically elected and how many non-elected?
- How high is the risk in delegating decisions on spending public funds to unelected unaccountable people acting as decision makers?
- How would WG ensure the third sector is fairly represented?
- How would WG determine the other public bodies to be included?
- Service delivery could be delegated (CACs could have budgets and enter into their own contracts) however this then poses a risk to what would then be the role of County Councils.
- Social care should not be able to be delegated.

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?

Please see comments above questioning the purpose of CACs.

Members have also queried as to the definition of “a good lead-in time”.

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)?

Members had mixed views on the value of improvement requests. It was felt these were aspirational and there are already mechanisms in place (the democratic process) to address these type of requests.

It was felt this again added another layer of bureaucracy (and increased demand on back office functions when these resources are reducing). The Council is already balancing a number of priority outcomes and requests may not be related to these. There is little financial resource to act on the requests so it may raise expectations that cannot be met.

There was concern about who could make these requests – individuals could make

numerous requests claiming they are acting on behalf of an organisation (e.g. from third sector organisations who have had grants reduced etc). This would need to be clarified.

There was also confusion over multi-agency requests and what leverage County Councils would have over other public bodies to get them to engage.

7. Do you have any comments on any of our further proposals relating to access to meetings?

Members are supportive of making democracy more transparent and do support the idea to broadcast meetings. This has been enthusiastically embraced in Wrexham. However cost concerns were raised, particularly if this relates to **all** meetings including Scrutiny Committees, Joint Committees etc.. Members

also queried the need for broadcasting to be live and bilingual. Additional funding would need to be made available for this, for both support resource and infrastructure. Further clarity was requested on what exactly constitutes a 'public meeting'.

Members also commented that there was no need for ministers to allow public filming in addition to Council broadcasting.

Members raised huge concerns about the potential disruptive impact of members of the public filming meetings. Such recordings could be edited / reproduced and taken out of context etc. –this idea is strongly opposed.

It was also noted that some Councils could set up working groups to deal with big issues and these would not be filmed. This would need to be managed.

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

Members felt strongly that Wrexham already offer this through the Senedd and school councils. This would be a small extension to the work Wrexham already undertakes.

Members felt it is right to involve children and young people in decisions as this supports learning of local and national politics and the world around them – noting this would need to be age appropriate.

Members queried that if children and young people were to take part in decision making (rather than just being consulted) this would be difficult. For example is it not impractical and questionable legally to have a young person on Executive Board / at 16 they are too young to vote so how could they have an authoritative voice on key decisions?

It was also noted that if this is extended for young people, should it not be extended for all potentially excluded groups?

Part 4

Functions of County Councils and their Members

1. Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

This proposed 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."

This proposal is based on the White Paper's 'activist council' ambitions. We are supportive of the 'activist' concept and we are already pro-actively (and increasingly) engaging with communities and partners in the design and delivery of services. Many have already developed some alternative delivery models for services.

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?

Members agree that the group leaders should take more responsibility for their group, but would also highlight that some Members are non-aligned. What is proposed for them?

Members also questioned what aspects of this bill will increase the diversity of representation on the Council? The bill states it is the duty of group leaders, but accessibility to the role of Councillor is key, as is some level of security.

Some Members are very keen that Councillors should not be paid as full time councillors believing that the commitment should be to electors rather than to those who pay you, but there was a counter-argument that we need to consider how we promote diversity - MPs and AMs are paid a salary to broadly compensate them for loss of work opportunities, but Councillors are not.

Members agree in principal to the standards committee policing role, but there is a need to be careful in terms of the guidance around what is expected – this is far more prescriptive than anything set out for MPs or AMs – and ultimately it is for the electorate to hold Members to account. For example what if someone excels at ward work and is valued by their constituents but doesn't attend sufficient Council meetings. Any consideration of attendance at meetings must look at those who work and/or those who have family responsibilities – there needs to be facilitation of attendance at meetings for those who find it difficult. This is profoundly concerning in terms of putting people off standing for election. Some concern was expressed as to the appropriateness of standards committee policing what is members' performance as councillors rather than the ethical appropriateness of their behaviours. In addition these new responsibilities will create resource issues for the Monitoring Officer and his/her staff also potentially bringing his her role into conflict with members.

Members support the proposal to require a published pre-election manifesto and also like the transparency of publishing objectives and reporting progress against them. However, whilst we support the majority of standards put forward we would query that of requiring surgeries. Experience shows that they do not work in all

wards and not everyone wants to attend a formal surgery. People can choose more informal approaches in the community. Members highlighted the issue of whether this will still be possible in new, larger, ward areas. Members suggested that the definition of surgery should be looked at – for example, could Councillor attendance at residents groups or community council meetings count as a surgery? In the present definition this is doubted.

3. Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Members noted that if you delegate more functions to community councils and area committees you increasingly require them to have an officer team to support this and scrutiny arrangements to hold the decision makers to account. There is a case for decisions on very local issues to be taken at a lower level.

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?

Looking at remuneration could have been a positive move to encourage a more diverse range of people to stand as Councillors. Once we are combining authorities we are significantly increasing the scope of the roles of Councillors, as well as the new standards. This must be a full time job, and therefore should it not be paid as such?

Members also queried if there should also be an independent body looking at AM pay as well?

5. Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Local opinion was divided. We would support more flexibility around remote attendance but there were concerns about potential abuses and individuals unduly influencing Members' votes. We need the technical ability to be able to understand the potential risks of such a move when so far as we are aware this happens nowhere else, certainly in the UK.. Members would also question whether the same proposals are being considered for the Welsh Assembly and Houses of Parliament and if not why not? AMs and MPs have to travel far greater distances than councillors to attend meetings of their elected bodies.

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

Members did not agree with a shadow returning officer but felt one of the existing Chief Executives should be used, as was done in 1996. Has consideration been given to the cost of a shadow returning officer?

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 felt that there is a danger that this could become political and disagreed with this approach. The process should follow employment law.

There is a need to protect statutory officers who may feel professionally unable to support a decision and this power could be used to threaten an officer to change their advice.

It was also questioned if Ministers may be able to take on this power from authorities and they themselves take the decision to dismiss an officer?

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?

Members were generally supportive of this and it reflects current practice

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

The transfer of local authority assets already takes place in the way suggested and Members would support a continuation of this practice. The issue is how we do this better? There are examples of good practice re the transfer of assets within Wrexham already.

There could be a valid argument that local authorities could better use some community assets.

Part 5

County Councils Improvement of Governance

1. Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Members commented that an increased proportion of lay members would further depoliticise the audit committee. Members expressed their concerns over our ability to recruit suitably experienced and skilled individuals to these roles. It was noted that when Wrexham last recruited lay members to the Audit Committee only two applications were received. Previous to that there was only one response. Given this, Members have concerns about proposals to have a third of the committee made up of lay members and would suggest that this is too prescriptive.

Wrexham currently has one lay member of the Committee in accordance with existing regulations, and this member is the Chair.

2. Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Members are supportive of the proposed changes in theory, and recognise this as an opportunity.

Members noted that such systems are already in place currently and Authorities already need strong corporate governance.

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

Members commented that this is entirely dependent on the people involved in the peer team.

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?

Members felt this would push the new Governance and Audit Committee to become more strategic in its approach. Whilst this would bring some undoubted positives, it is at the risk of reducing the positives that independent operational audit oversight and challenge can bring. This should remain a significant role of the Governance and Audit Committee.

There is also a risk of a perception of decreased responsibility for governance in Lead Members and officers as this has passed to the Governance and Audit Committee (G&A). The G&A needs to keep its independence and its ability to overview and challenge arrangements, rather than taking on responsibility for them.

5. Do you have any comments on our proposal to reject local public accounts committees?

None.

6. Are Public Services Boards the right bodies to examine the policy choices facing local public services? If so, would they benefit from additional legal powers?

It would seem to fit with the purpose and remit of PSBs.

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

**Part 6
Community Councils**

1. Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Members expressed that the Boundary Commission are not necessarily best placed to undertake local boundary reviews. Members felt that a full boundary review should be undertaken by local authorities, with assistance from the Boundary Commission prior to the enactment of the Local Government (Wales) Bill. Members recognised that is not something the shadow authorities would have the resource to do, but felt timing was the issue within Part 6.

2

2. Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Based on the comments above if the timing was better so that existing local authorities could undertake the review with assistance from the Boundary Commission then there would not be a need to submit in May 2019.

Part 6
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Based on the comments above if the timing was better so that existing local authorities could undertake the review with assistance from the Boundary Commission then there would not be a need to submit in May 2019.

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

The new County Councils will not have the resource to implement the recommendations, given back office support has diminished significantly. However the Boundary Commission is in a similar position.

4. Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Members felt that the draft bill lacked teeth in this area. If compulsory training is not undertaken then the only redress is highlighting this in a public meeting. Members felt this is not hugely salutary.

The wider issue Members highlighted is who will undertake the training for community councillors and who will pick up the costs of the training? This would be an additional burden for County Councils.

Given earlier comments about the difficulties of recruiting the compulsory training will need to be flexible and offered as e training modules etc or this could be a further prohibitive measure for individuals considering the role and balancing their work and family commitments.

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

Members felt that a 6 year term is too long. It maybe a hard to recruit to role so the offer of signing up for 6 years will not encourage applications. It was felt that 2 terms of 3 years each maybe more appealing.

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?

Members noted that some community councils do this already.

7. Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Members felt this would be an additional burden for local authorities to undertake with no resource to support the work.

Members were also unclear as to why councils should have duties and responsibilities over another tier of democratically accountable government, by undertaking this role. If community councils are to increase their responsibilities then this needs to be part of that work.

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?

Members recognised the current shortfalls of community polls however also raised a number of concerns about e-petitions. National interest groups could give a false reading and ill informed members of the community may vote without understanding the issue. There would be a need for greater management of e-petitions and Members felt there is a need for them to be more sophisticated than they currently are.

Members highlighted it will still restrict those without internet access or skills in the short term.

Part 7

Workforce Matters

1. Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

No further comments

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?

There was limited awareness by Members of the Public Services Staff Commission, but it was felt if this remained non-statutory it would be another unaccountable quango.

There was strong feeling that Ministers should respect the autonomy of Local Authorities and that there should not be another commission controlling what local authorities are able to do. So long as local authorities work within the law, these types of staffing decisions should be made by Local Authorities who best know their communities / organisational needs.

Part 8

General and Schedules

1. Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

None.

2. Right of Recall of councillors (p29) – Although not included within the Draft Bill, provisions are being considered whereby if a Councillor becomes subject to a suspension from office following a breach of the code of conduct, local people could raise a petition calling for a by-election. If a petition was signed by at least twenty percent of the electorate in that ward, a by-election would have to be called.

Members did not support the concept of right of recall as this is something that covers all levels of political representation in Wales. It was also felt that this could be subject to abuse at a local level.

3. Simplification of remote attendance provisions (p32)

Members welcomed this concept but felt that the prescription of the 2011 Measure made the provisions unworkable.

26897 -0059: The Welsh Language Society/Cymdeithas yr Iaith Gymraeg

Tref / Town :

Sefydliad / Organisation : The Welsh Language Society/Cymdeithas yr Iaith Gymraeg

1. introduction

1.1. The Welsh language society has been campaigning for over half a century for the Welsh language and all the communities as part of the international revolution for the rights and freedom. During our period of operation over fifty years, we have taken a leading part in the two main debates in seventies and nineties about Councils operating in Welsh.

1.2. In October 2015, adopted a general meeting of the Welsh language society the following policy:

"Cymdeithas yr Iaith Believes that the Welsh Government's current plans to reorganise local government in step and will undermine local democracy. We believe that the best decisions are made when power closer to our communities. Therefore we call on the Government to reject the existing schemes and the devolution of more powers to local areas through community councils and town councils. If the current plans are enforced on the local authorities, we call on the local authority which will include Gwynedd to act wholly Welsh to continue with the policy of the administration of Welsh medium Gwynedd Council. "

1.3 our vision document "million of Welsh Speakers: vision from 2016", we state that *"any reorganisation of local Government to increase the number of authorities who work through the Welsh language by placing clauses in legislation in order to ensure that"*

1.4 Carmarthenshire Council has adopted the recommendations of the Working Group on the situation of the language in the County, and that the parties, which includes the goal of moving towards internal administration Language as implemented in Gwynedd at the moment:

"Aim: to increase the use of the language within the workplace and bilingual further internal administration of the Council with the aim of administering mainly through the medium of

Welsh with time" Section 3.4, the Welsh language in Carmarthenshire, the Census working group ¹

¹ <http://online.carmarthenshire.gov.uk/agendas/cym/BWGW20140331/REP04.HTM>

1.5 in 2011, the Ceredigion County Council leader signed Ellen ap Gwynn the following pledge:

"Welsh: Ceredigion County Official Language

I, who is group leader of Plaid Cymru in the County of Ceredigion is committed to supporting the principle to make the Language as the official language of internal administration of Ceredigion County Council ..."

1.6. the Minister of public services and the Prime Minister has said that unifying authorities must comply and the highest level of language duties of the authorities that unites.

2. Summary

Among our main recommendations and comments are the following:

1. We do not agree that this should be merged County Councils because it would concentrate power, and reduce the power of local communities and constituents.
2. If it is decided that must be merged County Councils, should be done only if it leads to more authorities administer internally in Welsh.
3. It is vitally important that any reorganisation would protect Gwynedd's Welsh internal administration policies and ensure the realisation of progressive language policies working group the Census of Carmarthenshire County Council.
4. specific we have serious concerns about the merger of Gwynedd and Conwy councils, so we should merge those councils under any circumstances.
5. There should be statutory protection, and that on the face of the Statute, which prevent the merger of county councils if it is likely to impact negatively on the Welsh language.
6. We regret that there is not one reference to the Welsh language on the face of the Bill, so there is no clause that fulfilling the Minister's pledge of public services to ensure that Welsh language standards at the highest level among the duties of the councils that merge will be installed on the new authorities-United.

3. General comments

3.1. put power in the hands of the people of Wales should be the purpose of the plan of local government reform. The Welsh language has been in a position of weakness in our local authorities ever, and from the evidence we gather that continues within the 22 existing Authority. It is of great concern that fundamental weaknesses will continue for so long, and we will see the proposed reorganisation is an opportunity to tackle the grave failures of the authorities to date to provide full services in Welsh. We really need to address this failure and this is another opportunity to do so.

3.2. the need to protect and expand the number of bodies that are administering internally through the medium of Welsh.

3.3. we are aware that only within one authority that is happening at the moment, Gwynedd Council; There is therefore a need to strengthen the provision as a matter of urgency. This would be the fulfilment of the rights of workers to work through the medium of Welsh.

3.4. as these changes come into force, the units will necessarily increase in size, and thereby strengthen the sense that accountability will zoom out. Attenuation will link between constituents and service providers, and that will have a detrimental effect on democracy.

3.5. We believe that there is a need to regenerate and strengthen democracy, especially at a very local level. We see that this is a good opportunity to bring the democratic process closer to the people and to give them more responsibilities in the hands of community councils. It is seen that a greater role for them in particular in the planning system.

3.6. We find that local services are vital to the viability of communities and the Welsh language, and we are looking at the reorganisation in that light.

3.7. We need to create a consistent set of Welsh language standards across the public services, the third sector and the private sector in order to improve Welsh services and will ensure clarity to the public.

4. Detailed comments

4.1 local government areas

4.1.1. as noted above, the Welsh language society disagrees with the plans to reorganise local government because it would concentrate power even further away from local communities.

4.1.2. We further note the exceptional importance of language policies of Gwynedd, in terms of internal use as well as their education policy, as an approach to maintain and strengthen the use of the Welsh language in the world of work and in our communities. We further note that is not a positive impact of language policies is limited to Gwynedd of Gwynedd: individuals will be confident and growing up in the Welsh County of positive impact on the State of the language across Wales.

4.1.3. Therefore, whatever option is chosen by the Government, it is vitally important that the authority serving Gwynedd will continue to operate internally in Welsh and Welsh only, and that that policy will extend to other local authorities.

4.1.4. It must be noted as well the extraordinary importance of the positive steps taken in Carmarthenshire-party over the past few years since the publication of the results of the census, with the aim of moving towards the same policies with Gwynedd in terms of internal use of language and language education. It is vitally important not local government reorganisation will hinder on the steps to strengthen the State of the Welsh language in that area.

4.1.5. In that regard, it is ridiculous that the Government could try to argue the following assessment:

"Authorities are larger and more capable are also more likely to be able to provide proactive support and make use of the Welsh language as part of their systems in their workplaces, as well as in the areas they serve"

4.1.6. the conclusion above is true in areas such as Gwynedd and Carmarthenshire. Indeed, the merger is a threat to run and move towards internal administration of Welsh and Welsh-medium education policy to everyone in those areas. Indeed, it highlights the mentality "Cardiff-Central" which is extremely unfortunate.

4.1.7. And although the impact assessment language stated: "... whatever the current practice across local government in Wales, Welsh Ministers want to see strengthen and build on such practices", and that "... Welsh Ministers recognises that it is important to take care to ensure that the creation of local authority areas of larger eroding the current practices in those local authorities who are doing their internal administrative work wholly or mainly in Welsh"there is no mechanism in the legislation which ensures that there is no slipping back and that good practices are being extended to more authorities actually.

4.1.8. We believe that the policy of administering medium to be extended to more areas. In that regard, it is essential:

i. not taken any action that endangers the Gwynedd Council policy in the Administration internally in Welsh and its policy of introducing language education for every child

II. means of Carmarthenshire County Council, and its successor, realising and maintaining its commitment to move to the same internal administration policy Language and education policy with Gwynedd Council

III. ensure that leader of Ceredigion County Council acting on its pledge to move towards the same internal administration policy Language with Gwynedd Council.

4.1.9. as we said, we do not agree with the proposed reorganisation of County Councils, however, if the Government decides that the reorganisation is happening,

i. should not merge any other advice with Gwynedd unless they agreed to implement the same policy of implementing in-house in Welsh language and Welsh language education policy immediately after the merger

II. Should not merge any other advice with Carmarthenshire County Council unless they agreed to implement the same policy of implementing in-house in Welsh language and Welsh language education policy immediately after the merger, in accordance with the recommendations of the Working Group Welsh Carmarthenshire County Council.

4.1.10. It is very important to note that it is not implementing the same Welsh language standards, regulations arising out of the Welsh language (Wales) measure 2011, a criterion sufficient, on its own, that County Council will implement the same policy language to other advice. 4.1.11. We therefore recommend:

i. There should be a clause in the Bill which guarantees that more local authorities administer internally in Welsh only from now on.

II. The Bill should guarantee that there will not be another County Council's mergers with Gwynedd Council unless they implement the same policies with regard to internal use and education.

III. The Bill should guarantee that there will not be another County Council's mergers with Carmarthenshire County Council unless they implement the same policies with regard to internal use and education.

4.1.12. Consideration could be given to the Welsh language Commissioner powers to prevent the merger of councils if there is a risk that the changes are going to have a negative impact on the use of the Welsh language, especially those operated by Carmarthenshire County Council and by Gwynedd Council.

4.2. Example: concerns about the merger between Conwy and Gwynedd

4.2.1. We feel that special reasons for not merging Conwy and Gwynedd; among our concerns are the following:

i. most of Gwynedd Council already working internally of Welsh, but Conwy Council's language policy is much weaker, so could merging the two Councils to weaken the language in Gwynedd

II. linguistic situation of Conwy and Denbighshire, in General, are more similar to each other – compared with Conwy and Gwynedd.

III. While efforts to improve the provision of Welsh medium schools Conwy at present and that intention in Denbighshire to follow the same path, the large part of Gwynedd schools exclusively Welsh.

4.3. The names of the new counties

4.3.1. paragraph 30 of the explanatory memorandum States that every county will be expected to adopt a Welsh name and English name. Would not that policy is consistent with principle central to the Welsh language (Wales) measure 2011 "should not be treated less favourably than the English", than the practice in numbers from existing counties either, namely take Welsh name only.

4.3.2. in order to reflect this, we should expect every county have a Welsh name, but it should not be they must have an English name. We note that would better reflect the current situation in the counties such as Rhondda Cynon Taf, Powys, Gwynedd and Ceredigion. Monoglot Welsh language names would be on the new counties better reflects the official status of the Language as well.

4.4. the Welsh Language Standards

4.4.1. There is no provision in the draft Bill which ensure that councils that merger complies with the best level of service from the duties of the Councils merge, despite the promise by the Minister that that is the intention of the current Government. It is the subject of considerable surprise and disappointment that there is no reference to this in the draft Bill nor the explanatory memorandum.

4.4.2. There are provisions for the storage and transfer of other rights to the new councils; However, there is no clause that would protect or strengthen the rights of workers and service users to the Welsh. There is no explanation as to why there is no provision for the protection of language rights.

4.5. The behaviour of individual Councillors

4.5.1. There should be a duty on individual Councillors to produce an annual report in Welsh, answer correspondence in Welsh and hold surgeries in the Welsh language in the legislation. It is unlikely that the new standards will ensure that Councillors will meet these basic requirements, therefore need to be included in this legislation.

4.6. guidance to public bodies on workforce issues

4.6.1. In section 172 of the Bill, it should be a duty on the Welsh Ministers to outline how policies recruitment and other employment policies are increasing the use of Welsh in the workplace. There is a lack of clarity in terms of workforce planning has led to much less use of the Welsh language than it should be, along with poor Welsh services in many cases.

4.7. to merge community councils: hazards to the Welsh language

4.7.1. Although the impact assessment sets out the language "Welsh Ministers will instruct local democracy and Boundary Commission for Wales to take account of the linguistic characteristics of the communities that are being consolidated and the language councils that work mainly", there is no provision in the Act to support and ensure this. We have seen recently that the findings of the Ombudsman regarding language policies community councils are setting a dangerous precedent in terms of the use of the Welsh language. We believe further that the merger of community councils will cause less danger of those councils administering Welsh, because such councils are likely to be located in rural areas.

4.8. The duties to consider the Welsh language

4.8.1. The impact assessment on the language of the "Chief Executives are required to consider how a local authority can continue to improve its performance, which could include performance in terms of commitments and duties relating to the Welsh language.". We believe that there should be a statutory duty to consider commitments to the Welsh as well.

4.8.2. Furthermore, the assessment States that the "measures to promote this includes placing a requirement on the leader of the Council to give due attention to guidance on equality and diversity when selecting Cabinet.". We believe that there should be a similar duty regarding the needs of the Welsh language in selecting a Cabinet.

5. conclusion

We believe that the proposed reorganisation threatens progressive language policies in some counties, particularly in Gwynedd and Carmarthenshire, therefore we will oppose it. However, if it is decided to proceed with the process, we believe that it would need a number of statutory provisions, in

addition to what gynhigir in the current draft Bill, in order to safeguard and promote the Welsh language.

The Welsh language society
February 2016

Bil Llywodraeth Leol (Cymru) Drafft a'r Memorandwm Esboniadol

Ymateb Cymdeithas yr Iaith Gymraeg

1. Cyflwyniad

1.1. Mae Cymdeithas yr Iaith Gymraeg wedi bod yn ymgyrchu am dros hanner canrif dros y Gymraeg a holl gymunedau Cymru fel rhan o'r chwyldro rhyngwladol dros hawliau a rhyddid. Yn ystod ein cyfnod o weithredu o dros hanner can mlynedd, rydym wedi cymryd rhan blaenllaw yn y ddwy brif dadl yn y saithdegau a'r nawdegau ynghylch cynghorau yn gweithredu'n Gymraeg.

1.2. Ym mis Hydref 2015, mabwysiadodd cyfarfod cyffredinol Cymdeithas yr Iaith Gymraeg y polisi canlynol:

"Cred Cymdeithas yr Iaith fod cynlluniau presennol Llywodraeth Cymru i ad-drefnu llywodraeth leol yn gam a fydd yn tanseilio democratiaeth lleol. Credwn fod y penderfyniadau gorau yn cael eu gwneud pan fo grym yn agosach i'n cymunedau. Galwn ar y llywodraeth felly i wrthod y cynlluniau presennol a datganoli mwy o bwerau i ardaloedd lleol drwy gynghorau cymuned a chynghorau tref. Os gorfodir y cynlluniau presennol ar yr awdurdodau lleol, galwn ar i'r awdurdod lleol a fydd yn cynnwys Gwynedd i weithredu'n gyfan gwbl Gymraeg i barhau â pholisi gweinyddu cyfrwng Gymraeg Cyngor Gwynedd."

1.3 Yn ein dogfen weledigaeth "Miliwn o Siaradwyr Cymraeg: Gweledigaeth o 2016 Ymlaen", datganwn y *"dylai unrhyw ad-drefnu Llywodraeth leol gynyddu'r nifer o awdurdodau sy'n gweithio drwy'r Gymraeg gan osod cymalau mewn deddfwriaeth er mwyn sicrhau hynny"*

1.4 Mae Cyngor Sir Gaerfyrddin wedi mabwysiadu argymhellion gweithgor ar sefyllfa'r Gymraeg yn y sir, a hynny'n drawsbleidiol, sy'n cynnwys y nod o symud at weinyddiaeth fewnol Gymraeg fel a weithredir yng Ngwynedd ar hyn o bryd:

"NOD: I gynyddu'r defnydd o'r Gymraeg o fewn y gweithle a dwyieithogi ymhellach gweinyddiaeth fewnol y Cyngor gyda'r nod o weinyddu'n bennaf trwy gyfrwng y Gymraeg gydag amser" Adran 3.4, Y Gymraeg yn Sir Gâr, Gweithgor y Cyfrifiad¹

¹ <http://online.carmarthenshire.gov.uk/agendas/cym/BWGW20140331/REP04.HTM>

1.5 Yn 2011, llofnododd Arweinydd Cyngor Sir Ceredigion Ellen ap Gwynn yr addewid canlynol:

"Y Gymraeg: Iaith Swyddogol Sir Ceredigion

Yr wyf i, sydd yn arweinydd grŵp Plaid Cymru yn Sir Ceredigion yn ymrwymo i gefnogi'r egwyddor i wneud y Gymraeg yn iaith swyddogol gweinyddiaeth fewnol Cyngor Sir Ceredigion..."

1.6. Mae'r Gweinidog Gwasanaethau Cyhoeddus a'r Prif Weinidog wedi dweud y bydd awdurdodau sy'n uno yn gorfod cydymffurfio a Safonau'r Gymraeg lefel uchaf o blith dyletswyddau iaith yr awdurdodau sy'n uno.

2. Crynodeb

Ymysg ein prif argymhellion a sylwadau mae'r canlynol:

1. Ni chytunwn y dylid uno cynghorau sir oherwydd y byddai'n canoli grym, ac yn lleihau grym cymunedau lleol ac etholwyr.

2. Os penderfynir bod rhaid uno cyngorau sir, dylid gwneud hynny dim ond os yw'n arwain at ragor o awdurdodau yn gweinyddu'n fewnol yn Gymraeg.
3. Mae'n hanfodol bwysig bod unrhyw ad-drefnu yn amddiffyn polisiâu gweinyddiaeth fewnol Gymraeg Gwynedd ac yn sicrhau gwireddu polisiâu iaith blaengar gweithgor y Cyfrifiad Cyngor Sir Gaerfyrddin.
4. Mae gennym bryderon difrifol penodol ynghylch uno cyngorau Gwynedd a Chonwy, felly ni ddylid uno'r cyngorau hynny o dan unrhyw amgylchiadau.
5. Dylai fod amddiffyniad statudol, a hynny ar wyneb y statud, sy'n atal uno cyngorau sir os yw'n debygol o effeithio'n negyddol ar y Gymraeg.
6. Gresynwn nad oes yr un cyfeiriad at y Gymraeg ar wyneb y Bil, felly nid oes cymal sy'n gwireddu addewid y Gweinidog Gwasanaethau Cyhoeddus i sicrhau bod Safonau'r Gymraeg ar y lefel uchaf o blith dyletswyddau'r cyngorau sy'n uno yn cael eu gosod ar yr awdurdodau newydd-unedig.

3. Sylwadau Cyffredinol

- 3.1. Rhoi grym yn nwylo pobl Cymru dylai fod pwrpas y cynllun o Ddiwygio Llywodraeth Leol. Mae'r Gymraeg wedi bod mewn sefyllfa o wendid yn ein Hawdurdodau Lleol erioed, ac o'r dystiolaeth a gasglwn mae hynny'n parhau o fewn y 22 Awdurdod presennol. Mae'n bryder mawr bod gwendidau sylfaenol yn parhau cyhyd, ac fe welwn yr ad-drefnu arfaethedig yn gyfle i fynd i'r afael â methiannau dirfawr yr awdurdodau hyd yma i ddarparu gwasanaethau llawn yn Gymraeg. Mae gwir angen mynd i'r afael â'r methiant hwn a dyma gyfle arall i wneud hynny.
- 3.2. Mae angen amddiffyn ac ehangu nifer y cyrff sy'n gweinyddu'n fewnol drwy gyfrwng y Gymraeg.
- 3.3. Rydym yn ymwybodol mai dim ond o fewn un awdurdod y mae hynny'n digwydd ar hyn o bryd, sef Cyngor Gwynedd; felly mae angen cryfhau'r ddarpariaeth ar fyrder. Byddai hyn yn gwireddu hawliau gweithwyr i weithio drwy gyfrwng y Gymraeg.
- 3.4. Wrth i'r newidiadau hyn ddod i rym, bydd yr unedau o reidrwydd yn cynyddu mewn maint, a thrwy hynny yn cryfhau'r ymdeimlad fod atebolrwydd yn pellhau. Gwanhau fydd cysylltiad rhwng etholwyr a darparwyr gwasanaethau, a bydd hynny'n cael effaith niweidiol ar ddemocratiaeth.
- 3.5. Credwn fod angen adfywio a chryfhau democratiaeth, yn enwedig ar lefel leol iawn. Gwelwn fod hyn yn gyfle da i ddod â'r broses ddemocratiaidd yn agosach at y bobl ac i roi mwy o gyfrifoldebau yn nwylo Cyngorau Cymuned. Gwelir bod mwy o rôl iddynt yn benodol yn y system gynllunio.
- 3.6. Gwelwn fod gwasanaethau lleol yn hollbwysig i hyfywedd cymunedau a'r Gymraeg, ac rydym yn edrych ar yr ad-drefnu yng ngoleuni hynny.
- 3.7. Mae angen creu set cyson o Safonau'r Gymraeg ar draws y gwasanaethau cyhoeddus, y drydedd sector a'r sector breifat er mwyn gwella gwasanaethau Cymraeg ac a fydd yn sicrhau eglurder i'r cyhoedd.

4. Sylwadau Manwl

4.1 Ardaloedd Llywodraeth Leol

- 4.1.1. Fel y nodir uchod, anghytuna Cymdeithas yr Iaith Gymraeg gyda'r cynlluniau i ad-drefnu Llywodraeth Leol gan y byddai'n canoli grym yn bellach byth oddi wrth gymunedau lleol.
- 4.1.2. Nodwn ymhellach pwysigrwydd eithriadol polisiâu iaith Gwynedd, o ran defnydd mewnol yn ogystal â'u polisi addysg, fel dull sy'n cynnal a chryfhau defnydd y Gymraeg yn y byd gwaith ac yn ein cymunedau. Nodwn ymhellach nad yw effaith gadarnhaol polisiâu iaith Gwynedd yn gyfyngedig i Wynedd: caiff unigolion hyderus eu Cymraeg a fagir yn y sir effaith positif ar gyflwr yr iaith ledled Cymru.

4.1.3. Felly, pa opsiwn bynnag a ddewisir gan y Llywodraeth, mae'n hanfodol bwysig bod yr awdurdod sy'n gwasanaethu Gwynedd yn parhau i weithredu'n fewnol yn Gymraeg ac yn Gymraeg yn unig, a bod y polisi hwnnw yn ymestyn i awdurdodau lleol eraill.

4.1.4. Rhaid nodi yn ogystal pwysigrwydd eithriadol y camau cadarnhaol a gymerwyd yn drawsbleidiol yn Sir Gaerfyrddin dros y blynyddoedd diwethaf ers cyhoeddi canlyniadau'r Cyfrifiad, gyda'r nod o symud at yr un polisiâu â Gwynedd o ran defnydd mewnol o'r iaith ac addysg Gymraeg. Mae'n hanfodol bwysig nad yw ad-drefnu llywodraeth leol yn llesteirio ar y camau i gryfhau cyflwr y Gymraeg yn yr ardal honno.

4.1.5. Yn hynny o beth, mae'n chwerthinllyd y gallai'r Llywodraeth geisio dadlau'r canlynol yn ei asesiad:

"Mae Awdurdodau mwy o faint a mwy galluog hefyd yn fwy tebygol o allu darparu cymorth rhagweithiol a gwneud defnyddio'r Gymraeg yn rhan o'u systemau yn eu gweithleoedd, yn ogystal ag yn yr ardaloedd maent yn eu gwasanaethu"

4.1.6. Nid yw'r casgliad uchod yn wir yn ardaloedd fel Gwynedd a Sir Gaerfyrddin. Yn wir, mae'r uno yn fygythiad i gynnal a symud tuag at weinyddiaeth fewnol Gymraeg a pholisi o addysg cyfrwng Gymraeg i bawb yn yr ardaloedd hynny. Yn wir, mae honiadau'r Llywodraeth yn amlygu meddylfryd "Caerdydd-ganolog" sy'n hynod anffodus.

4.1.7. Ac er bod yr asesiad effaith iaith yn datgan: *"... beth bynnag fo'r arferion presennol ar draws Llywodraeth Leol yng Nghymru, mae Gweinidogion Cymru eisiau gweld cryfhau ac adeiladu ar arferion o'r fath",* a bod *"...Gweinidogion Cymru'n cydnabod ei bod yn bwysig cymryd gofal i sicrhau nad yw creu ardaloedd Awdurdodau Lleol mwy o faint yn erydu'r arferion presennol yn yr Awdurdodau Lleol hynny sy'n gwneud eu gwaith gweinyddol mewnol yn gyfan gwbl neu yn bennaf yn Gymraeg"* nid oes mecanwaith yn y ddeddfwriaeth sy'n sicrhau nad oes llithro yn ôl a bod arferion da yn cael eu hymestyn i ragor o awdurdodau mewn gwirionedd.

4.1.8. Credwn y dylai'r polisi o weinyddu'n Gymraeg gael ei ymestyn i ragor o ardaloedd. Yn hynny o beth, mae'n hanfodol:

- i. na gymerir unrhyw gamau sy'n peryglu polisi Cyngor Gwynedd o ran gweinyddu'n fewnol yn Gymraeg a'i bolisi o gyflwyno addysg Gymraeg i bob plentyn
- ii. bod modd i Gyngor Sir Gaerfyrddin, a'i olynydd, gwireddu a chynnal ei ymrwymiad i symud at yr un polisi gweinyddiaeth fewnol Gymraeg a'r un polisi addysg â Chyngor Gwynedd
- iii. sicrhau bod Arweinydd Cyngor Sir Ceredigion yn gweithredu ar ei haddewid i symud at yr un polisi gweinyddiaeth fewnol Gymraeg â chyngor Gwynedd.

4.1.9. Fel dywedom, nid ydym cytuno â'r ad-drefnu arfaethedig ar gynghorau sir, fodd bynnag, os penderfyna'r Llywodraeth bod yr ad-drefnu yn digwydd,

- i. Ni ddylid uno unrhyw gyngor arall gyda Gwynedd oni bai eu bod yn cytuno i weithredu'r un polisi o weithredu'n fewnol yn Gymraeg a pholisi addysg Gymraeg yn syth wedi'r uno
- ii. Ni ddylid uno unrhyw gyngor arall gyda Chyngor Sir Gaerfyrddin oni bai eu bod yn cytuno i weithredu'r un polisi o weithredu'n fewnol yn Gymraeg a pholisi addysg Gymraeg yn syth wedi'r uno, yn unol ag argymhellion gweithgor Cymraeg Cyngor Sir Gaerfyrddin.

4.1.10. Mae'n bwysig iawn nodi nad yw gweithredu'r un Safonau'r Gymraeg, rheoliadau sy'n deillio o Fesur y Gymraeg (Cymru) 2011, yn faen prawf digonol, ar ei ben ei hunan, bod cyngor sir yn gweithredu'r un polisi iaith â chynghor arall.

4.1.11. Argymhellwn felly:

i. Dylai fod cymal yn y Bil sy'n gwarantu bod rhagor o awdurdodau lleol yn gweinyddu'n fewnol yn uniaith Gymraeg o hyn ymlaen.

ii. Dylai'r Bil gwarantu na fydd uno cyngor sir arall gyda Chynghor Gwynedd oni bai eu bod yn gweithredu'r un polisiâu iaith o ran defnydd mewnol ac addysg.

iii. Dylai'r Bil gwarantu na fydd uno cyngor sir arall gyda chynghor Sir Gaerfyrddin oni bai eu bod yn gweithredu'r un polisiâu iaith o ran defnydd mewnol ac addysg.

4.1.12. Gellid ystyried rhoi grymoedd i Gomisiynydd y Gymraeg i atal uno cynghorau os oes risg bod y newidiadau yn mynd i gael effaith negyddol ar ddefnydd y Gymraeg, yn enwedig y rhai a weithredir gan Gyngor Sir Gaerfyrddin a chan Gyngor Gwynedd.

4.2. Enghraifft: Pryderon am Uno Conwy a Gwynedd

4.2.1. Teimlwn fod rhesymau arbennig dros beidio ag uno Conwy a Gwynedd; ymysg ein pryderon yw'r canlynol:

i. Mae'r rhan fwyaf o Gyngor Gwynedd eisoes yn gweithio'n fewnol Gymraeg, ond mae polisi iaith Cyngor Conwy yn llawer wannach, felly gallai uno'r ddau gyngor wanhau y Gymraeg yng Ngwynedd

ii. Mae sefyllfa ieithyddol Conwy a Sir Ddinbych, yn gyffredinol, yn debycach i'w gilydd – o'u cymharu â Chonwy a Gwynedd.

iii. Tra bod ymdrech i wella darpariaeth Gymraeg ysgolion Conwy ar hyn o bryd a bod bwriad yn Sir Ddinbych i ddilyn yr un trywydd, mae'r rhan helaeth o ysgolion Gwynedd yn gyfan gwbl Gymraeg.

4.3. Enwau'r Siroedd Newydd

4.3.1. Mae paragraff 30 y memorandwm esboniadol yn datgan y bydd disgwyl i bob sir fabwysiadu enw Cymraeg ac enw Saesneg. Ni fyddai'r polisi hwnnw'n gyson gydag egwyddor ganolog i Fesur y Gymraeg (Cymru) 2011 sef "ni ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg", nag yr arfer mewn niferoedd o siroedd presennol ychwaith, sef arddel enw Cymraeg yn unig.

4.3.2. Er mwyn adlewyrchu hynny, dylai fod disgwyl i bob sir gael enw Cymraeg, ond ni ddylai fod rhaid iddynt gael enw Saesneg. Nodwn fyddai hynny'n adlewyrchu'n well y sefyllfa bresennol yn siroedd megis Rhondda Cynon Taf, Powys, Gwynedd a Cheredigion. Byddai enwau uniaith Gymraeg ar y siroedd newydd yn adlewyrchu'n well statws swyddogol y Gymraeg yn ogystal.

4.4. Safonau'r Gymraeg

4.4.1. Nid oes darpariaeth yn y Bil drafft sy'n sicrhau bod cynghorau sy'n uno yn cydymffurfio â'r lefel o wasanaeth gorau o blith dyletswyddau'r cynghorau sy'n uno, er gwaethaf yr addewid gan y Gweinidog mai dyna yw bwriad y Llywodraeth bresennol. Mae'n destun o gryn syndod a siom nad oes cyfeiriad at hyn yn y Bil drafft na'r memorandwm esboniadol.

4.4.2. Ceir darpariaethau ar gyfer cadw a throsglwyddo hawliau eraill i'r cynghorau newydd; fodd bynnag, nid oes cymal a fyddai'n diogelu neu gryfhau hawliau gweithwyr a defnyddwyr gwasanaeth i'r Gymraeg. Nid oes esboniad pam nad oes darpariaeth ar gyfer amddiffyn hawliau iaith.

4.5. Ymddygiad Cynghorwyr Unigol

4.5.1. Dylai fod dyletswydd ar gynghorwyr unigol i gynhyrchu adroddiad blynyddol yn Gymraeg, ateb gohebiaeth yn Gymraeg ynghyd â chynnal cymorthfeydd yn Gymraeg yn y ddeddfwriaeth. Mae'n annhebygol y bydd y Safonau newydd yn sicrhau bod cynghorwyr yn cyflawni'r gofynion sylfaenol hyn, felly mae angen eu cynnwys yn y ddeddfwriaeth hon.

4.6. Canllawiau i Gyrff Cyhoeddus ar faterion y Gweithlu

4.6.1. Yn adran 172 o'r Bil, dylai fod dyletswydd ar Weinidogion Cymru i amlinellu sut y bydd polisïau recriwtio a pholisïau cyflogaeth eraill yn cynyddu defnydd y Gymraeg yn y gweithle. Mae diffyg eglurder o ran cynllunio'r gweithlu wedi arwain at ddefnydd llawer llai o'r Gymraeg nag y dylai fod, ynghyd â gwasanaethau Cymraeg gwael mewn llawer o achosion.

4.7. Uno Cynghorau Cymuned: Peryglon i'r Gymraeg

4.7.1. Er bod yr asesiad effaith iaith yn nodi y "*Bydd Gweinidogion Cymru'n cyfarwyddo Comisiwn Ffiniau a Democratiaeth Leol Cymru i gymryd i ystyriaeth nodweddion ieithyddol y cymunedau sy'n cael eu cydgrynhoi a'r iaith mae'r Cynghorau hynny'n gweithio ynddi'n bennaf*", nid oes darpariaeth yn y ddeddf i gefnogi a sicrhau hyn. Rydym wedi gweld yn ddiweddar bod canfyddiadau'r Ombwdsmon ynghylch polisïau iaith cynghorau cymuned yn gosod cysail peryglus o ran defnydd y Gymraeg. Credwn ymhellach bod uno cynghorau cymuned yn peri perygl y bydd llai o'r cynghorau hynny'n gweinyddu'n Gymraeg, gan fod cynghorau o'r fath yn debygol o gael eu lleoli mewn ardaloedd gwledig.

4.8. Dyletswyddau i ystyried y Gymraeg

4.8.1. Noda'r asesiad effaith ar y Gymraeg y "*bydd yn ofynnol i Brif Weithredwyr ystyried sut y gall Awdurdod Lleol barhau i wella ei berfformiad, a allai gynnwys perfformiad o ran ymrwymadau a dyletswyddau sy'n ymwneud â'r Gymraeg*". Credwn y dylai fod dyletswydd statudol i ystyried ymrwymadau i'r Gymraeg yn ogystal.

4.8.2. Ymhellach, noda'r asesiad y bydd y "*mesurau i hybu hyn yn cynnwys gosod gofyniad ar Arweinydd y Cyngor i roi sylw dyledus i ganllawiau ar gydraddoldeb ac amrywiaeth wrth ddethol Cabinet*". Credwn y dylai fod dyletswydd debyg ynghylch anghenion y Gymraeg wrth ddethol Cabinet.

5. Casgliad

Credwn fod yr ad-drefnu arfaethedig yn bygwth polisïau iaith blaengar mewn rhai siroedd, yn enwedig yng Ngwynedd a Sir Gaerfyrddin, felly rydym yn ei wrthwynebu. Fodd bynnag, os penderfynir symud ymlaen gyda'r broses, credwn y byddai angen nifer o ddarpariaethau statudol, yn ychwanegol at yr hyn a gynhigir yn y Bil drafft presennol, er mwyn diogelu a hybu'r Gymraeg.

Cymdeithas yr Iaith Gymraeg

Chwefror 2016

26897 -0060: Peter Davies

Tref / Town : Llanharan

Sefydliad / Organisation : Llanharan Community Council

Thank you for giving the Llanharan Community Council an opportunity to comment on the draft Bill.

May I say from the outset that I believe that the people of Wales are over-governed and the proposal to introduce Community Area Committees is totally unnecessary (this view was shared by the majority of attendees at the recent engagement event held in Swansea)

Secondly, the Council is opposed to the proposal that Clerks should be responsible for 'reporting' members who breach the Council's Code of Conduct as an employee of the Council it places the officer in a very difficult position and weakens the trust between officials and members

Thirdly, the requirement that to be a competent council (a) 75% of the members must have been elected - in the past 10 years there have been insufficient nominations to hold an election and less than 75% of the members have been elected unopposed, leaving the balance of seats to be filled by co-option. The Community Council is concerned about the apathy and for the next election it is planning to prepare a leaflet explaining the role, responsibilities and its recent achievements (b) the Council must have a qualified Clerk - the present Clerk does not have the Cilca qualification, however, he has 25 years experience of local government at a senior level (Assistant Director, Admin and Legal Services) and holds a Diploma in Municipal Administration - and it is considered more than adequate to deliver the planning and range of council services

Finally, the Council is concerned that the boundaries of the Local Health Boards are not being reviewed at the present time. Currently there are problems, for example, Llanharan is in RCT but its medical facilities are provided by the Pencoed Medical Centre which receives its funding from ABMU

Peter Davies
Clerk, Llanharan Community Council

26897 -0061: Joanna Howell

Tref / Town : Colwinston

Sefydliad / Organisation : Colwinston Community Council

Draft Local Government (Wales) Bill

Views of Colwinston Community Council – 9/02/16

Chapter 1 We agree that there should be a reduction of local authorities in Wales. Eight authorities should be the absolute maximum number to serve the population of Wales. 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 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council? We do not consider that there would be any added value in merging these different organisations.

Question 1.6: What are your views on the proposed changes to the

Local Government election timetable? We consider that the process should commence as quickly as possible in order to reduce the additional burden of costs carried by the council tax payers of Wales.

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? We do 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.

Summons to and Attendance at Meetings (Questions 4.4 and 4.5)

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, we 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.” We believe that this should also be introduced for Town and Community Councils.

Community Councils With Competence

The Draft Bill includes conditions to allow Community Councils to resolve whether they are ‘with competence’ or not. This enables them to use the general power of competence and (supposedly) provide other organisations with a degree of confidence that they have the capacity and capability to ‘do business’. It also shows the community that their Council is meeting certain standards. Councils will be required at their AGM each year to resolve whether they are ‘with competence’ the criteria being that 1) Two thirds of the Council have been duly elected, 2) the Clerk to the Council has a relevant professional qualification and 3) the Council satisfies the audit condition – which is to have received an unqualified opinion for two consecutive years.

I don't know whether we would qualify on that basis but not being 'with competence' still allows us to carry on with our normal business as usual. For a Council our size I don't think it would make any difference one way or another and it seems to me to be more of a status symbol than having any practical use.

Community Area Committees

There is included in the Draft Bill provision for Local Authorities to set up a Community Area Committee, I presume something like the current Liaison Committee, and we and other relevant Community Councils would be asked to nominate a member for appointment to that Committee. I see no problem in this.

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? Yes to first point and on the second point, 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 opportunity to "Gerrymander" should be prevented at all costs.

Duty to Review Community Council Arrangements

Part 6 of the Draft Bill states that the Local Democracy and Boundary Commission must carry out a review of Community Councils and report back on 20 April 2020 or later. It will look at whether to establish one council for a community, to group one or more communities under one council or to split larger councils into separate wards. With regard to 'electoral arrangements' the Commission will consider the number of council members for a community or group of communities, boundaries where a community is to be split into wards and the naming of new councils. As part of the review it has to consult with the relevant county councils, community councils and other interested parties.

Clearly there will be a compelling argument to group a number of rural communities together under one council and Colwinston, Llandow and Llysworney might well be a good example. There is provision for consultation within the Draft Bill and the Commission is due to report their recommendations on or after 20 April 2020 which is when the new County Councils assume their full responsibility. This should give enough time for a full and well considered review to be concluded but there is another argument that says it should be brought forward to May 2019 which is when the Shadow County Councils come into being. In my opinion this shorter time span might well lead to a rushed and ill-considered conclusion being reached. Another aspect of this is that under the Draft Bill the new County Councils would implement the Commission's recommendations but a case is being made for the Commission to do so themselves. I think Ed might have some firm and well informed views on this subject!

Members of Community Councils Training

The Draft Bill provides for compulsory training of Councillors in particular areas in order to provide them with the skills and knowledge to perform their duties effectively. Code of conduct and planning issues come to mind! I don't see this as a problem except that where a Councillor does not complete the prescribed training for no good reason it would be for the Clerk to report this at a public meeting. Whether this is the best way forward to ensure training is completed is open to debate as it could put the Clerk, as an employee of the Council, in a somewhat invidious position.

Community Council Election Dates

The Draft Bill provides for local elections to take place in May 2017 and again in May 2023 after which they will be held every five years to bring them into line with the new cycle of elections for Principal Councils. For Colwinston, if we remain a separate Council, I do not see this being a problem.

Capping of Community Council Precepts

There had been a thought in the White Paper to cap the amount by which non-competent Community Councils can raise their precepts but this has now been deferred until after the Community Council review and the wider financial reforms.

Annual Reports

It is the intention when the Draft Bill is introduced to include the requirement for an annual report to be published setting out the Community Council's achievements during the previous year. We already publish updates during the year in the Newsletter so amalgamating those into an annual report with a suitable topping and tailing should not be a problem.

Further Training

While not currently in the Draft Bill it is intended to include the requirement for Community Councils to introduce their own compulsory training where appropriate. I think this is mainly for the larger Community Councils with larger budgets and employees other than the Clerk and therefore not something we need worry about.

Performance Management

It is for consideration as to whether the Chair of the Community Council should provide a clear job description, set objectives and otherwise manage the performance of the Clerk in order for them to know what is required. It is also for question whether such a duty should be by the Council as a whole and if it should apply to all Community Councils or just some.

Since we already provide a full and clear job description and have a very experienced Clerk for a very small Council I would say our response would be this should apply to the larger Councils (however defined) only and not small rural Councils like ourselves. Over complicating processes will have a negative impact on the lower tier of local government.

Community Polls

It is proposed under the Draft Bill to abolish Community Polls, which can be costly and time consuming, and replace them with some form of petition scheme. I am not aware of us ever having a Community Poll since anything of importance to the village is discussed at a public meeting – at no cost!

Community Council Legislation: Will be reviewed after the LDBCW review referred to above.

26897 -0062 : Sally Chapman

Tref / Town : N/A

Sefydliad / Organisation : South Wales Fire and Rescue Service

SOUTH WALES FIRE & RESCUE SERVICE

CONSULTATION RESPONSE TO DRAFT LOCAL GOVERNMENT (WALES) BILL

PART 1

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

Comment 1

The Authority notes the proposed changes to Local Authority boundaries but is concerned that the draft legislation in its current format does not adequately deal with the consequential implications for other statutory bodies, such as the Fire and Rescue Authority.

Section 1 of Chapter 1 of Part 1 creates the new councils and abolishes the old councils on 1 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.

It is considered that Section 17 of Chapter 3 of Part 1 will not adequately cover the changes required to the Combination Order. Section 17 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.

Comment 2

Section 18 of Chapter 3 of Part 1 makes reference to transitional provisions in Schedule 4. Reference is particularly drawn to Schedule 4, Part 1, paragraph 3, in relation to removing 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 by or under Part 1 of the Act.

The lawfulness of paragraph 3 in the Schedule is questioned. Section 4 of the Fire and Rescue Services Act 2004 (and more specifically sections 4(6) and (7)) are very specific about when a public inquiry need not be held and none of the three situations cited appear to have been fulfilled and therefore there is no lawful authority to suspend the requirement to hold a public inquiry. Indeed, none of the relevant authorities in ss. 4(6) and (7) would be applicable in any event, as the relevant provisions of Part 4 of the Local Government Act 1972 and the Regional Assemblies (Preparations) Act 2003 have been repealed and Part 2 of the Local Government Act 1992 relates purely to changes to local government boundaries in England. It is noted that s.23 of the Local Government (Wales) Act 1994 makes specific reference to Fire Authorities in Wales, although this too does not provide authority for removing the provision to cause a public local inquiry to be held except in accordance with the 2004 Fire and Rescue Services Act. The provisions in s.23 are very specific to the creation of a combination scheme where notice was required to be served before 1 April 1996.

It is acknowledged that the Fire and Rescue Authorities have not (as yet) been consulted upon, or agreed to varying or revoking the requirement to hold a public inquiry, but it is suggested that in its currently worded format, such consent would not be forthcoming for the following reason.

Whilst the Fire and Rescue Authority has no objection per se to the current proposed changes to the boundaries of local government in Wales, it is not inconceivable that at a point of time in the future, such boundaries under Part 1 of the draft Bill could be revisited. If the currently worded paragraph 3 remained, this

would preclude the need for future inquiry regardless of whether the Fire and Rescue Authorities agreed and regardless of whether such changes had consequential impacts upon the current Fire and Rescue Authority boundaries.

The Authority would be happy to discuss suitable amendment to the wording of paragraph 3 of Schedule 4 of the draft Act that would make it lawful and facilitate the consent required under s.4(7)(a) of the Fire and Rescue Services Act 2004.

Comment 3

Reference is made to s.19 of the draft Act and further clarification is sought in relation to s.19(3), which appears to be very widely drafted in its present form. Confirmation is required that this provision only relates to local authorities and would not be applicable to Fire and Rescue Authorities in Wales, as provision already exists in other legislation and the Combination Order in this regard.

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 comment.

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

From a logistical and resources perspective, the Authority welcomes a reduction in the number of local authorities it engages with, although it is uncertain how this will impact upon specific local issues being identified and addressed, especially given the proposed reduction in the number of local elected representatives.

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

No comment.

1.5 What are your views on the procedure for naming the new counties?

No comment.

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

Whilst the timetable is noted, the impact of the transitional arrangements and competing demands of members should not be underestimated, particularly if a member of an existing council and a shadow authority.

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 comment.

1.8 How could the Welsh Government measure the current level of avoidance of Non-Domestic rates?

No comment.

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

No comment.

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.

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 is noted that both of these posts are self-funded by the individuals themselves, so consideration should be given on the potential impact of such changes on those individuals.

1.12 Are there any other matters of a technical nature which should also be considered?

None known at this time.

PART 2

2.1 Do you have any comments on any of the provisions in Part 2 of the draft Bill?

In relation to a local authority and community council general power of competence and charging, the benefits of these new extended powers are fully appreciated and supported, especially in view of the move to Public Service Boards and consideration of the wider public benefit. However, in the light of this, it is questioned whether this power should also be extended to other statutory members of the Public Service Boards, to enable a holistic approach of all partners of the board in driving forward joined up public sector reform, and ensuring that action is not compromised through lack of power of particular partners to act.

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

No comment is offered in relation to community councils' power of competence, save to reiterate earlier comments at 2.1 above that if it is considered appropriate to give such wide ranging powers at such a local level, it would be wholly appropriate to ensure that all members of the public service board should have similar powers to ensure effective joined up future working.

PART 3

3.1 Do you have any comments on any of the provisions in Part 3 of the draft Bill?

Comment 1

Clarification is required about how community areas are to be determined following Welsh Government guidance. Attention is drawn to the potential resource impact that this could have if many community area committees choose the same bodies to be represented on the committee. This is especially so given that each community area committee could have different functions delegated to it and there appears at present to be no limit on the type of function that could be delegated. The potential therefore exists for some statutory functions (such as CSPs) to be delegated to community area committees which would then

mandate Fire and Rescue Service attendance at meetings of numerous meetings.

There is also the potential for executive and council functions to be delegated, requiring mandatory training of co-opted members such as ourselves to the committees. The issue of call in (for executive functions) and scrutiny of such community area committee decisions is also questioned.

It is also queried whether such committees could have the potential to become “mini councils” or “district” style councils in their own right (albeit via a committee structure instead) if large numbers of functions are delegated – possibly replicating the current 22 authority structure or more in certain areas, thereby exacerbating resource implications.

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

Comment 1

Public participation in decision making is welcomed, providing expectations can be managed effectively. Experience has on occasion led to a perception of public belief that if their views on particular issues are sought, the decision of the public body will automatically follow the majority view of those engaged, regardless of other relevant factors – a “who shouts loudest” approach, which is not conducive to effective decision making for sustainable communities.

Comment 2

Clarification is sought upon whether the duty to participate would extend to the decisions of Public Service Boards.

Comment 3

It is suggested that the preparation of the public participation strategy should be undertaken in conjunction with those authorities “connected” with the Council, as defined in s.37(3) of the draft Bill to ensure co-ordination in Councils’ promotion and the procedures employed by the connected body. As an absolute bare minimum, in preparing a public participation strategy, local authorities should be required to consult those bodies specifically,

rather than “such other persons as it considers appropriate” as is currently the case in s. 39(1)(b).

If it is the intention that the public participation duty would also apply to Public Service Boards, then it is suggested that the public participation strategy should be prepared in the first instance by the Public Service Board prior to wider consultation on the strategy taking place.

Comment 4

Consultation on budget requirements is welcomed, and the Authority recognises the benefits of this, having undertaken budget consultation with those that fund it over many years. However, as emphasised earlier, managing expectations as a consequence of such consultation needs to be carefully managed.

To this end, it is suggested that consultation on a less frequent basis may be preferable, with a focus on the Authority’s medium term financial strategy and how it will support the corporate plans and strategies of the Authority and the public service board. This should provide more valuable data and insight that would not only assist in preparing appropriate budgets to meet local needs, but also in the updating of corporate and Public Service Board plans.

In relation to consultation under s.40 of the draft Bill, it is also recommended that consultation should take place with each of the statutory partners to the Public Service Board to enable a more joined up approach.

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

As highlighted in the comment above, there needs to be a mechanism in place to ensure that each area committee is not selecting the same bodies to be represented on each of the committees due to potential resource implications. In some respects, this is a chicken and egg situation – it would be helpful if the community area assessment could be undertaken (at least in part) to identify local need to assist in identifying who should sit on the community area committees to address local need. However, conversely, it could be argued that unless you have all representative groups involved in the community area assessment, there is the potential for local needs or requirements to be overlooked.

The comments referenced above on the potential resource issues that could arise for the Fire and Rescue Service if specific functions were delegated (eg CSP) are also relevant here and should not be underestimated when considering the guidance on the constitution and number of such area committees.

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 referenced above, this issue requires very careful consideration, not only from a resource implication (as discussed above) but also from a training perspective if review proof decisions are to be made by such committees.

The issue of call in (for executive functions) and scrutiny also needs to be considered and once again, the resource implications noted.

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 will depend upon the extent of the ability to delegate functions and how this is to be exercised. For some bodies such as ourselves, the implications could be potentially huge and could present a large resource and training implication.

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

Comment 1

The principle of 'improvement requests' is supported and the proposed safeguards surrounding duplicate or repeat submissions of requests are noted.

However, one concern that does arise is the potential in certain situations for authorities to consider certain issues in isolation, rather than from a wider national perspective. This is particularly relevant for particular aspects of service delivery for the Fire and

Rescue Service where national resilience or national contracts dictate. This concern is compounded if community area committees consider such requests.

This also leads to a second concern about managing expectations as a consequence of such requests, particularly where provisions (often outside of the Authority's control) may prevent any changes to service delivery or outcomes. This is particularly relevant if this provision is used by businesses to suggest improved outcomes by purchasing their product or service over a competitors, where a valid and legal procurement process has already taken place or, for example, as an alternative to appropriate legal challenge where this is the appropriate channel. It is therefore suggested that further caveats to the obligation to enter into discussions be included to counter such potential scenarios arising.

Comment 2

It is questioned whether the duty to enter discussions following an improvement request should exist where the relevant body has entered into consultation on the proposal or outcome concerned, as it is considered that this could very easily become a back door way to prolong implementation of a decision or reverse a decision already taken (but under other powers). If the public participation duty and public consultation are undertaken effectively and have been carried out within the last two years, then the requirement to enter into discussions should be removed.

Comment 3

In relation to the complaints procedure for improvement requests, it is submitted that any Ministerial guidance should be cognisant of current complaints procedures already in force, which are already based upon government guidance. A separate procedure again would appear to be inappropriate.

Comment 4

In relation to the publication of the annual improvement request report, it is recommended that timelines are changed to align with other annual reporting regimes for each of the relevant authorities (currently March and October for Fire and Rescue Authorities). It is suggested that by doing this, the reporting can be incorporated into other annual reports, thereby presenting a more holistic

picture of the organisation's performance and response to improvement.

3.7 Do you have any comments on any further proposals relating to access to meetings?

Comment 1

In relation to s.75 of the draft Bill it would be beneficial if public questions were submitted in advance of the meeting to ensure a full response can be provided to the questioner.

Comment 2

In relation to s.76(1)(a), the extent of the ability of individuals to "see" proceedings is questioned and requires clarification.

Comment 3

In relation to s.76 (7) & (8) of the draft Bill, it is noted that the Minister may require Fire and Rescue Authorities to similarly broadcast meetings that are open to the public. The resource implications of this should be noted, as Fire and Rescue Authorities were previously excluded from applying for additional funding provided by Welsh Government to unitary authorities to research, purchase and install the relevant media equipment to enable broadcasting of meetings.

It is also queried if it is proposed that the requirement to broadcast extends to Public Service Boards and community area committees, in that it is suggested that as a minimum the latter could be described as a committee under the Local Government Act 1972 and therefore covered. This could have significant resource implications as it is assumed that community area committees will want to meet and hold their committee meetings in the community area they are covering. It is therefore suspected that the current fixed equipment in place in councils to broadcast meetings would not cover such venues and could inhibit meeting at community venues.

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

Whilst participation of children and young persons is of course welcomed, it is also important that participation on key strategic

issues aims to be representative of the community in all respects, not just age, which provides the greater challenge for authorities.

Participation is also particularly challenging where certain services are provided to particular groups of individuals, especially if they are hard to reach groups, where participation may prove to be more beneficial if specifically targeted to such individuals.

PART 4

4.1 Do you have any comments on any of the provisions in part 4 of the draft Bill?

Comment 1

The duty on members to attend meetings and compulsory training sessions in ss.82 and 85 of the draft Bill is welcomed, although it is suggested that the section could be enhanced by inclusion of a requirement to attend meetings and training sessions of other bodies that members are appointed to by virtue of the status of Member of a county council. This would then include bodies such as Fire and Rescue Authorities.

For completeness it is suggested that s.82(3)(e) of the draft Bill does not adequately cover this point as it could be argued that being a member of a Fire and Rescue Authority is not something that a Member would be reasonably expected to do as part of their “function” as a member of a county council.

Comment 2

Whilst the benefits of the performance duties and annual reporting duties set out in ss.82 – 86 of the draft Bill are appreciated for promoting the effective discharge of the role of member, the processes and procedures outlined in ss.87 – 93 are questioned.

It is suggested that for some of the areas of potential concern listed within the relevant sections, more appropriate alternatives exist. For example, in their current form, the vagaries of when a monitoring officer should refer to the chair of the standards committee could lead to confusion and inconsistent application of

the referral process. It is suggested that a reduction of the six month rule, enshrined in current legislation, would provide a much clearer, more objective, and much less resource intensive mechanism to address the issue than that proposed.

More specifics are required in relation to the extent of the checks a monitoring officer should undertake as a matter of routine, especially in relation to performance or clarification given on when s.88(1)(b) may arise other than by virtue of a complaint. The resource implications of this new duty should also not be underestimated.

In relation to publicity of reports and recommendations (even to complainants), it is assumed that the normal rules on confidentiality and data protection etc would override such requirements where applicable.

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 specific comment on the duties of political leaders, save for including Fire and Rescue Authorities within the duty in s.98 of the draft Bill to ensure a consistent approach across public sector bodies.

It is however questioned whether the standards committee, which was established to deal with issues of member conduct, is the appropriate body to manage member performance. It is suggested that there could be a variety of alternative mechanisms that could be implemented to manage member performance which would be more appropriate in this regard.

4.3 Do you have any comment on our proposals in relation to the delegation function by local authorities?

No comment.

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?

It is considered that this may compromise the independence of the IRPW and go against the ethos of the original purpose for establishing the body in the first place, thereby calling their independence and authority into question.

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

This proposal is completely supported due to the immense complexities this raises in terms of potential legal challenge to decision making.

4.6 Do you have any comments on our proposal that shadow authorities should be required to appoint interim Returning Officers?

No comment.

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 appears to be wholly at odds with the additional protections afforded to these statutory officers a number of years ago by legislation to counter such situations arising. By virtue of the nature of these roles, the statutory officers are frequently required to provide professional advice to authorities on potentially very controversial issues, thereby putting relationships under strain in certain situations. If such proposals were accepted, this could compromise the advice provided and compromise the statutory position of the role. This is compounded by additional responsibilities on the Monitoring Officer in the draft Bill in relation to investigating and reporting on potential breaches of performance or reporting by members, which will undoubtedly test relationships even further. Such officers have to be certain that they can provide potentially unpalatable advice to members without the fear that this will result in a vote for their dismissal.

It is also considered that the proposal is contrary to basic employment procedures and legislation and could leave authorities exposed to costly constructive or unfair dismissal claims. This could subsequently lead to recruitment issues if employment tenure was so easily severed.

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.

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

No comment.

PART 5

5.1 Do you have any comments on any of the provisions in Part 5 of the draft Bill?

Comment 1

It is noted that the publication timelines for the publication of the first corporate plan following the elections is tight with publication due by August, and likely to lead to much of the consultation process taking place during school holidays when participation may not be as high as it could otherwise be.

It is also noted that these publication timelines do not tie in with the publication of the well-being objectives either, and to ensure more joined up local government generally, it is queried whether it would be preferable for these plans and objectives to be aligned, as one should, by necessity, influence the other. If this was applied as a minimum to all Public Service Board statutory partners, this should generate a more cohesive approach. This may also assist in a more streamlined and efficient auditing process.

Comment 2

It is queried if the Ministers proposed new power in s.128 of the draft Bill should only be exercised following an adverse relevant regulators report **and** county council response as a consequence of the combined assessment detailed in ss.123 – 127. This would then provide reassurance that such combined assessments drove further reviews where required and would prevent further review without just cause arising from such assessments.

Comment 3

The potential resource implications for bodies under s.132 of the draft Bill should not be underestimated and are not limited. Considerable pressure could potentially be placed on bodies such

as the Fire and Rescue Authority that are a member of more than one Public Service Board and are therefore, by implication, at risk of being subject to this provision more frequently than individual county councils. The demand is not limited to the provision of documents, but includes the widely drafted “facilities and assistance”. This could include officer assistance and is open ended in terms of the extent of the assistance required and the timescales over which this must be provided. There appears to be no provision for recovery of expenses where this would be reasonable.

Comment 4

In relation to the intervention powers detailed at ss.135 – 142 of the draft Bill, confirmation is sought that legal responsibility for the functions to be performed under Ministerial direction would pass to the Welsh Government or individual Minister at the point of time of the intervention direction, in view of the fact that the relevant county council would no longer retain any discretion of decision making powers in relation to the function.

Comment 5

In relation to the proposed amendments to the Local Government (Wales) Measure 2009 detailed in s.147 of the draft Bill, reference is also made to the repeals resulting from the Well-Being of Future Generations Act 2015 and the argument put forward under that consultation to changes to streamline public sector objectives and reporting. It is again reiterated here that it would be advantageous for similar repeals to take effect for other improvement authorities, so that public reporting and public strategies are consistent and cohesive across the public sector.

The current changes have resulted in the position of different public sector ‘improvement authorities’ having different requirements placed upon them by legislation, whereas previously they all had the same requirements. Not only does this lead to potential confusion by the general public that we are trying to engage with to encourage greater participation in local government generally, but also leads to different planning and reporting timelines across sectors at a time when there should be a greater focus on outcomes through Public Service Boards.

This current approach does not facilitate a joined up, cohesive and easily understandable planning framework, but rather exacerbates bureaucracy and inefficiencies, and detracts

attention away from public outcomes. Consistency in this regard is therefore requested, not only under this draft Bill, but also in relation to the Well-Being of Future Generations Act and any subsequent proposed legislation.

5.2 Do you have any comments on our proposal to subject local authorities to a governance arrangements duty?

No comment.

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

No comment.

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

No comment.

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

Whilst the adoption of corporate governance and audit committees is supported (and indeed has been in place for a number of years in this Fire and Rescue Authority), the extent of the exclusions to lay membership is queried. There appears to be no differentiation or justification between those lay persons who were employed in, or are married to someone, and someone who was not, regardless of their suitability for the role.

Whilst it is accepted that some limitations should apply (for example, employed in an influential position in an authority within the preceding 12 months, or elected as a member in the preceding 12 months), the limitations relating to the spouses of officers appears excessive. This should be limited to those whose spouses are employed at a particular grade and above in the same authority that they wish to serve on. This would then mean that if the individual had suitable skills and experience, there is nothing to prevent them serving on a committee in another county council.

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

Public Service Boards are the ideal forum to examine public policy changes impacting on local service delivery and outcomes for the public. They have been carefully constituted with key relevant statutory partners, and if used properly, could be highly effective bodies to improve public service delivery.

However, there does need to remain a careful balance between the Boards and the elected representatives and relevant bodies constituted to discharge statutory functions, as it should be remembered that currently, responsibility rests with these bodies and not the Public Service Board. To change this status quo could require a fundamental shift in responsibilities, although it is considered that if led effectively by all partners, this balance could be struck appropriately to ensure outcomes are not compromised.

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

It is questioned whether consideration should be given to what the position would be if Public Service Boards favoured policy direction one way, but individual partner authorities disagreed.

5.8 What legislative measures could be considered to enable local government to take a public sector-wide shared service role?

It is considered that this is more about engendering a change of mindset across the public sector through good leadership than dictating legislative measures. Unfortunately this will not happen overnight, but would be aided if some proposed changes were adopted by ALL public sector organisations in Wales, including Welsh Government and the wider Civil Service. This would assist promoting a 'one public sector service' in Wales, rather than the tiered approach that currently exists, with all its differing terms, conditions and priorities.

PART 6

6.1 Do you have any comments on any of the provisions in Part 6 of the draft Bill?

No comment, save for the comments below.

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

No comment.

6.3 Should the new Councils implement the Boundary Commissions recommendations or should this be the responsibility of the Boundary Commission itself?

No comment.

6.4 Do you have any comments on our proposals relating to compulsory training for community councillors?

The Fire and Rescue Authority is supportive of such proposals as this would appear to support more joined up public service provision – this is especially so for community councils with competence.

6.5 Do you have any comments on our proposal to extend the term of community councillors elected in 2017 to six years?

No comment.

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?

To ensure a more joined up public service provision and to assist in meeting the wider “Wales” objectives (for example under the Well-Being of Future Generations Act), training should be aligned to ensure outcomes for the public are maximised. There should be a requirement to agree certain aspects of training with other relevant bodies who can provide professional advice where this would assist in achieving a better public outcome.

6.7 Do you have any comments in relation to the setting of objectives for a community council clerk?

No comment.

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?

No comment.

PART 7

7.1 Do you have any comments on any of the provisions in Part 7 of the draft Bill?

No comment.

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?

It is not considered necessary to constitute a statutory staff commission, as the final decision on staffing issues will always remain the responsibility of the relevant authority who retain the statutory responsibility, and therefore an authority will only ever have to “have regard to” the advice or guidance provided.

PART 8

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?

Comment 1

Clarification is sought upon the potential use of s.182(1)(b) and how this could be applied or used in different areas.

Comment 2

The comments made at 1.1 (Comment 2) above are referred to (replicated below for convenience):

Section 18 of Chapter 3 of Part 1 makes reference to transitional provisions in Schedule 4. Reference is particularly drawn to Schedule 4 Part 1 paragraph 3 in relation to removing 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 by or under Part 1 of the Act.

The lawfulness of paragraph 3 in the Schedule is questioned. Section 4 of the Fire and Rescue Services Act 2004 (and more specifically sections 4(6) and (7)) are very specific about when a public inquiry need not be held and none of the three situations

cited appear to have been fulfilled and therefore there is no lawful authority to suspend the requirement to hold a public inquiry. Indeed, none of the relevant authorities in ss.4(6) and (7) would be applicable in any event, as the relevant provisions of Part 4 of the Local Government Act 1972 and the Regional Assemblies (Preparations) Act 2003 have been repealed and Part 2 of the Local Government Act 1992 relates purely to changes to local government boundaries in England. It is noted that s.23 of the Local Government (Wales) Act 1994 makes specific reference to Fire Authorities in Wales, although this too does not provide authority for removing the provision to cause a public local inquiry to be held except in accordance with the 2004 Fire and Rescue Services Act. The provisions in s.23 are very specific to the creation of a combination scheme where notice was required to be served before 1 April 1996.

It is acknowledged that the Fire and Rescue Authorities have not (as yet) been consulted upon, or agreed to varying or revoking the requirement to hold a public inquiry, but it is suggested that in its currently worded format, such consent would not be forthcoming for the following reason.

Whilst the Fire and Rescue Authority has no objection per se to the current proposed changes to the boundaries of local government in Wales, it is not inconceivable that at a point of time in the future, such boundaries under Part 1 of the draft Bill could be re-visited. If the currently worded paragraph 3 remained, this would preclude the need for future inquiry regardless of whether the Fire Authorities agreed and regardless of whether such changes had consequential impacts upon the current Fire Authority boundaries.

The Authority would be happy to discuss suitable amendment to the wording of paragraph 3 of Schedule 4 of the draft Act that would make it lawful and facilitate the consent required under s.4(7)(a) of the Fire and Rescue Services Act 2004.

ADDITIONAL QUESTIONS

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

The comments at 1.1 above (Comment 1) are referred to and are replicated below for convenience:

The Authority notes the proposed changes to Local Authority boundaries but is concerned that the draft legislation in its current format does not adequately deal with the consequential implications for other statutory bodies, such as the Fire and Rescue Authority.

Section 1 of Chapter 1 of Part 1 creates the new councils and abolishes the old councils on 1 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.

It is considered that Section 17 of Chapter 3 of Part 1 will not adequately cover the changes required to the Combination Order. Section 17 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.

9.2 Please provide feedback you think would be useful in relation to the supporting documents published alongside the draft Bill, ie draft explanatory memorandum (including the regulatory impact assessment) and specific impact assessments?

No comment.

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

No comment

Sally Chapman
Deputy Chief Officer
South Wales Fire & Rescue Service

26897 -0063 : Audrey Parry

Tref / Town : N/A

Sefydliad / Organisation : N/A

Community and Town Council Engagement Event on the Draft Local Govt. (Wales) Bill.

4 Feb 2016 – Venue Cymru, Llandudno

Having attended this very informative presentation some interesting points came to light. The introduction : Background and Overview – contained the following (or similar) statement:- “much of today's event will inevitably contain much information not in the draft bill but may be included in the white paper because of the consultation period.” This is well understood, but why the changes in election timings? Due to resignations etc. this is going to lead to be more expensive than standard procedure – the cost to be borne by whom? The example quoted was Local elections – 2017.....1st re-election in 6 yrs – 2023..... thereafter reverting to 5 yrs (2028).....

Training for Community Councillors is to be made Mandatory, possibly annually. Code of Conduct funded by County, others by local decision – (by whom)?

It is proposed that the use of E-petitions and E-voting be introduced. Is this instead of or subsidiary to paper and Voting Stations? It was pointed out that large areas of North Wales hadn't got broadband never mind fibre based, which seemed to bring unbelieving glances from the podium!

Transfer of Community Council assets are to be decided locally! By whom and with what arbitration, and how are you going to prevent councils spending all their reserves beforehand? After all, each Community Council has set its own precept according to its needs. Why therefore should an adjoining community gain from or suffer its neighbours' profligacy?

ALL Councils will be required to produce and publish their Annual Report. In what form? And at what cost? Borne once again by whom?

Improved access to local government – How? Drastically reduce the number of Community Councillors – make the Counties much larger with commensurate cuts in numbers of County councillors – Oh! And don't forget to add in an extra layer of govt. for good measure. The 'Community Area Committee', with new designation of powers and working within the new County Council and Community Council structure. Is this new layer to be

paid? If so, Who by? All meetings to be visually recorded and available on request to all and sundry. The implications are frightening.

General Power of Competence. Statutory requirements will include -

- a) 2/3 of cc VOTED in place
- b) A QUALIFIED Clerk
- c) 2 yrs audited accounts. HOWEVER -

Ref. Part 2 last paragraph p.21 Consultation document explanatory memo dated 24 Nov 2015. A number of delegates pointed out the lack of sense of this paragraph. What is the point of 'competency' if a Community Council can 'carry on regardless' for the remainder of a period between elections (6 or 5 years) without compliance? Including the need for 2 years audited accounts!!!

Some other pertinent comments and questions were put to the podium but weren't answered.

1. How do you intend to define a 'Local Councillor'?
2. How much extra work will this entail for the Clerk if they decide to continue and has this been costed? Or the practicability been taken into account?
3. What does the Welsh Govt. see as the duties of a Community Council? Surely the hint is in the name!
4. **If it ain't broke – why fix it?** A number of people approached us after and commented about the basic questions asked. The general consensus being that Cardiff (more specifically Andrews) does not appear to understand rural Wales.

I Have specifically tabled a further question :- How much has this whole exercise cost to date since inception The recorder at the meeting for the dept. (Ministry of Public Services) promised an answer by e-mail.....WHEN?

Finally, in Session 2 of the presentation, Review on Community Council Arrangements, it transpires that DISCUSSIONS are not to commence until 2018. Comment was made that in other words we are being asked to pass this paper in principle then sort out the LARGE print later!!!! I think the voting public should be made aware of this.

Yours

Mrs. Audrey Parry

26897 -0064 : Mrs Gill Jones

Tref / Town : Llandudno

Sefydliad / Organisation : N/A

RESPONSE TO DRAFT LOCAL GOVERNMENT (WALES) BILL

You rightly stated that Councils should act as community leaders and agents of change. The activities of Government and local Councils are funded by the taxpayer. Whilst the consultation exercise is looking to pay lip service to involving the people of Wales I would strongly recommend that the Minister for Public Services listens to the voice of those people, the electorate, that have voted him into power.

The survey that was undertaken by Conwy County Borough Council in autumn 2015 around the details of the merger gave a resounding response with 72.6% of the public and 80.4% of council staff stating that the county boundary should stay as it is.

Of those who responded to the survey, 68.3% of the public and 54.5% of council staff stated that if merger was inevitable the preferred pairing would be with Denbighshire.

Only 24.6% of the public and 19% of staff considered merger with Gwynedd and Anglesey a viable option.

If the Minister of Public Services hasn't already made up his own mind with regards to the proposals then why wasn't the option of voluntary merger between Denbighshire and Conwy, which had already been encouraged by the Welsh Government and supported by the Williams Commission, accepted at the time of its offer? I'm sure that officers in both counties put a significant amount of time, effort and resources into developing the proposals and given the limited information on the structures and levels of support that might be available from the Welsh Government would have produced a reasonable line of reasoning to support that proposal.

There are more similarities between Conwy and Denbighshire, demographically, geographically and culturally than with Gwynedd and Anglesey. The Welsh language is stronger within Gwynedd and Anglesey which may leave taxpayers in the Conwy area disadvantaged. Merging Denbighshire with Flintshire and Wrexham will dilute the Welsh language culture of the Denbighshire.

The Williams Commission have already advised against the creation of large counties and the merger of Conwy with Gwynedd and Anglesey will destroy community cohesion. Local communities are by their very nature small and may be unwilling to engage in the 'bigger picture' of such a large county.

Fair democratic representation across such a large county will weaken its effectiveness as those elected will no longer be seen as 'local'.

I do not believe that the full negative financial impact on the proposed mergers has been taken into account with the loss of a significant funding stream for convergence funding if Denbighshire merges with Flintshire and Wrexham.

Within the consultation document the Welsh Government acknowledges that regional collaboration is fragmented and hard to deliver, what makes the Minister for Public Services believe that merger will simplify the process? North Wales local authorities already work well collaboratively delivering on key areas where their combined skills and effectiveness can maximise the impact to the taxpayer. The flexibility in having this approach means that they can use their joint power where applicable whilst still maintaining the local needs of the community.

Financing of the proposed new Authorities is integral to the decisions to change the way that local Authorities are funded and how the Welsh Government will expect them to maintain service delivery under the proposals. Any decisions on the future of local government cannot be taken in isolation and therefore the financing of the new Authorities should not be part of separate legislation.

In the setting of the Council Tax for the local Authorities the size of the proposed merged Authority with Gwynedd and Anglesey will create huge diversity in the communities. This will make the setting and spending of Council Tax unfair.

Access to Meetings: I agree with the proposal to prohibit consumption of alcohol during all meetings.

The broadcasting of meetings restricts open discussion and debate as members may feel they are more in the public eye. However this also means that they are required to show active participation that can be monitored by the electorate.

I believe that Members attendance **and participation** at meetings should be monitored so that the electorate can truly see how active (or not) their elected Councillor is in the decision making process of the Authority. The practice of turning up at the meeting so that their presence is noted and then leaving early should be actively discouraged.

Senior Management in Local Government: I agree to the proposals to control the salary of Senior Management however not to setting term limits for Chief Executives (or any other members of the Senior Management team). Chief Executives and senior managers provide continuity for the management of the Authority. The loss of the intellectual assets and the huge wealth of their knowledge after a term in office would have a significant detrimental effect on the continuity of service provided by the Authority.

I believe that senior officers in the Authority are entitled to the same rights for dismissal as everyone else that includes investigation by an independent person to justify a course of action. I do not believe that this decision should be made through a vote of full Council.

Transfer of Assets: the transfer of assets to community bodies has failed in the past. Enthusiasm wanes and the assets are left to deteriorate with no adequate management in place and no one prepared to take on the responsibility. The transfer of assets will fail and the asset will be placed back into the ownership and control of the local authority who will be expected to invest in bringing it back up to standard. If the transfer takes place there should be clear disposal processes to ensure that there is no obligation for the local Authority to step back to take ownership nor for the community to sell the asset on at a profit.

I support the response that Conwy County Borough Council has made to the Welsh Government proposals and would suggest that as a high performing, low cost Authority reorganisation or merger is un-necessary. Council budgets are already stretched and this move would be a waste of tax payers money by changes that would not benefit either the local Authority or the community it serves. If the Minister of Public Services disregards the wishes of the tax payer of the county who in response to the survey have overwhelmingly stated that the county boundary should stay as it is, then the merger should be with Denbighshire who are more closely aligned with Conwy than the counties of Gwynedd and Anglesey.

Regards

Mrs Gill Jones

26897 -0065 : Gethin Rees

Tref / Town : N/A

Sefydliad / Organisation : Cytun Churches Together in Wales

Response to the Draft Local Government (Wales) Bill

This response is presented on behalf of Cytûn (Churches Together in Wales), which represents the principal Christian denominations in Wales and a number of other Christian organisations, following consultation with our membership. A full list of members can be found at <http://www.cytun.org.uk/us.html>

We have prioritised responding to this consultation because local churches engage with local authorities and community councils with regard to a whole range of matters. Local clergy and church members are often active in local government, either directly by election or indirectly through Communities First partnerships and similar local

arrangements. The services provided by local authorities are widely appreciated by local communities – and are subject to fierce criticism when they do not meet expectations. We have not attempted to answer every consultation question nor cover every aspect of the Draft Bill. We have indicated the questions to which our comments are relevant.

1. The consultation process (Foreword & Introduction)

As churches, we were impressed by the user-friendly and accessible nature of the consultations surrounding the earlier White Papers, *Devolution, Democracy and Delivery*, especially the attempts to include young people and other groups in the consultation. We appreciate that consultation on a draft Bill is inevitably more complex, but we are disappointed by the format of this consultation. The Consultation Document, Draft Explanatory Memorandum and Explanatory Notes each provide an overview of the draft Bill, but with different emphases and different information in each. These documents are not cross-referenced to one another. This has made navigating the process very difficult for voluntary organisations with limited capacity, and we would hope that future consultation on this matter will revert to the earlier format.

2. Boundaries (Qn 1.1)

Cytûn does not take a view on the exact configuration of local authority boundaries, although we are aware that some local churches may make submissions on these matters. We accept the underlying reasoning that improving the capacity of local authorities requires some mergers, despite the danger of this making local government appear more remote from the people. We recognise too the attempts made in this draft legislation to counterbalance the larger local authorities with more powerful community councils and community area committees (see below).

3. General power of competence (Qn 2.1)

We support the general power of competence proposed in the draft Bill, and we see in it the prospect over time of developing innovative and locally tailored ways of delivering public services.

We note that this is in effect the introduction of a “reserved powers” model for local government in Wales, replacing the current “conferred powers” model. We note also that this general power of competence will be subject to significant restrictions, and that some powers will require consent from Welsh ministers. We wonder whether this is entirely consistent with the Welsh Government’s objection to the use of Minister of Crown consents and the “necessity test” with regard to its own powers in the draft Wales Bill.

The devolution of effective powers to local authorities requires freedom of movement for those authorities, just as devolution to Wales requires freedom of movement for the Welsh Government and Assembly.

We are aware that the provision of different services in different areas will inevitably lead to cries of “a postcode lottery”, and we trust that future Welsh governments will resist the temptation to respond by immediately standardising provisions across Wales. We feel that broader consultation is required on the provision for charging for services in Section 23(b) – subject to the restrictions in Sections 25 and 26. This is not mentioned in the Consultation Document itself nor in the draft Explanatory Memorandum, yet it is an area that is likely to arouse interest and concern locally. We are not opposed to allowing local authorities to engage in commercial provision of some services, but we

believe that the people of Wales should be given the opportunity properly to consider the implications of this before legislation is proceeded with.

4. Community councils (Qns 2.2, 6.1)

Community councils originated in the ecclesiastical parish system, and churches retain an affection and respect for these organs of genuine local democracy. We welcome the intention to give more powers to those community councils with the capacity to exercise such powers, and we consider that the criteria suggested for becoming a “community council with competence” are proportionate and appropriate.

We are concerned, however, at the proposal to link this with a review of community council boundaries, as it appears that the intention of this review is to create larger community councils, in order that they might more easily take on competence. We are concerned that larger community councils tend to become dominated by political parties, with a pattern of whipped votes, etc., which may not be appropriate to the discussion of matters in small local communities. We would strongly recommend that the boundary review involve effective consultation at all levels, and that it should not be required to produce a particular size of community council where that is not desired locally.

We are also disappointed at two areas which are not included in the draft Bill:

a. We are sorry that the proposal to require members of political parties who stand for election to community councils to declare on the ballot paper any membership they hold in a political party has not been proceeded with. We believe that this information is of importance to voters and should be made available, even if the community council is not organised along party lines and the candidate intends to vote independently should the seat be won.

b. We would also like to see additional provisions restricting the co-option of members to community councils to fill vacancies. This procedure is not followed at any other level of government. In the case of larger community councils with party political groups, the tendency is for the dominant group to use the co-opted places to introduce its unsuccessful candidates at the preceding election to the council, representing wards in which they do not reside. Such representation is often ineffective for the ward, and its use to give an overall majority on a council to a party which has failed to achieve this electorally should be prohibited. In the case of community councils with competence we would consider it quite inappropriate that, as currently proposed, up to a third of members could be co-opted rather than elected.

5. Community area committees (Qns 3.3, 3.4, 8.1)

We are very sceptical as to the value of community area committees, which seem unnecessary given the proposals to enhance the powers of community councils. These committees appear to us to be an extra unnecessary tier of bureaucracy, and we consider the cost identified on page 22 of Part 2 of the Regulatory Impact Assessment (over £17m per annum) to be excessive. In addition to the financial cost, they would require unpaid community councillors, already often hard pressed in terms of time and capacity, to attend multiple extra meetings when they could be attending to other duties.

We appreciate the good intent of the proposal to include nominees of third sector bodies on these committees, as they are on Public Service Boards. However, we doubt the capacity of the third sector in every area to provide appropriate nominees when

they are so dependent on voluntary commitment to run their organisations and services. We are also aware of the danger that some such nominees could be unrepresentative and opinionated individuals who enjoy the prospect of attaining influence without going to the trouble of standing for election.

We would also like to see added to section 46(1) a requirement for representation of a similar nature from the local business community, which is so important to a thriving community life.

6. Consultation regarding budget, decisions and improvement requests; and e-petitions (Qns 3.1, 3.2, 3.6, 6.8)

We support the principle of local government engaging in widespread consultation during its budget-making process and regarding making significant decisions. We note that most local authorities have been doing this during the current period of austerity cuts, and agree that the continuation of such consultation even in better times should be made statutory.

We are, however, concerned about the bureaucratic process proposed for “improvement requests” in Chapter 4. It appears to us that the processing of such requests could be cumbersome and expensive for local authorities and serve little useful purpose, given the many other channels available to local people and organisations to seek responses from local authorities. We are disappointed that the Regulatory Impact Assessment (Part 2, pp 28-31) makes no attempt to quantify the “opportunity cost” of distracting council officers from other tasks in order to manage this process, and we believe that in practice this cost is likely to be substantial. We are also concerned at the possibility of persistent or vexatious use of this procedure by local unrepresentative pressure groups. We would support the suggestion in the Consultation Document (p. 45) that community polls be abolished and be replaced by a petitions system for local government, and would suggest that this simpler procedure would be more appropriate than the improvement requests procedure currently included. We also note that no “improvement requests” procedure exists for Welsh Government.

7. Corporate plans, annual reports, etc. (no specific question)

While we welcome the transparency required of local government under these proposals, we are concerned at the multiplication of different documents required to be produced. See also section 10 below.

8. Training and statutory duties of individual members (Qns 4.1, 6.4, 6.6)

We are aware that some local councillors perform their duties inadequately, and we support the desire to see improvement in this area. In general, we support the requirement for a reasonable amount of compulsory training of members of local authorities and community councils in appropriate skills and competencies, and we would suggest that this requirement be extended to Assembly Members also.

We are concerned, however, at the highly prescriptive nature of Sections 82-86 of the draft Bill, and at the vagueness of the criterion that a member may have a “good reason” for not complying with these duties. We believe there is a serious danger that these provisions could be used vexatiously by members of the public who are aggrieved about an elected member who does not agree with them, although the member is carrying out his/her duties appropriately. Some persistent correspondents do not deserve regular replies, and this should be a matter for the judgement of the individual

member rather than for litigation. We also note that no such requirements are laid by statute on AMs or MPs. We therefore suggest that these sections could be removed from the Bill and replaced by a Code of Conduct to be monitored by the Standards Committee.

9. Scrutiny and Standards Committees ; Corporate Governance and Audit Committee (Qns 4.2, 5.4)

We support the proposals that independent members of the Scrutiny and Standards Committees should have a vote, believing this is an appropriate safeguard against the misuse of political power. We also support the expansion of the duties of Audit Committees to cover corporate governance also.

10. Self-assessment, peer assessment, external assessment (Qn 5.3, Annex A)

While we agree that councils need to review their performance regularly, we are concerned at the cumbersome and costly nature of these multiple tiers of assessment, on top of the other accountability mechanisms already in place or proposed. We are not convinced by the statement on page 85 of the Regulatory Impact Assessment (part 2) that these procedures would be “less onerous than that which currently exists”, and are disappointed that no costings are provided to back up this assertion.

We would suggest that the self-assessment should be part of the Council’s Annual Report, rather than a separate exercise.

We again note that none of these requirements apply to Welsh Government or the National Assembly for Wales. We particularly wonder whether a process of “peer review” between the devolved institutions in the UK might be advantageous.

11. Co-operatives and mutual and shared services (Qn 5.8)

The Christian churches have been generally supportive of the co-operative and mutual models for developing businesses and services, where appropriate, although experience of using this model for wholesale transfer of council housing stock has been mixed. We are therefore disappointed by the lukewarm endorsement of this model on page 40 of the Consultation document as “a ‘least-worst’ option”. We trust that there will be fuller consultation on this matter, especially with the co-operative and mutual sector, prior to legislation.

We also have concerns regarding the statement on p. 41 of the Consultation Document “that cost savings and the opportunity for better service could be obtained through shared services at a larger scale.” On principle, we believe that it is best for services to be provided and managed as locally as possible, by organisations who understand the local circumstances and don’t just impose a blanket regime on vastly different areas in the name of efficiency. We also wonder if providing shared services in this way might open the way for EU legislation on larger contracts to be invoked, which could allow commercial organisations from miles away to compete for local services. At the very least, huge caution needs to be exercised if this is to happen, and all the implications considered. As churches, we have a particular concern for older people and their carers, and for disadvantaged areas and individuals, who are often the least able to stand up against large, remote organisations when they provide services that are unsuitable or of a poor standard.

Similar considerations apply to local authorities tendering to offer services in neighbouring authorities (see the final paragraph of our section 3 above), when the local councillors of one council will be seeking to oversee and scrutinise service providers

based in a different council. We believe that the economies of scale need to be weighed very carefully against the loss of direct democratic accountability for the provision of services under such arrangements.

12. Community asset transfer (Qn 4.9)

We have responded to previous consultations on this matter, and are sorry that the Government's latest response has been hidden away in this Consultation document, and that there are no draft clauses in the draft Bill. The churches remain concerned about this matter, and would urge that there be full pre-legislative consultation on any legislative proposals that may be brought forward after the election.

13. Subordinate legislation (All questions)

We note that a very large number of the clauses of this Bill empower Welsh Ministers to make regulations – 50 pages of the Explanatory Memorandum are taken up in listing these clauses. We appreciate that some of the matters covered are complex and technical in nature, or will alter regularly. However, we are concerned that matters of principle are also covered (e.g. Section 111(3)), and also that there are many powers granted to ministers to amend primary legislation (e.g. Section 34(1) and Section 77(1)), a practice which the Assembly's Constitutional and Legislative Affairs Committee considers undesirable, and we agree. We would point out that the powers delegated to Ministers in Section 138(3) are for Welsh Ministers to grant further powers to themselves, and we therefore consider this provision to be particularly inappropriate.

This response may be published in full.

Gethin Rhys National Assembly Policy Officer on behalf of Cytûn (Churches)

26897 -0066 : Mike Garland

Tref / Town : Tredegar

Sefydliad / Organisation : M&J (Europe) Ltd

I wish to make the following comments,

1) We have far too many CBC in wales which seemed to have evolved by the short sighted "vision" of the bringing everything down to the lowest denominator with the premise that this gives "more localised control" what nonsense!

2) There is no real co-ordinated control as with so many CBC in Wales we seem to be operating without an overall sense of purpose and direction, other than what seems to some egotistical views of so called councillors

3) There will be in my opinion more control and direction with the proposed reduction in the number of local CBC's , this would give more joined up thinking rather than the old saying of a Donkey is the result of a committee decision

4) There must be a serious reduction in the overall costs in many areas which would include the duplications of job's

5) There should also be a reduction in the potential waste of money paying councillors and the geographic areas of council wards should be increased by at least 100% thus giving a reduction in the numbers receiving unjustified amounts as councillors

There are many other areas that a reduction of the excessive number of CBC's and more should be done to take the influence of the self-interested in saying the status co for their own financial ends

Regards

Mike Garland

26897 -0067 : Rob Thomas

Tref / Town : Barry

Sefydliad / Organisation : Vale of Glamorgan 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 Vale of Glamorgan Council has made its stance on local government reorganisation clear on numerous previous occasions.

The Council believes that the creation of eight or nine “super Councils” will be to the detriment of local democracy in Wales and to the people who depend on the services provided by their local Council. We have argued in the past that the Vale of Glamorgan Council, as a high performer responsive to the needs and wishes of local people, should continue as a Council in its own right, and this remains our strongly held view.

We have also argued that the establishment of very large Councils will necessitate setting up additional bodies as a compensatory mechanism to address local concerns, thereby creating an unnecessary two-tier system which throws up its own problems. This two-tier system is precisely what the Draft Bill proposes in its provisions for community area committees. (See our response below to Question 3.3)

Our view remains that the current number of Councils is largely correct, but that, as was argued convincingly in the Simpson report of 2011, collaboration between Councils should become the norm. We believe that such collaborations are now becoming widespread, whether it be the education

consortia or waste management (Prosiect Gwyrdd) or in respect of regulatory services (Shared Regulatory Services between the Vale of Glamorgan, Cardiff and Bridgend) or the health/social services interface (Vale of Glamorgan and Cardiff Councils and Cardiff and the Vale UHB). In the current financial climate such collaborations are likely to become increasingly common as Councils seek to find the most cost-effective solutions to delivering services.

In November 2014, in response to the Minister's invitation to submit expressions of interest for a voluntary merger, we put forward proposals for a voluntary merger with Bridgend Council. This was in recognition of the fact that if Council mergers became inevitable then we had a duty to propose what in our estimation would be the "best fit" in terms of comparative size, population and demography. We argued strongly against the enforced merger of the Vale of Glamorgan and Cardiff on the grounds of a disparity between comparative sizes and character. In short, Cardiff is a densely populated urban conurbation and capital city with all that entails, while the Vale of Glamorgan consists of a significant rural area complemented by small towns and villages and coastal towns (similar to Bridgend).

Despite its comprehensiveness and the force of its arguments, that expression of interest was rejected by the Minister. We find it ironic in retrospect that the main reason given for the rejection was that a Vale of Glamorgan/Bridgend merger would cross a Health Board boundary. The published map now features a merger of Bridgend, Rhondda Cynon Taf and Merthyr Councils, an arrangement that similarly crosses a Health Board boundary but which seems to find Welsh Government favour.

In short, our stance as a Council remains that we are convinced of our viability to continue as a stand-alone Council working in collaboration with others. Should the creation of bigger Councils become inevitability then then the "best fit" merger would be between the Vale of Glamorgan and Bridgend Councils rather than between the Vale of Glamorgan and Cardiff.

Here also we would take issue with the estimation of the Regulatory Assessment accompanying the Draft Bill of the costs and savings associated with local government reorganisation, which we find tendentious and selective, and which ignores the savings already made by Councils and the savings we will continue to make over the coming years. We would draw attention to the WLGA's submission in this regard, which we endorse.

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 for the affected Councils to address.

As we set out in our responses to Q1.1.above and 1.3 below, there is a presumption in the question which we do not share, viz that either of the options proposed is acceptable or sensible. As a Council we do not believe that the case has been made for the map as constituted.

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

See Q1.1 above, which outlines the Vale of Glamorgan Council's position. We find it presumptuous of Welsh Government to assume in a large number of the following questions that the matter is settled and there remain only the details to be agreed. On the contrary, there is no consensus either in the Assembly or across Welsh local government as to the future structure of Councils, and to assume otherwise is misleading and a cause for disquiet.

We would also add that in a time of increasing collaboration across a range of services, the continuing, protracted debate on reorganisation is an unwelcome distraction, when the focus should be on delivering essential services at a local level.

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 is a matter for the two organisations affected to address. We would add that the question only makes sense if it is agreed that the integration needs to happen. Since it is based on the unnecessary proposed map of new Councils, we would argue it does not.

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

No comment, save for referring to the fact that there is a presumption that local government reorganisation will take place, and that this is a long-held presumption despite so-called consultation exercises claiming the contrary. In any event, in relation to the "names" question, if the proposal is for the new Counties to decide themselves what they are to be called, this question is surely redundant .

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

Given our reply to Q1.1, we see no need for making changes to the 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?

There is a need to review the Local Government Finance system; however, this is complex and requires considerable thought and planning. The proposal to undertake this piece of work over a longer timeframe is supported. This Council has provided feedback to the Commission which is considering the options for change within the finance system

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

A register could be maintained to support this initiative. This would be an additional burden on the Council as a register of types and amounts would have to be kept. Currently practitioners identify a pattern which then highlights that avoidance may be an issue with some accounts, at which point appropriate action is taken where available. The ICT system is not configured to identify avoidance and so changes would have to be made to the system if this was to be required.

There is a high cost in taking court proceedings which is prohibitive to a Council without the financial support of the Welsh Government on whose behalf the NDR is collected.

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 following instances are examples of where owners/agents have avoided payment due :

1. **Charitable status:** An empty property (which may be long term empty or earmarked to be demolished for housing) where the owner arranges an occupation by a registered charity who must be granted 80% Mandatory

Rate Relief and who may also be granted the additional 20% due to their charitable activities (food bank, church etc.)

2. **De Minimis Use:** Occupying a part of a large building with a substantial RV with boxes of filing/blue tooth device in a small area of the unit for the statutory 42 days and then gaining 6 months exemption.
3. **Related Companies:** Similar to the above but where a site of units are occupied moving a related company into occupation again for the statutory 42 days and then gaining 6 months exemption.
4. **S44A Part Occupation:** This is where an agent declares that part only of a building is occupied for a short period and then moves the goods to another area thus changing the divided RV ratio and gaining another period of statutory exemption.
5. **No physical occupation:** An empty property is claimed to have been occupied again for the statutory 42 days and then gaining 6 months exemption, claimed in retrospect, however it has been identified that no physical occupation may have taken place – this may be considered as fraudulent activity, but the onus of proof is exceptionally difficult until a pattern has been established.
6. **Small Business Rate Relief:** This is where a hereditament with an RV greater than £2,600 (exempt from EPR threshold) but below the £6,000/£12,000 claims to be occupied as they gain SBRR rather than pay EPR.

From the instances shown above the following in statute may assist:

- For 1 above: That the charitable use of the property is clearly established; the charity is bona fide; the charity has been established not for rate avoidance but for other worthy causes and the charity has not been given a financial incentive by the landlord/agent to enter into the lease agreement.
- For 2-5 above: That the 42 days occupation period before granting exemption is increased to 6 months for Industrial hereditaments and 3 months for Commercial hereditaments thereby making the annual charge equivalent to the empty property exemption amount.
- For 6 above: That the thresholds for EPR and SBRR are considered together to avoid the practice of claiming SBRR occupation as a “*better buy*” alternative to the EPR levy.

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 term “fraud” suggests that avoidance becomes evasion, an example being when the Council has identified where an agent claims to have occupied an empty property for 42 days but no physical occupation has taken place. The difficulty in such circumstances is how to gain sufficient evidence to convince a court that fraud has taken place.

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, save to say that this is another presumption about a reorganisation of Councils that is far from certain to happen.

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

Please refer to the WLGA response in relation to costs (our response to Question 1.1. above also refers)

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 granting of a general power of competence to Councils. Given the financial pressures on Councils, all are investigating and progressing different ways of working, and the relaxation of legal constraints to doing this would be a positive development. Indeed, and for that reason, we do not see why a general power of competence should not be awarded to the existing Councils.

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

We have no objection to Community Councils who prove themselves competent being granted the same general power of competence.

PART 3

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

See Q3.2-3.8 below.

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

We have no objection to the duty to produce a public participation strategy, which would formalise much of what we already do. We do however find it strange that Councils will have to “encourage local people to participate in the making of decisions by authorities connected with the Council” (viz Community Councils, Fire and Rescue Authorities and National Parks). These bodies are autonomous entities, and while Councils work productively with them, we do not believe we should have the responsibility of encouraging the public to engage with them: that should be the responsibility of these bodies themselves.

In relation to the requirement to consult over budget proposals, this is something we already do.

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

In our response to the White Paper “Reforming Local Government: Power to Local People” we said the following:

“There is a real risk that Area Boards [*community area committees by another name*] could complicate service delivery, add complexity to governance and dilute accountability due to the lack of clarity on where decisions are being made. The public could become very unclear where decisions and accountability for services lay as this could be with the principal local authority, community council or Area Board. Our submission in evidence to the Williams Commission drew attention to the inevitable consequence of establishing larger Councils, namely that compensatory structures would need to be put in place to maintain a “local” dimension. That prediction has now come true.

‘The Area Boards could become divisive as differing communities compete for increasingly scarce resource. In addition, the political make-up of an individual Area Board may differ significantly from the Council itself, leading to disagreement and dispute over priorities and policy. This could mean the Council may be hindered in meeting its objectives and/or cynicism from the

Area Board over its value and efficacy.

‘However, we believe, in certain circumstances, the clear risks mentioned above could be mitigated and managed and that Area Boards could add value particularly in very large (both in terms of geography and population) merged councils. Because of the risks, Area Boards should not be compulsory; there would need to be evidence of local demand. The membership, design and operation of the Boards must be a matter for local decision in consultation with partners. This is because the situation will vary across Councils and even within a Council area”.

That remains the Council’s view. We now note that community area committees (CACs) will be made compulsory in all Council areas, and the risks outlined above will therefore be all the greater. There is still a danger of over-prescription by statute leading to an unnecessary bureaucratic burden for Councils and a blurring of responsibility and accountability. The proposals as drafted remain complex and risk creating an extra tier of governance, as we point in our response to Question 1.1.above. Rather than have a single tier of Unitary Councils, we are in effect going back to pre-1996 arrangements and re-creating the Counties and Districts, with the difficulties that that system presented.

While we welcome the fact that it is not Welsh Government who will determine those “community areas”, we have concerns that it is the Public Services Boards who will have that role. We believe that it should be up to Councils rather than PSBs to decide the areas, particularly if Council functions are delegated to CACs. Moreover, the community areas identified as part of the wellbeing assessment required by the Well Being of Future Generations Act will not automatically be those in which CACs will be established. It would be legitimate for that assessment to focus on certain areas and not others, which is certainly not a basis for setting up representative committees.

The onus should be on Councils to ensure that CACs are representative. If legislation in this regard is too prescriptive then the danger of creating an over-complicated, over-bureaucratic set of arrangements becomes a real one.

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?

While there may be functions that are inappropriate to delegate to community area committees, this matter should be left to Councils’ discretion rather than being dictated by legislation.

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 current area committees in the Vale of Glamorgan. As a Council which is already of a size to be responsive to local concerns, we have no need of them.

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 have a constant dialogue with a host of bodies and groups on what improvements should be made across the whole gamut of Council services and activities. This is what local democracy is all about. Engagement, consultation and complaints mechanisms already exist, and no useful purpose would be served by introducing formal "improvement requests", which seem to us "gimmicky" and would only serve to create additional bureaucracy and slow down decision making.

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

We already broadcast meetings of the Council's Planning Committee, and have plans to roll that out further. We feel it would be burdensome and over-bureaucratic to have to broadcast all meetings; rather, we would prefer to decide which ones to include on the basis of reasonable cost and as a result of consulting local residents.

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 have a Youth Cabinet and a lead Cabinet Member in this regard, and put a premium on the involvement and participation of young people in a number of initiatives and practices. Nevertheless, we do not feel it would be useful to have over-prescription in how we do this, which is what the draft legislation would be. We would not support it for that reason.

PART 4

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

We note that the majority of respondents to the White Paper Consultation agreed that the roles and responsibilities of Members should be defined in legislation; however, we are of the view that Part 4 of the Bill does not achieve this objective. It merely proposes for the majority of Members to introduce a number of rudimentary performance targets/duties which are not applicable across the public sector, and do not act as a means by which to assess the performance of a member in delivering his/her role. The mere attendance of a Member at a relevant meeting, holding 4 surgeries per annum and responding to correspondence within 14 days are not regarded to be effective performance measures and compliance with the same will not make an effective member.

This Council has established a Protocol of Standards Expected by its Members which has been effective and its breach is addressed through the Council's Local Dispute Resolution Procedure. Should the need arise to extend such an arrangement to performance standards, it would be far more effective and tailored to local circumstances for performance standards to be set by the Council.

In relation to the requirement for Members to undertake compulsory training, this is something the Council is already looking to introduce. However, this should be left to local discretion and should not be a "performance duty" as defined in the Draft Bill.

We do not believe that the Monitoring Officer and Standards Committee's time will be effectively utilised in dealing with investigations and hearings relating to the possible breach of the proposed performance duties as set out in the Bill, but rather the continued focus on the existing functions of the Standards Committee and resolving local Dispute Complaints relating to alleged breaches of the Members' Code of Conduct.

We do not see the necessity of the elected mayor or executive leader setting objectives as the Council's objectives are contained in the Council's Corporate Plan which may be revised from time to time as deemed appropriate.

We do not agree that a candidate for election as the executive leader should be required to prepare a written manifesto. This is not a statutory requirement for the Assembly or Parliament.

As the provision relating to the appointment of assistants to the executive are not compulsory and is left to local determination, this is supported. In line with our response to the White Paper, we agree with setting objectives for the Chief Executive and that performance needs to be managed. This is

already the case in the Vale of Glamorgan through its appraisal system. As previously noted, it is important to highlight that the Chief Executive serves all Members of the Council and not just the Council's senior executive member. We support the removal of the restriction that the Monitoring Officer cannot hold the position of Head of Democratic Services, thereby allowing local determination by Councils.

We recognise the value of co-optees, but maintain that they should not have voting rights additional to those already permitted by legislation. We continue to be of the view that elected members have a democratic mandate for their actions which would be absent for co-optees.

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 proposed duties of leaders of political groups in relation to standards of conduct and working with the Standards Committee in this regard.

See answer to Q.4.1 above concerning new functions to the Standards Committee to handle complaints of breaches of duty under Sections 82 – 86 of the Bill.

We agree that there is merit in the Standards Committee publishing an annual report and if appropriate making recommendations to the Council.

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

We support the proposal in principle and await further consultation.

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 Welsh Ministers having a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors, which would undermine the independence of the IRPW. Independent should mean independent.

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

The need for remote attendance arrangements at meetings in the Vale of Glamorgan have not proved necessary.
With regards to the issue of recall of Councillors as referred to in the consultation document, we do not believe that a right of recall will be effective and would require further consultation.

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

We agree with the proposal that the Shadow Authorities be given powers in the Bill for introduction to appoint returning officers.

We await further consultation with regard to the cost of senior management in Local Government and the rolling responsibilities of chief executives with regard to returning officer duties as referred to in the consultation paper.

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 of the view that the existing arrangements which prevent an Authority dismissing the above mentioned chief officers unless there has been an investigation by an independent person which justifies such action, is an important safeguard for the relevant senior officers.

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 would support the proposal to streamline the existing arrangements, this will avoid the current situation whereby the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and the amended regulations 2009 in effect become out of date and fail to keep up with changes in other legislation.

The relaxation of the existing arrangements and wider opportunity for local determination of responsibility of functions being a matter for Council or the Executive (other than those specified in the Consultation Document) are welcomed.

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

We would welcome further consultation on the issue of 'Assets of Community Value' and regarding proposals on how a Local Authority should respond if a community body showed an interest in a particular asset, timescales associated with the same, exempt assets and provisions to address urgent situations.

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 repeal of Part 1 of the 2009 Local Government (Wales) Measure, which is no longer fit for purpose.

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

We agree with the overall thrust of the proposed governance arrangements. However, as the WLGA have pointed out, it is unclear how the improvement duties and timescales in this Part of the Bill align with wider wellbeing planning and reporting duties in the Well Being of Future Generations Act, and similar provisions in the Social Care and Well Being Act. It is essential for different pieces of Assembly legislation to have proper regard to each other if we are to avoid confusion and wasted effort.

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

We would not take issue with it as an indication of how peer assessments might be done. We would warn however against over prescription and would not want to see it as fixed process to be applied in all cases. If improvement is to be effective it has to come from within, not imposed.

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 have no objection to such a Committee. However, we have concerns that it would be chaired by a lay person. The complexity and specialist nature of the matters to be considered by the Committee would in our view necessitate a chair who is a Member of the Council and who has the necessary experience and expertise. There is the real danger that a lay person, however committed, would not be able to cope with the task.

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

We agree.

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

Yes.

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

There is no need to set up an additional body locally to understand the combined impact of public spending on outcomes in a local area if the PSB already exists and if its role is to bring together those organisations doing the spending. We see no benefit however in PSBs obtaining further powers to achieve this if they are fulfilling their role effectively by taking advantage of the powers they already have.

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

The power of competence that is to be awarded to Councils should enable us to overcome most barriers in this regard, and there are no specific pieces of legislation that we would want to see either introduced or repealed. We would make the point that it is not legislation that is the barrier but Welsh Government policies: a prime example is the dogmatic insistence by Welsh Government that all collaboration should be done according to a predetermined regional “footprint”. Some of the most successful collaborative initiatives involving the Vale of Glamorgan Council have been outside the footprint (e.g. shared internal audit with Bridgend) or on a wider regional basis (e.g. Shared Regulatory Services, Education Consortium, Prosiect Gwyrdd).

PART 6

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

We would make the general point that Principal Councils should not have legal responsibilities in relation to Community Councils. Clerks of Community Councils should be where the responsibility lies for the issues covered in this part of the Draft Bill.

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

Again, there is a presumption, one that we do not share, of Shadow Authorities coming (or needing to come) into being.

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 welcome the fact that it is now the Boundary Commission rather than Councils who would be undertaking the review of Community Council arrangements. That being so, we believe that implementation of the recommendations of the review should be a task for the Commission rather than for Councils.

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

It is not appropriate in our view that a statutory duty should be placed on Councils to ensure that Community Councillors are adequately trained. Community Councils are autonomous elected bodies and should have the responsibility to ensure the appropriate training is carried out. That is not to say of course that County Councils should not work, as they currently do, as partners with Community Councils and offer what support they can – but this should be left to local discretion.

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 is a matter for Community Councils to address.

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 is a matter for Community Councils to address.

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 to address.

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 would have no objection to the introduction of an e-petitions system. It would be an improvement on community polls, which risk giving the impression of being binding on Councils.

PART 7

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

See our response to Question 7.2, which makes the point that a Staff Commission is unnecessary if local government reorganisation does not go ahead.

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 has previously indicated its support for 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 wish to ensure that the establishment of the statutory PSSC and its role is predicated on and explicitly linked to local government re-organisation. We would not wish to see a statutory PSSC set up if there is no local government re-organisation

In accordance with the above it is also felt important that there is 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?

Again we point to the premature nature of these provisions given that there should be no presumption that they will go ahead.

ADDITIONAL QUESTIONS

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

See 8.1 above.

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 have no additional 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 have no additional 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 -0068 : Jane Clark

Tref / Town : Llanstadwell

Sefydliad / Organisation : Llanstadwell 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 Comment

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?

Subject to what is said in our reply to Q. 1.3, we have no comment.

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

While we recognise that there must be a reduction in the number of Local Authorities in Wales, we do not accept that the proposed configuration is the best that can be devised, based as it is on a reliance on existing Local Authority areas.

The proposed configuration, subject to a few tweakings, is, in effect a reversion to the structure in existence immediately before the current structure was created, a structure which is widely acknowledged to have failed.

We consider that the Commission and the Welsh Government are mistaken in accepting that a new configuration should be based on the merger of two or more whole existing Local Government areas. If there is to be a reform of Local Government, it should be a root and branch reform and the new authorities should be based on coherent boundaries which ignore the existing ones, disruptive in the short-term this might be.

We believe that the reason why the previous County structure was considered to have failed was because it was felt that decisions were being taken by Councillors (and allowed by Officers) on the basis of their former county loyalties rather than what was best for the county as a whole. If a further re-organisation is to succeed, the mistakes of the past must not be made again so a different configuration is required. Dyfed is dead and should not be resurrected.

A possible configuration on a rational geographical basis for west Wales would require a boundary that takes in the southern part of Ceredigion, the western part of Carmarthenshire and the whole of Pembrokeshire with a new centrally based administrative centre not situated in any existing one, a requirement that is essential in order to avoid feelings of bias in the decisions of the new authority.

We are not tempted to draw boundaries for other Local Authorities.

While acknowledging the defects and drawbacks of the present Local Authority structure, we

do not accept that the present suggestions will provide an acceptable and long-term solution.

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?

No Comment

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

No Comment

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 Comment

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?

No Comment

PART 2

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

No Comment

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

No Comment

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 Bill is concerned with public participation in the affairs and decisions of Councils. While this is commendable, we think that the increased level of effort which this Part requires will result in the expenditure of much time and effort for a minimal return. It has to be recognised that the vast majority of the electorate is not interested in or concerned by Local Government until something goes badly wrong. This is shown by the extremely low turn-out in Local Government elections. We believe that a more effective way to encourage public interest is to provide a means of bringing Councils, Councillors and Officers to account by requiring an election to be held on the petition of at least 5% of the electorate. This process would be less expensive than the elaborate provisions of Part 3, and more effective.

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

We consider that the proposed Community Area Committees are an unnecessary extra layer of Local Government Structure leading to increased bureaucracy and expense, particularly if the Committee members are to be remunerated. Neither can we see that the Committees will make a significant additional input over and above the input of the consultees set out in Clause 40 of the Bill. The Committees will only function if they have real power - e.g. the ability of a majority of Committees in a Council area to veto decisions and budget proposals. As this is unlikely to be put into effect, the Committees will be a mere talking shop whose advice can and will be ignored by Councils.

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

'Community Representatives' (i.e. persons who are not Community Councillors) are proposed to be nominated by bodies chosen by the County Council. The definition of 'body' is so wide that it could include the National Front or the Socialist Workers' Party. We cannot imagine anything less democratic and more open to manipulation of the composition of the membership. Quite apart from our general objection to CACs, we consider this proposal to be a fatal flaw.

Elections are the only fair and democratic way of becoming a member of a CAC though we cannot think that there are many people who would wish to.

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. There is an adequate and underused Community Council system in place to which functions could be delegated. The delegation of powers and functions to Community and Town Councils would increase their value and standing which, in turn would make it more attractive to become a member of them.

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)?

No Comment

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

No Comment

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 consider that civic duties and obligations are best inculcated as part of the education system. It should not be part of the system of local government, especially when that government is party political.

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?

No Comment

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?

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?

No Comment

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?

No Comment

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?

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?

While it is logical to consider whether Community and Town Councils should have enlarged areas both in terms of geography and in responsibility, we feel that there is a real danger of the functions of these Councils becoming too remote from the people that they serve. These Councils deal with the minutiae of people's concerns - blocked road drains, overhanging trees, children's playgrounds in need of repair, Christmas decorations and, in many cases at present, the provision of public toilets. They are close to and respond on a personal and local basis to the people of their area.

As it is a major concern of the proposed legislation that the public should be more involved through consultation with their Local Authority, it is not logical to make their truly local councils more remote.

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

Early availability of draft reports should be welcomed by all layers of governance and particularly at community level.

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?

This should be a County Council responsibility exercised within the timescale allowed in the draft Bill.

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

With a competent Clerk, it would not be necessary for all councillors on election or appointment to undertake compulsory training. We think that many potential community councillors may be deterred by this requirement and some existing councillors may reject this additional pressure on their freely given time and quit their roles.

Where we do think that training is desirable, is before taking on the position of mayor or Chairman of a Council. The ability to conduct meetings and control debate should be acquired before taking office.

We consider that training ought to be provided at no cost to candidates for office.

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

No Comment

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?

It is not possible to comment on the need for training until it is clear what functions Town and Community Councils are to carry out. At their present levels of responsibility, it is difficult to see what training programme needs to be devised. Until the role of these Councils is so defined, the power to insist on training (which we doubt) should be a reserve power not for immediate implementation.

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

We consider that Clerks should be trained and qualified to carry out the functions of their office and should be subject to a requirement of Continued Professional Development.

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?

No Comment

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 Comment

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 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.

No 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 -0069 : Carole Roberts

Tref / Town : Wrexham

Sefydliad / Organisation : Acton 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?

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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?

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 Community Council has limited itself to responding to aspects of the Draft Bill that relate directly to Town and Community Councils.

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

Acton Community Council welcomes this provision and the dropping of the minimum £200,000 precept requirement. However it does question what benefits will be gained by being a “Competent Council” and if there will be any limits imposed on the general power of competence?

The Community Council is confused about the ability to self-declare “Competence”. It would seem to be sensible and imperative to meet all the minimum requirements. However is the self-declaration robust enough? What measures will be taken if the Council falls short of these requirements? ie the two thirds elected member requirement failing if casual vacancies can only be filled by co-option? Is it proposed that the Council would be expected to move back to the minimum requirement as soon as possible?

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?

The costs incurred through seeking Public participation on the annual budget should be commensurate to the size of the Council’s budget and this requirement should not place unnecessary burdens on Town and Community Councils.

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

The Council would like clarification on the size and definition of a “Community Area”. How many Community Area committees would there be in the new County area? If the move is to much larger County areas then Acton Community Council will have a much smaller voice but would wish to have representation to enable its concerns and views to be heard at the highest level. The Council would expect each Community Council area to have representation and assumes the scope of each Community Area Committee is advisory. There should be clarification on the scope and powers of Community Area Committees to take this forward. There are already other proposals and measures in place for Town and Community Council’s to be represented on public bodies (ie Wellbeing of Future Generations Wales Act 2015) Care should be taken to avoid duplication and dilution of work and resources.

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 Community Council is unable to respond without clarification on the scope and powers of a Community Area Committee. It does strongly welcome local democracy remaining local. It should be noted that in considering the provision of any service, one Community's priorities and solutions will be very different to another. The powers to delegate are already in the model. Whilst the Council supports the principle of delegation, there is a huge issue of who is funding the operation of those powers and if delegated elsewhere, will there be a requirement for the money/funding to follow the powers?

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?

In Wrexham there are no Area Committees but a planned seamless handover as a result of any local government re-organisation is sensible.

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?

The Council agrees that the requirements for Access to information as set out in Sections 55 to 58 of the Local Government (Democracy) (Wales) Act 2013 should also be applied to Principal Councils

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

Wrexham has a Senedd Yr Ifanc that could be asked to channel the views of young people in the area into Council deliberations.

PART 4

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

Yes – see responses 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?

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

The Council welcomes the opportunity for the Town and Community Councils Sector to have a voice.

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's strong view is that the Community Councillors' role is voluntary. However it recognises that individuals should not be out of pocket for attending external meetings and other events to represent the Council and should be recompensed for actual travel and subsistence costs; remuneration should not be capable of being viewed by Council Tax payers as a "gravy train".

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

Whilst this is a commendable aspiration, Broadband Access in Wales and rural areas in particular will restrict the use of this provision. There needs to be funding and urgent improvement to the infrastructure before this aspiration will be achievable.

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?

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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?

The Council considers there will be better researched outcomes from Reviews undertaken by the Boundary Commission.

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

The Council's view is the sooner the better for submission of Draft Reports

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?

There should be economies of scale with the option of opting out of training for more experienced 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?

Six years is a long time for a term of Community Council Office. However being pragmatic it is a one off solution.

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 supports the proposal which should take account of previous experience. Training is expensive and who will pay for it?

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

The setting of objectives is and should be considered as part of the annual and continuing Performance Review and Development of the 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?

Presently this proposal may exclude older generations who do not have the capability to use or have access to a computer or other online facilities. A requirement to encompass all generations should be developed if this legislation is repealed.

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?

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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.

26897 -0070 : Jane Clark

Tref / Town : Neyland

Sefydliad / Organisation : Neyland Town Council

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No Comment.

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While we recognise that there must be a reduction in the number of Local Authorities in Wales, we do not accept that the proposed configuration is the best that can be devised, based as it is on a reliance on existing Local Authority areas.

The proposed configuration, subject to a few subtle changes, is, in effect a reversion to the structure in existence immediately before the current structure was created, a structure which is widely acknowledged to have failed.

We consider that the Commission and the Welsh Government are mistaken in accepting that a new configuration should be based on the merger of two or more whole existing Local Government areas. If there is to be a reform of Local Government, it should be a root and branch reform and the new authorities should be based on boundaries which ignore the existing ones, disruptive in the short-term this might be.

We believe that the reason why the previous County structure was considered to have failed was because it was felt that decisions were being taken by Councillors (and allowed by Officers) on the basis of their former county loyalties rather than what was best for the county as a whole. If a further re-organisation is to succeed, the mistakes of the past must not be made again so a different configuration is required. Dyfed is dead and should not be resurrected.

We are not tempted to draw boundaries for other Local Authorities. While acknowledging the defects and drawbacks of the present Local Authority structure, we do not accept that the present suggestions will provide an acceptable and long-term solution.

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?

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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?

Part 3 of the Bill is concerned with public participation in the affairs and decisions of Councils. While this is commendable, we think that the increased level of effort which this Part requires will result in the expenditure of much time and effort for a minimal return. It has to be recognised that the vast majority of the electorate is not interested in or concerned by Local Government until something goes badly wrong. This is shown by the extremely low turn-out in Local Government elections.

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

We consider that the proposed Community Area Committees are an unnecessary extra layer of Local Government Structure leading to increased bureaucracy and expense, particularly if the Committee members are to be remunerated. Neither can we see that the Committees will make a significant additional input over and above the input of the consultees set out in Clause 40 of the Bill. The Committees will only function if they have real power - e.g. the ability of a majority of Committees in a Council area to veto decisions and budget proposals. As this is unlikely to be put into effect, the Committees will be a mere talking shop whose advice can and will be ignored by Councils.

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

'Community Representatives' (i.e. persons who are not Community Councillors) are proposed to be nominated by bodies chosen by the County Council. The definition of 'body' is so wide that it could include the National Front or the Socialist Workers' Party. We cannot imagine anything less democratic and more open to manipulation of the composition of the membership. Quite apart from our general objection to CACs, we consider this proposal to be a fatal flaw.

Elections are the only fair and democratic way of becoming a member of a CAC though we cannot think that there are many people who would wish to.

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?

There is an adequate and underused Community Council system in place to which functions could be delegated. The delegation of powers and functions to Community and Town Councils would increase their value and standing which, in turn would make it more attractive to become a member of them.

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?

We consider that civic duties and obligations are best inculcated as part of the education system. It should not be part of the system of local government, especially when that government is party political.

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?

While it is logical to consider whether Community and Town Councils should have enlarged areas both in terms of geography and in responsibility, we feel that there is a real danger of the functions of these Councils becoming too remote from the people that they serve. These Councils deal with the minutiae of people's concerns - blocked road drains, overhanging trees, children's playgrounds in need of repair, Christmas decorations and, in many cases at present, the provision of public toilets. They are close to and respond on a personal and local basis to the people of their area.

As it is a major concern of the proposed legislation that the public should be more involved through consultation with their Local Authority, it is not logical to make their truly local councils more remote.

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

Early availability of draft reports should be welcomed by all layers of governance and particularly at community level.

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?

This should be a Boundary Commission responsibility exercised within the timescale allowed in the draft Bill.

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

We consider it necessary for all councillors on election or appointment to undertake compulsory training.

We consider that training ought to be provided at no cost to candidates for office.

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?

It is not possible to comment on the need for training until it is clear what functions Town and Community Councils are to carry out. At their present levels of responsibility, it is difficult to see what training programme needs to be devised. Until the role of these Councils is so defined, the power to insist on training (which we doubt) should be a reserve power not for immediate implementation.

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 -0071 : Alison Ward

Tref / Town : Torfaen

Sefydliad / Organisation : Torfaen County Borough Council

Torfaen's Response to Local Government (Wales) Bill Consultation

1. Torfaen County Borough Council welcomes the opportunity to respond to the consultation on the Local Government (Wales) Bill.
2. Throughout its existence the Council has embraced change and new ways of working, and 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.

3. We do not believe that reorganisation into a fewer number of large authorities is in itself a silver bullet 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.
4. **Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?**
5. **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?**
6. **Question 1.3: What are your views on the proposed configuration of Local Government Areas in Wales?**
7. **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?**
8. The proposals outlined in the Bill would see the current Torfaen County Borough Council become part of a much larger Gwent wide authority. This would be a very large council serving around 600,000 people and would be exactly coterminous with the Aneurin Bevan University Health Board and Gwent police.
9. Torfaen for a long time has been accustomed to working on a Gwent wide footing, and we have led a number of initiatives on this basis. To give some examples of this:
 - Torfaen's Leader was instrumental in setting up the "G7" group of Gwent public bodies that meets from time to time to discuss issues of regional strategic importance, and he chairs the meetings;
 - Torfaen's Chief Executive led the development and implementation of the Gwent Frailty Programme across the five local authorities and ABUHB;
 - Together with Monmouthshire and Gwent Police we set up the SRS shared ICT service. Business cases are currently being developed by Blaenau Gwent, Newport and Caerphilly with a view to this becoming a Gwent wide service;
 - We are partners in the Gwent wide EAS educational achievement service and have worked well with them to secure considerable improvements in our school attainment;
 - We are currently leading a Gwent wide needs assessment process to form the basis for the Wellbeing of Future Generations Act.

- In 2010/11 we set up the G5 to enable the 5 LA cabinet members for social care to meet together regularly and take up issues with the Health Board

These are just a few examples of the Gwent wide work that we are engaged in, recognising the benefits in terms of efficiencies and the sharing of capacity and resources working alongside the Police and Health Board.

10. Whilst, for the reasons stated above, we see many strengths in the setting up of a Gwent authority coterminous with other public sector partners, we do have concerns about the size of the new organisation in terms of its connectedness to citizens and communities, particularly with respect to democratic representation. The advantage of the current collaborative arrangements is that, whilst they take advantage of scale in service planning and delivery, they are rooted in being overseen by elected members who have a depth of understanding of local circumstances.
11. Although it was not accepted by Welsh Government, we put considerable effort into developing an expression of interest in voluntary merger with Blaenau Gwent Council. This proposal was not just based on transactional merging of services to save costs, but on a transformational change programme resulting in a much more citizen centric new operating model, building on work already undertaken by both councils. Since the expression of interest was turned down, we have continued work on developing that operating model within Torfaen, and we still believe that it could form the bedrock of a merger of two or more authorities.
12. We do not wish to express a view on the configuration of local authorities in other parts of Wales, other than to say that we have worked well with Bridgend Council in the South East Wales Regional Partnership Board and, more recently, the City Deal negotiations, and we welcome the proposals that they should stay within that regional partnership area.
13. **Question 1.5: What are your views on the procedure for naming the new counties?**
14. The name of an organisation is core to its identity, culture and brand. We support the proposal that this should be a matter for the new shadow authorities.
15. **Question 1.6: What are your views on the proposed changes to the Local Government election timetable?**
16. We welcome a five year cycle for local elections; we believe that this gives elected members a proper period of time to immerse themselves in the

working of the organisation and therefore enables them to lead and scrutinise effectively. It also allows time for key decision making to be undertaken on major issues without the constant presence of an election looming. Medium to long term forward planning on financial, service delivery and workforce issues has strengthened in Wales as a response to austerity; and it is important that councillors are able to continue thinking in these longer timelines as we move into the future, whether or not austerity continues to bite.

17. In terms of the transitional arrangements outlined in the Bill, the period between the local elections in 2017 and the abolition of the old authorities in 2020 will need to be carefully managed to ensure that strong political and officer leadership and focus is maintained. Once the shadow authorities are established in 2019, it is inevitable that the focus will shift to them; but high quality, day to day services will still need to be delivered by the outgoing organisations until the last day. There will inevitably be a number of members who are elected in 2017 who will not be serving in the new authorities, there are also likely to be a number of officers who will see the transition as a point to retire or move on. Maintaining the morale and energy of the outgoing organisations will therefore be a key task.
18. **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?**
19. **Question 1.8: How could the Welsh Government measure the current level of avoidance of Non Domestic Rates?**
20. **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?**
21. **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?**
22. The issue of Council Tax harmonisation needs much clearer thought than is outlined in the guidance. There are likely to be significant disparities of Council Tax within the proposed new authority boundaries and if not fully supported through a properly resourced harmonisation scheme will result in either significant increases in council tax or a real loss of resource. Differing levels of council tax within the same authority is not a realistic proposal and certainly not over any prolonged time period.
23. In respect of non domestic rates. We would support any legislation or regulation that would require ratepayers to notify the billing authority of any changes in circumstances. Consideration also should be given to

fundamentally reviewing the business rating lists and enshrining in guidance that these should be fundamentally reviewed on a cyclical basis.

24. Clarifying the position in respect of charities and charitable occupation would be helpful in respect of the issue of avoidance.

25. **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 2020?**

26. This appears to be a sensible proposal

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

28. There will be a number of issues relating to workforce and job evaluation, but these are referred to later in the Bill and will fall within the remit of the Public Services Staff Commission.

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

30. We welcome the provision in section 23 to give general power of competence to local authorities. The broad powers in section 23(2) are particularly appropriate as councils will increasingly need to look at innovative models of service delivery and ways of raising revenue, including through the use of arms length commercial enterprises.

31. **Question 2.2: Do you have any comments in relation to our proposals relating to Community Councils with competence?**

32. We feel that the provisions of the Bill relating to Community Councils are, in the main, best commented on by Community Councils themselves. However, we would make a general comment that, if the powers of Community Councils are to be expanded, it is important that there are appropriate safeguards and checks and balances to ensure that the capacity of the Community Council, and the support that it receives, is equal to exercising those powers.

33. **Question 3.1: Do you have any comments on the provisions of Part 3 of the Bill?**

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

35. We support the proposals to require Councils to consult on the annual budget. However, we feel that there should be a wide discretion in terms of how such consultation is carried out. The rapidly increasing use of new forms of social media is likely to mean that by the time the new authorities come into existence there will be ways of communicating with the public which have not yet been thought of.

Our experience of consulting on our budget is that traditional means of engaging the public by holding public meetings in geographical locations are not effective, resulting in small numbers of people attending who are not representative of the majority of the population. We find that going to the places where people are already, such as libraries, leisure centres, supermarkets and existing community groups is a far more fruitful approach.

36. **Question 3.3: How should community representatives to sit on community areas be sought and selected?**

37. **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?**

38. **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?**

39. We share the views expressed in previous consultations that there is a danger of very large new councils being out of touch with communities, for example a new Gwent Council would serve around 600,000 people, and therefore we are not against the establishment of community area committees. However, we do have concerns about the potential plethora of bureaucracy and the cost of maintaining and supporting this. One small community could be overseen by a Community Council, a Community Area Committee, a Local Authority, a Public Service Board, a constituency Assembly Member, regional Assembly Members, a Member of Parliament and a Member of the European Parliament. A major reform of local government is an opportunity to start from a blank canvas and design governance that is streamlined, cost effective and fit for purpose. An alternative to creating area committees is to redesign the relationship between Community Councils and the new local authorities, with powers of delegation aligned with clear lines of accountability for delivery and cost effectiveness.

If there are to be community area committees, we would be in favour of delegation powers that relate to services delivered specifically to that geographical location; for example, greening and cleaning, parks, community safety. We think that there is potential in this way for not only elected representatives, but also staff delivering the services to be much more closely

in touch with local communities and to have a stronger sense of direct accountability to them. We do not think it would be appropriate to delegate functions that relate to individuals, such as social services and education, nor services that have a regulatory aspect.

The strength of very locally based democracy is that it is immediately and directly in touch with key local issues of concern; the danger is that it can become dominated by individuals with strong personalities focused on single issue agendas. For this reason we believe that community area committees should be made up only of elected representatives and those who have been nominated by established public bodies and voluntary sector organisations and who have some accountability back to those organisations.

40. 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 and community area committees?

41. We can see the merit in providing a mechanism for an open debate between a council and a community on an issue of specific local importance. We do feel however that there needs to be parameters around this dialogue, as there is a danger of it absorbing a very large amount of officer time in the Council. “Reasonable grounds” for not entering into a dialogue should include the fact that a similar request has been made previously or that the issue has become vexatious. We welcome the fact that the Bill does not heavily prescribe the duty upon local authorities.

If there are to be community area committees, there will probably be merit in most “improvement requests” being dealt with at that level within the resource envelope delegated to that committee.

In times of continuing austerity, there will be issues around fair distribution of limited resources; and the danger that those who put in improvement requests are treated more favourably in terms of resource allocation than those who don’t, must be guarded against. The unfortunate reality is that if austerity continues, local authorities will increasingly have to take away or reduce services that communities want and value; a published debate will only have value if it highlights not only the rights of communities and individuals to receive services but also their responsibilities as citizens to contribute.

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

43. We are totally in favour of transparent electronic broadcasting of all formal meetings of democratically elected bodies. Having said this, we believe that there must also be space for members and officers to discuss and test out

ideas in an informal space before formal meetings take place. For example, we recently had very successful scrutiny workshops on our budget proposals, which were not electronically recorded, that allowed members to have detailed discussions with senior officers on budget reduction proposals in an informal setting; we subsequently crystallised those discussions into a formal session that was publicly recorded. This worked much more effectively than any previous formal scrutiny that we have undertaken.

44. We note at S77 (2) the power for Ministers to make regulations allowing persons to make their own electronic recordings of council meetings and to publish them on social media. We would urge that Ministers give this very careful consideration before making such regulations. If an electronic broadcast is freely available to all, we question why this would be necessary; and the ability of individuals to cut and paste to distort and misrepresent the facts is a serious consideration.
45. With regard to the question of keeping written minutes, we question the necessity of this going forward if all meetings have a full electronic record.
46. **Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?**
47. We support all proposals to engage children and young people actively in democratic decision making.
48. **Question 4.1: Do you have any comments on any of the provisions in Part 4 of the draft Bill?**
49. **Question 4.2: Do you have any comments on the proposed duties on Leader's of political groups or the monitoring and reporting roles of the Standards Committee?**
50. We understand the reasoning behind many of the provisions in the draft Bill requiring members to uphold certain standards of performance. The public have the right to expect their councillors to be active and to attend meetings. However, some of the standards around responding to correspondence risk being over-bureaucratic – for example imposing a standard time within which a member has to respond as with Government departments. It must be remembered that councillors are individuals without staffing backup, and therefore have to exercise discretion about what is urgent and what is not. If the policing of members becomes too onerous or bureaucratic, it would dissuade people from standing for elected office and could possibly subvert the democratic decisions of electorates of who to elect – it must be remembered that the electorate should be the prime arbiters of member performance.

51. In section 100 (1)(a) it is stated that a candidate for Leader must, in advance of a leadership election, prepare and circulate to other members a written manifesto. Whilst we understand why the Bill may cite this as good practice, we would point out that in local government election years the time between the election itself and the Annual General Meeting is short and that, particularly if there is a complicated period of negotiation between parties forming a coalition, this may be difficult to achieve in practice.
52. We support the provision in section 101 (2) for Councils to be able to appoint Assistant Executive Members; this is welcomed as a good way for younger or newer councillors to gain experience and to allow for succession planning.
53. In Chapter 6 section 103, we support the provision to change the senior statutory role in the council from Head of Paid Service to Chief Executive as this more clearly describes the nature of the role.
54. In section 103(6) it is stated that “a county council must provide its Chief Executive with such staff, accommodation and other resources as are, in the Chief Executive’s opinion, sufficient to allow the Chief Executive’s duties under this section to be carried out”. Whilst it is of course desirable that councillors should listen to and respect the advice of their Chief Executive, and that Chief Executives should only make requests of the Council that are proportionate and reasonable, we believe that this wording needs more thought. It surely cannot be the intention of the Bill to make it a statutory requirement that elected members must provide whatever resources are required *in the opinion of the Chief Executive* to discharge its various functions. Members may disagree with the Chief Executive as to where resources should be deployed according to political priorities, and the wording as it is drafted at present would override that.
55. Section 104, concerning the setting of objectives for Chief Executives, states at subparagraph (8) that Welsh Ministers may issue guidance, to which the Council must have regard. Is it the intention that Welsh Ministers should have the power to intervene in local arrangements between a Leader and a Chief Executive with regard to the way that the Chief Executive carries out their duties? If so, this seems to be a considerable incursion into the running of a local authority without the Bill putting any parameters around the Minister’s reason for issuing such guidance – for example if the Council is failing to deliver on key performance or governance issues.
56. **Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by local authorities?**
57. As stated above in our comments relating to the general power of competence, we support the provision of the Bill that allow greater flexibility to local authorities to provide services and raise revenue through innovative, flexible models of service delivery.

58. **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?**
59. We would emphasise the importance of the independence of the IRPW and would urge caution regarding any measures that could be seen to impinge on this.
60. **Question 4.5: Do you agree the provision relating to remote attendance in the 2011 Measure should be made more flexible?**
61. As a Council we have embraced technology to enable greater transparency of democratic decision making and to enhance the abilities of councillors to perform their duties. The exponential rate at which technology is advancing means that it is important that the Act provides the flexibility for democracy to be carried out in new and innovative ways going into the future.
62. **Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?**
63. We welcome the decision referred to in the consultation document that issues concerning the appointment of Chief Executives and Chief Officers should be subject to further consideration and advice by the Public Services Staff Commission. Local Government reform will inevitably see the loss of a number of experienced and capable senior managers, and Wales is not well placed to attract new talent from England or elsewhere. Therefore, whilst the wish for transparency and fairness in senior remuneration is understood, account must be taken as to the levels of remuneration that will recognise and reward the demands of the role and enable Wales to recruit and retain the best.
64. The consultation document 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. The logic of this with regard to Local Government Elections is understood; with regard to other elections (Parliamentary, Welsh Assembly, European, Police Commissioner, referenda etc) these are not financed by the local authority and do entail additional duties over and above the Chief Executive role.
65. We recognise and agree with the need for shadow authorities to appoint interim Returning Officers given the timescales.
66. **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?**

67. The particular protections given to statutory officers are there 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 advise extreme caution in taking any action to remove these protections in Wales.

Votes in full council concerning the employment of individual officers will 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.

- 68. 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?**

69. We welcome the proposed greater flexibility to allow Councils to determine what matters can and cannot be delegated through simplification of the existing legislation. As stated above in the answer relating to community area committees, there is a danger in creating new councils with very large populations and geographical spread that the connection with local decision making will be lost. Decisions that relate specifically to a particular community and its activities are most properly taken at the most local level possible.

Key strategic policy decisions should remain the responsibility of the full Council, and it is suggested that the bullet point list in the consultation document should include the setting of the Council’s key priorities and objectives in its Corporate Plan.

- 70. Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Bill?**

- 71. Question 5.2: Do you have any comments on our proposals to subject local authorities to a governance arrangements duty?**

72. There is much in Part 5 of the Bill that we strongly support. As a Council we have found a combination of rigorous self assessment supplemented by peer review to be instrumental in focusing on and driving up performance. We have also worked on the basis of a member led Corporate Plan to set key priorities and objectives for the last ten years, and are about to present our third such plan to our Council very shortly. The huge reduction in resources available to local authorities makes it vital to have clear and focused priorities based on clear political choices, and for the Corporate Plan to be closely aligned with the Medium Term Financial Plan and Workforce Plan.

73. Section 113 of the Bill requires a County Council to publish its first corporate plan no later than three months after the date of the first ordinary election of councillors. Our experience suggests that this timescale is unrealistic. The corporate plan will set out the key strategic direction for the council for years to come. It requires careful thought and wide consultation both within political parties and cross party; in addition the Bill requires consultation with both the Local Health Board and the Public Service Board. In our view a plan that attracts wide consensus and support is much more effective to the good governance of the organisation than one that has to be rushed into existence.
74. We very much support provisions that require regulators to work and plan together and to carry out combined assessments, the burden of regulation on local authorities is very heavy and in many cases disproportionate to the benefits that it confers.
75. **Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?**
76. This appears to be a good, robust model for peer assessment.
77. **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 self assessment, peer assessment, combined assessment and governance review?**
78. The role outlined seems to be an extension of that currently being played by audit committees and is generally supported. Despite the widening of the remit it is important that the new committees remain focused on an assurance role ie making sure the authority has in place all the necessary processes/procedures and does not stray into the territory of policy and scrutiny.
79. **Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?**
80. **Question 5.6: Are Public Service Boards the right bodies to examine the policy choices facing local public services?**
81. **Question 5.7: If so would they benefit from additional legal powers?**
82. We agree that the creation of local public accounts committees would add unnecessary bureaucracy, complexity and expense to an already crowded landscape without delivering significant benefits that would drive public service improvement.

83. Public Service Boards do appear to be an appropriate place for the examination of key strategic policy choices. The only caveat to this is that PSBs will be made up of the senior executives of the local public service organisations, and there is therefore a danger that their deliberations will result in a reinforcing of existing attitudes and views, rather than an element of challenge and enquiry. It would certainly be beneficial for PSBs to be able to commission external expertise and for them to be able to introduce independent critical friends to challenge their thinking. It does not seem necessary for them to have powers to summon officers to give evidence, given that they can do so through their seniority within the constituent organisations.

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

85. Our own experience of a shared ICT service (the SRS) between our Council, Monmouthshire and Gwent Police has demonstrated to us the value, both in financial and service delivery terms, of shared transactional service delivery and shared strategic planning for service improvement. We have achieved this within existing legislation (including the setting up of an arms length company for trading purposes); and the model is entirely scalable, with three more councils in the Gwent region planning to join shortly.

This experience leads us to believe that there are few legislative barriers to the scaling of shared services across, not only local authorities but public services generally. 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.

Creating an arms length wholly local authority owned company allows for strategic partnerships with private sector providers that do not fall foul of procurement legislation and therefore provides greater flexibility within appropriate legal parameters. This can be done under existing legislation.

The main obstacle to collaboration on a wide scale on shared services is, in our experience, cultural attitudes and protectionism within public sector organisations. Local government reform is a window of opportunity where this will no longer apply.

86. Question 6.1: Do you have any comments on any provision in Part 6 of the draft Bill?

87. As stated above in our response, we are concerned about the layers of bureaucracy that will still exist under the Bill as currently drafted and wonder whether an opportunity has been missed to streamline the current arrangements by making Community Councils more directly responsible and

accountable for the delivery of certain local services; not just through a general power of competence but through a specific requirement on Community Councils to undertake certain functions that will be less appropriate for delivery by much larger councils than exist in the current arrangements. Certainly there is a potential for unnecessary duplication between Community Councils and community area committees.

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

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

90. Question 6.2 depends to a great extent on the response from the Boundary commission itself as to how much it can reasonably achieve in the timescale available, assuming the timescale for the Local Government (Wales) Act proceeds as currently planned. It would be desirable to have the review completed at the earliest opportunity, if this is feasible.

91. The new Councils will have a great deal to do in their early stages and it would seem to be a sensible option to give the responsibility for implementation to the Boundary Commission.

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

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

94. 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?

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

96. We feel that these matters of detail are best left to Community Councils to respond to, but welcome any measures that strengthen the ability of democratically elected representatives to carry out their duties.

97. 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?

98. This seems to be a very sensible proposal in keeping with the increasing use of technology.

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

100. We have considerable concerns about the proposals in the Bill to issue guidance, to which public bodies must have regard, with respect to workforce matters. The definition of workforce matters in section 173 combined with the ability to issue guidance to particular public body effectively means that a Minister and his or her officials can effectively take on the responsibilities of a Chief Executive in relation to the staff within an organisation. It is of particular concern that there are no parameters built into this power, so that there is no need for a local authority to be failing in some respect for these powers to be exercised.

101. **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?**

102. It does not seem sensible to seek to answer this question until the contents of the UK Government's Wales Bill are fully understood.

26897 -0072 : Sally McInnes

Tref / Town : Aberystwyth

Sefydliad / Organisation : National Library of Wales

**DRAFT LOCAL GOVERNMENT (WALES) BILL
CONSULTATION RESPONSE: NATIONAL LIBRARY OF WALES**

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

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.

The NLW would like to express its concern that there is no specific provision in the draft Bill to ensure that the records (both administrative and historical) are safeguarded. These records are essential for supporting democracy and transparency in government and for their contribution to the cultural heritage. The NLW consider that this Bill provides an opportunity to improve transparency, accountability and support for the effective business of local government in the future. The process of merger does however also present a number of risks, both to the records (where ownership may not be clear), and to business continuity. If a consistent and managed approach is not taken,

there are significant risks that records may not be available, due to difficulties navigating different recordkeeping systems or incompatibility of technology.

Provision under transitional arrangements

As part of the preparations for local government reform we believe that transitional committees should be established to consider the issues involved with both records management and archival arrangements. Such committees should ensure a consistent approach between authorities. Many councils are using Electronic Document Records Management Systems which are proprietary systems. The merger of such systems will be difficult, as data will be held in different standards and formats. However, the digital records held by these systems are essential for supporting democracy and ongoing business, and continued access will be dependent on active intervention.

Statutory guidance should be provided to these committees to ensure consistency of approach, and there should be a requirement for committees to prepare and submit Schemes for approval by the Welsh Government, outlining their proposals for archives and records information under the new local government arrangements (similar to the existing provision under Section 60 of the Local Government (Wales) Act 1994).

These schemes should ensure that records with historical value are identified, selected, managed, preserved and made available, according to accepted professional standards. The Archive Accreditation Standard provides a framework for ensuring sustained access to archival records, and should be a reference point for the statutory guidance issued.

Provision for the maintenance of appropriate standards for the care, management and preservation of records

While Section 60 of the Local Government (Wales) Act 1994 goes some way to ensuring that arrangements are maintained, with provision for the 'review' of schemes, there are currently no mechanisms in place to ensure that these arrangements continue to be of a satisfactory standard.

We believe that there are therefore grounds to revise Section 60. Each new local authority should be required to maintain its initial Scheme, and undertake a formal review at regular intervals (e.g. every 5 years). There should be continued oversight of these schemes by the Welsh Government (or a nominated body), which can reissue appropriate statutory guidance, and would have a right of inspection to establish the position where there are causes for concern. Associated powers to require improvement where an authority is found to be failing in its duties, would provide for a strengthened framework for the management of all recorded information created by, or in the custody of, local authorities.

These issues may also have some relevance to question 9.1 of this Consultation.

26897 -0073 : Joanne Portwood

Tref / Town : Swansea

Sefydliad / Organisation : City and County of Swansea

Response to the Draft Local Government (Wales) Bill 2015

1. The City & County of Swansea believes that it is vital that a clear vision for local government in Wales is set out. A Welsh Public Sector of the size, complexity and culture that we have today is unsustainable both economically and in terms of its ability to improve outcomes for the people of Wales.
2. There has been a strong focus on the implications for structures recently, particularly in Local Government. The City & County of Swansea believes strongly that this is entirely the wrong debate. A review of the public sector in Wales must start with a strong vision of where we want to be in say ten or twenty years' time. This vision must be expressed in terms of outcomes for citizens, clients, service users etc.
3. The current focus on inputs, processes and prescription will not deliver the transformational change that is necessary to make Wales a top performing devolved administration equipped to meet the challenges we face.
4. The positioning of services in any structure should be based on an objective analysis of what is best in terms of firstly outcomes and the economy on a local, regional and national level. Higher cost and specialist services are increasingly being delivered at a regional or national level. Supporting this strong vision and focus on outcomes must be a common set of values that cover the whole of the public sector and are endorsed and understood by the public.
5. In order to deliver a step change in terms of outcomes the vision and values must promote innovation and empower communities. The Draft Bill should recognise the old adage that 'form follow function' and indeed both follow foresight. New policies are formulated by Welsh Government without a focus on outcome measures or costed proposals.
6. The policy framework and commitments at Welsh Government level are very strong; However it is silent on the change strategy. An expectation that we provide all that we do now and deliver improvements in all areas creates an undeliverable aspiration based programme.
7. The City & County of Swansea supports a general power of competence for all Welsh Councils and believes that the Welsh Government should immediately seek to devolve more powers and autonomy to local government in Wales so that local government can respond flexibly and innovate in order to meet the priorities and needs of the people that they serve.

8. There should be a radical review of the funding system. The aim should be a single unhypothecated funding stream to local government in Wales backed by strong outcome management. A single accountability agreement should be in place describing outcome not process. A single and proportionate inspection regime should be established.
9. The City & County of Swansea believes that an independent review is needed on Welsh Government and local government relations in Wales so that relationships are constructive and a clear distinction established between the Welsh Government as policy maker and the public sector delivery arm.
10. There should be a radical delayering of responsibilities and accountability, Including partnerships. A revised system should ideally only have three parties:
 - a) Policy maker – Welsh Government.
 - b) Deliverer (there are a number of options).
 - c) An inspector focussed on service improvement.
11. There needs to be a simplification and alignment of the many different legislative and policy frameworks affecting local government in Wales
12. The City & County of Swansea believes that the number of Councillors needs to be determined by the needs and characteristics of the local area and not be decided with reference to a 'one size fits all' number based upon the UK average.
13. The City & County of Swansea believes that the levels of remuneration of Councillors should continue to be reviewed annually by the Independent Remuneration Panel and that an additional review is unnecessary.
14. In terms of the proposal for term limits and the right of recall for Councillors, the City & County of Swansea supports the status quo based upon a lack of evidence to support any changes, particularly when the proposals would not be applied to other tiers of government. The City and County of Swansea does however support a 5 year fixed term electoral cycle.
15. The City and County of Swansea believes in direct public service provision through local government where this will deliver the best outcomes for our residents. However, in order to address the significant financial challenges facing the Council, we are already through our *Sustainable Swansea – Fit for the Future* programme looking at new and innovative models of delivery for services, focussing on preventative services and demand management and examining how communities can be enabled to help themselves, including co-operative forms of delivery.
16. The City and County of Swansea argues that any additions to the governance and partnership structures for local government in Wales

should not be done without a fundamental review of the existing structures and a radical delaying exercise being undertaken aimed at reducing complexity.

17. The current regulatory regime attempts to bring together judgements of the WAO, Estyn and CSSIW, this is welcomed. But they still each promote excellence in their respective fields irrespective of the impact in other areas. A single inspection regime based on a small number of agreed outcome measures is needed.
18. Primary Care, Community Care and Social Care should be located in a single organisation with a common accountability framework and a single budget. There should be democratic accountability built into this system. These organisations should be co-terminus with Health Boards.
19. The language of accountability is negative focussed on intervention and blame; instead it should be centred upon learning and improvement. A single accountability agreement should be in place describing outcome not process.
20. The City & County of Swansea supports self-evaluation through the use of Peer Reviews. Peer Reviews have been used in 11 Councils in Wales, and follow the English LGA model. The WLGA wants to offer every council in Wales a peer review once every four years, which is a proportionate approach.
21. A review of the approach to performance management in the public sector would be encyclopaedic. Therefore general observations are made together with concluding comments:
 - a) There is no common accountability agreement for public services in Wales. For example Health and Social Care are inextricably linked, but the NHS and Local Government have completely different accountability and performance regimes.
 - b) Even within the Local Authority context different approaches are taken between core services and the requirements of a myriad of grant funded initiatives
 - c) There is an over reliance on comparisons within Wales. Policy divergence has led to even greater insularity which stifles learning and improvement. Welsh Government must seek to understand through accredited research why other countries have, for example, higher levels of literacy and numeracy and what interventions will lead to improved outcomes.
 - d) Few if any performance measures truly focus on outcomes that matter to residents. Most performance data is focussed on process, inputs and what can be measured
 - e) New policies are produced with ever increasing key performance indicators with outcomes equally absent, no new money is provided to deliver the transformation

- f) The use of outcome agreements and grant regimes in an attempt to control/influence performance distorts effort and priorities in pursuit of relatively small sums of money
- g) Too much interference and central direction from government and regulators on the content of Council's corporate plans and priorities, inhibiting local discretion and innovation.
- h) Performance indicators and data are too extensive and detailed to be of use to citizens in assessing performance
- i) A standard response to a crisis (for example in Children's Social Care) is to devise more and more performance data, none of which deals with the root causes of the problem and outcomes
- j) There is a need to involve the public directly in the debate on role and outcomes. However, there is much evidence to suggest that high public satisfaction ratings are achieved by relatively few services being perceived as good. These mainly relate to 'Streetscene', dog fouling, litter, potholes. Little credit is achieved from the most important public services that deal with safeguarding and protection of the vulnerable.
- k) There can be no doubt that collaboration is making performance management and accountability more complex.

22. For the future it is suggested:

- a) Welsh Government set the vision and values for the public sector in consultation.
- b) Welsh Government devises a small number of outcome agreements that cover the whole public sector.
- c) These outcome agreements are derived from evidence based research from across the world focussing on small countries in a devolved environment.
- d) Local deliverer's have freedom to determine how their priorities, plans and outcomes are set out and are delivered.
- e) Regulators adopt a similar outcome focused, proportionate and risk based approach to their work.

23. A simplified, delayed Public Sector would facilitate scrutiny and increase accountability across organisational boundaries which can focus on outcomes.

A proportionate and single inspection regime must be introduced based on a small number of agreed outcome measures.. There are examples of excellent political scrutiny driving service improvement. In our own case Child & Family services is a pertinent example. However to be truly effective scrutiny needs to be pan-public sector and truly engage residents and service users. Scrutiny by Ministers is negatively focussed and invariably uses the language of intervention. Once the vision and values are in place scrutiny driving learning and improvement needs to become the model.

24. As indicated there is an urgent need for layering and simplification. Austerity is

the key challenge facing local government and also determines that fewer organisations can be afforded. Overhead savings can be achieved but it is demand management, prevention, service change and community capacity which is needed to deliver the level of savings currently needed.

25. The role of the citizen and communities in dealing with demand management, changed service models and the creation of community capacity cannot be overestimated. Personal responsibility for Health, Well Being, the Environment and much else is a key to managing and reducing demand.
26. Whilst wishing to avoid falling into the 'structure trap', once the vision, values and outcomes are set some obvious changes/questions are likely to arise:
 - a) How can health/social care/well-being be delivered and funded unless through one organisation focussed on integrated pathways?
 - b) Why have separate Fire Authorities, given that these simply comprise Local Authority members in a different guise?
 - c) Wales must have a single economic regeneration strategy delivered via City Regions (where existing).
 - d) Education improvement needs critical mass larger than the current individual Local Authority model.
 - e) Back office services (property, ICT etc.) should be based on regions or hubs.
27. Funding and performance arrangements are, as indicated earlier, too numerous and too complex and grants need to be unhypothecated. Key points from the City & County of Swansea's response can be summarised as follows:
 - a) Welsh Government needs to set out a vision, backed by values and outcomes; too much of the White Paper is detailed, prescriptive and backward looking.
 - b) The public sector needs delayering and complexity needs to be reduced.
 - c) Accountability agreements should be simple, consistent and based on evidence.
 - d) We need a public sector committed to developing community capacity, managing and reducing demand, early intervention and customer focus.
 - e) It is meaningless responding to many of the proposals, for example on community governance, without a definitive view on the future structure of local authorities in Wales.

26897 -0074 : Alison Jenkins

Tref / Town : Llantrisant

Sefydliad / Organisation : Llantrisant 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?

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?

If when the number of Councillors for Community Councils is considered we would suggest a ratio of 1 councillor per 1000 electorate.

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?

The proposal that only clerks who are suitably qualified will be classed as competent should be amended to include a provision to recognise clerks with either long service or suitable experience – certainly at the introduction of the act.

The requirement for two thirds of Community Councillors to be elected as part of the competence test be removed from the draft bill, some Councils struggle to get elected members and they should not be prohibited from being Competent for this reason.

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?

The proposal to set up area committees be removed from the draft bill as this will only duplicate what current councils and other public bodies do.

Maybe ensuring areas which do not currently have Community Councils have the provision would be a better proposal.

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?

Until more information is provided on type, quantity and timing of training that training of Community Councillors should be voluntary and not compulsory.

Further that the Clerk should only advise rather than enforce reporting of non completion of training.

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?

Council supported the removal of Community Polls as they cannot be enforced.

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.

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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 -0075 : C N Jones

Tref / Town : Haverfordwest

Sefydliad / Organisation : Standards Committee of
Pembrokeshire County Council

Date / Dyddiad: 11 February 2016

Your ref / Eich cyfeirnod:

My ref / Fy nghyfelymad: CI/bf

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Pembrokeshire County Council
Cyngor Sir Penfro

IAN WESTLEY, MA (Eng/Wales), C.Eng., MIPremE, MCIBSE
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Please ask for
Os gwelwch yn dda gofynnwch am

Claire Jones

Dear Sirs

**RE: RESPONSE TO THE DRAFT LOCAL GOVERNMENT (WALES) BILL
QUESTION 4.1**

The Standards Committee of Pembrokeshire County Council was convened this morning and I have been asked to forward a response on behalf of the Committee in relation to Question 4.1 of the Consultation Document.

The Committee expressed concern that there may be a significant increase in the workload of the Chairman in particular and this needs to be made readily apparent within any guidance in future so that candidates are fully aware of the potential volume of activity which may occur on a very regular basis.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'C. Jones', with a long horizontal stroke extending to the right.

Claire N Jones
Monitoring Officer

26897 -0076 : Ceri Mortimer

Tref / Town : Gelligaer

Sefydliad / Organisation : Gelligaer Community Council

Dear Sir/Madam

Gelligaer Community Council have commented on the following items in relation to the consultation:

2.1 Community Councils with Competence

We strongly believe that to become a “competent council”, councils must demonstrate that they have the following in place, to set themselves apart from other councils:

- (i) 2/3 of the council are elected members, including unopposed elected members.
- (ii) a CiLCA qualified clerk
- (iii) two years unqualified accounts

However we would recommend that a council tests its competency annually and resolve their eligibility for “competence” status at their annual meeting and not automatically remain competent for 5 years. If they have previously undertaken a project using the General Power of Competence in one year, then fail to qualify as a competent council in the second year, they should be permitted to continue with that project until completion, under the terms of the General Power of Competence.

3.1 Community Area Committees

We strongly disagree to the initiative of introducing another layer of local government sandwiched between principal authorities and Community Councils in the form of Community Area Committees due cost and also creating another layer of bureaucracy would be even more confusing for local people. In their place, we strongly recommend the strengthening of charters between community councils and PA's. Having one overarching charter to fit all.

6.1 Review of Community Council Arrangements

We strongly recommend that principal authorities have no input in relation to implementing the Boundary Commission's recommendations. It could become very political if this were allowed to happen and not necessarily in the best interest of the community councils and local people. The Boundary Commission should have complete control over implementing the recommendations.

6.2 No, the Boundary Commission should not be required to submit their draft reports to Shadow Authorities from May 2019

6.3 It should be the Boundary Commission's responsibility to implement recommendations

6.4 Training

Training should not be mandatory. Members should be encouraged to undertake training.

We think that mandatory training could potentially put people off from standing for election.

Many members “learn on the job” whilst others are mentored by their more experienced and sometimes “twin hatted” members, that serve on county and community councils. We strongly believe that a mentoring process be encouraged.

Whether councillors are trained or not they are considered as invaluable members of the community council.

Community Councillors are unpaid and therefore the majority of which work full time, with families, and merely cannot afford the time.

We do however agree that PA’s should not be involved in delivering any training, but it be delivered through one overarching body like One Voice Wales to ensure that all members receive the same high standard of training.

6.5 Community Council Election Dates

We agree to extending the term of office to six years in 2017 with a five year term to follow in 2023, to coincide with PA’s elections.

Other matters:

Capping the Community Council Precept

Non-competent councils should not necessarily have their precept capped. (see ‘Competent Councils’)

Annual Reports

We support the view of all community councils producing and publishing annual reports, to demonstrate the services and activities of the community council over the previous year.

6.6 Training

Councillor training should not be compulsory. There should be mandatory training for clerks in obtaining a CiLCA qualification so that the council can exercise the General Power of Competence, if other criterion has been met. Councillors should be encouraged to receive training. Each community council should manage and plan their own training needs.

6.7 Performance Management

We believe that all community council clerks, whether serving large or small councils, should be set objectives by their council and their performance managed. Training would be required by the appraiser to undertake this role. Objectives must be realistic and achievable.

6.8 Community Polls

Due to community polls being costly with poor turnout we support that consideration be given to principal authorities implementing a system of e-petitions.

3.6 Improvement Requests

We do not think that community councils should serve improvement requests on PA's as it could potentially damage an excellent working relationship between the two.

3.7 Access to Community Council Meetings

We support recommendations that provide community councils with the option of issuing electronic summons' to members to attend meetings, similar to the proposals allowing principal authorities to do so.

We do not support the provision of the LGA 1972 being repealed to allow meetings to be convened in premises where alcohol is being served.

We support the view that members of the public attending a community council meeting are 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.

We generally have no objections to WG making regulations allowing the filming, photography or sound recording of community council meetings at the discretion of the chair.

Transitional Arrangements

We support that an unbiased and independent community council commission be created to oversee:

Recruitment & 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.

Cofion cynnes / Warm regards
Ceri

26897 -0077 : Jonathan Lloyd

Tref / Town : N/A

Sefydliad / Organisation : Workforce Adviser, Welsh Local Government Adviser



**HRD Network (Wales)
Response to the Welsh
Government's
Proposed Local Government
(Wales) Bill
Part 7 Workforce Matters**

11th February 2016

1. The HRD Network (Wales) consists of the most senior HR Officers for the 22 Welsh Local Authorities. Our members have considerable practical experience of managing the wide range of workforce issues experienced by local councils, which are themselves complex organisations deliver a plethora of different services through a diverse workforce with a varied range of skills and backgrounds.
2. It is the HR Heads and their teams in local government that will need to implement any cross public service arrangements and we would therefore hope that our knowledge, understanding and experience of workforce issues is given due weight at an all-Wales level in commenting on these proposals. We are therefore pleased to be able to make this response.

Do you have any comments on any provision in Part 7 of the Draft Bill?

3. Part 7 of the Bill proposes ministerial powers on workforce issues. The powers described in Chapter 1 are very far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the workforce of a public body and on a wide range of issues. The HRD network has seen the response of the WLGA and supports the views expressed of the Leaders of the Council through the WLGA in respect of Part 7. This is attached for reference.
4. The powers could in many circumstances ‘cut across’ and affect the legal contractual relationship between Councils as the employer and its employees and could call into question democratic accountability of the 22 individual sovereign employers to the community. The HR Directors express concern that these powers could impact in practical terms on the employment relationship between the legal employers and their employees that could be a matter for the civil courts through the employment tribunal system. The HRD network also believe that any compliance with Welsh Government regulation will not form a reasonable defence in the eyes of the tribunal system.
5. The WLGA and individual Councils are clear in its advocacy of localism in the delivery of public services. The HR Directors also argue that the determination of the size of the workforce and its composition links directly to the allocation of budget and the priorities of the particular Council. This is a fundamental role for the HR profession in supporting the local business needs of each council, and

given the diverse nature of local government services this often needs to be at an individual service level to be truly effective. It should be a matter for the Council itself to determine as part of its democratic accountability to its community. The principle of ‘non-hypothecation’ should extend to all resources. Welsh Ministers should not be able to ‘direct’ or hypothecate resources through the direction on size, composition and remuneration of a Council’s workforce. Experience has shown that local solutions are best to deal with local issues.

6. Local government is heavily reliant on a diverse and skilled workforce to deliver the range of accessible services expected of the community. The need for councils to be able to exercise autonomy and control over the workforce in their own locality goes to the heart of the democratic principle. Councils as individual sovereign employers should be entitled to and expect this because of the legal, contractual, psychological and mutual relationship they have with their workforce. This is at the core of good people management and what makes a good employment relationship. The direct relationship between the employer and employee. This is especially important for the most senior roles where the relationship between senior officers and elected members is crucial in the delivery of services. There needs to be a mutual trust and confidence which can only come from the accountability of the recruitment and selection process. Imposing candidates for senior appointments will not automatically bring about that trust. A centralist approach to the appointment of senior officers is not conducive to developing and maintaining good working relationship between officers and members.
7. Equally, Councils should not be subjected to centrally imposed restrictions that may seek to dictate remuneration and artificially drive down pay that will make local government a less attractive proposition to prospective employees. The WLGA response expands on the issues of employment markets which constantly change and Councils and the HR teams that support them need the flexibility to help support the business through effective tailored recruitment processes. One-size does not fit all and councils need the freedoms and flexibility to make and implement decisions on recruiting and restructuring on all workforce matters including decisions on pay, that are designed locally within the principles of fairness, transparency and accountability that best meet the needs of their communities.
8. The WLGA rightly believes that democratically elected councillors are best placed to determine how to shape the workforce to deliver

services most cost effectively. As the HR leads in local government we are more than aware that different councils will face different challenges and have varied starting points and goals. Local authorities have already demonstrated that they can successfully develop and improve services in unprecedented circumstances. We are already working in partnership to share and develop consistent policies and approaches to workforce issues that also allows for the important and necessary local flexibility.

9. It will be the HR community who will need to implement any policy or directions emanating from these regulations. It would be remiss of us not to point out that more recent regulations and direction on matters relating to senior pay and senior appointments in local government have introduced considerable practical issues into the processes and thereby increasing bureaucracy, sometimes needlessly. The role of the Independent Remuneration Panel in senior pay is an example of this.
10. As Councils and an HR community we have mature and effective arrangements for engaging with our workforces and Trades Unions at a local and national level. We actively engage with the other each other, partners and professional groups both within and outside of local government. The HR Directors network in local government, supported by its elected members were the first to agree a with the trades unions a managing change in partnership agreement; it developed a Memorandum of Understanding on workforce matters to deal with austerity issues; it has already produced agreed guidance on Zero Hours Contracts and the All Wales Academy for local government is progressing effectively. We are also currently working with the Wales Audit Office to develop an agreed approach to elements of workforce planning that are effective yet context the local requirements. We are also keen to engage on the impact of the Enterprise Bill on trades union membership and activity and the £95k exit payments cap.
11. The HRD Network cannot see a need or argument for such powers. As chartered HR professionals we endorse the view of the WLGA and cannot support the draft powers of the Local Government (Wales) Bill contained in Part 7 Workforce Matters Chapter 1 sections 172 – 175. However there are some areas identified in the WLGA submission that we feel could be useful in supporting our work and that of Councils. We have a good track record of working in partnership with Welsh Government and others to agree guidance that could help

support Councils on workforce issues. These are contained in the WLGA submission.

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 contained in matters on which it could issue guidance than a non-statutory Commission?

12. With regards to Chapter 2 of Part 7, this seeks to establish a Statutory Public Services Staff Commission. The HRD network welcomes the establishment of the PSSC provided it is explicitly linked to local government re-organisation.
13. We do not see a continuing role for the PSSC should either local government reorganisation not take place or following its completion. We believe that any continuation of a non-statutory PSSC should be the subject of renewed agreement with local government.

**Debra Wood- Lawson
Chair
Human Resources Directors Network
(Head of HR & OD - Newport City Council)**

For further information please contact the HRD network through:

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Local Government (Wales) Bill

Extract from WLGA - Consultation Response to Part 7 Workforce Matters Chapters 1 & 2.

Introduction

1. In responding to the Part 7 of the Draft Local Government (Wales) Bill it is important to understand the broader principles, themes and values that WLGA believe should underpin the provision of local services for local people. These are well documented in the WLGA manifesto 'Localism 2016 – A plan for public services in Wales' which seeks a localist approach to public service delivery through:

- The principle of subsidiary; the presumption that power is transferred to the level of government closest to the people.
- the legal position of local government to be secured and enhanced
- Greater fiscal autonomy for local government.
- Adoption of the principles set out in the European Charter of Local Self Government

2. Public services are heavily reliant on a skilled workforce to deliver the range of accessible services expected of the community. The need for councils to be able to exercise autonomy and control over the workforce in their own locality goes to the heart of the democratic principle. Councils as individual sovereign bodies should be entitled to and expect this. This is particularly relevant for senior managers where the Council's should be free to appoint its most senior managers that best suit the culture, direction and priorities of that particular council and strong working relationship between the Executive and the Council. This should not be decided by any third parties outside of the Council.

3. Democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively in the face of unprecedented cuts. Different councils face different challenges and have varied starting points and goals. One-size does not fit all and councils need the freedom and flexibility to make and implement decisions on recruiting and restructuring on all workforce matters including decisions on pay, that are designed locally to best meet the needs of the communities they serve. Working closely with the Trades Unions in this setting is paramount.

Specific Issues in the Draft Bill Chapter 1

4. The powers described In Part 7 Chapter 1 are very far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the workforce of a public body and on a wide range of issues. This could in some circumstances 'cut across' and affect the legal contractual relationship between that public body as the employer and its employees. This is

particularly relevant in local government where there are 22 individual sovereign employers.

5. The extent of the definition and coverage of workforce matters in part 173 is extensive and intrudes into the management role of public bodies and their executive functions. This does not appear to be just setting policy and strategic direction on workforce issues but provides opportunities for Welsh Ministers to 'manage' and 'direct' the workforces of the devolved public sector bodies.

6. Section 172 (4) (b) states that the recognised trades unions will be involved in formal consultation on any guidance issued by Welsh Ministers. This implies that the Welsh Ministers will formally engage with trades unions in matters that may impact on individual terms of conditions of all or some of the staff of Councils. Whilst the importance of trades unions involvement is recognised this proposed direct consultation cuts across existing consultation and negotiating bodies that exist both at a national and local level within local government. It is not clear what sort of regulations will be made under the powers but Welsh Ministers do not have a contractual employment relationship with local government staff and should not involve themselves in matters that either directly or indirectly affect the contracts of individuals or groups.

7. Section 173 describes the extent of the definition of workforce matters which can apply to all staff in all public bodies and as stated above this has the potential to be far reaching. It is unclear from the Bill how far and to what extent these may be used but it is important to identify the potential scope of the powers that would be provided to Welsh Ministers in issuing guidance on these matters. The following paragraphs address each of these in turn.

8. 173 (a) 'the planning by public bodies in relation to the size and composition of their workforce. Again it is unclear what form of regulation would be made by Welsh Ministers but it should not give them powers to determine the size and shape of any aspect of the workforce of a Council. It should be for Councils to determine its workforce numbers in local government, and the size, for example, of its Senior Management Teams and the numbers of Chief Officers in a structure. There could be serious consequences for local services if Welsh Ministers in some way restricts or inhibit a Councils ability to deliver the services that the community want for which Councils have a responsibility to deliver. The determination of the size of the workforce and its composition links directly to the allocation of budget and the priorities of the particular Council. This should be a matter for the Council itself to determine as part of its democratic accountability to its community. The principle of 'un-hypothecation' should extend to all resources. Welsh Ministers should not be able to 'direct' or hypothecate resources through the direction on size and composition of a Council's workforce. Councils would welcome an opportunity to work in partnership with Welsh Ministers in seeking mutually agreed guidance on issues such as workforce planning that could help support the transformation of public services. Councils do not consider it necessary or appropriate that statutory guidance is

needed on such matters. Should the intention be to provide guidance on workforce planning then Councils again call for improved financial planning by Welsh Government in order to provide a degree of certainty into the human resources element of the council planning processes, rather than the current annual cycle. This would support improved workforce planning.

9. 173 (b) 'the recruitment and retention of staff of public bodies'. Taking the issue of recruitment of staff to a local authority first and again given the lack of clarity and extent of the powers in this area there is the potential for Welsh Minister to be prescriptive in the way local authorities recruit their staff. Councils need to the trust and confidence in the workforce and this is especially important for the most senior roles where the relationship between senior officers and elected members is crucial in the delivery of services. There needs to be a mutual trust and confidence which can only come from the accountability of the recruitment and selection process. Imposing candidates for senior appointments will not automatically bring about that trust. A centralist approach to the appointment of senior officers is not conducive to developing and maintaining good working relationship between officers and members. We have already seen recent examples where this can cause significant difficulties for local authorities through the regulations on the appointment of Senior Staff with a salary over a £100k having to go to public advertisement regardless of whether there are good potential internal candidates who are at risk of redundancy in situations of structural review. Such an approach will cause uncertainty amongst a wide range of highly skilled, experienced senior managers who may seek job security elsewhere, which will leave a huge void and potential 'brain-drain'. This policy approach can also be more expensive to the public purse with increased redundancy and recruitment costs. Wales is not hermetically sealed and given the fact that despite media reports senior pay in welsh local government is proven to be lower than the majority of equivalent English counterparts and indeed much of the rest of the welsh public sector. Welsh local government needs to be attractive to highly skilled and talented individuals, and any requirement that restricts a Council's ability to recruit such individuals will impact on local service delivery.

The potential for this use of this power also apparently extends to the whole workforce. The recruitment of staff in local authorities is governed by a range of 'markets'. These can be local in terms of needing local people to deliver local services particularly for those essential front-line services. There are also local government sector professional markets for specific profession, for example Social Workers, Teachers, Environmental Health Officers. In addition, there are wider professionals markets such as facilities management, legal, financial, IT and other key corporate roles that local authorities require to maintain the high level of service across a broad range of functions. Any requirements, restrictions or limitations which attempt to engage a one-size fits all approach to the recruitment of high quality public servants to these essential roles may inhibit an authority to successfully deliver its services.

Welsh local government would have no objection to developing agreed recruitment and selection principles to support the appointment of senior

managers but it should still be a matter of self-determination by the individual Council.

10. On the issue of 'retention' this is a very wide all-encompassing term often read alongside recruitment but it is a very different issue. Retention in simple terms is what keeps an individual motivated and working effectively in an organisation. In reality there are a range of different factors that may be particular to an individual or groups of individuals that may affect retention – terms and conditions and pay, are factors but it is also equally if not more importantly about matters such as management, job satisfaction, respect and dignity in the workplace, and personal circumstances that will influence individuals to remain in an organisation or look elsewhere for employment. These factors are often corralled into the 'psychological contract' that exists between employers and its staff. Councils, as good employers, conduct staff surveys, both formally and informally to and engage with its workforce to address issues. It would be difficult to expect any government to involve themselves in such matters of this nature and certainly further clarity is required on the role of Welsh Ministers in the retention of staff in public bodies before it could be supported in anyway. Local government and its staff have proven that improvements in services can be made with the right support. There have been improvements in Waste and Education Services that have been delivered by hardworking diligent staff in times of unprecedented austerity.

There have been some general issues that Welsh Government has done which may not be good for recruitment and retention, such as those on senior pay and posts. Welsh government could support general initiatives that recognised the role of local government staff in delivering these essential services and again the WLGA ask for a longer financial forecasting model that would provide job security for these essential posts.

11. 173 (c) 'the management, organisation and remuneration of staff in public bodies.' These are a very wide ranging workforce matters and could encompass any if not all of the other descriptions of workforce matters, and therefore could be a substantial power of Welsh Ministers. It is unclear the extent of the powers that Welsh Ministers would use but managerial issues and the management and organisation of staff in public bodies is seen as an operational matter for individual local authorities. Local councils are best placed to deploy, organise and manage its (human) resources to meet the expectations of the electorate. Councils are not identical and are subject to a range of complexities in terms of its geography, demographics, cultures, priorities and expectation from its electorate. Therefore a one-size fits all approach to its workforce would not be appropriate. It is Councils, their elected members through their staff who are judged on the performance of services and they should be free to deploy the workforce accordingly to meet those priorities and expectations of the electorate. These arrangements in respect of the workforce should be a matter for the employer, and any centrally controlled or imposed arrangements could potentially affect a local authority's duty to deliver services.

12. With regard to remuneration in local government this is a very complex area that is far from being fully understood. The Welsh Government's own recently published principles on the 'Transparency of Senior Remuneration' states as a first principle:

'Reward must be commensurate with responsibility and role. Effective job evaluation is the first step towards this'.

This creates no issue with regard to pay below senior officer level due to the Single Status exercise which ensured that 'Green Book' pay structures were job evaluated locally. However, clearly the key interest with regard to the plethora of recent regulation around pay is that of senior pay. Here the picture differs from council to council.

As senior management teams have dwindled in size from the 8 or more posts of previous years down to the two or three currently, the jobs obviously have increased in both size and complexity. This has often been without a commensurate increase in pay and in these cases a job evaluation exercise would result in the jobs in question being found to be considerably under-valued due to the increase in job size, responsibilities and spans of control that have taken place. Whether councils can afford any increase in pay to appropriate job evaluated rates is one issue. Clearly the views of the tax-payers and the rest of the workforce are also major factors in any decision not to go down this route. However the result can be (and certainly has been) the loss of the best senior officers to other locations or parts of the public sector where better salaries are on offer.

In terms of complexity it also needs to be understood that senior local government jobs are not homogeneous in the way they once were. Each council at one time would have had a Director for each of Social Services, Housing, Environmental services, etc. etc. Now departments are joined together in a range of different ways which reflect the democratic decision making at the local level based on each individual local authority areas circumstances and needs. The National Pay benchmarks that existed for senior jobs in local government are no longer relevant because the roles differ so much – no longer just in terms of the size of the authority but also in terms of the service areas under each director's control, the various local partnerships and differing initiatives he or she leads.

For all these reasons decisions about pay (including compromises on affordability) are best taken democratically at the local level where the local circumstances are known and fully understood. Any attempt to impose a one size fits all approach to pay determination will potentially hamper the ability of a local authority to respond flexibly and effectively in response to local needs.

13. 173 (d) training and development of staff of public bodies. Again without further clarity as to the extent of these powers it is difficult to determine whether there is a helpful role for Welsh Ministers in issuing guidance on training and development. This issue is multi-faceted but needs to be managed at a local level. There are a wide range of professions within local government all of whom will be subject to their own standards dictated by their professional bodies. There are also a plethora of national occupation

standards which need to be considered. There will also be a range of other statutory training and development expectations placed on local authorities such as health and safety and safeguarding. All organisations will determine their training and development needs based on a training needs analysis or similar which will reflect the business and service priorities determined by the electorate. This cannot be undertaken on a top down basis or a 'one-size' fits all basis. Training and development priorities should be determined at a local level and even at a service level to properly deliver local service to the community. Local government has a good track record in shared training which is demonstrated by the All Wales Academy for Local Government (AWALG) which provides a single platform for e-learning modules for staff and elected members. This has been supported and funded by the WLGA and all 22 councils as a joint initiative. Local government is also involved with the National Procurement Service in seeking to drive down cost of corporate learning and development. Local Government would however welcome the opportunity to benefit from wider national training and development programmes to support change and transformation of services. Local government for some time has been asking for national programmes to be designed and aimed at middle managers in the public sector but these national programmes have tended to concentrate solely on senior Leadership – a cohort that is by necessity and design decreasing.

14. 173 (e) the provision of information to staff of public bodies about decisions affecting their work and about opportunities to contribute to those decisions. Local government already has existing mature arrangements in place for employers to provide information and consult on workforce matters, much of which is dictated by national employment legislation. Providing information to employees and engaging with the workforce is recognised by ACAS in the ICE regulations. Local government has worked well in the past with trades unions in developing agreed approaches to communicating and consulting with staff. The Managing Change in Partnership Agreement, now covering the wider public sector in Wales, was first developed and agreed through the local government social partnership arrangements. There are also other local arrangements that prove to work perfectly well. There does not appear to be a void or need for any guidance in this matter. What would be helpful once again is a budget process that provides certainty over a longer period. The short amount of time councils have to consult and communicate with trades unions on workforce issues affected by budget decisions does cause some angst.

15. 172 (f) the Welsh Ministers are seeking explicit powers as described above 173 (a) to (e) where two or more public bodies collaborate in exercising their functions. Where any public body and certainly from a local authority perspective seek to collaborate it will be subject to a robust business case process. Local authorities are responsible employers and this will undoubtedly include consideration of all the workforce implications of those staff required to deliver that function. The involvement of Welsh Ministers in such matters will constrain and limit the innovation and flexibility and inhibit local authorities' freedoms and flexibilities to collaborate.

16. 173 (g) sharing information for the purpose of facilitating any of the matters mentioned in paragraphs (a) to (f). Given that it is the belief of the WLGA that workforce matters are very much the responsibility of the individual sovereign councils, it therefore follows that Welsh Government should not require any specific information on these workforce matters. Councils already generate a vast range of data and information in respect of its workforce to support and demonstrate strategic aims and objectives in service delivery, which will be specific and relevant to that particular Council. The WLGA believes in locally directed self-improvement and peer-review, and the management information will form part of that. There are also existing formal and informal benchmarking processes on workforce issues which help promulgate good practice and self-improvement on workforce matters. Councils should not be compelled to supply such information to Welsh Ministers but does accept that some information will be appropriate to be supplied to Welsh Ministers from time to time, but this should be for an agreed specific purpose and without any increased administrative or bureaucratic burden.

Chapter 2

Public Service Staff Commission

17. The WLGA has previously supported 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.

18. The WLGA 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.

19. 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.

Conclusion

20. The WLGA is clear in its advocacy of localism in the delivery of public services. The directly employed workforce are not only the main mechanism by which Councils deliver and provide these services but they are the eyes and ears of the organisation. They are also a visible representation of the Council in the community as they go about providing essential local services on a daily basis.

21. The proposals in the Part 7 of the Local Government (Wales) Bill demonstrate an ambition for the central control of public services in Wales

through the management of the workforce. This will inhibit public service reform, dampen innovation and weaken local democracy.

22. As stated at the outset 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. They will have varied starting points and goals properly identified through planning processes. 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.

23. 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. Major improvements in the education sector and waste services are testimony to this. Councils need the flexibility to manage these workforces without interference to continue this step change in improvement. A managed approach to workforce reduction has also been successful whilst maintaining as best as possible the local services the community want.

24. Finally, the WLGA cannot support the draft elements of the Local Government (Wales) Bill contained in Part 7 Workforce Matters Chapter 1 sections 172 – 175. 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.

25. The WLGA welcomes the establishment of a Statutory Public Services Staff Commission Part 7 Chapter 2 sections 176 – 178 provided it is explicitly linked to local government re-organisation. Any continuation of a non-statutory PSSC should be the subject of renewed agreement.

26897 -0078 : Ann Davies

Tref / Town : N/A

**Sefydliad / Organisation : Tremeirchion, Cwm & Waen
Community Council**

Response to Draft Local Government (Wales) Bill

Annex B: Consultation Questions

The Welsh Government would like to hear your views on the Draft Bill, Draft Explanatory Memorandum, Draft Regulatory Impact Assessment and the matters raised in this Consultation Paper. We would like your views on the practical application of the provisions contained within the Draft Bill. The intention would be to introduce the Bill into the National Assembly for Wales following the Assembly elections in 2016, and we want to ensure we have

addressed as many issues as possible before doing so. Your responses will help inform the Bill for introduction. Please let us have your responses and comments on the questions set out in this Annex, based on the suite of documents that comprise this consultation.

PART 1

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

ANSWER - YES

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?

ANSWER – Preferred option – 3 counties in North Wales

PART 2

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

ANSWER - YES

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

ANSWER- Clerk with relevant professional qualifications. – This depends on the definition of ‘relevant professional qualification’. Many clerks have years of experience but no formal qualifications. Do they have to stand down when this bill comes into force? Who pays for the training to obtain the qualification? How long do the qualifications last before renewal?

Clerks are not paid sufficiently to pay for their training and also are mainly part time.

Community Councils with competence – this seems to be overly bureaucratic for this level of local government, especially when you can retain the power for all activities you started when you were competent

Competence is not a good word to use. Also the decision on a competence of a council should be delayed until after transition.

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PART 3

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

ANSWER - YES

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

ANSWER – We do not feel that area committees should be established. There will be a conflict between the power of an area committee and the County/ Community council structure. Also unelected representatives on these committees will be making decision which affect the electorate. Also, who will be paying for the running of these committees – it is unnecessary expensive additional level of bureaucracy. By adding in this additional tier, you are removing the power from the community.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee?

ANSWER - 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?

ANSWER – See 3.3 above. This is the wrong way round – the cart before the horse. We don't know what our roles are or will be.

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?

ANSWER - YES

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

ANSWER – This is a voluntary role. Compulsory training will mean additional voluntary hours which may result in less people standing for office. Young people in employment may not be released for training. If this does become mandatory the cost of training should be covered by the Welsh Government and not placed as an additional burden on 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?

ANSWER – We believe this term 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?

ANSWER – If this requires clerks to provide in-house training, we believe this is not appropriate. Our council currently identifies training needs of its employee

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

ANSWER – This should already be included in the Terms of Employment contract and additional monitoring should not be required.

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?

ANSWER – Community polls are unworkable. E-petitions could work but not all residents have access to computers and is there an additional cost to the County Council?. If so, this should be funded by the Welsh Government

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

- Responsibility for adequately funding this Bill has not been fully addressed. As it is going to cost an inordinate amount of money to fund these changes, Welsh Government should clearly state that it is covering all the costs of this proposed change.
- 3 things not covered in the Bill –Dual membership, asset transfer and precepts

Ann Davies
Clerk/Responsible Financial Officer
Tremeirchion, Cwm and Waen Community Council

26897 -0079 : Councillor Hugh Evans

Tref / Town : N/A

Sefydliad / Organisation : Denbighshire County Council

Annwyl Syr,

Atodaf, i'w gyflwyno, ymateb gan Gyngor Sir Ddinbych i'r ymgynghoriad parthed y Mesur Drafft

Llywodraeth Leol (Cymru).

Fel y gwelwch o'r ymateb, mae'r Cyngor, ar ôl croesawu sawl agwedd ar y Papur Gwyn

blaenorol, yn enwedig y ffocws ar lywodraethu ac arweinyddiaeth dda, yn pryderu y byddai

llawer o'r darpariaethau yn gosod baich costus a sylweddol ar awdurdodau lleol, pe bai'r Mesur

Drafft ei ddeddfu.

Mae'r Cyngor hefyd o'r farn bod yna lefel ddiangen o bresgripsiwn a gynhwysir yn y Mesur

Drafft sy'n erydu annibyniaeth democratiaeth leol ac yn gyfystyr â micro-rheoli awdurdodau

lleol gan y llywodraeth genedlaethol.

Yr eiddoch yn gywir,

Cyng. Hugh H Evans OBE

Arweinydd Cyngor Sir Ddinbych

Eich cyf / Your ref

Ein cyf / Our ref HHE/GW/SEE

Dyddiad / Date 2016-02-11

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Dear Sirs,

I attach, for submission, the response of Denbighshire County Council to the consultation in respect of the Draft Local Government (Wales) Bill.

You will see from the response that the Council, having welcomed many aspects of the previous White Paper, particularly a focus on good governance

and leadership, is concerned that many of the provisions of the Draft Bill would, if enacted, place a substantial and costly burden on local authorities.

The Council is also of the view that there is an unnecessary level of prescription contained in the Draft Bill which erodes the independence of local democracy and amounts to the micromanaging of local authorities by national government.

Yours faithfully,

Cllr Hugh H Evans OBE
Leader of Denbighshire County Council

Eich cyf / Your ref

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Dyddiad / Date 11 February 2016

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Draft Local Government (Wales) Bill

Consultation Response

PART 1

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

The Council's comments on specific questions relating to Part 1 are set out in the

responses below. The council is concerned that the process of merger will be hugely

expensive and place an intolerable burden on existing authorities in terms of the

resources and capacity required to support and implement the work of transition

committees. The amount of money and time spent by senior officers and members in

the work of transition committees will severely restrict the capacity of those authorities to drive service improvements for their residents. There will need to be a substantial injection of resources from government to facilitate this process.

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's position is that it would prefer that mergers do not take place at all.

If mergers of local authorities are to proceed then the Council's view is that Denbighshire County Council should merge with Conwy County Borough Council. The

Council had prepared a joint submission with Conwy in 2014, which set out the

argument for a voluntary merger in detail. As far as we are aware no other pair or

group of authorities, consistent with the proposed maps, have produced the detailed

argument for merger that our two authorities have. The Council's position on this

hasn't changed and we present no further arguments.

Question 1.3: What are your views on the proposed configuration of Local

Government areas in Wales?

The Council's position regarding its preferred option for North Wales is set out in the

response to 1.2 above. The Council does not have a strong view about the rest of

Wales, other than an argument about proportionality: the six councils in North Wales

is currently between a third and a quarter of all councils. The Council would not

support a model that worsened the current ratio.

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 has no comment to make on this point.

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

It would appear appropriate that the Shadow Authorities determine the names of the

new authorities.

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Question 1.6: What are your views on the proposed changes to the Local

Government election timetable?

The proposed changes to the election timetable appear to be sensible in order to

achieve the transition to the new authorities and a new electoral cycle. The council is however concerned that two three year terms will limit the ability of either Council to

be ambitious and to make significant improvements in services to residents

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 has no comment to make.

Question 1.8: How could the Welsh Government measure the current level of

avoidance of Non-Domestic Rates?

Avoidance is notoriously difficult to quantify. The values attached to such things are

by definition hypothetical and will be based on a study in one area and results extrapolated. In other areas such as Housing Benefit fraud when actual instances

were compared to studies, the results were much lower. The Council would be wary

of introducing an overly bureaucratic and therefore costly administration process to

address a problem that may or may not be significant. At the very least it considers

that a Welsh (urban and rural) study or research project be commissioned to inform

whether this may be an issue.

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 has no additional comment to make.

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?

It could be that something as simple as designing forms to make positive responses

mandatory (the example of having 'zero' as a response rather than leaving a box blank

on returns etc.) would limit potential avoidance.

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?

This would appear to be a sensible proposal ensuring a consistent geographical area

for all civic and administrative purposes.

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

The Council has no comment to make.

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 introduction of the general power of competence. This

power should not, however, be regarded as a panacea. The Draft Bill places constraints on the use of this power in that it will not allow Local Authorities to do

anything which they are currently prohibited from doing by existing or future legislation.

There are already many such prohibitions and restrictions. Local Authorities will also

be constrained by the public law principles which apply to the exercise of any of their

functions. The Council does not see the need for any further constraint and encourages Welsh Ministers to use their powers to make regulations in respect of the

exercise of the general power in such a way that they reduce rather than increase the

barriers to its use.

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

The Council welcomes the removal of the requirement for County Councils to monitor

the competence of Community Councils and the £200k turnover test.

The test of competence set out in the Draft Bill would appear relatively meaningless

for the following reasons.

The Community Council only has to meet the requirement at a given snapshot in time.

It may then continue to exercise the power in respect of new activity, even though it is

no longer “competent”, for up to five years.

In respect of activity undertaken whilst it was “competent”, (which includes any period

within the five years that it did not meet the competency requirement) a Community

Council may continue to exercise the power for what appears to be an indefinite period.

The Council’s comments are similar to those made in response to the White Paper. It

would seem sensible to create Community Councils of an appropriate size, impose

minimum governance standards and then grant the same powers and responsibilities to them all.

The Council previously commented that the requirement to have a Clerk with a relevant professional qualification could impose a significant financial burden on some

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Community Councils given the level of salary that may be needed to attract and retain such staff. In the absence of any detail as to the exact nature of the required qualification it is difficult to comment further. One question that arises is what will be the position of existing Clerks who do not meet this requirement? If this is to be introduced then it would seem sensible that it be implemented after the review of

Community Councils has taken place.

PART 3

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

The Council is very concerned about the bureaucratic burden that will be imposed on Councils by the establishment of Community Area Committees as proposed in the

Draft Bill. In particular the requirement that these be full public committees under the terms of the Local Government Act 1972 with all of the consequential costs of servicing and support that this entails. If these committees are to be truly connected to their

local areas it is assumed that their meetings will take place in those areas. If they are

also to be subject to the requirement to be broadcast live then there will be additional

capital costs of installing the necessary equipment in additional buildings as well as

the revenue costs of additional capacity, as suppliers price webcasting services on the

amount of hours broadcast. Little, if any, thought appears to have been given to the

significant increased costs that will be placed upon councils by this and many other

proposals in the draft bill.

The potential for these committees to appoint sub-committees and the requirement for

various consultation exercises on behalf of each committee will only increase the

burden of support placed on Councils.

The prescriptive nature of proposals for these committees seems to be a departure from the intention stated in the White Paper that Councils would be able to design their own system of community led governance. There is also concern that unelected representatives will have the ability to vote on what may include functions of the county council that have been delegated to them. This concern is heightened by the reserve power for ministers to prescribe those functions that may be delegated. The Council agrees that a constitution guide be produced as proposed. The Council already publishes on its website contact details including electronic and postal addresses for its elected members and agrees that an official address be provided as proposed.

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

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The Council is in favour of increasing awareness and public participation in the work of the Council as proposed. The Council is concerned that the arrangements for the preparation of a strategy and any guidance issued by the Welsh Ministers are not too prescriptive and retain flexibility for Councils to make arrangements appropriate to their individual areas and circumstances. The Council would make similar comments on the proposal to require consultation in respect of the budget. It will be extremely difficult to have meaningful consultation in the terms described in the draft bill. The Council does not see why Councils should bear the burden of creating strategies for the increased participation of local people in the processes of other public bodies which have their own resources.

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

It would seem appropriate that if councils have to publish a policy statement setting out how it proposes to exercise its functions in this regard that local discretion is

maintained. It would seem sensible that the process of appointment should be similar

to the arrangements that are in place for appointing independent members of the

Standards Committee, involving some form of notice or advertisement to relevant

bodies and the appointment of a panel to implement a selection process.

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?

Whether or not a function should be delegated must be the decision of each Council.

It is noted with concern that s57 grants Welsh Ministers the power to make regulations

to require or restrict the delegation of functions. The Council believes this to be a

serious erosion of local democracy and to be unnecessarily micro managing.

The exercise of executive functions by these committees will require scrutiny.

There

are no proposals for how this is to be done.

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's view is that this is a provision which should come into force for the new

councils envisaged by Part 1 of the Draft Bill and not for existing Councils.

The

capacity required following the elections in 2017 to run the existing authorities whilst

also supporting transition to the new Shadow Authorities in 2019 will not allow sufficient capacity to set up these area committees and support them

properly. The

new councils will be able to set up these committees.

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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)?

In its response to the White Paper, the Council stated that it would be pleased to

receive serious requests from serious bodies in respect of the development and

delivery of services. The proposals as drafted appear to include safeguards against

repeated vexatious and frivolous requests. The requirement to publish reports of the

outcome of discussions, the creation and publication of annual reports and a specific complaints system appear to be overly onerous
As a general point it does appear that this Part of the Draft Bill is a little “crowded” and creates a large resource implication for Councils as set out above.
It may also be confusing to the public to the extent that they are put off from participating because there are a number of competing demands on their attention that could cause consultation fatigue.

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

The Council would expect that it should be able to make provision in its standing orders for the manner in which meetings conducted for the purpose of the Leader answering questions from the public be regulated.
The Council is unaware of any corresponding statutory requirement for Welsh Ministers.
This Council already broadcasts meetings of Council and Planning Committee both of which meetings take place in the same location where appropriate equipment is installed. The Council does hold other meetings such as scrutiny in other areas of the authority from time to time, depending on the subject matter being discussed, in order to make it easier for local people to attend. The Council is concerned that a requirement to broadcast all of its public meetings will either incur significant extra capital cost for equipment to be installed in several buildings, or that some of its meetings will be more remote from local people, who may wish to attend in person, than would otherwise be the case. This is especially the case when considering Community Area Committees. There is also an additional revenue cost of broadcasting additional hours of content.
The Council does not see why the Welsh Ministers may wish to make provision for members of the public to film meetings when they are already being broadcast by the Council. The Council is also concerned as to the extent of the facilities that it may be obliged to provide to persons wishing to do this, and is unclear as to the provision relating to live oral commentary.
Allowing the public a right to speak on all matters being discussed at meetings of

Community Councils may be problematic for some Community Councils who may not have the resources to manage this. There are some Community Councils where

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individuals within the community would monopolise and cause difficulties at such meetings.

With regards to the additional matters upon which views are sought under this part of

the consultation document, the Council agrees that County Councils should have a

website. The Council notes that these are already in place. It is difficult to imagine

the circumstances in which a County Council would not have a website and it seems

that this is legislation that is being introduced to solve a problem that does not exist.

The Council agrees with the suggestion that Councils should be able to send out

notices of meetings by electronic means alone.

It is agreed that it is sensible to repeal legislation prohibiting Community Councils from

meeting in licensed premises as explained in the consultation document. It seems

somewhat patronising to require Community Councils to adopt standing orders

prohibiting the consumption of alcohol during meetings. There is no similar provision

for County Councils or the National Assembly.

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 agrees that the proposal for Youth Councils should not be included in the

Draft Bill and that participation by young people and children should be incorporated

under 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?

The Council wishes to comment on a number of matters included in this Part. Chapters 2, 3 and 4 - Performance duties and the breach thereof

In its response to the White Paper, the Council confirmed that Members have previously expressed frustration at the lack of a statutory requirement to attend

committees more frequently than the statutory minimum threshold for disqualification

contained within the Local Government Act 1972, and notes that there is no proposal for this to be changed.

Members support an increased focus on attendance although there is no definition of what a good reason for non-attendance might be.

Members of this Council have agreed a programme of compulsory training, however, they did not agree any sanction for failure to attend. The Council welcomes the fact that Councils will determine what training is compulsory. Again there is no definition

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or suggestion given as to what would amount to a good reason. There is a potential

resource implication depending on the frequency with which training must be repeated

in order to give Members an opportunity to avoid non-attendance due to other commitments.

Members do not agree with the requirement to hold surgeries or to complete annual

reports. Members believe that it is up to them to communicate with their constituents

in the manner that they and their constituents consider best and not to have any

particular method dictated to them. Some Members also believe that the concept of

surgeries is outdated and that many of them engage with their constituents by electronic means.

The proposals that any person may complain about a breach of these duties and that

these complaints be investigated by the Monitoring Officer has the potential to substantially increase the workload of Monitoring Officers and Standards Committees

and lead to a large number of vexatious, frivolous and politically motivated complaints

particularly in the run up to election periods.

On a more general point, it is of concern that the Draft Bill appears to be creating a

separate standards regime outside of the provisions of the Code of Conduct. The

provisions in the Draft Bill give Standards Committees the same powers of sanction

that currently exist for breaches of the Code of Conduct. The Draft Bill provides for

regulations to be made about the procedure for investigations and hearings in respect

of complaints. Regulations already exist in respect of complaints under the Code of

Conduct. Is there to be a duplicate process?

There is the potential for duplication of effort in investigation and reporting to Standards Committees. If a complaint is made to the Monitoring Officer or to the Ombudsman about a Member, which contains an allegation that refers to a potential breach of the duties in the Draft Bill and a breach of the Code of Conduct, are there to be two investigations and reports to the Standards Committee? If not, who is to conduct the investigation and make the report? Would it not be more sensible to amend the current model Code of Conduct to contain the duties that the Draft Bill proposes rather than create an additional system of complaint, investigation and hearing?

Chapter 5

Objectives to be met by Council Executive

The Council agrees that the Leader should set objectives for Cabinet Members. This

is the practice in this Council.

Manifestos: Election of Leader

In its response to the White Paper the Council agreed that candidates for the position

of Leader should set out their values and priorities and present this to Council before

their election. The Council also confirmed that it currently follows this practice.

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Assistants to the Executive

In its response to the White Paper the Council agreed that there should be an opportunity for Councillors who wished to gain experience to assist them in becoming

Cabinet or Executive members in their own right. The proposals in the Draft Bill, rightly

prevent such Members from being members of Scrutiny Committees, and restrict their

appointment to Democratic Services Committee and Corporate Governance Committee. In order for this system to work, there have to be sufficient numbers of

Members left available to perform the important task of scrutinising and holding the

Cabinet/Executive to account. For smaller existing authorities this would be impractical and it is suggested that this proposal's implementation be deferred until

the new authorities come into existence.

Chapter 6

Appointment etc. of certain Chief Officers

The Council agrees that there should be generic duties for all Chief Executives and

that these should include the functions of the Head of Paid Service.

The Council agrees with the setting of objectives for Chief Executives, but believes, as stated in its White Paper response, that the setting of objectives and performance appraisal of the Chief Executive is conducted by a politically balanced panel of

Members and is not the preserve of the Leader. This is the practice in this Council as the Chief Executive is accountable to the whole Council and not just the Leader.

There are certain employment law and personal data safeguards to be considered before deciding to make what is effectively a performance appraisal of the Chief

Executive public.

The Council agrees that the Head of Democratic Services should be a Chief Officer

and that the bar on the Monitoring Officer being designated as such be removed.

Chapter 7

The Council agrees that the question of whether or not the right to vote is extended to

those co-opted members of scrutiny who do not currently have it should be determined

locally by each Council. The Council considers that regulations to set minimum and

maximum numbers of co-opted members is overly prescriptive and that such questions should be determined locally by each Council.

The Council also considers that a power for Welsh Ministers to make regulations

setting out circumstances in which Councils must have joint scrutiny committees is

overly prescriptive and an erosion of local democracy.

The Council agrees that Standards Committees should make an annual report to

Council. The Standards Committee of this Council already does so.

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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 agrees with a general duty for Group Leaders to take reasonable steps

to promote good conduct amongst members of their group and co-operate with the

Standards Committee. It should be noted that all Members are individually responsible

under the Code of Conduct for their own actions and that a Group Leader can do no

more than take reasonable steps to promote good conduct.

s98(3) suggests that Welsh Ministers will make regulations about the circumstances in which Members are to be treated as constituting a political group and in which a Member is treated as being a Group Leader. Regulations already exist in the form of the Local Authorities (Committees and Political Groups) Regulations 1990. Are these to be repealed, and, if so, what are the proposals for the new arrangements?

Question 4.3: Do you have any comments on our proposals in relation to the

delegation of functions by Local Authorities?

The Council agrees with the proposal that Part 2 Deregulation and Contracting Out

Act 1994 be repealed and replaced with a regime that will allow for the delegation of

Council functions to third parties.

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 is concerned that the Independent Remuneration Panel for Wales which

was set up to provide an independent and objective approach to the question of

member remuneration is increasingly perceived as losing its independence and

objectivity given the recent draft report which appeared to make findings inconsistent

with previous reports and to have made recommendations in response to a ministerial

letter. If the Panel is to retain its independence and objectivity it is suggested that it

makes evidence based recommendations and is free from interference by Ministers

and Councillors alike. If a more diverse pool of councillors is to be attracted to stand

for election, particularly those of working age and from all socio-economic groups, it

would appear sensible that they have confidence that questions of remuneration will

be determined objectively on an evidence based approach. The panel should be

restricted to questions of remuneration levels and should not make recommendations

which have structural consequences.

Question 4.5: Do you agree the provisions relating to remote attendance in the

2011 Measure should be made more flexible?

It is very hard to provide an intelligent and considered response to such a vague question and in the absence of any information as to what the proposal will be. The Council's previously determined view is that it is not against remote attendance per se, however, the advice it has previously received is that there is not yet a technical solution that is sufficiently robust or reliable to facilitate remote attendance as prescribed in the 2011 Measure.

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

The Council agrees that allowing shadow authorities to appoint Returning officers is a practical solution in respect of the 2020 General Election, however, it does not understand this to be a devolved matter.

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 officers described above have a measure of protection due to the nature of the

advice that they may have to give to a Council in accordance with their statutory duties.

This was designed to prevent them being summarily dismissed as a result of giving

inconvenient advice in accordance with those duties. The protection amounts to a

requirement that an independent person investigates any allegation brought against

the officer and concludes that disciplinary action including dismissal is justified. The

proposal is that the requirement for an investigation be dispensed with and a vote at

full council be sufficient to dismiss. This raises the prospect of unfair dismissal and

other potential legal claims. It seems inconsistent with the provisions of a Draft Bill

that is concerned with, amongst other things, good governance, to suggest such a

measure.

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 agrees with the proposal that the current complicated regime of determining allocation of functions between the Council and Executive be amended

and that there be a more liberal approach subject to clear guiding principles. There will need to be some form of consistency amongst Councils particularly where they may wish to collaborate or operate joint committee arrangements in the discharge of their functions.

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

The Council welcomes a less rigid approach than that proposed in the White paper.

The Council does not object to notice of intended disposal being given, but, in the absence of detailed proposals for how these arrangements would work, the Council would reiterate the point made in response to the White Paper that Councils must be able to retain the right to make the final decision over whether or not to transfer an asset. Care will need to be taken when determining the values above which details of assets are to be published, particularly where the value of assets may be close to the threshold, in order that the commercial interests of the local authority are not prejudiced.

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PART 5

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

Whilst the intention is clearly to link corporate planning with the new Wellbeing plans

required under the Well-Being of Future Generations (Wales) Act, the read across

could be better, for example in reporting schedules, or in the identification of stakeholder groups. They could refer directly to each other or even be integrated.

The strategic equality planning should also be included in the integrated reporting

proposed, but it is not mentioned. This will be done in practice.

The 3 months given to publish a corporate plan after an election is too short.

Councils

will need time to work with the new administration and then consult on the plan before

publishing it. They will also need to ensure that the plan aligns with the Public Service

Board's Wellbeing Plan. If all this is to be meaningful then at least 6 months will be

required not 3.

The Bill does not seem to address the question of proliferating indicator sets. There could be better read across with the Well-Being of Future Generations Act, Programme for Government, Social Services Act etc. There is the danger of significant overlap and duplication of reporting and other requirements between the Draft Bill and these other pieces of legislation. Whilst the intervention powers for Welsh Ministers are similar to those already in existence, they do not appear to be linked to any evidence based threshold or criteria. The requirement for at least one third of the Corporate Governance and Audit Committee to be made up of independent lay members appears to be overly prescriptive and contrary to local democracy. In its White Paper response the Council agreed that independent members can bring a fresh perspective but their number should be a matter for local determination. The Council also believes that the Committee should select its Chair and that there should be no prescription in respect of this, either in favour of, or against, independent members. The Council agrees that regulators should be required to co-ordinate their activities. There are other matters to which the consultation document refers but which are not included in the Draft Bill even though it is intended that they be introduced into the final Bill. The Council agrees with the proposal that regulators be required to share their reports with scrutiny and attend to present them when invited. There is insufficient detail in respect of an online information portal to enable meaningful consultation. Clearly, Councils would be concerned if the number and complexity of the information sets required to be published were unduly onerous or a duplication of other reporting requirements.

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Question 5.2: Do you have any comments on our proposal to subject Local

Authorities to a governance arrangements duty?

The Council agrees with the suggestion that County Councils should be under a duty to make, implement and comply with arrangements for good governance, accountability, economy, efficiency and effectiveness of its use of resources. The Council does however note that there are several proposals contained in the Draft Bill which will significantly increase the bureaucratic resource required to support them.

The Council is concerned that there are reserved to Welsh Ministers powers to make regulations that have the potential to be extremely prescriptive in nature which appears to be inconsistent with the intention expressed in the White Paper that local authorities should become more responsible and accountable for their activities. Councils should be required to have good governance arrangements but a one size fits all approach should not be imposed upon them.

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

The Council would be concerned if the proposals for Peer Assessment were to be too prescriptive.

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 welcomed the introduction of self and peer assessment and combined assessments by regulators in the White Paper. The Council already operates a system of self-assessment by means of its service challenge process. The Council agrees that the Corporate Governance and Audit Committee should have the role described in the Draft Bill in respect of such assessments.

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

The Council agrees with the proposal to reject public accounts committees which it considers would have been an unnecessary potential duplication of Councils' own audit and financial management processes.

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

It is not clear what role is being suggested. Are the Public Services Boards being asked to scrutinise decisions made by councils? Under the Well-Being of Future Generations (Wales) Act 2015 local authorities are to scrutinise the Boards.

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There is in the governance duty a requirement of a Council to make, implement and

comply with arrangements for economy, efficiency and effectiveness of its use of resources. There is a system of self and peer assessment and combined assessment by regulators. There is a system of internal scrutiny and challenge through Scrutiny Committees.

What would an additional function for Public Services Boards add?

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

The Council does not believe that additional powers are necessary

Question 5.8: What legislative measures could be considered to enable Local

Government to take a public sector-wide shared services role?

Local Government finance officers have previously commented on the limitations of the KPMG study and noted that its conclusions are overly simplistic and the cost/benefit conclusion is flawed.

At a time of huge change and potential reorganisation of local authorities it seems a very high risk approach to try and create an all Wales shared support service just when local authorities will need to rely on responsive, stable support services. Larger units of support will be created by virtue of the merger of Councils. It would seem more sensible to establish the new councils before considering further major changes in the provision of support.

PART 6

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

The Council's comments are contained in the responses set out below.

Question 6.2: Should the Boundary Commission be required to submit their

draft reports to Shadow Authorities from May 2019?

The Council welcomes the fact that it is no longer proposed that Councils conduct these reviews. Whilst it appears sensible to enable these reports to be submitted in a timely fashion, it is the Council's view that the Shadow Authorities will have more than enough to do in establishing the governance and other arrangements for the new councils and will not have the resource or capacity to undertake the work required of it by s153 of the Draft Bill.

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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?

It would appear that the new County Councils will have a significant workload in establishing themselves and the efficient delivery of their services and may not have the resource or capacity to implement these reviews. Allowing the Commission to implement the reviews may assist Councils in this respect.

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

It is not clear why County Councils should be responsible for identifying and securing the provision of compulsory training to Community Councillors who have been elected in their own right to public authorities that are independent of County Councils. This is an additional burden for 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?

It would appear sensible to ensure that election dates for Community Councils are consistent with those for County Councils.

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 appears to be more sensible than, but contradictory to, the proposal that County Councils identify and provide compulsory training for Community Councillors.

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

If Community Councils are to become bigger, it seems appropriate and in accordance with good practice that the Clerk have objectives set. The Council considers that this should be done by the Council rather than the Chair, as the Clerk owes a duty to the Council as a whole, and since the Chair changes annually it will provide some consistency of approach. The Council considers that the same approach should be taken for all 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 legislation for community polls is cumbersome and outdated. There will need to be safeguards against frivolous or vexatious petitions and the thresholds to be crossed before Councils are required to respond.

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PART 7

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

Any guidance issued on workforce matters by Welsh Ministers should not be so

prescriptive that it hinders local authorities' ability to shape service delivery in accordance with local requirements. Councils will have a duty to operate governance

arrangements that delivery economy, efficiency and effectiveness of the use of

resources including their workforce. Their ability to do this should not be unnecessarily

hindered.

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?

What purpose would there be in establishing a statutory commission in such circumstances?

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?

Part 8 refers to the fact that the term "county council" is to be read as a reference to

an existing authority until April 2020. The Government should make it clear which

provisions of the Draft Bill will be implemented before the creation of the new councils.

Given the nature and extent of change that is envisaged in the structures of councils

in this Draft Bill, it would appear sensible to defer the implementation of major changes

to the way in which councils are structured until after April 2020. Councils will have

little capacity to manage and implement these changes whilst also supporting transition committees and shadow authorities. It would appear wasteful to commit

significant resources to changes to committee and other structures which may themselves be changed by shadow authorities and new councils.

26897 -0080 : Jane Alexander

Tref / Town : N/A

Sefydliad / Organisation : Wales Pre-school Providers Association (Wales PPA)

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?

Wales Pre school Providers' Association understands the reasoning behind the boundary proposals, economically there is a need to restructure as Wales cannot afford to sustain 22 counties. We recognise that restructuring will inevitably lead to some job losses. There is concern that merging local authorities into larger councils will lead to difficulties in meeting the diverse local needs of all areas effectively. This may impact on small areas of deprivation that may be overlooked as the focus will be on the area as a whole. It maybe more realistic to look at smaller boundary proposals to create slightly smaller areas. This is a concern for the Early Years Childcare and Education sector as transitional arrangements may result in different types of needs being overlooked due to the geographic size of the proposed authority areas,.

Consideration is needed on

- The impact these changes will have on education, from pre-school to university.
- Whether the merging of counties will have a positive effect on employment or not in addressing the Tackling Poverty agenda
- Whether cost savings will be significant enough to warrant such large boundary proposals.

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?

There appears to be a slightly stronger case for them to remain as 3 counties however both options raise the question of adequate (geographically and in terms of high quality) provision of services such as fire, police, care and education, transport, hospitals etc.

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

There are concerns that the areas will be so large that local needs will be lost or overlooked. Funding in areas where it is needed most may get side-tracked into other projects or areas in the new counties and some local people may end-up missing out. With an interest in Early Years provision of childcare and education and play services, Wales PPA supports the proposals to address children's rights as set out in the Children's Rights Impact Assessment document accompanying the consultation.

Further clarification is needed on the benefits of merging the counties and also what the negative impact will be, if any.

Some detailed comments are made below but from all perspectives what is important for all of these proposals is that the Children's Rights Impact is regarded so that support for children in the early years is supported and identified across the new areas so that poverty is addressed effectively and early years services that have been developed over the last decade to fit the needs of local people do not lose momentum because different areas are brought together. The configurations offer some positive opportunities to identify, agree and share best practice across the new authority areas.

Ceredigion, Pembrokeshire and Carmarthenshire

Geographically this would be a large region with poor transport links but saying that already there are informal links taking place which could easily be built on. The high incidence of first language Welsh in these counties forms a stronger foundation for the growth for the Welsh language.

Swansea and Neath Port Talbot

This does make sense but the danger is that Neath Port Talbot could lose identity as an area. Transport links between the two authorities are good by road and rail and they already share the ABMU health board.

Bridgend, Rhondda Cynon Taf and Merthyr Tydfil

The issue here is where to include Bridgend. From a Health Board point of view it lies with Swansea and Neath Port Talbot but this may not be the case economically as it may align more with RCT and Merthyr Tydfil.

The practical issues with the above merger are poor transport links and the poor economic climate of the region. On a positive note, it offers a chance for a cohesive approach to economic development and transport links which will help to tackle poverty for families in Wales

Cardiff and the Vale of Glamorgan

The merger with Bridgend and the Vale of Glamorgan may sit better to enable different proposals in Gwent and the Valleys because of such large geographical areas and the merger in Gwent being too big.

Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen

As previously mentioned this merger is large and smaller areas such as Blaenau Gwent may lose their identity which could have a significant impact on local people and local communities.

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?

Wales Pre school Providers' Association do not support a formal merger as the best solution.

It could create another level of bureaucracy being established creating health and social care teams, which may duplicate existing signposting services from GPS. It would need to demonstrate a positive impact on services such as referral for children with additional needs, speech and language support etc. Due regard needs to be given as to whether the benefits would have a significant impact on the people and local communities.

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

The procedure is fine but suggest that public consultation and participation should be involved in naming the areas. One point to consider is the names need to be geographically accurate and not confusing names.

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

The proposal seem sensible as it will give elected councils longer to implement plans and make changes but why make Powys different just because it isn't changing.

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?

Consideration needs to be given to ensure fairness in the council tax system as local people may be asked to pay more due to the mergers and this needs to look at areas where poverty is high and how this would be managed so that families are not adversely affected.

Transitional processes will be key in ensuring that Service Level Agreements (SLA's) and contracts currently in place between authorities and the voluntary sector enable services to continue seamlessly. Over recent years, local authority funding to the voluntary sector has decreased to funding cuts and it is important that communication is clear during the initial stages of the mergers. The way in which this is handled will have a significant impact on services that are currently provided in the early years and childcare sector. An example is where local authorities provide sustainability grants to the

childcare sector and the concern that a merged local authority have different priorities from its individual authorities which could impact on the sustainability of the childcare sector in the short and long term.

Further questions have been raised about whether the practicalities of the mergers have been thought through such as how this will effect Family Information Services (FIS), Voluntary Sector Councils (CVC) etc.

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?

No comment

PART 2

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

No comment

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

No comment

PART 3

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

No comment

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

No comment

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

No comment

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 comment

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)?

No comment

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

Wales Pre school Provider's Association supports the proposals for youth Councils in each new local authority.

This supports the Children and Families (Wales) Measure 2010 to increase and encourage participation for children and young people. However, we would like to see a broad approach to include the views of all young children (including very young children) and their families and carers

and that the youth councils address the ways in which this might be achieved effectively

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

As above Wales Pre-school Provider's Association would like to see a broad approach to include the views of all young children (including very young children) and their families and carers and that the youth councils address the ways in which this might be achieved effectively.

This can be achieved in partnership with organisations that work to support the early years sector

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?

No comment

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?

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?

No comment

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?

No comment

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?

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?

No comment

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

No comment

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 comment

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

No comment

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

No comment

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?

No comment

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

No comment

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No comment

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 comment

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 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.

No comment

26897 -0081 : Shaun Jones

Tref / Town : N/A

Sefydliad / Organisation : Chirk Town 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.

Name*: Shaun Jones – Clerk/RFO

Organisation: Chirk Town Council

Email*: chirk.towncouncil@btinternet.com

Telephone: 01691 772596

Address: Parish Hall, Holyhead Road, Chirk, Wrexham, LL14 5NA.

Details: As a Town Council we are just responding to related

parts of the Bill to our tier of Local Government. The term Community Council within the Bill is termed Town & Community Council in our view. The Chair and Clerk attended the Llandudno event on 4th February 2016 where this approach was stated as valid.

* required information

Consultation questions

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

PART 1

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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?

2

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the integration of Powys Teaching Health Board and Powys County Council?

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3

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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?

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

4

PART 2

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

It is certainly to be encouraged for Town and Community Councils to be hitting a well understood benchmark of quality and competence. We favour a

different term from General Power of Competence to perhaps Chartered status as suggested at Llandudno consultation event. A clear understanding of what professional qualification that a Clerk would be considered Competent. Also a clearer understanding of the 2/3 elected membership, in our case all 15 Councillors were elected unopposed – is that considered sufficient qualification ?

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

We would support a monitoring scheme to ensure standards are met ongoing.

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?

5

In Wrexham County Borough we already have a Town & Community Council Forum that meets regularly. Representatives of all Town & Community Councils are invited. In our opinion this arrangement could certainly fulfil the suggested role of Community Area Committee and of course would remain a wholly elected body. Co-option of committee members is seen as something fraught with unsettling the work to properly provide the input to the Local Authority. At the very minimum only elected members should have a vote. Chirk Town Council do think this area of the Bill has been poorly thought through and would ask for it to be looked into once again.

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?

Using the model of the Local Authority working with the Town and Community Council Forum mentioned above there is scope for a partnership approach with proper provision of resources.

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?

As we are really not in favour of the Area Committee we see no reason to comment here.

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)?

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6

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7

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the self assessment, peer assessment, combined assessment and governance review?

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choices facing local public services?

9

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

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

PART 6

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

Very important that the LDBCW consult on the terms of reference. A good amount of local knowledge should assist with sensible groupings of existing Town and Community Councils. More of a blend of like with like preferred – so as not to find some of the smaller Councils feeling they will have no voice going into the future.

Question 6.2: Should the Boundary Commission be required to submit their draft

reports to Shadow Authorities from May 2019?

It does make sense for the draft reports to be made available as early as possible. It will aid better and smoother transition. It is not clearly understood why it is termed a draft report – shouldn't it be final ?

10

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 LDBCW leading to a single smooth process ?

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

Certainly there is scope for the Principle Authority to cascade knowledge and understanding regarding matters that have formal relations between PA and Town/Community Council. It should be noted that Town and Community Councillors are volunteers. Training must be delivered locally and there should not be an expectation on Local Councillors to travel great distances for such training.

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 6 year term is considered too long. Moving from a 4 year to 5 year period serving as a voluntary Town/Community Councillor is seen as a stretch. Our view is that 2 terms of 3 years would make more sense. It will also help in building the 2/3 elected body criteria for competence accreditation.

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 is already something that Chirk Town Council have in place – certainly the Clerk and Councillors do attend One Voice Wales training. We think it is a good idea for this to be developed in future.

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Question 6.7: Do you have any comments in relation to the setting of objectives

for a Community Council clerk?

Chirk Town Council are already bringing in such a process to agree 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?

It is a matter of timing and transition. Many could be finding using the internet a barrier in triggering a poll/petition. In principle Chirk Town Council see the merit of the proposal just think it should be smartly implemented so as not to disenfranchise.

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?

12

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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 -0082 : Cerian Davies

Tref / Town : N/A

Sefydliad / Organisation : Welsh Language Commission

Meri Huws
Comisiynydd y Gymraeg
Welsh Language Commissioner

01/07



Diwygio Llywodraeth Leol Cymru
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ

RLGProgramme@cymru.gsi.gov.uk

11/02/2016

Ymgynghoriad ar y Bil Llywodraeth Leol (Cymru) Drafft

1. Mae Comisiynydd y Gymraeg yn croesawu'r cyfle i ymateb i'r ymgynghoriad uchod. Mae'r ymateb hwn i'r ymgynghoriad yn cadarnhau'r hyn a nodwyd yn ymateb y Comisiynydd i ymgynghoriad Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol y Cynulliad i'r Bil hwn.
2. Rhoddodd y Comisiynydd hefyd sylwadau ar ymgynghoriadau Llywodraeth Cymru ar y *Papur Gwyn Diwygio Llywodraeth Leol: Grym i Bobl Leol*, *Papur Gwyn Llywodraeth Cymru: Diwygio Llywodraeth Leol a Phapur Gwyn - Datganoli Democratiaeth: Comisiwn Staff y Gwasanaethau Cyhoeddus* sy'n berthnasol i'r Bil Drafft hwn. Ymatebodd y Comisiynydd hefyd i ymgynghoriad y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol ar Ddeddf Llywodraeth Leol (Cymru) 2015.
3. Roedd ein sylwadau ar y *Papur Gwyn Diwygio Llywodraeth Leol: Grym i Bobl Leol* yn tynnu sylw at y canlynol:
 - o Dylai Llywodraeth Cymru sicrhau bod y Gymraeg a chynyddu'r defnydd o'r Gymraeg yn ystyriaethau canolog wrth gynllunio'r diwygiadau y bwriedir eu gwneud i Lywodraeth Leol, a hynny yn unol ag amcanion strategol Llywodraeth Cymru a nodir yn *iaith fyw: iaith byw*, Strategaeth Llywodraeth Cymru ar gyfer y Gymraeg 2012-17.
 - o Dylai Llywodraeth Cymru wneud gwaith ymchwil a chynllunio sylweddol er mwyn sicrhau y bydd y newidiadau arfaethedig i Lywodraeth Leol yn cael effaith gadarnhaol ar y Gymraeg.
 - o Dylai Llywodraeth Cymru ystyried yn arbennig y dyletswyddau ieithyddol a osodir ar Awdurdodau Lleol yn unol â Mesur y Gymraeg (Cymru) 2011 wrth gynllunio'r diwygiadau. Mae hyn yn arbennig yng nghyd-destun darparu gwasanaethau.

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

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post@comisiynyddygymraeg.org
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Welsh Language Commissioner
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Cardiff CF10 1AT

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Correspondence welcomed in Welsh and English

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Comisiynydd y
Gymraeg
Welsh Language
Commissioner

- Dylai Llywodraeth Cymru ystyried atebolrwydd o ran darparu gwasanaethau Cymraeg wrth ddiwygio gwasanaethau cyhoeddus.
 - Dylai Llywodraeth Cymru roi ystyriaeth i'r newidiadau yn y model cyfreithiol ar gyfer darparu gwasanaethau Cymraeg a ddaw yn sgil Mesur y Gymraeg (Cymru) 2011.
 - Dylid rhoi ystyriaeth lawn i'r strwythurau llywodraethu a gweinyddu newydd, yn benodol o ran meithrin gweithleoedd cyfrwng Cymraeg sydd eisoes yn bodoli a chynnwys negeseuon clir ynghylch disgwyliad strategol i gefnogi a datblygu'r defnydd o'r Gymraeg yn y gweithle.
4. Rwy'n croesawu'r cyfleoedd a gafwyd hyd yma i drafod y materion hyn â'r Gweinidog Gwasanaethau Cyhoeddus a'i staff a gobeithiaf y bydd modd parhau â'r trafodaethau adeiladol hyn. Rwy'n falch bod Llywodraeth Cymru wedi ymateb i rai o'r ystyriaethau uchod yn benodol mewn perthynas ag effaith ad-drefnu Llywodraeth Leol ar y defnydd o'r Gymraeg yn y gweithle drwy sefydlu Gweithgor ar yr Iaith Gymraeg ym maes Datblygu Economaidd a Gweinyddu Llywodraeth Leol dan gadeiryddiaeth Rhodri Glyn Thomas AC. Edrychaf ymlaen at weld argymhellion y gweithgor. Rwyf hefyd wedi cael trafodaethau adeiladol â Gweinidogion Llywodraeth Cymru mewn perthynas â dulliau amgen o ddarparu gwasanaethau. Mae'r sylwadau isod yn ategu'r hyn a ddywedwyd gennyf yn yr ymateb i'r ymgynghoriad ar y *Papur Gwyn Diwygio Llywodraeth Leol: Grym i Bobl Leol* ond mae'n cyfeirio'n benodol at rannau o'r Bil Drafft.
5. **Comisiynydd y Gymraeg**
- 5.1 Prif nod y Comisiynydd yw hybu a hwyluso defnyddio'r Gymraeg. Gwneir hyn drwy ddwyn sylw at y ffaith fod statws swyddogol i'r Gymraeg yng Nghymru a thrwy osod safonau ar sefydliadau. Bydd hyn, yn ei dro yn arwain at sefydlu hawliau i siaradwyr Cymraeg.
- 5.2 Mae dwy egwyddor yn sail i waith y Comisiynydd:
- Ni ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg yng Nghymru;
 - Dylai personau yng Nghymru allu byw eu bywydau drwy gyfrwng y Gymraeg os ydynt yn dymuno gwneud hynny.
- 5.3 Dros amser fe fydd pwerau newydd i osod a gorfodi safonau ar sefydliadau yn dod i rym trwy is-ddeddfwriaeth. Hyd nes y bydd hynny'n digwydd bydd y Comisiynydd yn parhau i arolygu cynlluniau iaith statudol trwy bwerau y mae wedi eu hetifeddu o dan Ddeddf yr Iaith Gymraeg 1993.
- 5.4 Crëwyd swydd y Comisiynydd gan Fesur y Gymraeg (Cymru) 2011. Caiff y Comisiynydd ymchwilio i fethiant i weithredu cynllun iaith; ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg yng Nghymru ac, yn y dyfodol, i gwynion ynghylch methiant sefydliadau i gydymffurfio â safonau.

5.5 Un o amcanion strategol y Comisiynydd yw dylanwadu ar yr ystyriaeth a roddir i'r Gymraeg mewn datblygiadau polisi a deddfwriaethol. Felly, un o brif swyddogaethau'r Comisiynydd yw darparu sylwadau yn unol â'r cylch gorchwyl hwn gan weithredu fel eiriolwr annibynnol ar ran siaradwyr Cymraeg yng Nghymru y gallai'r newidiadau arfaethedig hyn effeithio arnynt. Mae'r ymagwedd hon yn cael ei harddel er mwyn osgoi unrhyw gyfaddawd posibl ar swyddogaethau'r Comisiynydd ym maes rheoleiddio, a phe byddai'r Comisiynydd yn dymuno adolygu'n ffurfiol berfformiad cyrff unigol neu Lywodraeth Cymru yn unol â darpariaethau'r Mesur.

6. Safonau Mesur y Gymraeg (Cymru) 2011

6.1 Fel y gwyddoch cymeradwywyd Rheoliadau Safonau'r Gymraeg (Rhif 1) 2015¹ yng Nghyfarfod Llawn y Cynulliad Cenedlaethol ar 24 Mawrth 2015 ac fe ddaethant i rym ar 31 Mawrth 2015. Yn dilyn cyfnod o ymgynghori gosododd y Comisiynydd hysbysiadau cydymffurfio terfynol ar 26 sefydliad o dan adran 44 Mesur y Gymraeg (Cymru) 2011 ym mis Medi 2015. Bydd gofyn i'r sefydliadau hyn gydymffurfio â'r safonau sy'n berthnasol i'w sefydliadau o 30 Mawrth 2016 ymlaen. Mae Llywodraeth Cymru, y 22 awdurdod lleol presennol a'r parciau cenedlaethol Cymru ymysg y 26 corff. Bydd gofyn iddynt gydymffurfio â safonau mewn 5 maes sef:

- o Cyflenwi gwasanaethau
- o Lluoio polisi
- o Gweithredu
- o Hybu
- o Cadw cofnodion

7. Y Gymraeg

Mae'r Gymraeg yn iaith swyddogol ym mhob cymuned yng Nghymru yn sgil Mesur y Gymraeg (Cymru) 2011. Er hynny, dangosodd canlyniadau cyfrifiad 2011 fod y Gymraeg mewn sefyllfa fregus gyda'r niferoedd a chanran y boblogaeth sy'n ei siarad yn parhau i ostwng. At hynny, dangosodd y data fod nifer y cymunedau hynny lle siaredir y Gymraeg fel prif iaith yn gostwng. Bellach siaredir y Gymraeg gan fwy na 70% o'r boblogaeth mewn 39 yn unig o'r 868 cymuned sydd yng Nghymru. Eto, siaredir y Gymraeg ym mhob cymuned yng Nghymru.

8. Rhan 1: Ardaloedd Llywodraeth Leol a Chynghorau Sir

8.1 Mae Pennod 1 y rhan hon yn trafod yr ardaloedd llywodraeth leol newydd arfaethedig a manylir ar y cynigion posibl yn Nhabl 1 a Thabl 2 Atodlen 1 y Bil Drafft. Rwy'n croesawu sylwadau'r Llywodraeth yn y ddogfen ymgynghori sy'n rhoi ystyriaeth i'r opsiwn gorau o ran cefnogi'r Gymraeg. Rwyf o'r farn y dylai ad-drefnu Llywodraeth Leol fod yn gyfrwng i atgyfnerthu'r defnydd o'r Gymraeg yn gymunedol

¹ [http://www.cynulliad.cymru/leid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20\(no.%201\)%20regulations%202015%20rheoliadau%20safonau%E2%80%99%20gyrhaeg%20\(rhif%201\)%202015/sub-ld10115-w.pdf](http://www.cynulliad.cymru/leid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20(no.%201)%20regulations%202015%20rheoliadau%20safonau%E2%80%99%20gyrhaeg%20(rhif%201)%202015/sub-ld10115-w.pdf) [cychwyd 11/02/2016]

ac yn y gweithle. Yn hyn o beth dylid ystyried arferion ieithyddol presennol gweithleoedd yr awdurdodau lleol a fydd yn uno a dulliau o'u cryfhau. Mae diwygio llywodraeth leol yn gyfle unigryw i ehangu ac i ddatblygu'r gweithleoedd hyn trwy awdurdodau lleol Cymru gyfan ac i gyfrannu at nodau *iaith fyw: iaith byw*, Strategaeth Llywodraeth Cymru ar gyfer y Gymraeg 2012-17² i gynyddu cyfleoedd pobl i ddefnyddio'r Gymraeg yn y gweithle ac i gryfhau safle'r Gymraeg o fewn y gymuned. Yn hyn o beth rwy'n croesawu sefydlu'r Gweithgor ar yr Iaith Gymraeg ym maes Datblygu Economaidd a Gweinyddu Llywodraeth Leol.

- 8.2 Nodir yn y Memorandwm Esboniadol drafft mai'r 'bwriad yw y bydd Awdurdodau Cysgodol, sydd i'w hethol yn 2019, yn pennu enw eu Sir newydd (yn Gymraeg ac yn Saesneg)'. Dylid nodi yn hyn o beth nad oes i rai ardaloedd yng Nghymru enwau Saesneg, e.e. Powys, ac na fyddai felly yn rhesymol rhoi enw Saesneg ar nifer o'r Siroedd newydd arfaethedig.
- 8.3 Roedd yn ddiddorol gennyf nodi fod Llywodraeth Cymru, fel y nodir yn yr Asesiad Effaith ar y Gymraeg, yn bwriadu y bydd y Pwyllgorau Pontio a sefydlir yn sgil Deddf Llywodraeth Leol (Cymru) 2015 yn ddarostyngedig i Safonau'r Gymraeg.

9. Rhan 2: Pŵer Cymhwysedd Cyffredinol

- 9.1 Mae'r Bil Drafft yn bwriadu rhoi'r pŵer cymhwysedd cyffredinol i Awdurdodau Lleol ac i Gyngorau Cymuned â chymhwysedd. Mae hyn yn hwyluso modelau cyflawni eraill ac fe fydd yn fodd i'w galluogi i ddefnyddio dulliau newydd o weithredu. Gallai hyn arwain at newidiadau sylweddol i'r dull o gyflenwi gwasanaethau cyhoeddus gan awdurdodau lleol Cymru. Mae'n hollbwysig fod y Gymraeg a chynyddu'r defnydd o'r Gymraeg yng nghyswllt darparu gwasanaethau yn ystyriaethau canolog wrth gynllunio'r diwygiadau er mwyn sicrhau parhad yn y gwasanaethau Cymraeg a ddarperir i'r cyhoedd gan awdurdodau lleol. Mae hyn yn unol â nod amcan 5 *iaith fyw, iaith byw* i gynyddu a gwella gwasanaethau Cymraeg ar gyfer dinasyddion fel y bo mwy o wasanaethau Cymraeg o safon uchel ar gael i'r cyhoedd a mwy o ddefnydd yn cael ei wneud o'r gwasanaethau hynny.
- 9.2 Fel y nodir yn 3 uchod bydd Awdurdodau Lleol yn ddarostyngedig i Safonau'r Gymraeg o 30 Mawrth 2016 ymlaen. Yn benodol yn y cyd-destun hwn mae safonau mewn perthynas â chyflenwi gwasanaethau; hybu'r Gymraeg, a llunio polisïau y mae gofyn ystyried eu heffaith ar gyfleoedd pobl i ddefnyddio'r Gymraeg wrth eu llunio. Mae'r safonau yn berthnasol i weithgareddau a gyflawnir gan drydydd parti ar ran y sefydliadau sy'n ddarostyngedig i'r safonau. Ein dymuniad fyddai sicrhau y byddai'r arfer presennol o ddarparu gwasanaeth yn Gymraeg yn parhau mewn perthynas ag unrhyw sefydliadau a fyddai'n gyfrifol am eu darparu yn y dyfodol. Mewn cynlluniau,

² <http://gov.wales/topics/welshlanguage/policy/iving/2lang-cy> [cyhoeddiwyd 19/01/2016]

dogfennau a chanllawiau eraill³ a gyhoeddwyd gan Lywodraeth Cymru cynigir dulliau amrywiol o drosglwyddo asedau a gwasanaethau i sefydliadau eraill. Rwyf eisoes mewn trafodaethau â Llywodraeth Cymru ynghylch dulliau o gelsio sicrhau y bydd gwasanaethau Cymraeg yn parhau. Er hynny, mae'n bryder gennyf y gallai gwasanaethau Cymraeg gael eu tanseilio wrth drosglwyddo asedau a gwasanaethau i sefydliadau eraill. Mae Asesiad Effaith ar y Gymraeg y Bil yn nodi 'lle defnyddir y pŵer cyffredinol i ddatblygu modelau cyflenwi amgen ar ran Awdurdod Lleol, er enghraifft rhai sy'n cynnwys cwmnïau cydweithredol, cyrff cydpuddiannol neu bartneriaid eraill, mae'n werth nodi bod y swyddogaeth ddirprwyedig yn dal i fod yn un o swyddogaethau'r Awdurdod Lleol ac felly'n ddarostyngedig i Safonau'r Gymraeg'. Tra buaswn yn croesawu hyn buaswn yn dymuno derbyn rhagor o eglurhad yn hyn o beth ynghylch dyletswyddau ieithyddol sefydliadau a fydd yn darparu gwasanaethau yr arferid eu cynnal yn uniongyrchol gan Awdurdodau Lleol.

10. Rhan 3: Pwyllgorau Ardaloedd Cymunedol

- 10.1 Mae'r Bil Drafft yn cynnig dulliau o gynyddu cyfranogiad y cyhoedd mewn Llywodraeth Leol. Mae hyn wrth reswm, yn fater i'w groesawu. Cynigir y dylai awdurdodau lleol sefydlu pwyllgorau ardal cymunedol i sicrhau y caiff buddiannau cymunedau eu cynrychioli i'r Cyngor. Mae'n hollbwysig y bydd Awdurdodau Lleol yn ymwybodol ac yn ystyried buddiannau siaradwyr Cymraeg. O'r henwydd rwy'n croesawu'r cynnig yn yr Asesiad Effaith ar y Gymraeg i gynnwys y Mentrau Iaith yn aelodau o'r Pwyllgorau hyn a dylid sicrhau y manteisir ar bob cyfle posibl i ymgysylltu â mudiadau eraill sy'n hybu'r defnydd o'r Gymraeg megis yr Urdd a'r Mudiad Meithrin sydd â threfniadau rhanbarthol yn ogystal.
- 10.2 Mae adran 55-58 y Bil Drafft yn cynnig y bydd modd trosglwyddo swyddogaethau cyngor sir i bwyllgor ardal cymunedol. Eto yn y fan hon dylid nodi bod gofyn i gyngor sir gydymffurfio â safonau'r Gymraeg fel yr eglurir yn 3 uchod. Pe trosglwyddid swyddogaethau cyngor i Bwyllgor Ardaloedd Cymunedol buaswn yn disgwyl y byddai'r Cyngor yn ystyried effaith hynny ar y defnydd o'r Gymraeg ac yn ei gwneud yn ofynnol i'r Pwyllgor ymgymryd â'r swyddogaeth fel pe bai'n cael ei gwneud gan y cyngor.

11. Rhan 5: Cyngorau Sir: Llywodraethu yn Well

- 11.1 Mae pennod 2 yr adran hon yn ymwneud â'r gofyniad i gyngorau gynhyrchu cynllun corfforaethol i gynnwys gwybodaeth am strategaethau'r cyngor mewn meysydd penodol. Dylwn nodi y bydd gofyniad ar i gyngorau gyhoeddi chwe math o strategaeth yn unol â Mesur y Gymraeg (Cymru) 2011.

³ Gweler er enghraifft Modelau darparu amgen i ddarparu gwasanaethau cyhoeddus: cynllun gweithredu ar gyfer ymgynghori, Hydref 2015. <http://gov.wales/consultations/improving/alternative-delivery-models/public-service-delivery/20150927>; Y Gweithgor Asedau Cenedlaethol: Trosglwyddo Asedau Cymunedol yng Nghymru – Canllawiau Arferion Gorau, Mawrth 2015 <http://gov.wales/docs/dps/policy/1504010-cat-guidance-cy.pdf> [cychwyd 16 Ionawr 2016]



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- 11.2 Ceir cynnig ym mhennod 3 y rhan hon i'w gwneud yn ddyletswydd i gynnal asesiad cyfun o drefniadau llywodraethu cyngor sir i'w cwblhau ar y cyd gan Estyn, Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru ac Archwilydd Cyffredinol Cymru. Mae'r Comisiynydd yn unol â'i nod o hybu a hwyluso defnyddio'r Gymraeg yn gyfrifol am reoleiddio cydymffurfiaeth sefydliadau â Mesur y Gymraeg (Cymru) 2011. Buaswn felly yn croesawu gallu cyfrannu at yr asesiadau cyfun hyn ar y cyd â'r sefydliadau eraill a enwir yn y Bil Drafft.
- 11.3 Eto ym mhennod 5 nodir y bydd gofyn i'r rheoleiddwyr perthnasol roi sylw i'r angen am gydlynw wrth arfer swyddogaethau perthnasol ac y caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ar gyfer cydlynw'r modd y mae rheoleiddwyr perthnasol yn arfer swyddogaethau perthnasol. Buaswn yn croesawu'r cyfle i gydweithio ar faterion sy'n ymwneud â hybu a hwyluso'r Gymraeg.

12. Rhan 6: Cyngorau Cymuned

- 12.1 Nodir ym Mhennod 1 yr adran hon y bwriedir i Gomisiwn Ffiniau a Democratiaeth Leol Cymru gynnal adolygiad o gynghorau cymuned mewn perthynas â phob un o siroedd Cymru. Wrth wneud yr adolygiad gofynnaf i'r Comisiwn Ffiniau ystyried y defnydd o'r Gymraeg yn y cymunedau hynny a wasanaethir gan y cynghorau cymuned er mwyn ceisio sicrhau os bydd newidiadau i ffiniau na fydd hynny'n tanseilio'r defnydd o'r Gymraeg yn gymunedol a chan y cynghorau cymuned fel iaith weinyddol. Yn hyn o beth dylid ystyried y Gymraeg yn rhan o 'unrhyw glymau lleol a fydd yn cael eu datod wrth bennu unrhyw ffiniau penodol' yn unol â 154 (3) y Bil Drafft.

13. Rhan 7: Materion y Gweithlu

- 13.1 Mae Pennod 1 y rhan hon yn nodi y Caiff Gweinidogion Cymru ddynodi canllawiau i gyrff cyhoeddus ynglŷn â materion y gweithlu a bod rhaid i gorff cyhoeddus y dyroddir canllawiau iddo roi sylw iddynt. Credaf y gallai Llywodraeth Cymru ddarparu canllawiau penodol mewn perthynas â chynllunio'r gweithlu dwyleithog y mae'n angenrheidiol i'r sector cyhoeddus feddu arno. Byddai hyn er mwyn cynorthwyo sefydliadau i gwrdd â gofynion Mesur y Gymraeg (Cymru) 2011 ac er mwyn cwrdd â dyhead Llywodraeth Cymru fel y nodir yn *iaith fyw, iaith byw* o weld y Gymraeg yn ffynnu yng Nghymru; cynyddu'r cyfleoedd i bobl ddefnyddio'r Gymraeg yn y gweithle a chynyddu a gwella gwasanaethau Gymraeg i ddinasyddion.
- 13.2 Mae Pennod 2 yn ymdrin â Chomisiwn Staff y Gwasanaethau Cyhoeddus. Rwyf wedi cael trafodaethau adeiladol â Chadeirydd Comisiwn Staff y Gwasanaethau Cyhoeddus. Mawr oelithaf y bydd modd i'r Comisiwn gyhoeddi strategaethau a



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chynghor i sicrhau y bydd gweithlu gwasanaethau cyhoeddus Cymru yn cwrdd â gofynion gwlad ddwyieithog.

14. Diolch ichi am y cyfle hwn i ymateb i'r ymgynghoriad ar y Bil Llywodraeth Leol (Cymru) Drafft. Mae'r Bil Drafft yn cynnig newidiadau sylweddol i Lywodraeth Leol yng Nghymru a hynny ar gyfnod o newidiadau ariannol, cymdeithasol a thechnolegol sylweddol. Mae'r iaith Gymraeg yn wynebu'r un heriau, a hynny ar ddechrau cyfnod newydd o ran model cyfreithiol dyletswyddau ieithyddol Awdurdodau Lleol yn sgîl Mesur y Gymraeg (Cymru) 2011. Yn wyneb y newidiadau hyn sy'n digwydd ar yr un pryd â'i gilydd, a'r heriau enfawr sy'n peryglu'r Gymraeg yn ein cymunedau ac yn genedlaethol, gofynnaf ichi ystyried y sylwadau yn y llythyr hwn ac effeithiau pob un agwedd o'r diwygiadau a gynigir yn y Bil Drafft ar y defnydd a wneir o'r Gymraeg.

Yr eiddoch yn gywir,


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Consultation on the Draft Local Government (Wales) Bill

1. The Welsh Language Commissioner welcomes the opportunity to respond to the above consultation. This consultation response confirms the comments made in the Commissioner's response to the Assembly's Communities, Equality and Local Government Committee's consultation on this draft Bill.
2. The Commissioner has also submitted comments on the Welsh Government's consultations on the *White Paper - Reforming Local Government: Power to Local People*; the Welsh Government's *White Paper: Reforming Local Government* and the *Devolution Democracy and Delivery White Paper: Public Services Staff Commission* that are relevant to the Draft Bill. The Commissioner also responded to the Communities, Equalities and Local Government Committee's consultation on the Local Government (Wales) Act 2015.
3. Our comments on the *White Paper - Reforming Local Government: Power to Local People* highlighted the following:
 - o The Welsh Government should ensure that the Welsh language and increasing the use of the Welsh language are central considerations in planning the intended reforms to Local Government in accordance with the Welsh Government's strategic aims as outlined in *A living language: a language for living*, the Welsh Government's Strategy for the Welsh Language 2012-2017.
 - o The Welsh Government should undertake significant research and planning in order to ensure that the proposed changes to Local Government have a positive effect on the Welsh language.
 - o The Welsh Government should, in particular, consider the language duties placed upon Local Authorities in accordance with the Welsh Language

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(Wales) Measure 2011 in planning the reforms. This is most pertinent in the context of service provision.

- o The Welsh Government should consider accountability in the provision of Welsh language services when reforming public services.
- o The Welsh Government should consider the changes to the legal model for Welsh language service provision as introduced by the Welsh Language (Wales) Measure 2011.
- o Full consideration should be given to the new administrative and governance structures, specifically in terms of developing the Welsh medium workplaces that currently exist and incorporating a clear message regarding the strategic expectations in supporting and developing the use of Welsh in the workplace.

4. I welcome the opportunities that I have had to discuss these matters with the Minister for Public Services and his staff and hope that it will be possible to continue with these constructive discussions. I am pleased that the Welsh Government has responded to some of the above considerations, particularly in relation to the impact of reforming Local Government on the use of Welsh in the workplace, by establishing the Working Group on the Welsh Language in Local Government Administration and Economic Development chaired by Rhodri Glyn Thomas AM. I look forward to seeing the recommendations of the working group. I have also had constructive dialogue with Welsh Government Ministers in relation to alternative methods of service provision. The comments below echo the previous response to the consultation on the *White Paper - Reforming Local Government: Power to Local People* but refer specifically to parts of the Draft Bill.

5. Welsh Language Commissioner

- 5.1 The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

- 5.2 Two principles underpin the Commissioner's work:

- o In Wales, the Welsh language should be treated no less favourably than the English language;
- o Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

- 5.3 In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory language schemes through the powers inherited under the Welsh Language Act 1993.

5.4 The role of Welsh Language Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.

5.5 One of the Commissioner's strategic aims is to influence the consideration given to the Welsh language in terms of legislative and policy development. Thus one of the Commissioner's main functions is to provide comments in accordance with this remit, acting as an independent advocate on behalf of Welsh speakers in Wales who might be affected by these proposed changes. This approach is used to avoid any possible compromise of the Commissioner's functions in the area of regulation, and should the Commissioner wish to formally review the performance of individual bodies or the Welsh Government in accordance with the provisions of the Measure.

6. Welsh Language (Wales) Measure 2011 Standards

6.1 As you are aware the Welsh Language Standards (No. 1) Regulations 2015¹ were approved in the National Assembly's Plenary on 24 March 2015 and came into force on 31 March 2015. Following a consultation period, the Commissioner issued final compliance notices to 26 organizations under section 44 of the Welsh Language (Wales) Measure 2011 in September 2015. These organizations will be required to comply with the standards relevant to their particular organization from 30 March 2016. The Welsh Government, the current 22 local authorities and the National Parks of Wales make up the 26 bodies. They will be required to comply with standards in 5 areas:

- o Service delivery
- o Policy making
- o Operational
- o Promotion
- o Record keeping

7. The Welsh Language

The Welsh Language is an official language across all communities in Wales in light of the Welsh Language (Wales) Measure 2011. Despite this, the 2011 Census results found the language to be in a vulnerable situation with a continued decline in the numbers and percentage of the population who speak Welsh. Furthermore, the data showed that the number of communities where the Welsh language is spoken as the main language is decreasing. Of the 868 communities in Wales today, only 39 remain where Welsh is spoken by more than 70% of the population. However, Welsh is spoken in every community in Wales.

¹ [http://www.cymru/iaid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20\(no.%201\)%20regulations%202015%20rheoliadau%20safonau%E2%80%99r%20gymraeg%20\(rhif%201\)%202015/sub-ld10115-e.pdf](http://www.cymru/iaid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20(no.%201)%20regulations%202015%20rheoliadau%20safonau%E2%80%99r%20gymraeg%20(rhif%201)%202015/sub-ld10115-e.pdf) [accessed 11/02/2016]

8. Part 1: Local Government Areas and County Councils

8.1 Chapter 1 of this section deals with the proposed new local government areas, and the possible proposals are detailed in Table 1 and Table 2 in Schedule 1 of the Draft Bill. I welcome the Government's comments in the consultation document giving consideration to the best option in terms of supporting the Welsh language. I am of the view that the reorganisation of Local Government should be a means of reinforcing the use of the Welsh language in the community and in the workplace. Accordingly the current linguistic practices within those local authorities that are to be merged should be considered, together with methods of strengthening those practices. Reforming local government is a unique opportunity to expand and develop those workplaces throughout the local authorities in Wales and to contribute to the aims of *A living language: a language for living*, the Welsh Government's Strategy for the Welsh Language 2012-2017² to increase opportunities for people to use the Welsh language in the workplace and to strengthen the language within the community. Therefore, I welcome the establishment of the Working Group on the Welsh Language in Local Government Administration and Economic Development.

8.2 The draft Explanatory Memorandum states that 'the intention is that Shadow Authorities, to be elected in 2019, will determine the names of their new County (in English and Welsh forms)'. It should be noted in this context, that some areas in Wales do not have English names, e.g. Powys, and therefore it would not be reasonable to give an English name to a number of the proposed new Counties.

8.3 It was interesting to note in the Welsh Language Impact Assessment, that the Welsh Government intends that the Transition Committees established by the Local Government (Wales) Act 2015 will be subject to the Welsh language Standards.

9. Part 2: General Power of Competence

9.1 The Draft Bill intends to grant a general power of competence to Local Authorities and to Community Councils with competence. This facilitates alternative delivery models and will be a means of enabling them to undertake new approaches. This could lead to significant changes in public service delivery by local authorities in Wales. It is vital that the Welsh language, together with increasing the use of the Welsh language in relation to the provision of services, is a central consideration in planning the reforms in order to ensure continuity in the provision of Welsh language services by local authorities. This is in accordance with the aim of objective 5 in *A living language: a language for living* to increase and improve Welsh language services for citizens so that more Welsh language services of quality are available to the public and more use is made of those services.

² <http://gov.wales/topics/welshlanguage/policy/ling/?skip=1&lang=en> [accessed 19/01/2016]

9.2 As outlined in 3 above, Local Authorities will be subject to the Welsh Language Standards from 30 March 2016. Specifically in this context, there are standards in relation to service provision, promotion of the Welsh language and policy making, and in drawing up these policies it is necessary to consider their impact on people's opportunity to use Welsh. The standards are relevant to activities carried out by third parties on behalf of those organizations subject to the standards. We would wish to ensure that the current practice of service provision through the medium of Welsh continues in relation to any organization responsible for their provision in future. In other schemes, documents and guidelines³ published by the Welsh Government, a variety of methods are proposed for transferring assets and services to other organizations. I am already in discussions with the Welsh Government regarding methods of trying to ensure the continuity of Welsh language services. Despite this, I am concerned that Welsh language services could be undermined in the process of transferring assets and services to other organizations. The Welsh Language Impact Assessment of the Bill notes 'where the general power is used to develop alternative delivery models on behalf of a County Council, for example involving co-operatives, mutuals or other partners, it is worth noting that the delegated function continues to be a function of the County Council and so subject to the Welsh Language Standards'. Whilst I would welcome this, I would appreciate further explanation with regard to linguistic duties for organizations who will be providing services previously delivered directly by the Local Authority.

10. Part 3: Community Area Committees

10.1 The Draft Bill proposes ways of increasing public participation in Local Government. This, of course, is to be welcomed. It is proposed that local authorities establish community area committees to ensure that the interests of communities are represented to the Council. It is vital that Local Authorities are aware of, and consider the interests of Welsh speakers. Consequently, I welcome the proposal in the Welsh Language Impact Assessment to include the Mentrau Iaith (local language initiatives) in the membership of these Committees, and every opportunity should be taken to engage with other organizations that promote the use of the Welsh language, such as the Urdd and Mudiad Meithrin who also operate on a regional level.

10.2 Sections 55-58 of the Draft Bill propose that county council functions could be transferred to a community area committee. Once again, as explained in 3 above, it should be noted that county councils are required to comply with the Welsh language standards. If council functions were to be transferred to Community Area

³ Please see for example *Alternative delivery models in public service delivery: an action plan for consultation*, October 2015, <http://gov.wales/consultations/improving/alternative-delivery-models-public-service-delivery/?skip=1&lang=en>; the National Assets Working Group: *Community Asset Transfers in Wales - a Best Practice Guide*, March 2015 <http://gov.wales/docs/ispwpolicy/1504010-cat-guidance-en.pdf> [accessed 18 January 2016]

Committees, I would expect the Council to consider the impact of this on the use of the Welsh language and require the Committee to carry out the function as if it were being carried out by the council.

11. Part 5: County Councils: Improvement of Governance

- 11.1 Chapter 2 of this section refers to the requirement on councils to produce a corporate plan to include information on the council's strategies in specific areas. I should note that there will be a requirement upon councils to publish six types of strategies in accordance with the Welsh Language (Wales) Measure 2011.
- 11.2 There is a proposal in chapter 3 of this part that there should be a duty to carry out a combined assessment of local authority governance arrangements, to be conducted jointly by Estyn, CSSIW and the Auditor General for Wales. The Commissioner, in accordance with the aim of promoting and facilitating the use of Welsh, is responsible for the regulation of organizations' compliance with the Welsh Language (Wales) Measure 2011. I would therefore welcome the opportunity to contribute to these combined assessments, together with the other organizations named in the Draft Bill.
- 11.3 Again, in chapter 5, it is noted that the relevant regulators will be required to have regard to the need for a co-ordinated approach in the exercise of relevant functions and that Welsh Ministers may, by regulations, make further provision for the co-ordination of the exercise by relevant regulators of relevant functions. I would welcome the opportunity to work jointly on issues that are related to the promotion and facilitation of the Welsh language.

12. Part 6: Community Councils

- 12.1 Chapter 1 of this section outlines the intention that the Local Democracy and Boundary Commission for Wales undertake a review of community councils in relation to each of the counties in Wales. In undertaking the review, I ask that the Boundary Commission consider the use of the Welsh language in those communities served by the community councils in order to try to ensure that if there are changes to boundaries, this will not undermine the use of the Welsh language on a community level and by the community council as an administrative language. In this context, the Welsh language should be considered part of 'any local ties which will be broken by the setting of any particular boundaries' in accordance with 154 (3) of the Draft Bill.

13. Part 7: Workforce Matters

- 13.1 Chapter 1 of this part notes that Welsh Ministers may issue guidance to public bodies about workforce matters and that a public body to which guidance is issued must have regard to it. I am of the view that the Welsh Government could provide



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

specific guidance in relation to planning the bilingual workforce necessary for the public sector. This would be in order to meet the requirements of the Welsh Language (Wales) Measure 2011 and in order to meet the aspirations of the Welsh Government as outlined in *A living language: a language for living* of seeing the Welsh language flourish in Wales; increasing opportunities for people to use the Welsh language in the workplace and increasing and improving Welsh services for citizens.

13.2 Chapter 2 deals with the Public Services Staff Commission. I have had constructive talks with the Chair of the Public Services Staff Commission. I sincerely hope that the Commission will be able to publish strategies and advice to ensure that the public services workforce in Wales meet the needs of a bilingual country.

14. Thank you for this opportunity to respond to the consultation on the Draft Local Government (Wales) Bill. The Draft Bill proposes significant changes to Local Government in Wales during a period of considerable financial, social and technological change. The Welsh language faces the same challenges, coinciding with the beginning of a new period of a legislative model regarding linguistic duties upon Local Authorities in line with the Welsh Language (Wales) Measure 2011. In light of these changes, and the huge challenges that are placing the Welsh language at risk in our communities and at a national level, I ask that you consider the comments made in this letter and the impact of each element of the reforms proposed in this Draft Bill on the use of the Welsh language.

Yours faithfully,

Meri Huws
Welsh Language Commissioner

26897 -0083 : Aneurin John

Tref / Town : Pontarddulais

Sefydliad / Organisation : Pontarddulais Town Council

Pontarddulais Town Council has the following comments to make on the above Draft Bill:

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

The Council is opposed to Unitary Authorities determining compulsory training and believes it should be the responsibility of One Voice Wales to provide a nationally agreed training programme based within the locality. We are of the opinion that where any complaint is received that a councillor has not completed compulsory training that matter should be dealt with by the Council as a whole and not left to the Clerk.

Q 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 supportive of this proposal.

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

Yes

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

The Council is of the opinion that the LGBCW should have complete control over this.

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

This duty should rest with the whole Council and not the Chairperson of the Community Council.

Chapter 3: Community Area Committees:

The Council cannot see any benefit in this proposal. It merely adds another tier to the existing pyramid. Views on local priorities can be fed into the Principal Authorities via the existing Community Councillors. Many Community Councils already have County Councillors on their Councils and they are able to act as the conduit between both layers of local government.

26897 -0084 : Jane Clark

Tref / Town : East Williamston

Sefydliad / Organisation : East Williamston 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?

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?

Subject to what is said in our reply to Q. 1.3, we have no comment.

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

While we recognise that there must be a reduction in the number of Local Authorities in Wales, we do not accept that the proposed configuration is the best that can be devised, based as it is on a reliance on existing Local Authority areas.

The proposed configuration, subject to a few subtle changes, is, in effect a reversion to the structure in existence immediately before the current structure was created, a structure which is widely acknowledged to have failed.

We consider that the Commission and the Welsh Government are mistaken in accepting that a new configuration should be based on the merger of two or more whole existing Local Government areas. If there is to be a reform of Local Government, it should be a root and branch reform and the new authorities should be based on coherent boundaries which ignore the existing ones, disruptive in the short-term this might be.

We believe that the reason why the previous County structure was considered to have failed was because it was felt that decisions were being taken by Councillors (and allowed by Officers) on the basis of their former county loyalties rather than what was

best for the county as a whole. If a further re-organisation is to succeed, the mistakes of the past must not be made again so a different configuration is required. Dyfed is dead and should not be resurrected.

We are not tempted to draw boundaries for other Local Authorities. While acknowledging the defects and drawbacks of the present Local Authority structure, we do not accept that the present suggestions will provide an acceptable and long-term solution.

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?

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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?

Part 3 of the Bill is concerned with public participation in the affairs and decisions of Councils. While this is commendable, we think that the increased level of effort which this Part requires will result in the expenditure of much time and effort for a minimal return. It has to be recognised that the vast majority of the electorate is not interested in or concerned by Local Government until something goes badly wrong. This is shown by the extremely low turn-out in Local Government elections. We believe that a more effective way to encourage public interest is to provide a means of bringing Councils, Councillors and Officers to account by requiring an election to be held on the petition of at least 5% of the electorate. This process would be less expensive than the elaborate provisions of Part 3, and more effective.

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

We consider that the proposed Community Area Committees are an unnecessary extra layer of Local Government Structure leading to increased bureaucracy and expense, particularly if the Committee members are to be remunerated. Neither can we see that the Committees will make a significant additional input over and above the input of the consultees set out in Clause 40 of the Bill. The Committees will only function if they have real power - e.g. the ability of a majority of Committees in a Council area to veto decisions and budget proposals. As this is unlikely to be put into effect, the Committees will be a mere talking shop whose advice can and will be ignored by Councils.

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

‘Community Representatives’ (i.e. persons who are not Community Councillors) are proposed to be nominated by bodies chosen by the County Council. The definition of ‘body’ is so wide that it could include the National Front or the Socialist Workers’ Party. We cannot imagine anything less democratic and more open to manipulation of the composition of the membership. Quite apart from our general objection to CACs, we consider this proposal to be a fatal flaw.

Elections are the only fair and democratic way of becoming a member of a CAC though we cannot think that there are many people who would wish to.

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. There is an adequate and underused Community Council system in place to which functions could be delegated. The delegation of powers and functions to Community and Town Councils would increase their value and standing which, in turn would make it more attractive to become a member of them.

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?

We consider that civic duties and obligations are best inculcated as part of the education system. It should not be part of the system of local government, especially when that government is party political.

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?

While it is logical to consider whether Community and Town Councils should have enlarged areas both in terms of geography and in responsibility, we feel that there is a real danger of the functions of these Councils becoming too remote from the people that they serve. These Councils deal with the minutiae of people's concerns - blocked road drains, overhanging trees, children's playgrounds in need of repair, Christmas decorations and, in many cases at present, the provision of public toilets. They are close to and respond on a personal and local basis to the people of their area.

As it is a major concern of the proposed legislation that the public should be more involved through consultation with their Local Authority, it is not logical to make their truly local councils more remote.

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

Early availability of draft reports should be welcomed by all layers of governance and particularly at community level.

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 the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself? This should be a County Council responsibility exercised within the timescale allowed in the draft Bill.

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

With a competent Clerk, it would not be necessary for all councillors on election or appointment to undertake compulsory training. We think that many potential community councillors may be deterred by this requirement and some existing councillors may reject this additional pressure on their freely given time and quit their roles.

Where we do think that training is desirable, is before taking on the position of mayor or Chairman of a Council. The ability to conduct meetings and control debate should be acquired before taking office.

We consider that training ought to be provided at no cost to candidates for office.

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?

It is not possible to comment on the need for training until it is clear what functions Town and Community Councils are to carry out. At their present levels of responsibility, it is difficult to see what training programme needs to be devised. Until the role of these Councils is so defined, the power to insist on training (which we doubt) should be a reserve power not for immediate implementation.

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

We consider that Clerks should be trained and qualified to carry out the functions of their office and should be subject to a requirement of Continued Professional Development.

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 -0085 : John Palmer

Tref / Town : Llangollen

**Sefydliad / Organisation : Llangollen and District Branch
Labour Party**

Response to Local Government Consultation

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

Llangollen and District Branch Labour Party originally made a submission concerning the local government reorganisation in North Wales. The submission argued in favour of two rather than three Local Authorities in North Wales.

Our submission to the consultation document refers specifically to question 1.2 and supports two rather than three Local Authorities.

E. U. Convergence Funding

On page 9 of the consultation, it refers to that fact that Denbighshire would lose its qualification for convergence funding if Denbighshire merged with Flintshire and Wrexham.

This funding is temporary and will only last two years after full convergence in 2018. Given the transient and uncertain nature of the funding, particularly in the light of the forth-coming E.U. referendum, it is not sufficient reason to discount a sensible and effective proposal for two Local Authorities in North Wales. It would, in any case, be quite possible to find a mechanism of apportioning convergence money for the remaining two years of funding.

Population

In our original submission (Appendix1, pages 4 and 5) we identified and agreed with the points made in the consultation. Two local authorities would still be lower in number than most other configurations in Wales. A local authority requires a larger population in order to have the capacity to deliver acceptable levels of service. The existing smaller Unitary Authorities have struggled to provide acceptable levels of service.

Welsh Language

According to statswales.gov.uk (Appendix 2) a merger between Anglesey, Gwynedd & Conway would still have 50% of Welsh speakers. We argue that the influence of Gwynedd & Anglesey would strengthen the use of the

language across into Conwy. Additionally each local authority has a Welsh Language Policy already.

Were there to be 3 local authorities in North Wales a buffer zone, Conwy & Denbighshire, would exist between Wrexham & Flintshire and Gwynedd & Anglesey, further exacerbating the differences between West and East. Two Local Authorities would find it easier to work cooperatively than three.

Integrating Denbighshire with Wrexham & Flintshire would anchor Flintshire & Wrexham firmly in North Wales.

Tax Variance

We fully support the argument that having 2 Local Authorities would reduce the tax variance across North Wales ensuring a fairer system for residents and providing the Local Authorities with a stronger financial base.

Sub Regional Delivery Structures

The sub regional delivery structure for health was based on the location of the three District General Hospitals as an impulsive response to the failings of the all North Wales structure. The police and fire services they have been encouraged to operate co-terminously bas on county boundaries.

The alternative structure would have been on all North Wales basis. An all North Wales model has created significant problems as demonstrated by Betsi Cadwallader.

We see no difficulty moving from three to two regional structures, operating co-terminously with two Local Authorities in North Wales bringing with it considerable potential organizational savings. Were Betsi Cadwallader to be split into two separate Health Boards it would reflect a better cultural fit and potentially ensure better/improved delivery health service delivery across North Wales.

The Preference for the Merger between Denbighshire and Conwy

Denbighshire & Conwy are the only 2 Local Authorities out of 6 that have expressed a preference for a merger in a time when there was strong financial incentives. Now there are not the same financial and organisational incentives, the arguments put forward by Conwy & Denbighshire will not stand up to the same scrutiny. Two Local Authority's preferences should not overly influence the impact on the other 4 existing Local Authorities.

Two Local Authorities would reduce even further the duplication of senior officers and attract a higher caliber of senior officers across North Wales.

Additional Benefits of 2 rather than 3 Local Authorities

In our original submission we identified a number of significant arguments for 2 rather than 3 Local Authorities (see Appendix 1 pages 5 & 6).

- The natural travel direction for work is west to east, along the A55 trunk road to the North East Wales Deeside Industrial Hub and along the A5 trunk road to Wrexham. The A483 provides effective and speedy communication South to North. Similarly the go to work destination is west to east by rail.
- Facilitating the organisation and administration of The Clwydian Range & Dee Valley A.O.N.B. and the Poncysyllte Aqueduct World Heritage Site in the East and Snowdonia National Park in the West.
- Integrating and supporting the Tourism Industry in North East Wales.
- Improving standards in education through a regional strategy to support schools and by removing protectionist artificial boundaries.
- Integrating and facilitating the higher and further education establishments in North East Wales.

A Vision for North East Wales

Two Local Authorities has tremendous potential for providing a long-term strategic vision for Wales.

A new tranche of Local Authority councillors have the potential for removing the petty internal divisions and internal wrangling in some authorities. It will rationalize the different governance and scrutiny models across the region to better the services for residents.

A strategic vision would strengthen business networks across borders and integrate the current Denbighshire fully into the Deeside Alliance creating further links and attracting businesses into North East Wales.

Strategic transport links could be developed over time, including links to Liverpool and Manchester Airports by addressing public transport links and the access difficulties caused by the traffic problems and holdups on the A483 access to the A55 and the lottery on the M56.

Cultural links could be extended from South to North Wales by establishing a satellite of the National Museum of Wales in North East Wales.

A major sporting venue could be created in the area.

There would be potential for strong links between Glyndwr University, Chester University and beyond through collaborative project and the sharing of expertise.

Conclusion

It is clear that there is overwhelming evidence to support two Local Authorities in North Wales. Local Authorities.

We are confident that two Local Authorities rather than three would best serve the residents of North Wales.

26897 -0086 : Vince Price

Tref / Town : Swansea

Sefydliad / Organisation : Bishopston Community Council

11th February 2016.

Dear Sir/Madam.

Response to the Draft Local Government (Wales) Bill

The Community Council of Bishopston feel compelled to respond to the above mentioned subject having attended the Engagement Event on the 2nd of February 2016, at the Liberty Stadium, Swansea.

It appeared from that meeting that there was some confusion from those present on a number of the agenda items and that at the end the water was more muddled than before, this was caused by delegates making statements rather than asking specific questions.

This council do not understand the need for training for Councillors when they feel they already have the knowledge and skills to undertake their role effectively and to make the training compulsory does not fit, as Community Councillors are in general volunteers and not elected but are co-opted. The question is who will deliver the training how long will it take and who is going to pay for it, bearing in mind that some Councillors are in full time employment. The situation puts the Clerk in a difficult situation regarding training when a Councillor fails to do it and he has to notify the Community Council at a public meeting. It appears that this is retribution and could be humiliating, this does not fit at all with the general concept of good practice .

It does appear that the length of time between elections from May 2017 and May 2023 is just convenient and not good practice, although it may make sense to fall in line with cycle of elections to Principle Councils if they are going to exist.

Annual Reports tend to glossy documents which hardly anyone reads and a more constructed newsletter is a better option as they already exist.

Everybody agrees that transparency is good for government and that the public are encouraged to attend meetings a drive should be done to have younger people involved. However we feel that the Community Area Committees represents no more than the old District Councils, and if there is to be County Councillors at Community Council meetings as of right then there is no need for Area Committees as this is duplicity.

Competence seems to be a new word for business, when we accept that there may be a case for professional approach in Council business the general skills of Community Councillors is often varied and well thought out, experience can not be measured by scale.

The same can be said for the Clerk, it seems impossible for a part time Clerk to obtain the competence required although he/she may be the most efficient person, and as a result may be disqualified from holding such a post.

When it may be accepted that reform in local government is needed, Community Councils stand on their own with local people looking out for the needs of the people they represent, and there will be resistance to change when areas may be lumped together for the sake of it rather than for the common good.

We hope that some of our comments will hold credence with your good offices before any final decision is made.

Yours sincerely,

Vincent Price
Clerk,
Bishopston Community Council.

26897 -0087 : Karen Roberts

Tref / Town : N/A

Sefydliad / Organisation : Rhondda Cynon Taff Welsh Liberal Democrats

Response to Local Government (Wales) Bill consultation

Rhondda Cynon Taff Welsh Liberal Democrats

We would agree that there is a case to be made to reduce the number of Local Authorities in Wales. There is currently a huge imbalance in size of Councils and the numbers of residents they represent.

However, we do not agree with the proposed new counties as outlined.

Merely throwing together existing authorities will not work. In fact some of the proposals in the case of Rhondda Cynon Taf (RCT) go against previously suggested guidelines, such as not crossing health board boundaries, although this is brushed aside in the consultation document.

The Minister recently suggested that people should “grow up” and come to an agreement on changes, but we cannot agree to the particular proposals here. If there is to be a serious redrawing of the map then the existing boundaries need to be erased and new counties created which make more geographic sense. Much of the Cynon Valley, for instance, has far more in common with Merthyr than with Pontypridd and the Rhondda.

The proposed new Authority would cover a large and diverse geographical area. It is difficult to see how it could in any way encourage more involvement in the democratic process. Wherever the new headquarters were to be based it would be extremely difficult for residents not in the vicinity to access.

The Minister told an Assembly committee that “we have given every opportunity to local government to agree on a map.” Yet this is not the case. Local Authorities were asked to submit voluntary merger plans, but as stated previously, we do not think this is the best option. It is also the case that when Authorities did come forward with proposals they were turned down.

We have no particular objection to the setting of five year terms. The term of office for Councillors has been varied in the past, it would be sensible to have a set pattern and stick to it.

We are fully in favour of promoting access to the democratic process. In fact we have been pushing for more accessibility at RCT Council for years. As such we agree with most of the proposals in part 3 with the exception of area committees.

Councillors are democratically elected by residents – although we would of course prefer a fairer voting system and would advocate proportional representation for Local Government elections. Our submission in response to the White Paper consultation indicated our unease, shared by others, that area committees should take on functions of Local Authorities. We still have concerns over these bodies. Whilst consultation with all the people mentioned is to be commended then it should be remembered that it is the Local Authority that is ultimately responsible for the provision of services within its remit.

There is also a danger that any representatives on these area committees be drawn from a pool of “usual suspects” and do not end up being properly representative of the area.

We are concerned about Part 4, Chapter 4: Further Provision about Duties on Members which reads

“In the White Paper we proposed that Group Leaders should be under a duty to ensure diversity is respected, and that Monitoring Officers and Standards Committees should have enforcement roles.”

The Welsh Liberal Democrats are fully supportive of diversity and also equality. We fully support the idea that wherever possible Cabinets / Executive Boards should contain a diverse cross section of people. However we are concerned about the idea of Monitoring Officers and Standards Committee having enforcement roles. What gives them the right to impose rules upon group leaders as to who they can appoint to senior positions? What guidelines are they going to follow? What will these mean in terms of the idea of a meritocracy? Will there be enforced positive discrimination? We have no objection to the idea of a system of recall for Councillors, providing there are adequate safeguards against abuse. This should also be extended to Assembly Members.

We are not fully convinced by the idea of remote attendance at meetings. This is technically difficult and it is not, in our opinion, possible to adequately engage with a meeting of a full Council of possibly 75 (or even more if the cap is removed) members. Whilst it is a useful facility that could maybe be taken advantage of at smaller meetings we do not believe it should be accepted as the norm.

We welcome the proposal to “ seek a further appropriate legislative opportunity to provide that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable.” This is something RCT Welsh Liberal Democrats have argued in the past should be the case.

We have concerns over the idea that senior officers could be dismissed by a vote of the Council. We think this could be subject to abuse and appears to go against the basic employment rights that others enjoy.

Regarding proposals for Community Councils:

We think the introduction of compulsory training will add a further burden for members who are after all unpaid. It is difficult enough to find Community Councillors in many areas as it is without adding to their workload.

A Community Council clerk should have a pre-determined and clear job description. This is good employment practice. The job description should be decided by the Community Council or an appointed subcommittee.

We have concerns about the removal of community polls. However, as they are not binding on the Local Authority concerned then they are of limited use except as a consultation exercise. Reference is made to the low turnout at the Pontypridd paddling pool referendum but the Council in that instance did nothing to publicise the poll. In our opinion Councils should have to give more notice to the results of a community poll, but that is not a proposal in the Bill.

A petition system is operated at other levels of government and it would seem appropriate to introduce it at Council level on a similar basis.

This response is submitted on behalf of Rhondda Cynon Taff Welsh Liberal Democrats

A handwritten signature in blue ink on a light-colored background. The signature is stylized and appears to read 'K. Roberts'.

Karen Roberts
Chair RCT Welsh Liberal Democrats

26897 -0088 : Malcolm Latham

Tref / Town : Llantwit Major

Sefydliad / Organisation : Scouts Cymru

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 merger of existing local authorities will have a direct impact on third sector organisations working with young people in Wales. ScoutsCymru's current structures reflect those of existing local authorities enabling Scouting to work in effective partnership and meet the needs of local communities.

While the lead in period towards April 2020 is welcomed as it will enable change to take place at a manageable pace. The new local authority structure will require ScoutsCymru to restructure its own operational and volunteer arrangements in response to the changes. Allowing us once again to build up new and effective working partnerships. This has a potential impact on our volunteer, physical and financial resources.

This impact will include changing area names to reflect new authority names and building a sense of local identity. These will have associated rebranding costs predicted to be around £50,000 based on the current 17,500 membership and 2020 growth predictions. In addition to these costs there will be additional ones associated with infrastructure change such as building new websites and changing existing ones to reflect the changes.

Scouting at a local level is often supported by additional funding coming from local authority grants and community projects. Although these have reduced over the past few years they are still important in some communities. Maintaining this income and accessing new funding streams will probably require new proposals to be developed with the new authorities.

ScoutsCymru recognises the need for it to effectively and responsibly manage the impact of these changes. However, we would welcome the Act reflecting in its transition and new arrangements a recognition of the importance of minimising any potential impact on third sector organisations working with local authorities.

PART 3

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

ScoutsCymru welcomes the proposals to enhanced participation by children and young people through the public participation duty. Scouting is committed to making young people's voice heard and preparing them to be active citizens as well as embracing and contributing to social change and sees this proposal as an important way achieving this commitment.

The proposal identifies that *"the role of children and young people would be emphasised in guidance to be issued under the Bill and the Welsh Government intends to include specific measures which Councils could take to assist in the organisation of young people in their area and the channelling of their views into Council deliberations"*.

Many young people in Wales are members of third sector organisations and ScoutsCymru alone has 14,000 active young members. As an organisation we have involved young people in our decision making processes through youth councils and programme activities such as the Democracy Challenge.

To ensure these young people have a voice in future decisions, the guidance and specific measures should identify that when Local Authorities develop and establish these arrangements that they need to fully engage with third sector organisations. This will ensure there is appropriate representation and participation from the large number of young people involved in these organisations.

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 -0089 : Ceinwen Frost

Tref / Town : Wenvoe

Sefydliad / Organisation : Wenvoe Community Council

Dear Sir or Madam

Please find attached response to the bill from Wenvoe Community Council, Vale of Glamorgan

Responses are made to the following questions:

2.2
3.3
3.4
3.5
6.1

kind regards
Ceinwen Frost
(Chair of Wenvoe Community Council)

26897 -0090 : Llew Thomas

Tref / Town : Gorslas, Carmarthenshire

Sefydliad / Organisation : Gorslas 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 welcomes review and reform where it leads to improved services and provision for residents.

The view is taken however that in relation to the proposals to reform Local Government in Wales the electorate are concerned that the existing Authorities are already too large and removed from those which they serve.

The proposal to create larger Authorities will exacerbate the disconnect which the electorate report between those living in communities and those responsible for providing services for that community.

The Community Council is therefore opposed to the proposal to create the new larger County Councils.

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 is of the view that it would be for the residents of those areas to determine the most suitable model of local government for the area.

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

The Community Council is not supportive of either option as it is of the view that the proposals create Councils which are too large and too removed from the communities which they are intended to 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?

It would be a matter for the residents of those areas to determine the most appropriate structure for delivering services within their area.

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

It would seem sensible that the matter is left to each of the new Principal Authorities to decide.

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

The proposed arrangements and timings have a practical and logical basis.

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 wish for further detail in order to provide an informed response.

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

The issue and its importance is recognised and the drive for improvement supported.

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 specific observations the County Councils would be better placed to 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 specific observations the County Councils would be better placed to 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 specific observation to make on the matter.

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

The Community Council would wish for and welcome further dialogue on the matter and in particular in terms of the transition arrangements for Community Councils.

PART 2

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

The proposal to increase the scope and powers available to Community Councils is welcomed and one which presents opportunities in terms of service delivery and development. Any such changes would need to be reflected and supported by proportional changes in structural and funding provisions.

It was hoped that the increase in powers would be seen as a positive step in recruiting members to Community Councils.

It was however felt that, due to the practical difficulties experienced by the Community Council, over a number of years, in recruiting members, the requirement for 2/3rds of the members of a Community Council be elected could not in practice be met by the Council or indeed by a significant number of Community Councils in Wales. In summary it was felt that the criteria should be removed.

There was also concern expressed in relation to the danger that the public would perceive that a Community Council which did not hold the “competency” qualification. was by definition incompetent.

This was regarded as being unfair as the Council could be extremely competent in its work but simply fail to meet the competency criteria due to it not being able to meet the 2/3rd elected members’ criteria.

As it was felt this could unfairly undermine the confidence of the electorate, as well as any partner or funding organisations, it was felt that there would be merit if the terminology could be changed.

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

The proposal to increase the powers available to Community Councils is welcomed and seen as a positive and welcomed step.

The requirement for 2/3rds of a Community Council to be elected could not be met by a significant number of Community Councils and as such would act as a barrier to progressing the broader strategic aim of the proposal.

PART 3

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

The proposals were, in general, welcomed and were seen as desirable. The proposal to create Community Area Committees was however seen as adding another layer of unnecessary complexity to government which would cause confusion in the minds of the public as to who was responsible for delivering services in their area.

It was felt that defining and formalising clearly the responsibilities and relationship between County and Community Councils in a formal charter or similar document would be a better option. The charter could include a specific duty on the County Council to consult with Community Councils over certain matters and to consider proposals for service improvements in an area.

Public participation at meetings was welcomed however it was felt that it would be beneficial, to all parties, if this could be undertaken in a structured manner i.e. that the address be limited to an item on the published agenda.

Additionally, a requirement could be placed on Authorities to place an item notified to it by a member of the public on the agenda for the next meeting as long as that item related to an activity for which the Community Council was responsible. This would ensure that the individual could obtain a response to their question at their meeting as well as avoiding the frustration to the individual and the Council of debating matters which were outside of the Council's remit and over which it did not exercise control.

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

It is noted that the requirement relates to County Councils however it is an area which the Community Council is interested in developing in relation to its own arrangements

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

The Council is of the view that the Community Area Committees do not add value to the process or clarity of government and would introduce an additional unnecessary layer of complexity and confusion.

If such a body were to be created however it would be appropriate for the system of selection of representatives to be fair, open and transparent to all.

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?

Such a structure would be likely to confuse the public as to which Authority was responsible for delivering which services.

Clarifying and codifying the relationship between Community and County Councils could serve the same purpose.

To improve strategic planning and operational arrangements options such as requiring County Councillors to serve as members of Community Councils in their area or to attend meetings of the Community Councils as part of their role as a County Councillor could be examined.

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 specific view. The Council were unable to detect any transitional arrangements specified for changes to Community Councils

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)?

It would be of value to explore how the present systems and channels could cater for the proposal.

The scope of what represents an improvement request or which community bodies could request such a request is not stated and as such it is difficult to offer an informed opinion.

Whilst the aim and intent is appreciated without defining such boundaries there is a danger that the proposal will be seen as opening the door to unlimited requests for improvement and the dilution of energies and scarce resources in dealing with such requests.

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

The move to a more electronic based system is welcomed and is seen as more relevant to the electorate and an aid to improving operational efficiency.

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

Involvement within a structured framework is seen very much as a positive step.

PART 4

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

Clarifying and modernising the arrangements is seen as a positive step.

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?

This would be a matter upon which the relevant County Councils would be better placed to offer an informed opinion.

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

Subject to the controls and parameters of public accountability the proposal is seen as a practical operational arrangement.

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 Councillors do not receive remuneration.

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

The proposal is seen as a practical operational arrangement.

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

The issue would best be progressed through discussions with the relevant County Councils.

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 issue would best be progressed through discussions with the relevant County Councils

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 issue would best be progressed through discussions with the relevant County Councils

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

The proposal to consult on alternative uses of assets, in specific circumstances, is seen as a positive step and where there is already a statutory duty to consult could be built in to the process.

The balance between operational, financial and the broader benefit to a community of a particular proposal for the alternative use of an asset is complex area and in certain instances delaying could represent a physical danger, incur a significant cost in ongoing maintenance costs or represent a significant depreciation in the value of the asset. Setting a reasonable time limits would seem sensible but further discussion on the matter is required.

PART 5

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

The Community Council is supportive of proposals which further or support good governance.

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?

The form and substance of any such requirement would be best developed through further discussion and debate with the relevant County Councils prior to determination.

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 form and substance of any such requirement would be best developed through further discussion and debate with the relevant County Councils prior to determination.

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

The Council is supportive of any proposal which improves the strategic or operational efficiency of public bodies however it feels it does not have adequate information or detail to comment upon the proposal in a meaningful way.

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

The Council is supportive of any proposal which improves the strategic or operational efficiency of public bodies however it feels it does not have adequate information or detail to comment upon the proposal in a meaningful way.

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

The Council is supportive of any proposal which improves the strategic or operational efficiency of public bodies however it feels it does not have adequate information or detail to comment upon the proposal in a meaningful way.

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

The Council is supportive of any proposal or delivery model which improves the strategic or operational efficiency of public bodies however it feels it does not have adequate information or detail to comment upon the proposal in a meaningful way.

PART 6

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

The review of the Community Council boundaries is a complex matter and not one to be undertaken lightly.

A concern for the Council is that the criteria which the Boundary Commission will use to determine the new boundaries is not known.

The fear is that the Commission will have determined that, to achieve cost savings, a Community Council will need to represent a large number of electors.

The Council is of the view that there is a discernible benefit in retaining the distinctiveness which communities present in terms of their cultural, linguistic and historic links and that maintaining the link between that community and the first tier of government is all important.

It is felt that the consideration of setting the new boundaries should be wider than just numbers and ask that specific guidelines be issued to the Boundary Commission requiring them to take account of the individual characteristics which make up and bind Communities.

Effectiveness will be achieved by building and supporting communities rather than actions which could destroy the uniqueness and cohesiveness which they bring to an area.

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

It would be a matter for the Boundary Commission to advise as to the date by which they can deliver a full and measured report. The priority would be on delivering the right answer.

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 concern would relate more to whether or not the right decision had been made rather than the body implementing the decision.

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

The proposal for compulsory training was generally welcomed and could complement and support members and officers in undertaking the increasing responsibilities, duties and opportunities which members and officers were facing. It was the view that the mandatory element of training should be determined at a national level, as is the case for school governors, with delivery and accreditation through One Voice Wales. This would ensure a consistent standard of training and competency throughout 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?

The arrangement is to cater for a unique set of circumstances and may be seen therefore as operationally effective and cost efficient. The proposal is welcomed in view of the expanding roles and responsibilities of Council's. It is felt that, as part of the phasing arrangements, financial assistance should be provided by Welsh Government to support and deliver the proposal.

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 proposal is welcomed in view of the expanding roles and responsibilities of Councils. It is felt that, as part of the phasing arrangements, financial assistance should be provided by Welsh Government to support and deliver the proposal.

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

The proposal would be part of a normal management practice of an organisation. It would be for individual Councils to determine whether their objectives are set by the Chair or Council.

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 proposed change would help ensure that the process more closely resembled the means by which individuals communicate in today's world.

It was felt that there should be a requirement that the petition relate to the organisations roles and responsibilities to avoid the spurious waste of resources on issues which were outside of the organisations remit and over which it could not exercise control. .

PART 7

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

The overriding concern was that the proposals should be fair, transparent and consistent in terms of the workforce and the models it proposes applying to County and Community Councils and their staff equally.

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?

It was felt that further information would be required before an informed opinion could be made by members.

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 specific comments or observations

ADDITIONAL QUESTIONS

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

No specific comments or observations

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 specific comments or observations

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.

The present model of Community Council provision is seen as an effective and cost efficient model for delivering a community based model of local democracy and engagement.

Members are not paid for their services but volunteer their services as they have a wish and palpable desire to contribute to the community within which they reside.

The Council is not opposed to change where it leaves to improvements however the question is asked as to what specifically is wrong with the current model and where is it failing to deliver.

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:

Appendix 2

Welsh Speakers

L.A.	%	Numbers	Total	%	Numbers
Anglesey	57.2	38568	67403		
Gwynedd	65.4	77000	117789		
Conwy	27.4	30600	111724		
Denbighshire	24.6	22236	90527		
Flintshire	13.2	19343	146940		
Wrexham	12.9	16659	129425		
Anglesey	57.2	38568	67403		
Gwynedd	65.4	77000	117789		
Total	122.6	115568	185192	61	57784
Conwy	27.4	30600	111724		
Denbighshire	24.6	22236	90527		
Total	52	52836	202251	26	26418
Flintshire	13.2	19343	146940		
Wrexham	12.9	16659	129425		
Total	26.1	36002	276365	13	18001
Anglesey	57.2	38568	67403		
Gwynedd	65.4	77000	117789		
Conwy	27.4	30600	111724		
Total	150	146168	296916	50	48723
Denbighshire	24.6	22236	90527		
Flintshire	13.2	19343	146940		
Wrexham	12.9	16659	129425		
Total	50.7	58238	366892	17	19413

statswales.gov.uk

26897 -0091 : Nia Wyn Dafydd

Tref / Town : N/A

Sefydliad / Organisation : Archives and Records Association Wales

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.

On behalf of the ARA Wales membership, I would like to express our concerns regarding the complete omission of any reference to Information Management in the draft Local Government (Wales) Bill. Despite comments by the ARA Legislation and Standards Working Group (LSWG) and the inclusion of the following statement in the 2014 White Paper on Reforming Local Government:

“Information and records management / historic archives - adequate consideration must be given to the planning, resources and management needed to migrate information and records systems to the new Local Authorities. Mergers must also consider how an improvement of archive services can be achieved, reversing the legacy of years of under-investment and slow decline.”

we are disappointed to note that this issue has not yet been followed up in the latest stage of consultation.

Information Management is of central importance for supporting democracy and transparency in government, and not ensuring provision for effective record keeping poses a number of risks, reputationally, and most importantly, legally. These include loss of or being unable to access vital information, loss of corporate memory, loss of heritage, breaches of data security and potential failure to comply with access to information legislation, such as Data Protection and Freedom of Information.

Provision under transitional arrangements

Any reform of local government in Wales must therefore include provision similar to that set out in Section 60 in the Government of Wales Act 1994, which states that

“(1) Each new principal council shall make and maintain a scheme setting out their arrangements for the proper care, preservation and management of their records”

It is of great concern to us that the importance of this has not yet been recognised and that the Bill at present does not include any provision for the safeguarding of records for the future.

There should be a requirement for transitional committees / shadow authorities to consider the issues arising from the merger of information systems / arrangements for archival provision. The integration of digital recordkeeping systems in particular is likely to be extremely challenging and needs early consideration. Statutory guidance should be provided to guide this process and ensure a consistency of approach, with the requirement for

committees to prepare and submit Schemes for approval by the Welsh Government, outlining their proposals (as was the case under Section 60).

Provision for maintaining appropriate standards for the care, preservation and management of records

We also consider that there is a need to strengthen the current provisions in Section 60 for the review of these Schemes. A requirement for authorities to formally review their Scheme at five-yearly intervals, and submit them to the Welsh Government for approval, would ensure that appropriate standards for the care, preservation and management of records are maintained. This formal review should be supported by the reissue of statutory guidance at appropriate intervals, to ensure that both records / information management, and standards of archival care, remain relevant to the requirements of a modern democracy. Powers for the Welsh Government (or a nominated body) to inspect provision and intervene where there is cause for concern would also be helpful in this respect.

These issues may also have some relevance to question 9.1 of this Consultation.

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 -0092 : Mark Whitcutt

Tref / Town : Newport

Sefydliad / Organisation : Newport City Councillor

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?

My comments are addressed specifically to Clause 1(1)(a) and Schedule 1 on the proposed reorganisation into 8 counties. I do not disagree with the

proposal for re-organisation but I fundamentally disagree with the remote structure for local government, which is being proposed. To avoid repetition I have set out the detail of my view in my answer to question 1.3.

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?

The proposed merged authorities are smaller than the existing authority of Carmarthenshire. I do not understand the rationale for reorganising south west Wales given upon this basis and there is certainly no justification for 3 counties

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

My comments are addressed specifically to Clause 1(1)(a) and Schedule 1 on the proposed reorganisation into 8 counties. I refer to your Consultation paper, which states on page 9 "The Commission noted other combinations of Authorities were possible. ... It also felt creating Local Authority areas like the whole of Gwent or the whole of North Wales could lead to difficulties in meeting multiple diverse local needs effectively or to maintaining fair democratic representation within such areas, thus potentially jeopardising some of the gains from merger."

In my view this point is still relevant. As you state on page 23 of your consultation, "The public have also told us that, while they support bigger Local Authorities, they are concerned about them losing touch with communities." I agree with this.

I am not opposed to re-organisation as 22 authorities do not permit planning on a sufficiently large strategic scale. However in my contention, new authorities should respect the integrity of city, valley and rural communities wherever possible. To resurrect the counties will result in very remote authorities, which undermines democracy and the principle of subsidiarity. There was no opposition to the abolition of counties in 1996 and in my view they will quickly become unpopular.

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 response

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

No response

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

It is reasonable.

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 response

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

I am satisfied with the proposals

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 response

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 response

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?

This presupposes satisfaction with the proposals and so I make no comment on this

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

No response

PART 2

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

No response

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

No response

PART 3

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

I agree with proposals to encourage democratic participation. My concern is that the proposed authorities will be seen to be too remote from communities across each area and that this will reduce turnout.

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

I agree with this.

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

The only logical selection is on the basis of all elected councillors from each area. This may result in tension between the community area committee and the principal authority, particularly if each has a different party as the majority.

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?

Economic development within each former authority area, housing, the youth service, culture and leisure, non-strategic environmental 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?

I think this will need to be reviewed as reorganisation proceeds.

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)?

Reform of service improvement is needed especially the role of WAO

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

Agreed

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

PART 4

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

Sections 83 -85 are more appropriately placed in guidance in my view as they are likely to be difficult to enforce and /or result in a substantial increase in the number of complaints and disputes.

They assume that surgeries must be held in a traditional setting – not taking into account ‘street surgeries’ for example.

The approach of stipulating 14 days to reply to correspondence also assumes that IT and the post are working adequately. How will this be policed? I am not against it in principle but this is a very heavy-handed and dictatorial way of dealing with it. It should also be remembered that members of local authorities, unlike Assembly Members do not have an office to answer correspondence and that local authority staff do not assist with this and in any event are not available due to local authority cuts.

There should be requirement to complete training but there should be provision for acquired prior learning and / or relevant experience.

All of the above are matters, which should be contained in guidance and best practice. The policing of them should be left to the electorate at the ballot box not an Assembly Act.

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?

Agreed

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

I disagree with this proposal. I consider that the existing arrangements are adequate and that this will result in a further dismemberment of local government and a lack of democratic accountability.

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 is completely at odds with the concept of an independent panel and I am opposed to it.

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

In principle I agree but there are difficulties in insuring this is not abused.

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

In my view this is wholly unnecessary and a waste of public money. The existing RO's can do 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?

I disagree with the proposal to dismiss the Monitoring Officer unless it is for some impropriety. The MO is responsible for legal advice and may have to give unpopular advice on a legal matter. It is essential s/he does this without

fear of retribution from members.

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?

I agree with this proposal.

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

In my view the transfer of assets should be able to be initiated by community groups. Local authorities should be able to transfer assets when they consider it necessary. I do not think that authorities should be prey to local groups, which may have a political purpose. I am also concerned that it could be wasteful and an inefficient use of council resources and time and give rise to disputes and a further democratic deficit when assets are lost.

PART 5

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

I am in favour of the generality of proposals for improved governance.

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

Agreed generally

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

I am concerned that whilst I favour peer review and support, peer assessment may be desirable that the proposals do not take into account those who are involved in local government whilst also working. In my view it is desirable to encourage more people of working age to participate in local government and no to discourage them by overly bureaucratic regulation and requirements.

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?

Agree

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?

Agreed

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?

No response

PART 6

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

Generally accepted subject to previous comments.

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?

The Commission

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

It should take into account the volunteer nature of these bodies

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

No.

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?

No

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?

No

PART 7

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

Accepted

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?

Outside my expertise

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?

I have suggested that the proposal for 8/9 counties is undesirable and this would necessitate a detailed alternative amendment but I do not think this is what you mean

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.

Documents are well drafted

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 further 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 -0093 : Katherine Owen

Tref / Town : Caernarfon

Sefydliad / Organisation : Caernarfon 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?

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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?

Need to ensure the Welsh Language is protected / angen sicrhau bod yr Iaith Gymraeg yn cael ei warchod
--

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

Support two Councils in North Wales as previous Cefnogi dau Cyngor yng Ngogledd Cymru fel yr hen drefn

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?

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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?

Have serious concerns around the effect the elections timetables and potential common councils merging will have on this element as technically a council could be given the power and then removed a couple of years down the line if merged with a non-competent council. We appreciate that official

say there would be a time consideration given to this scenario but still has potential to be removed so fear it best to wait until after any common council mergers to introduce this – and as you know need a better name how about “recognised council “ “quality council” (guessing there is legislation problems with this due to Quality Councils in England) rather than competent.

PART 3

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

The introduction of Community area committees is seen as an unwanted extra tier of local government and the proposals do not give enough clarity on the accountability of these committees and therefore deemed unnecessary. However, if they do proceed it is imperative that community councils get a set percentage of seats rather than just commitment of minimum of one seat . Also imperative that Welsh Government decide what the set up looks like, not delegate to the County Councils to ensure uniformity across wales

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?

By each body selected to be a part of it should elect their own (please see answer to 3.1)

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?

Powers of delegation and accountability not clear at this stage
A comprehensive review needs to be undertaken of their possible functions before proceeding

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)?

Seems logical, however safeguards need to be in place to ensure effective collaboration

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

Community councils should be able to send out electronic summons as well
Concerns around cyber bullying when/if meetings are to be filmed
Also concerns around potential cost if it was insisted that community councils had to film 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?

Fully support the requirement of training for councillors and may need to consider more courses being mandatory.
Would agree the need for smaller councils to work more effectively together but not to insist on merges

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?

No need to restrict councillors being county councillors and community councillors at the same time

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?

This is a sensitive matter where the timescales are critical – county councils are currently struggling to find huge cuts to provisions in order to work within new financial constraints which then leaves very little practical time for community councils to consider all relevant aspects before decisions are made. It's a very difficult and complex matter which is hard to find a solution to but needs addressing before vital services are lost due to lack of time

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?

The commission should lead to undertake the reviews in consultation with the county and community councils . County councils do not have a close enough understanding of the community councils to lead on this

As town and community councils have the closest relationships with electorate we have concerns that forced merges would reduce the number of

councillors and that the relationship would weaken

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?

Boundary commission

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

Welcome compulsory training but need to ensure more than one date is offered as obviously it would be hard to expect everyone to be free on one date (as some community councils will obviously have a meeting of their own)

The compulsory training for councillors should also play a part in a council receiving competence status so that the burden of training doesn't solely lie on the shoulders of a clerk who may move on and mean the council could lose their status

To avoid further bullying of clerks, need to re think the process of clerks having a duty to investigate – would suggest either local standards board or monitoring officer

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

Whilst it does appear a long time, its preferable to the costs of two elections for 3 years

Also important to maintain the experience and continuity during this period of 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?

Would expect all community councils to have a training budget for this purpose since several years, and that staff should be encouraged by their council to undertake training/attend events that will better their skill sets. Councillors and staff should be able to improve their knowledge if community councils are expected to undertake new levels of responsibility from the County Councils – part of the transition should be that support and training is part of that package

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

Would expect this to be undertaken as part of their annual appraisal (bill shouldn't legislate whom should undertake this i.e chairman of council ,as some councils have personnel committees that would be more affective)

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 -0094 : Tessa Wildermoth

Tref / Town : Llandudno

Sefydliad / Organisation : Llandudno 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 Council accepts the Draft Bill as is, with reference to the following comments.

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's preferred option is for three authorities in North Wales.

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

The Council can see that the re-configuration will proceed, but how will it proceed?

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?

Appears to be no need for further powers.

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

The Council supports one name and that the shadow authorities should come up with a language neutral name, eg such as that currently used for Gwynedd, Powys.

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

The Council accepts the timetable for elections of the Principal Authorities. At Town & Community Council level, however, it is considered that a four year term is preferable to five years. The Council accepts that this has cost implications, however, it gives Councils a greater chance of gaining 2/3 elected Council to meet the new competence level and of retaining Councillors during the term.

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 is concerned that the possible implications of costs would be very heavy on the tax payer.

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

There should be a duty on NDR ratepayers to inform the authorities of any changes and that authorities have due diligence in following up no payers of NDR.

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?

As 1.8 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?

As 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?

The Council supports this proposal.

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

The Council does not feel qualified to comment.

PART 2

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

The Council supports that the aim of Town & Community Councils is to seek powers of competence and it will be looking to achieve this.

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

The Council asks for consideration to be given to other relevant qualifications for Clerks, not just Cilca.

PART 3

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

The Council is only in support of area committees if they are effective and not another layer of beaurocracy. Any committee should include Town and Community Councils for each area within the Committees remit.

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 considers that there is already ample provision for public participation. Participation at a meeting should ideally be notified to the Chairman beforehand and to see if comments or questions are relevant to the discussion. The use of social media has also been shown to engender abuse and highlight personal opinions.

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

The Council considers that nominations should be made through Town & Community Councils, local business forums, and the local County Councillor.

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?

Don't agree.

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 should be transitional arrangements put in 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)?

The Council does not feel qualified to comment.

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

The Council does not support the recording or social media equipment in Town & Community Council meetings as a duty.
With regards to alcohol at meetings, Councils should be obliged to include in their standing orders that if meetings are held in a formal place, alcohol should not be served.
The Council supports that Town & Community Councils should be able to issue summons by email in the same way as 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?

The Council supports the idea of Youth Councils with stronger links being created between Town & Community Councils with the local High School where possible. This can't be a duty, however, as not all areas have schools.

PART 4

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

The Council does not feel qualified to 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?

They should provide a report with an overview on the work of the committee during the year so that they can maintain the standards expected of Councillors.

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

Needs to be more information, guidelines and procedures, regarding the types of duties they would be able to delegate and not a charter for off loading

statutory/non statutory duties. Unclear guidelines and protocols.

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?

If it is to remain independent, Welsh Ministers should not have an input.

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

No need for any change.

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

The interim returning offices should be via the existing returning officers who are already in place. The Council does not support employing new returning officers when there are others already there.

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 section 2.
Must be terms of reference and a contract.

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 has no particular view.

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

The Council is of the view that the community assets should be offered to Town and Community Councils at Nil cost. The public have already paid for them via council tax and by 'selling them' within local authority areas it

becomes double taxation. If T&CC's do not want, then it should be sold to a third party.

PART 5

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

The Council does not feel qualified to comment.

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

The Council does not feel qualified to comment.

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

The Council supports this proposal.

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 does not feel qualified to comment.

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

The Council does not support this proposal.

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

Whilst, the Council does not feel qualified to comment, the PSB needs to be cost effective in its duties.

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

There are sufficient legal powers already.

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

No need for further legislative powers.

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 training and anything that makes elected members more professional.

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

The Council supports a review of Town & Community Councils as soon as possible.

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 is of the view that the Boundary Commission should set the new boundaries and that the County Council should implement the actions required.

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

The Council accepts that this is a good objective. However, it would prefer to see mandatory training of a few core units, such as Code of Conduct, Planning and Finance, with others being voluntary. It must be remembered that Town and Community Councillors are unpaid volunteers and to be

mindful of imposing too much commitment. Training should also be delivered locally and Councillors should not be expected to travel great distances

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 of the view that a term of six years is too long and that there should be two terms of three years, reverting to a four year cycle.

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?

Council considers that this should be standard practice for all Town & Community Councils over a certain size.

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

The Council accepts that it is good practice for objectives to be set for the Clerk. However, this should not be by the Chairman alone. A small sub committee consisting of the Mayor/Chairman and Chairs of Committee/designated members and reporting to full Council is suggested.

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 is of the view that this is too soon. Many people in Wales, particularly the elderly do not have or wish to use computers. It is often the elderly who engage with such consultation. For the next five years, any legislation should allow for both e polls and paper-based polls. It is appreciated that at a future date, e petitions could be very effective, so long as strict guidelines can be put in place.

PART 7

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

The Council does not feel qualified to 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?

The Council prefers a non statutory commission. The Council needs to be convinced of the viability and effectiveness of such a proposal.

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 challenge of cross referencing the consultation documents makes it difficult to comment.

ADDITIONAL QUESTIONS

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

The Council does not feel qualified to comment.

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 Council does not feel qualified to 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.

The Council considers that it would be a costly exercise to change a system that is already considered by the public to be effective and in touch with their needs and views.

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 -0095 : Einir Shepherd

Tref / Town : Llanfairfechan

Sefydliad / Organisation : Llanfairfechan 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?

NO COMMENT

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 COMMENT

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

NO COMMENT

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?

NO COMMENT

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

NO COMMENT

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 COMMENT

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?

NO COMMENT

PART 2

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

AS BELOW

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

AGREE THAT THE MINIMUM ANNUAL TURNOVER OF £200,000 PROVISION SHOULD NOT BE INCLUDED IN THE DRAFT BILL.
AGREE COMMUNITY COUNCIL BE ENABLED TO PASS A RESOLUTION THAT IT MEETS THE COMPETENCY REQUIREMENTS AND THAT THIS REMAINS FOR THE REMAINING 5 YEARS.

PART 3

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

AS BELOW

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

MEMBERS OF THE PUBLIC ATTENDING MEETINGS IS GENERAL PRACTISE AND ARE GIVE OPPORTUNITY IN A 20 MINUTE FORUM TO EXPRESS ANY CONCERNS OR REQUEST ASSISTANCE ON ANY MATTER. THOSE THAT ARE UNABLE TO BE PRESENT CAN REQUEST COUNCILLORS TO EXPRESS ANY MATTER ON THEIR BEHALF. FILMING OF COUNCIL MEETINGS, RECORDING OR PHOTOGRAPHY BY MEMBERS OF THE PUBLIC IS QUESTIONABLE. THIS COULD LEAD TO CYBER BULLING, AND MAY PLACE COUNCILLORS IN A VULNERABLE POSITION AND INDIVIDUALS AT RISK. THE COMMUNITY COUNCILLOR'S ROLE IS VOLUNTARY AND THEIR POSITION IN THE COMMUNITY SHOULD NOT BE COMPROMISED. ALSO THIS MIGHT DETER MEMBERS OF THE PUBLIC STANDING AS A COMMUNITY COUNCILLOR. A RESOLUTION BY THE COMMUNITY COUNCIL TO ALLOW OR NOT ALLOW FILMING, RECORDING OR PHOTOGRAPHY SHOULD BE INCLUDED.

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

AREA BOARDS IS ANOTHER LAYER OF BUREAUCRACY
FULLER INFORMATION IS REQUESTED ON HOW THEY WILL WORK BEFORE COMMITTING

ONE COMMUNITY COUNCILLOR ON AN AREA BOARD IS NOT A FAIR REPRESENTATION.

COMMUNITY COUNCIL AND COUNTY COUNCIL FORUM IS WORKING

WELL AND COULD BE ENHANCED FURTHER

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 COMMENT REFER TO ABOVE ANSWER

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 REFER TO ABOVE ANSWER

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)?

AS ABOVE

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

AS ABOVE

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

IN THEORY THIS A GOOD CONCEPT IF THERE IS SUFFICIENT INTEREST FROM THE YOUTH OF THE TOWN.

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?

NO COMMENT

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?

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?

NO COMMENT

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?

CONSULTATION WITH THE COMMUNITY COUNCIL WITH TRANSFER OF BUDGET ALLOWANCE FOR THE FIRST YEAR TO ENABLE AN EFFICIENT TRANSITION.

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?

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?

UNABLE TO COMMENT AS FURTHER DETAILED INFORMATION IS REQUIRED ON HOW COMMUNITY COUNCILS WILL BE MERGED i.e. PRECEPTS, GEOGRAPHY, NUMBER OF COUNCILLORS FROM EACH MERGED COMMUNITY COUNCIL ETC. REQUIRE CONSULTATIONS ALONG THE WAY LEADING UP TO 2023

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

AS SOON AS POSSIBLE

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 COMMENT UNTIL THE REPORT HAS BEEN PUBLISHED

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

COUNCILLOR TRAINING ON CODE OF CONDUCT SHOULD BE MANDATORY TO ALL AND SIGNED DOCUMENT TO VERIFY COUNCILLORS HAVE ATTENDED
COMMUNITY COUNCILLORS GIVE THEIR TIME VOLUNTARY THEREFORE OTHER TRAINING SHOULD BE OPTIONAL BUT ADVISABLE THROUGH ONE VOICE WALES OR OTHER TRAINING BODY.

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 LENGTH OF A 6 YEAR TERM 2017-2023 IS POSSIBLY TOO LONG AND MAY RESULT IN ELECTIONS/CO-OPTIONS AND LACK OF INTEREST FROM RESIDENTS IN THE POST OF COUNCILLOR.

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 COUNCILLORS GIVE THEIR TIME VOLUNTARY
THEREFORE OTHER TRAINING SHOULD BE OPTIONAL BUT ADVISABLE
THROUGH ONE VOICE WALES OR OTHER TRAINING BODY.
LOWERING COST OF COURSES OR THE PRESENT LEVEL OF
BURSARY AVAILABLE SHOULD BE REVIEWED.

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

IF NECESSARY THIS SHOULD BE DONE AS PART OF ANNUAL REVIEW
CLERKS ARE OVERSTRETCHED AS IT IS.

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?

NOT ALL MEMBERS OF THE PUBLIC HAVE ACCESS TO COMPUTERS
THEREFORE OTHER MEANS OF RESPONSE SHOULD BE CONSIDERED.

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 COMMENT

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 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.

NO 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 -0096 : Eleri Griffiths

Tref / Town : Aberystwyth

Sefydliad / Organisation : Mudiad Meithrin

Bil Llywodraeth Leol (Cymru) Drafft a'r Memorandwm Esboniadol

Eich enw

Angharad Starr

Rôl

Rheolwr Polisi

Sefydliad

Mudiad Meithrin

E-Bost cyswllt

angharad.starr@meithrin.cymru

Cyfeiriad

Mudiad Meithrin, Y Ganolfan Integredig,
Boulevard de Saint Brieuc, Aberystwyth. SY23
1PD.

Rhif ffôn cyswllt

01970 639639

Cefndir Mudiad Meithrin

Mudiad Meithrin yw'r prif ddarparwr gofal ac addysg cyfrwng Cymraeg yn y sector wirfoddol drwy rwydwaith genedlaethol o gylchoedd meithrin, cylchoedd Ti a Fi, gofal cofleidiol a meithrinfeydd dydd cyfrwng Cymraeg.

Sefydlwyd Mudiad Meithrin ym 1971. Ein prif nod yw rhoi cyfle i bob plentyn ifanc yng Nghymru fanteisio ar wasanaethau a phrofiadau blynyddoedd cynnar trwy gyfrwng y Gymraeg. Credwn hefyd ei bod yn bwysig sicrhau cyfle i bob plentyn elwa o brofiadau a gweithgareddau blynyddoedd cynnar yn ei gymuned leol.

Erbyn hyn, mae yna **540** o gylchoedd meithrin yn cynnig sesiynau gofal ac addysg ddyddiol ar gyfer plant 2 - 5 mlwydd oed a **44** meithrinfa dydd yn darparu gofal dydd llawn i blant ar draws Cymru. Mae **371** o gylchoedd Ti a Fi ledled Cymru sy'n cynnig cyfle gwych i blant o enedigaeth hyd at oed ysgol a'u rhieni gwrdd unwaith yr wythnos i gymdeithasu ac i rannu profiadau gyda'i gilydd mewn awyrgylch anffurfiol Gymreig. Mae'r gwasanaethau yn darparu profiadau blynyddoedd cynnar i oddeutu 22,000 o blant bob wythnos.

O ganlyniad, rydym yn gweithio gyda phlant a theuluoedd o amryw o gefndiroedd cymdeithasol-economaidd. Rydym yn cydweithio gyda'r asiantaeth *Dechrau'n Deg* i ddarparu cyfleoedd yn yr ardaloedd mwyaf difreintiedig, a gyda'r awdurdodau addysg leol i gynnig llefydd addysg rhan amser i blant 3 oed yn eu cymuned leol.

Er mwyn cyflawni hyn, mae Mudiad Meithrin yn elusen gofrestredig sy'n cyflogi dros 200 o bobl, yn staff cenedlaethol a sirol ac mewn meithrinfeydd dydd, gyda 2000 o staff ychwanegol yn gweithio yn y cylchoedd ei hunain.

Cefnogir y cylchoedd gan rwydwaith cenedlaethol o staff proffesiynol sy'n eu cynghori ar

amrediad o faterion er enghraifft hybu ymarfer da, hyfforddiant staff a chyswllt ag awdurdodau Lleol. Yn ogystal, mae'r Mudiad yn gweithio yn agos iawn gyda rhieni er mwyn darparu cymorth a chynghor i'w galluogi i ddatblygu a chefnogi gwaith y cylchoedd yn y cartref.

C1.2: Beth yw eich barn ar yr opsiynau ar gyfer 2 neu 3 Sir yn y gogledd, fel y nodwyd yn Atodlen 1 i'r Bil drafft?

Cynigiwn y byddai 3 sir ar gyfer y Gogledd yn ddewis gwell ar gyfer yr ardal. Fe fyddai hyn yn cyd-fynd â'r strwythurau isranbarthol sydd eisoes yn eu lle ar gyfer y gwasanaeth Heddlu, Tân ac Iechyd ar draws y Gogledd. Yn ychwanegol, nodwn y byddai uno Gwynedd - Ynys Môn - Conwy yn creu sir sydd yn bresennol yn gweithredu polisïau iaith wahanol iawn o fewn y gyfundrefn addysg, a fyddai creu rhwystrau i sicrhau undod polisi iaith addysg y sir newydd.

C1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd Llywodraeth Leol yng Nghymru?

Cytunwn gyda mwyafrif y patrwm arfaethedig a nodwyd yn Nhabl 2 yn Atodlen 1 y Bil Drafft. Serch hynny, pryderwn y bydd uno Ceredigion - Sir Gâr - Sir Benfro yn creu ardal ddaearyddol fawr, a fydd yn anodd sicrhau diwallu anghenion unigryw'r 3 sir bresennol.

C1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?

Cynigiwn fod angen sicrhau cyfnod pontio a thrafodaethau gyda rhanddeiliad eraill sydd yn darparu addysg 3 oed yn y siroedd newydd. Bydd hyn yn helpu i sicrhau cysondeb yn y ddarpariaeth a gynigir, a'r trefniadau ar gyfer y ddarpariaethau nas-gynhelir oddi fewn i'r siroedd newydd. Yn ogystal, cynigiwn ei bod yn bwysig sicrhau cysondeb nid yn unig ymysg y ddarpariaethau, ond hefyd ymysg gofynion a safonau Dechrau'n Deg. Yn bresennol, nid oes yna gysondeb ar draws siroedd Cymru, ac wrth uno'r siroedd fe fydd angen sicrhau cysondeb ar draws y sir newydd yn y ffordd maent yn cyllido'r ddarpariaethau a gofynion a safonau angenrheidiol y siroedd. Cynigiwn ei bod hefyd yn bwysig i ni sicrhau bod cefnogaeth ddigonol yn cael ei gynnig a'u darparu ar gyfer y sector blynyddoedd cynnar ar draws y siroedd newydd.

C 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?

Croesawn y bwriad i gryfhau cyfranogiad plant a phobl ifanc yn y broses ymgynghori a chynllunio lleol. Hoffem awgrymu dau welliant bach a fyddai'n cryfhau ansawdd y gyfranogaeth honno yn ogystal â gwella'r profiad i blant a phobl ifanc.

Yn gyntaf dylid bod disgwyliad fod unrhyw waith ymgynghori a chyfranogi a drefnir gan awdurdodau lleol yn y dyfodol yn dilyn y Safonau Cyfranogi Cenedlaethol a ddatblygwyd gan Lywodraeth Cymru. Byddai hyn yn sicrhau fod y profiad o ddemocratiaeth weithredol yn un cadarnhaol i blant a phobl ifanc.

Yn ail dylid sicrhau fod awdurdodau lleol yn estyn allan i gynnwys cynifer o grwpiau plant ac ieuencid a phosibl. Croesawn fforymau ieuencid fel un model o drefnu cyfranogaeth ieuencid, gwelwn yn gyson fod grwpiau o'r fath yn denu mathau arbennig o bobl. Er mwyn clywed lleisiau lleiafrifol (megis siaradwyr Cymraeg, plant anabl, plant sy'n byw mewn tlodi mae angen sicrhau modeli amrywiol i gyrraedd pobl ifanc. Nodwn hefyd nad oes strwythur o unrhyw fath yn cael ei awgrymu er mwyn clywed lleisiau plant ifancach. Yn unol â Chonfensiwn y Cenedloedd unedig ar hawliau plant rhaid ystyried hawl pob plentyn i leisio'u barn ac felly dylai awdurdodau sicrhau fod ganddynt ffyrdd o wrando ar leisiau plant bach a phlant oedran cynradd.

MYM is the primary care provider and Welsh medium education in the voluntary sector through the national network of playgroups, Ti, wrap and day nurseries Welsh medium. Mym was established in 1971. Our main aim is to give the opportunity to every young child in Wales access services and experiences of early years through the medium of Welsh. We also believe that it is important to ensure every child has the opportunity to benefit from early years experiences and activities in its local community.

Now, there are **540** of playgroups offer daily care and education sessions for children 2-5 years old and **44** day nursery provides full day care for children across Wales. There are **371** of Ti cycles across Wales which offers a great opportunity for children from birth to school age and their parents meet once a week to socialise and share experiences with each other in an informal atmosphere. The services provides early years experiences to approximately 22000 children every week.

As a result, we are working with children and families from a variety of socio-economic backgrounds. We are working with the Agency *flying* to provide opportunities in the most deprived areas, and with the local education authorities to offer part-time education places for children aged 3 years in their local community.

To achieve this, Mym is a registered charity which employs over 200 people, national and County staff and in day nurseries, with 2,000 extra staff working in the circles themselves. The circles are supported by a national network of professional staff who advise them on a range of issues for instance promoting good practice, staff training and liaison with local authorities. In addition, the organisation is working very closely with parents to provide support and advice to enable them to develop and support the work of the circles in the home.

1.2: We propose that there would be 3 counties for the North are a better option for the area. This would fit with the sub-regional structures already in place for the police, fire service and health across North Wales. In addition, we note that the merger of Gwynedd-Anglesey-Conwy County creation was present in action very different language policies within the education system, which would create obstacles to ensure unity of language education policy of the new County.

1.3: we agree with the majority of the proposed pattern identified in table 2 of Schedule 1 to the draft Bill. Nevertheless, we are concerned that merging Ceredigion-Carmarthenshire-Pembrokeshire creates a large geographical area, which will be difficult to meet the unique needs of the 3 counties.

1.12: we propose that the need to ensure transition and discussions with other stakeholders which provides education in the age of 3 new counties. **This will help to ensure consistency in the provision proposed, and the arrangements for the non-maintained provisions within the new counties.** In addition, we propose that it is important not only to ensure consistency among the provisions, but also among requirements and standards flying are present, there is no consistency across the counties of Wales, and in merging the counties will need to ensure consistency across the new County in the way they fund the provisions and requirements necessary standards the counties. We propose that it is also important to ensure that adequate support is offered and delivered for the early years sector across the new counties.

3.8: we welcome the intention to strengthen the participation of children and young people in the consultation process and local planning. We would like to suggest two small improvement that would strengthen the quality of that participation as well as improving the experience for children and young people.

First there should be an expectation that any work of consultation and participation and

organized by local authorities in the future will follow the national participation standards developed by the Welsh Government. This would ensure that the experience of democracy activist is positive for children and young people.

Secondly, it should be ensured that local authorities are reaching out to involve as many children and youth groups as possible. We welcome youth forums such as one model of organising youth participation, we see consistently that such groups will attract certain types of people. In order to hear minority voices (such as Welsh speakers, disabled children, children living in poverty need to ensure various models to reach young people. We also note that there is no structure of any kind being suggested in order to hear the voices of younger children. In line with the UN Convention on the rights of the child must take into account the right of all children to voice their opinions and therefore authorities should ensure that

26897 -0097 : John Schultz

Tref / Town : N/A

Sefydliad / Organisation : ALACE



Draft Local Government (Wales) Bill

Response from the Association of Local Authority Chief Executives and Senior Managers (ALACE) to the Welsh Government's consultation dated 24 November 2015

ALACE (the Association of Local Authority Chief Executives and Senior Managers) is a duly registered trade union whose approximately 300 members comprise heads of paid service and other senior managers in local authorities throughout the UK, and other agency chief executives associated with local government. The Council of ALACE forms the staff side of the Joint Negotiating Committee for Chief Executives, the body responsible for the salary and terms and conditions of employment for chief executives. The Association also represents the interests of its members in responding to draft legislation and regulations which affect the role of the head of paid service and other senior officers, together with issues such as the reorganisation of local government.

SUMMARY

1. ALACE is pleased to see (i) that a proposal it put forward in its response to the 2015 White Paper “Reforming Local Government: Power to Local People” (more flexible timings for peer reviews) has been incorporated into the Draft Bill, (ii) that the measures in the White Paper that ALACE supported have been carried forward into the draft legislation, and (iii) that some of the measures it opposed have been dropped. However, some matters of concern remain.

2. More detailed comments appear below, with the matters of concern emphasised in bold italics. They are confined to matters of proper concern to a trades union.

PART 4 OF THE DRAFT BILL

Executives of county councils (chapter 5)

3. In its 2015 response, ALACE welcomed the Welsh Government’s intention to clarify the respective roles and responsibilities of the leader, chief executive, and other councillors and officers. Chapter 5 of the Draft Bill includes provisions that are helpful in this regard.

Appointment of a chief executive (clause 103(1))

4. As stated in its response to the 2015 White Paper, ALACE wholeheartedly supports the inclusion in primary legislation of a requirement for each local authority to appoint a chief executive.

Council leaders to set objectives for chief executives (clause 104)

5. ALACE still holds the views it expressed in its 2015 response. They were that the chief executive’s objectives should indeed be set by the executive, but that the process of setting and reviewing objectives should follow the Joint Guidance on Appraisal of the Chief Executive set out in the official conditions of service agreed by the Joint Negotiating Committee for Local Authority Chief Executives, which is applicable in Wales. (This states that “it is a contractual obligation on the part of both the chief executive and the employing council to engage in a regular process of appraisal”.)

6. The joint guidance makes clear that a local authority chief executive is accountable to the whole council, not just to the leader (which, of course, is a very different constitutional position to that of a senior civil servant); and consequently states that “it will be for local decision in the light of local circumstances whether the appraisal should be carried out by a small committee representing all political groups or by a senior representative or representatives of the controlling group”. ***ALACE believes that Clause 104 of the Draft Bill should be amended to reflect that the senior executive member must consider annually whether to involve other executive members in the arrangements.*** This would not compromise what are understood to be the Welsh Government’s broad intentions.

7. Statutory guidance rather than the face of the Draft Bill should be used as follows:

- (i) to state that the public report on the achievement of the chief executive's objectives referred to in clause 104(5) should focus on overall outcomes, not on more personal details that may have been discussed in a confidential setting*
- (ii) more generally to draw on or point to the Joint Guidance on Appraisal of the Chief Executive*
- (iv) to state that any councillor lacking experience of conducting appraisals should undergo appropriate preparation before participating in an appraisal process.*

8. *However, ALACE is totally opposed to guidance being issued to individual councils, as provided for in clause 104(8), rather than to the generality of councils. Such a provision allows for wholly unwarranted interference in an individual employer's performance management of its employee. By the same token, the guidance on councillor training referred to in clause 167(2) should not be targeted at an individual council.*

9. ALACE firmly welcomes the requirement in clause 104(7) for the leader to consult the chief executive over the setting, review, and reporting of the latter's objectives.

OTHER ISSUES RELATED TO PART 4 OF THE DRAFT BILL AND REFERRED TO IN THE CONSULTATION DOCUMENT

The cost of senior management in local government

10. ALACE is pleased to see that the Draft Bill omits mention of (i) a permanent control mechanism for salary awards for all chief officers, (ii) a central appointment process for chief executives and chief officers, and (iii) term limits for chief executives. As it stated in its response to the 2015 White Paper, ALACE is strongly opposed to these, and believes that such matters should be for each individual local authority to determine.

11. *However, ALACE's support for the omission of these matters from the face of the Draft Bill is tempered by the stated intention in the consultation document that they will be addressed as part of wider considerations across the public service and through the Public Services Staff Commission (a matter picked up in paragraphs 16 and 17 below).*

The role and responsibilities of chief executives

12. ALACE made clear in its 2015 response that it was strongly opposed to the proposal for legislation to prevent the payment of an additional fee for the Returning Officer role in each principal authority, as it should be a matter for each individual council. While ALACE is disappointed to see that the

consultation document expresses the Welsh Government's intention to seek a further legislative opportunity to take the matter forward, it could understand the principle of such a change if it related only to county council elections.

13. However, the National Assembly and Welsh Government do not have legislative competence or responsibility for a range of other elections and referendums, including elections for police and crime commissioners, Parliamentary elections, European Parliamentary elections, and national referendums such as the forthcoming referendum on the UK's membership of the EU – these are matters for the UK Government and Parliament, and additional fees will be payable in accordance with whatever arrangements are decided by them. ***ALACE would be strongly opposed to any suggestion that the Welsh Government's proposal might extend beyond the Returning Officer role for county council elections, as the other electoral processes entail quite separate employments and considerable additional work.***

The power to dismiss the chief executive, the chief finance officer, the monitoring officer, and the head of democratic services through a vote by the Full Council

14. The question posed in the consultation document is misleading, and appears to be based on a misunderstanding of the current legislation. In both Wales and England, it is already the case (under long-standing provisions) that only the Full Council has the power to dismiss its statutorily-protected officers – and only after observing certain procedural requirements. In England, although the Designated Independent Person provision has been repealed, the replacement provision requires a council to consider the advice and views of an Independent Panel before dismissing a statutorily-protected officer.

PART 5 OF THE DRAFT BILL

Frequency of peer assessments (clause 119)

15. In its 2015 response, ALACE argued against the inflexibility of the two-year frequency of peer reviews set out in the White Paper. So ALACE is pleased to see that the Draft Bill incorporates a sensible flexibility.

PART 7 OF THE DRAFT BILL

Guidance to public bodies on workforce matters (chapter 1)

16. ***ALACE believes the provisions in this chapter of the Draft Bill – and the future legislation foreshadowed in the consultation document – give ministers far too much scope to put unwarranted pressure on legally separate employers, particularly over matters such as those set out in paragraph 10 above.***

17. ALACE concluded its 2015 response with the following words: “In understandably seeking to foster the prudent use of public money, the Welsh Government would be unwise to lose sight of the danger of greatly reducing the appeal of senior roles in local government to people of genuine calibre. There have already been a number of changes in terms and conditions in recent years that have diminished the attractiveness of senior local government careers; and the Welsh Government would be well advised to guard against populist actions that proved counter-productive in the development of vibrant and innovative Welsh local government – as opposed to enfeebled local administration.”

18. ALACE believes those words remain highly relevant, especially in relation to Part 7 of the Draft Bill.

Approved by Amar Dave, Honorary Secretary, and Rob Tinlin, Chair, on behalf of the ALACE Council

10 February 2016

26897 -0098 : Jill Kibble

Tref / Town : Newtown

**Sefydliad / Organisation : Abermule with Llandyssil
Community Council**

Response to consultation document

***Draft Local Government (Wales) Bill and Explanatory Memorandum:
Reforming Local Government (24/11/15)***

2.1 Do you have any comments on any of the provisions in Part Two of the Draft Bill ?

Requirements for competence of Community Councils require further consideration as they do not presently consist a satisfactory measure. There should be a greater dependence on the demonstration of financial and administrative probity; training and transparency of reporting to the community including , but not limited to, the annual report.

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

Agreed that certainty of delivery for councils and third parties is best achieved through a set term of competence (with above caveats). However, should a Council declared competent fail a critical test, such as returning qualified accounts, then it would be reasonable to impose a specified fixed period during which the situation should be corrected or competence withdrawn.

We fully support the removal of the turnover competence qualification.

Proper consideration needs to be given to income to competent Councils including the potential to retain part of the business rates in the area (with appropriate safeguards for Councils where such income would be limited).

6.1 Do you have any comments on any of the provisions in Part Six of the Draft Bill?

It is essential that the very different situations and circumstances pertaining to urban and rural Councils are addressed. This is an area of considerable concern as it is axiomatic that one solution does not fit such disparate needs. Large rural areas with sparser populations and consequently smaller incomes find services more costly to deliver and have greater dependence on community networks. Disparities will become more marked as Community Councils take on the delivery of more services in their wide geographic areas.

Account also needs to be taken of existing initiatives such as 'clusters' of community and town councils (cf Powys and Bala models) aiming to achieve economies of scale in delivering devolved services and a more local and flexible response without any loss of autonomy or grass roots democracy. Such models can potentially build on local networks and socio-economic considerations and an organically evolving structure based on perceived commonalities and trust is likely to be more economic, effective and democratic than artificially prescribed mergers.

The boundaries review may also usefully consider other models, such as the Shropshire Local Joint Committees of Parish Councils which have much to commend them in concept.

6.4 Do you have any comments on our proposals relating to compulsory training for community councillors?

High quality training is of considerable value to effective operation. Mandatory training works well in other areas of public service (such as school governors) provided it is delivered to a consistently high standard, evaluated and reviewed and remains current and relevant.

E-training modules may be considered for some training to ensure those with other responsibilities are not excluded as councillors or unduly long distances travelled and costs incurred in rural areas.

Consideration must be given to cost of mandatory training which should not be charged to Community Councils. It would indeed be unusual for mandatory training to be charged to an organisation in the public service sector.

Should a Cllr. fail to complete mandatory training within the specified period (we concur that a year is appropriate) then non-compliance should be fairly reviewed by the full Council. It would be highly inappropriate for this to be carried out by the Clerk.

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 Councils should consider and plan for their own and employees training needs in accordance with present and changing responsibilities. We consider a 'competent' Council should demonstrate that it is regularly undertaking a skills and training review.

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

It is imperative that the Clerk has a clear Job Description and that this is reviewed in line with changing responsibilities. It is our view that an annual performance management review should be carried out by a Personnel Committee that includes the current Chair and Vice-Chair.

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?

E-petitions are a regular aspect of community involvement in government and it is to be expected that Principal Councils should establish a similar scheme.

Our Council has not employed a Community Poll as such but have successfully carried out Community Surveys on issues. These can be inexpensive; assist in informing council policy; improve accountability and engagement, and, in future, will form a basis for Local Action / Neighbourhood Plans. There is considerable value in these exercises. There appears no obvious reason why legislatively these cannot co-exist as part of a democratic system alongside e-petitions.

26897 -0099 : Helen Armitage

Tref / Town : Conwy

Sefydliad / Organisation : Conwy 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?

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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?

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

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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?

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

Qualified Clerk:

Existing qualifications need to be taken into account (eg. accountant, solicitor).

There should be a transition period between the start of Competent Councils & the requirement for the clerk to be qualified to avoid Councils being penalised on this one requirement.

The qualifications required of a Clerk should be reasonable & relevant according to the responsibilities undertaken by the Community Council. The size of the Councils budget needs to be taken into account if any CPD training is required

The Clerk should be a member of the SLCC

2/3rds Elected Council:

Cyngor Tref Conwy Town Council encourages elections but cannot influence an election to be held. The Welsh Government needs to put in effort to encourage people to stand for Council & needs to understand how Town & Community Councils work

PART 3

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

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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?

Cyngor Tref Conwy Town Council fully supports Conwy County Borough Council's response.

It is impractical, given the time limits to consult residents on the annual budget. Town Councillors represent their residents & bring their views forward. The Council encourages members of the public to attend meetings & gives them the opportunity to speak & ask questions of the Council

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?

The consultation recognises that there is no provision relating to assets of community value and a need for legislation. The council agrees there is a need for legislation and a register of community assets. From past experience, an independent arbitrator should be made available to ensure that the Local Authority plays fair & acts professionally.

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?

The Council is concerned that devolved services would be contracted out with funding going outside the local economy & even Wales (eg. public toilet maintenance services being contracted to a company based in England)

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?

New Councillors should be encouraged to undertake minimal training (eg. Code of Conduct, basic planning)

Insisting on compulsory training is a move away from the voluntary role of Town & Community Councillors. It must not be compulsory

County Councils should include Town & Community Councils in its training programme

Councils can include a piece in the Annual Report stating the training undertaken by Councillors during the year.

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?

As per question 6.4

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

A comprehensive job description should be provided at the recruitment stage. A clerk's job is very diverse & tasks can be organic & spontaneous, responding to events (eg. consultations from the Welsh Government). A flexible approach is required

Objectives should be in line with the aims of the Council

Short/medium term objectives are set at every meeting following resolutions of the Council.

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 has concerns that many members of the public do not have access to/ability to use IT

There is a lack of evidence that e-petitions work

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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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?

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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?

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ADDITIONAL QUESTIONS

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

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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.

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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.

Cyngor Tref Conwy Town Council supports the responses of Conwy County Borough Council with the additions/amendments above.

The Council believes that the whole process of Local Government reform is confusing to the public. New levels of bureaucracy are being introduced and people do not know what level of

local government is responsible for which services.

There is confusion between the requirements of the Draft Bill & the Well-being of Future Generations Act

The Town Council questions whether the Welsh Government really understands how a Town/Community Council actually works & what it does for its community. Not all activity is related to money spent

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 -0100 : Wendy Owens

Tref / Town : Rhosllannerchrugog, Wrexham

Sefydliad / Organisation : Rhosllannerchrugog Community Council

I have been requested, on behalf of Rhosllannerchrugog Community Council to advise you of the comments made by my council in relation to the draft bill.

1. That the boundaries should be changed before any other changes are made, there is a lot of confusion in Community boundaries being different than borough boundaries, this in effect means that some Borough Councillors already sit on 2 community councils.
2. That the whole procedure of this bill should be delayed until after the amalgamation of Borough councils has taken place, otherwise many points and views will need to be re-visited to fall into place with the newly constituted Borough Councils.
3. In relation to elections – 6 years is too long in between elections, this would result in more bi-elections and increased cost tot communities.
4. That the whole competence needs to be re-visited – it's one be thing to have a highly qualified Clerk on paper but Clerks do have to be able to cover all aspects of the position, be flexible, a jack of all trades, a degree in one subject doesn't mean that they can apply that degree to be able to carry out all duties as required.
5. Training for Community Councillors – all are volunteers, yes they need to know what they are doing but what they are doing is for the benefit of local people and local knowledge just applies, you will be turning people off becoming community councillors, some are hard to find now. Also if the position grows, then payment would be expected.
6. Community area committees - This is adding another level of council in between community councils and borough councils, what is the pint of amalgamating councils and the adding in anither level – same thing, called something different.
7. If community council are to carry out services then the funding from the Welsh Government should be paid to them directly.

Please consider the above.

Regards

Mrs Wendy Owens
Clerk
Rhosllannerchrugog Community Council