



Welsh Government
Consultation – summary of response

Changes to executive governance arrangements
in principal councils

July 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Annex 1 - List of Respondents

1.0 Introduction

1.1 The Welsh Government undertook a consultation to ask for views on proposed amendments to the Local Government Act 2000 and the Local Government (Wales) Measure 2011 between 5 December 2019 and 27 February 2020. These proposals would enable changes to the executive governance arrangements of principal councils. This document summarises the key themes from the responses received.

1.2 In a written statement on 5 December 2019, the Minister for Housing and Local Government set out the intended purpose of the amendments, which would seek to prevent unnecessary disruption caused by the current timeline set out in legislation. The changes would also seek to prevent the possibility of changes occurring too frequently by ensuring that no further changes can be made to them until two complete electoral cycles have passed. Opinions were also sought on related matters such as allowing e-petitions, online notifications for petitions and whether the threshold required for signatures to a mayoral petition triggering a referendum should be amended.

2.0 Methodology

2.1 The written consultation document asked seven questions on a range of key areas to determine how acceptable and appropriate the changes suggested would be in relation to their intent and detail.

2.2 In total, nine responses were received to the formal written consultation.

3.0 Overview of responses

3.1 The written consultation generated nine full responses mainly from County and Borough Councils or affiliated groups. All responses received were from within Wales.

Summary of responses

3.2 Across all responses there was general agreement to the approaches set out for the timings of referendums and petitions around changing executive arrangements.

Overall, responses reflected the following points:

- The proposed deadline for petitions, resolutions, directions and orders was generally well received;
- 100% of respondents supported maintaining any change for at least two electoral cycles;
- Respondents were broadly split on how the threshold for a petition to make a change to the executive arrangements should be changed; and
- Several respondents raised the posting of notices in newspapers as something that could be changed in future.

4.0 Summary of Responses to Specific Consultation Questions

Question 1 -

1. Limiting the timeframe for the introduction of proposals to change executive governance arrangements

- a. Do you agree that petitions, resolutions, directions and orders to change executive governance arrangements should all be subject to a deadline?
- b. If so, do you agree that the deadline should be set to eighteen months before the next set of local elections, therefore facilitating any referendum to take place before the next ordinary elections?
- c. If no to any of these questions, why not? Please provide further details

4.1 There was broad agreement for the suggested deadline for petitions, resolutions, directions and orders with 89% of respondents in agreement.

4.2 Some respondents were concerned about possible complications of holding a referendum alongside an election. It is important to note that these changes would mean a referendum would need to be held six months prior to the poll, avoiding subsequent complications.

4.3 Comments included:

- “The rules for changing executive governance arrangements are set out clearly in existing powers and the above proposal does not appear to enhance these. The case for change has not been made indeed it almost appears to be a change for change sake.”
- “Whilst we can see the benefit of an 18 month timeframe before the next set of local elections and in a scheduled single election year the advantages of combining the referendum or Mayoral election (if that was the outcome of the referendum). However, we have concerns in relation to the complexity of administering combined election/s and referendum on the same day on a year that already has combined elections scheduled and consideration needs to be given in relation to voter confusion, especially, with the number of ballot papers, the different voting methods for each poll and potential differences in franchise.”

Question 2

2. Change of governance arrangements

- a. Do you agree that, where the executive governance arrangements of a principal council have been changed, the principal council must maintain those arrangements for two full electoral cycles?
- b. If no, why not? Please provide further details

4.4 All respondents agreed that any changes to executive arrangements should be maintained for two full electoral cycles.

4.5 Comments included:

- “Whilst I am minded to say no this could lead to proponents of the alternative arrangement playing ping pong with the process. However would there be any consideration for ministers to intervene if it could be demonstrated by the Local Authority that the new arrangements were not working.”

Question 3

3. Electronic petitions

- a. Do you agree that legislation should be amended to require principal councils to accept petitions in electronic format?
- b. Do you also agree that the notice of referendum should be published on a principal council’s website, in addition to publication in a newspaper?
- c. Are you content with the current bilingual provisions for petitions?
- d. If no, why not? Please provide further details

4.6 All respondents agreed that petitions should be accepted in electronic format. However, some respondents did feel that the legislation should allow, rather than require, principal councils to accept them. A further respondent suggested principal councils should be allowed to raise fees to develop the resources needed.

4.7 While all respondents did agree that a notice of a referendum should be posted on a principal council’s website some disagreed that this should be in addition to publication in a newspaper.

4.8 No concerns were raised in regards to the current bilingual provisions for petitions.

4.9 Comments included:

- “Publication on a Principal Council’s website combined with a social media campaign would have wider reach and would dispense with the cost of publication in a newspaper which is regarded by the Vale of Glamorgan Council as an outdated and costly method of providing notification to the public. By way of comparison notices for local elections are only published on a Principal Council’s website and displayed at the Council offices.”
- “In relation to question (a) we agree that legislation should be amended to allow for the receipt of petitions in electronic format. It should however be for the council to choose the receipt method as there may be circumstances where electronic submission is not appropriate. The electronic format would need to include all the information required as in the current written format.”
- “In relation to question (b) we support the notice of referendum being published on the principal council’s website and we would also suggest that you include publication on the Council public noticeboard. However, we question the benefits of publication in a newspaper nowadays, especially when local newspapers are no longer available in some areas and are outdated.”
- “We will need to develop resources to meet this requirement. Councils should be able to raise fees for developing additional resources.”
- “The local authority should decide which format they wish to receive the petition. We do not see the need for displaying such notices in newspapers as the circulation of local newspapers is dropping and the public tend to look at websites for statutory information now.”

Question 4

4. Number of electorate required to trigger a referendum

Principal councils in England require 5% of registered electors to sign a petition to trigger a referendum for a change in executive governance arrangements. In Wales 10% of registered electors are required to trigger a referendum.

a. Do you believe that the threshold to trigger a referendum needs to be changed?

Yes

No

b. If you would like to express any views on this, please provide further details:

4.10 A majority of respondents, 67% thought the threshold should be at its current value of 10% (five respondents) or higher (one respondent). Three respondents thought the threshold should be lowered to 5% for consistency with England.

4.11 Another issue raised was the date the threshold was set at should match recent changes in legislation.

4.12 Comments included:

- “The change of executive arrangements is quite a significant step change for local democracy and accordingly should garner local support. As such the 10% trigger should as a minimum be maintained. It is disappointing that views are not being sought in relation to a higher trigger”
- “Having Regard to the number of electorate in Some Local Authorities, and the significance of the decision to change executive governance arrangements (which it is proposed will be in place for 2 electoral cycles), the requirement of a minimum of 10% of the electorate for the Local Authority to trigger a referendum is considered appropriate.”
- “threshold should be reduced to 5% as per England.”
- “Yes, the threshold should be changed to allow for a consistent approach across England and Wales. At the same time, we also recommend that the date of the register in which the calculation is based should be reviewed. The 10% of registered electors is based on the electoral register having effect on 15 February each year (Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001) – when these regulations came in force the revised register of electors was published on 15 February each year. Following changes in legislation the revised register is now published by 1 December each year (or by 1 February where an election has taken place during canvass). It would therefore make sense to use the date of the annual revision of the register for the calculation instead.”
- “It should be the same threshold in England and Wales. The threshold in Wales should be 10%.”

Question 5 & 6

Please also explain how you believe the proposed policy on proposals to amend primary legislation which enables principal councils to change executive governance arrangements could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

4.13 89% of respondents did not anticipate any impact or did not feel in a position to comment. One respondent raised a general point to say the wider Local Government and Elections (Wales) Bill should reference the requirement to comply with the Welsh Language Standards as set out in the Welsh Language (Wales) Measure 2011.

4.14 Other comments included:

- “It is anticipated that there would be no effect.”
- “I do not think there would be much of an effect.”
- “The proposal does not appear to impact on the language.”
- “We do not foresee any impact on the Welsh language.”
- “All Local Authorities in Wales are required to comply with the Welsh Language Standards in accordance with the Welsh Language (Wales) Measure 2011, and therefore have a statutory duty to ensure that services are offered pro-actively via the medium of Welsh, and to ensure that Welsh language services are given equal prominence, are easily accessible, and are consistently available. Therefore the primary legislation for the Bill should also reference this requirement, in order to safeguard opportunities for Welsh speakers to be use Welsh, and on treating the Welsh language no less favourably than English.”

Question 7

7. 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 report them:

4.15 Respondents provided several comments; some were relevant to earlier questions and have been incorporated appropriately.

4.16 One respondent noted the pressure on the Welsh Government's legislative timetable and questioned the necessity of the proposed changes. They also questioned why proposals were not brought forward earlier.

4.17 A further respondent suggests that where a referendum fails another referendum should not be held remainder the current term and following 5 year term.

4.18 Comments made:

- "There are some general issues that are not covered in potential answers to the questions raised. Firstly we are advised of the pressure on the Welsh Government's Legislative programme in relation to other more pressing matters is this something taking up time where there is relevant legislation covering executive governance arrangements. The proposals in this consultation does little to affect these other than bring in a deadline. Is there clear evidence that the current system is not working indeed has any authority held a referendum to determine a change to executive governance. Secondly if it is so necessary to review the arrangements of executive governance what was this not included in the Local Government & Elections (Wales) Bill".
- "We would question whether there is a need to publish a notice of referendum in a newspaper as well as on the council website. Councils have a variety of methods for communicating and engaging with the public and it is felt that a notice in a newspaper is not the best method of communication and can be costly."
- "If a referendum fails to secure a change in governance arrangements, then a time limit should be imposed on a further referendum being called for the remainder of that 5 year term, together with one further 5 year term."

5. Next steps

- 5.1.** The Welsh Government has analysed and considered all responses and will use them to further develop the suggested changes to executive arrangements.
- 5.2.** Since the publication of the consultation circumstances in terms of the Welsh Government's legislative timetable and priorities has changed due to the continued novel coronavirus, Covid-19 outbreak.
- 5.3.** On the 23 April 2020, after the general principles debate for the Local Government and Elections (Wales) Bill, the Minister for Housing and Local Government wrote to the Equality, Local Government and Communities Committee to request a temporary suspension of the stage 2 scrutiny of the bill.
- 5.4.** Due to the likely constraints on the bill and the legislative programme at this time the provisions proposed in the consultation will not be brought forward as part of the Local Government and Elections (Wales) Bill.
- 5.5.** Officials will now consider how best to take forward alternative approaches and will be engaging again with stakeholders on those proposals.
- 5.6.** The results and analysis from this consultation will be considered as part of that development.

Annex 1

List of respondents

Name	Organisation
Councillor Richard Clark	Torfaen County Borough Council Labour Group
	Vale of Glamorgan Council
Caroline Evans	
Rys George/Angela Holden	Association of Electoral Administrators (AEA)
	Denbighshire County Council
Tracey Meredith	City and County of Swansea Council
Lynn Ball	Isle of Anglesey County Council
Eifion Evans	Ceredigion County Council
Glynne Morgan	Pembrokeshire County Council