

MEETING	CORPORATE SCRUTINY COMMITTEE
DATE	4 FEBRUARY, 2016
SUBJECT	DRAFT LOCAL GOVERNMENT (WALES) BILL
PURPOSE	To scrutinise in advance the Council's likely observations on the draft Local Government Bill
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The Government has published a draft bill and consultation paper on reforming Local Government. All the documents can be seen on the Welsh Government website by following this link:-

[http://gov.wales/consultations/localgovernment/draft-local-government-\(wales\)-bill-consultation/?skip=1&lang=en](http://gov.wales/consultations/localgovernment/draft-local-government-(wales)-bill-consultation/?skip=1&lang=en)

Observations on the bill, that is very broad, were invited from members and senior officers. Below is a first draft of observations on behalf of the Council in response to the draft Local Government Bill.

Elements of it have been discussed at the Standards Committee. Further guidance is sought from the Scrutiny Committee noting that other elements are likely to be considered by the Audit Committee before the observations are approved formally by the Cabinet on 16th February.

The main general observation to be made here is that there is significant concern about the degree of micro-management by the Assembly Government that arise from several of the proposals. In general this is a negative step that militates against councils' own accountability to their local communities.

Part 1: Local Government Areas and County Councils
(A) Proposals
1. The Bill proposes a move to 8 or 9 councils in Wales with two options for North Wales. The first choice means two councils (Gwynedd / Anglesey / Conwy and Denbigh / Flint / Wrexham). The second option is three councils (Gwynedd / Anglesey, Conway / Denbigh and finally Flint / Wrexham). The intention is to have the first elections to the new councils in May 2019 functioning as a shadow authority until April, 2020.
2. There are also proposals for the following:-
a) Removing the preserved councils (for the purposes of the lieutenancy etc))
b) Allowing councils to decide on their own names
c) Proposals for funding and accounting arrangements
(B) Observations
The Council's main responsibility is to safeguard the interests of Gwynedd residents and the

services provided for them. Because of this, and accepting the reality that change is unavoidable, the responsible thing to do is not to close the door on any possibility that could lead to savings in management, central or back-office costs that could, in turn, reduce the scale of cuts that any council would have to make in the coming years.

However, the Council does note some important considerations on which it would seek assurances and some questions that need answering prior to amalgamation:-

a) Ensuring accountable local democracy is crucial in moving ahead and any governance arrangements for the future must include arrangements for ensuring a dialogue on public services at a more local level than that of the current councils. Centralising in larger councils does carry a risk of distancing accountability from local communities and there is a need to improve the accountability and engagement of councils and individual members with residents and communities.

b) The pattern of public services for the future must include a meaningful role for town and community councils in terms of being responsible for and providing services.

c) In terms of the accountability of local members, assurances should be sought that the Boundary Commission proposals should not create wards that are too large, making the work of local members in engaging effectively with their communities harder. Specifically, assurances are sought that there will be no more multi-member wards, since such provision can confuse the accountability of local members within their wards.

ch) Operating a firm Language Policy to support the Welsh Language is crucial for any new council that Gwynedd would be part of in the future, including the objectives of the Council's current Language Plan:-

- to enable everyone who receives or uses the Council's services, or contributes to the democratic process, to do so through the medium of Welsh or English according to personal choice.
- to promote the use of the Welsh language in the life of the area and to be an anchor for the language in its resurgence throughout Wales.
- to promote the use of the Welsh language by other public bodies which have dealings with the Council, and to support and promote the use of Welsh by organisations and businesses which provide services for the public in the area of the Council.
- to establish Welsh as the official internal administrative language of the Council by providing facilities for in-post training to enable staff to develop their linguistic skills in Welsh and English.
- to develop the ability of pupils and students to be confidently bilingual in order that they can be full members of the bilingual society of which they are a part.

d) Certainty is required on the financial and asset position of every partner in order to assess the sort of financial position that any new council would inherit.

Having considered the above, the Council is of the opinion that having three councils across North Wales would be the best solution although it is not opposed to two councils

Part 2: General Competence

(A) Proposals

1. A power is to be introduced so that councils may do “anything that individuals generally may do” (with some exceptions in comparison with the current arrangements where there must be specific legislation for any action).
2. The intention is that the power will also be relevant to community councils in some circumstances

(B) Historic Views / Observations

1. The Council agrees with the emphasis on establishing a “power of general competence” that would enable us to do more things on behalf of our communities. The only concern would be whether the legal provisions around it would make it difficult to implement.
2. The Council has been concerned about legislation that would place pressures on community councils particularly the smaller ones but the current proposals seem to allow more freedom for larger councils with greater capacity without placing additional burdens on smaller councils

Part 3: Access to Local Government

(A) Proposals

1. The intention is to make it compulsory for councils to prepare strategies to ensure residents’ engagement in the democratic process.
2. The intention is to make the establishment of “community area committees” compulsory for all councils
3. The intention is to make discussions with other bodies on improving results in response to an “improvement request” compulsory
4. It is intended to make web-casting meetings that are open to the public compulsory

(B) Observations

1. The Council is opposed requirements to prepare documents because the preparation of a document as such does not benefit residents. Maybe the extent to which councils are engaging with residents should be the subject of external challenge by our regulators or particular attention in the proposed peer review rather than the subject of a strategic document?
2. The “community area committees” do not look very different to the old idea of community fora tha the Council has discussed in the past. The Council challenges whether the organisational requirements and the requirement for a statement of priorities adds real value to residents. Having said that, the idea of delegating functions to these committees make them more attractive and perhaps establishing such fora will be more important as councils’ sizes increase. Clarity would also be required about the relationship beytween these committees and the community council tier.
3. It appears tha the idea of an “improvement request” is an effort to ensure dialogue with bodies and groups about improving results. This is an attractive concept but placing it in a legislative framework creates unnecessary work.
4. The Council’s experimentation with web-casting has been partially succesful and it can be seen as part of the pattern of democratic services to residents. The Council’s only concern would be that it could lead to centralising where meetings are held and significant implementation costs

Part 4: Council Functions

(A) Proposals

1. The proposals set clear expectations on members to answer correspondence, attend meetings and training, hold surgeries and also prepare annual reports with the possibility of a member being referred to the Standards Committee if they fail to do so adequately.
2. Although there is no clause in the bill, the intention is for Ministers to have the power to direct the Independent Panel setting Members' Salaries and Expenses.
3. There is no proposal in the Bill but Ministers are expected to extend the provision for remote attendance at meetings.
4. There is a suggestion of introducing a system whereby a Council may (by vote at full Council) dismiss a Chief Executive, Finance Officer, Monitoring Officer and Head of Democratic Services as is the case in England at the moment.
5. The Bill introduces a system for giving earlier notice to community groups if councils want to dispose of assets

(B) Observations

1. This Council has traditionally opposed proposals to tell members how they should behave. However, there has been some concern recently about low attendance levels and the Council is in favour of mandatory annual reports. There is probably room to formalise some of the expectations on councillors but a danger that some elements are inflexible and would be difficult to implement.
2. The Council has already expressed concern about the risk of inappropriate influence by ministers on the work of the Independent Remuneration Panel. Their independence should be guaranteed.
3. "Remote Attendance" is clearly a good idea in a large area and it will be more so in a larger council area but, once again, there would be costs involved in securing technology that is robust enough to cope.
4. The Council sees no need to change the current arrangements for assessing the performance of and dismissing these senior officers. The current arrangements work and there is no need to change to what is effectively and English model.
5. The Council has always been progressive in seeking opportunities to transfer assets to community groups. However, we must be realistic about the capacity of some groups to cope with the transfer of assets or Service elements. The Council's experience suggests that it would be unwise to think that this is a broad solution to the problem of maintaining assets and delivering Services without substantial support from the Council in the transfer.

Part 5: Governance Arrangements

(A) Proposals

1. It is intended to place a duty on councils to ensure good governance including annual self-assessments and holding a peer review once in every council term.
2. There is a proposal that the Audit Committee should be a Corporate Governance and Audit Committee

(B) Observations

1. There is no problem on the duty for good governance – That should be a natural part of every council's work. One point that this council has made consistently is the need to reduce the external inspection burden. If the self-assessment and peer review facilitates this, it is to be welcomed subject to the requirements around them not being too onerous and bureaucratic. In addition the proposed system for considering complaints does raise a clear risk of the system being used for malicious intent
2. The idea of placing the responsibility for corporate governance clearly within the remit of a single committee is a good one but this Council would emphasise that more detailed issues such as where to discuss matters should be left to individual councils rather than being set out in statute.

Part 6: Community Councils

(A) Proposals

There is a proposal here to place a duty on county councils to consider the training needs of community councils in the area

(B) Observations

The Council is opposed to shouldering any additional burdens particularly at a time of financial restraint and this suggestion would fall into this category

Part 7: Workforce Matters

(A) Proposals

The Bill talks of giving Ministers the power to give guidance to councils on workforce matters

(B) Observations

Workforce planning is clearly a matter of some importance for every council as they look to the future but, once again, it is difficult to see what value guidance from the Welsh Government would add.