

## **Draft Local Government (Wales) Bill**

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

#### **Full Responses (1 – 50)**

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

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**26897 -0001: Mr J McKenzie**

**Tref / Town – N/A**

**Sefydliad / Organisation – N/A**

**PART 1**

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

There should be a provision for local electors to make a final decision on whether they want to retain the current system or agree to the new county arrangement, e.g. a referendum

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 old counties were not popular precisely because they were too big and did not respond to local concerns, returning to a failed arrangement without evidence that it is supported by or improves the experience of local electors will lead straight to failure of the new organisations.

Wrexham in particular was badly served by previous arrangements and led to compromises on the site of Clwyd C.C. offices and Theatre Clwyd that gave no benefit to the town.

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

Too small a number of councils, larger size does not mean good governance or good decisions. Bridgend and Merthyr do not make a Birmingham, they are still separate places with different problems, you cannot measure a local authority by number of people, people are not units.

From 1891 Wales had 13 county councils, 4 county boroughs and some 162 urban & rural district councils. A total of 179 council authorities and a huge number of councillors representing their local areas.

1974 saw that reduced to 8 counties and 37 district councils, some 45 council authorities.

1996 saw the total number of authorities reduced to 22.

Now that is still too many and now we only need 8. The pretence about local democracy should be dropped as large authorities cover diverse towns and economies and cannot represent the needs of individual urban areas. Democracy will no longer be local, it will be denuded. For example I live in Wrexham and do not associate with or go to Connahs Quay, I would rather my representative deal with the problems in my area rather than more remote towns.

As a simple example of the problem you will cause, as soon as these larger authorities come into existence the remaining staff will tend to be concentrated in one urban area reducing the economic benefits or multiplier of wages & expenditure to several other areas. Capital spending will tend to be based on a compromises, such as with the old Clwyd C.C. and so will not reach their full economic potential, e.g. Theatre Clwyd.

I can understand why some authorities can be thought to be too small but the answer would seem to be to share services and costs. A simple example: Councils have a responsibility under the Pet Animals Act 1951 to licence Pet Shops (Zoos and Puppy breeding), and so this could simply be commissioned on a regional basis for its more efficient delivery, the organisation owned jointly by all councils in the consortium. This can be scaled up for different services such as planning or trading standards while retaining differing sets of local focus or delivery.

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 opinion.

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

What do you name areas with no historical association, Wrexham and Flintshire describe exactly the areas they serve. You either end up with a meaningless name like the old Clwyd or combine the names immediately advertising the weakness of the organisation. Wrexham is known throughout the UK and often abroad (if only in association with football), but Clwyd was and remains an invisible unknown place.

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

Mix it up, 3 year terms for two separate halves of council chamber

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?

Commercial organisations should have exactly the same responsibilities as Council Tax payers, but a local income tax for individuals combined with a land value tax would be a fairer system.

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

With difficulty! Possibly by linking with payment of utility bills or usage of metered supplies, electricity, gas, water, phone, broadband to ascertain whether property is in use.

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?

Commercial organisations should have exactly the same responsibilities as Council Tax payers

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?

Transfer the assessment and collection to an all Wales Tax authority, there is a cross over with stamp duty land tax.

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 and abolish Lord Lieutenants and High Sheriffs a meaningless expensive fancy dress parade.

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

Probably but not that I am aware of.

## **PART 2**

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

No

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

No

### **PART 3**

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

All meetings should be in public with a public right to record proceedings

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

Meaningful consultation with a detailed summary sent to every elector.

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

The old councils should control the shared services your suggested area committees will have no teeth

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?

Keep the old councils then you have no need to delegate powers back to a poor replacement.

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?

By reducing adults wish to be involved you will inevitably reduce children's and young peoples participation if solely by geographical separation.

## **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?

Yes

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

No

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

Yes they should be able to dismiss and the Welsh Government should be restricting and standardising the remuneration of such individuals and linking it with median pay in the local authority area, ie increase economic activity and local GVA get increased pay.

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?

Does the minister have to undergo compulsory training? If not why should a

councillor.

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

Too long. 3 year terms.

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

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

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

Not everyone has access to computers or decent broadband. There should be a requirement to publicise as local media is poor to non-existent

## **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.

26897 -0002 : Skwirel Vincent

**Tref / Town – Swansea**  
**Sefydliad / Organisation – N/A**

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?

My opinion is that there should be 2 Counties in North Wales, based primarily on the population per county and lower financial variance. Organisations outside the county structures, such as police, fire and health, should not be factors in the resultant county decisions.

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

I am in agreement with all other proposed future counties, based on geography, shared history and great potential for new common identities.

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

My view is that this procedure is potentially undemocratic and a huge missed opportunity. Whilst I would like to think that most Shadow Authorities will provide a level of public consultation on the future names of the new counties,

I am inclined to think that even those that do consult will still make a final decision that may be against the wishes of the majority of their constituents.

If the Welsh Assembly were to mandate full and binding consultations and/or votes on the new names, this would not only ensure that the resultant names were reflective of the identity of the majority of respondents, but it would be a great opportunity for the entirety of each of the new counties to coalesce their shared identity together, providing a much-needed boost to the collaborative spirit needed to ensure the new counties are effective communities and identities as soon as possible.

As for my personal opinion, the best options would be to either go with historic counties as much as possible (e.g. West-, Mid- and South-Glamorgan, and Monmouthshire for the majority of South Wales), or to name the counties around their largest Town or City, such as the current counties of Wrexham, Swansea, Bridgend, Merthyr Tydfil and Cardiff. Neath Port Talbot and Rhondda Cynon Taff have always struck me as clumsy names, including the maximum number of old identities within the name, rather than forging a single identity for the inhabitants of either county.

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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?

I agree that the preserved counties should be abolished and consequential amendments made to Lord-Lieutenants and High Sheriffs (should these symbolic roles prove impossible to remove entirely). The titles of these positions should reflect the names of the new counties to further demonstrate the breaks with the obsolete past. The current situation where for example we have a Lord-Lieutenant of West Glamorgan confuses many people into thinking that West Glamorgan itself still exists as a body to which the City and County of Swansea is subordinate.

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

All meetings should be viewable live online, with minutes also published online. This will have a greater importance going forward due to the geographically larger counties and greater distances many constituents would need to travel should they wish to attend the meetings. Should online attendees wish to speak or participate in the meetings, reasonable adjustments should be made to enable this. Technology already exists to allow participation, and integration of external services such as Twitter can allow non-intrusive participation.



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

Enabling voting at local and national levels from the age of 16 will allow young people to engage with their democratic institutions whilst still in education, and create an onus on schools to educate young people on how to vote and what it means – changes to the Personal and Social Education Curriculum will also enhance further participation. Otherwise Youth Councils on their own are unlikely to enhance participation by many more young people than the few who will be able to participate directly in the Youth Councils.

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

Remote attendance by both councillors and constituents will be even more important with the larger counties. Increased flexibility should include additional technology options – such as attending through many different types of devices. Anything that can be done to ensure councillors attend more of their meetings more often can only be a good thing – remote attendance is far better than no attendance.

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

Whilst e-petitions should enable to possibility of greater engagement with communities, care should be taken that constituents who would have previously taken part in community polls to participate through the e-petitions, whether or not they are regularly online / 'net-savvy'.

**26897 -0003 : Nia Thomas**

**Tref / Town – N/A**

**Sefydliad / Organisation – N/A**

Dear Sirs

I am very concerned about proposals to establish local authority boundaries that are not coterminous with local health board boundaries. I think that opportunities for implementation and embedding real partnership working will be lost where organisations are not coterminous.

I would like to see a Wales that is forward thinking in terms of meeting the Social Services and Wellbeing Act and Wellbeing of Future Generations agenda across organisations and for Wales to be well placed to consider merged health and local authority organisations in the future

It is hard to believe that local authorities themselves did not put forward logical and realistic proposals for merger and shape based on the current geography of partnership working. Again they missed the opportunity to influence the reorganisation agenda and are now in a position where Ministers are making decisions for them. I feel this was very short sighted on the part of Local Authorities.

I implore you to reconsider proposed boundaries where they are currently not coterminous with LHB boundaries

Nia D Thomas JP, LLB, MSc, MAR.

Sent from my iPad

**26897-0004 : Owen Jordan**

**Tref / Town – Swansea**

**Sefydliad / Organisation – Jordans Construction Consultancy**

Dear Sirs,

As a consultant involved in education, planning and energy issues, I write to contribute to the debate over reform of local government in Wales, where I have lived and practised for forty years. Whilst not in Wales when the 1974 reform took place, I was employed in local government at the time, when rearranging the deckchairs on the Titanic was clearly very much in vogue, as it was in the 1993 reform. At that point I was busy with education projects in voluntary aided schools, and the level of competence brought to that by the new education authorities was very low indeed. So low in fact that I eventually withdrew from the work; it simply was not worth the effort trying to persuade the local education officers to handle VA schools as the law required, and as they often point blank refused to do.

Much the same experience has been my lot in the past two decades in other fields where local authorities have been rather more impedimenta to getting things done, than helping. In some areas - energy is especially relevant - the LPA's have proved themselves utterly ignorant of almost all that they should have been knowledgeable in. Worse, if that were possible, has been the level of understanding by the elected officers; obliged to take advice from incompetent staff, they have demonstrated their ignorance to an equal extent.

I could say the same for building control, where I have been obliged to threaten an LABC with legal action to obtain completion of projects, and there is a severe undercurrent in LABC of trying to steal work off private companies - who do a far superior job - by manipulating the application process.

Not a happy picture.

So what reform should take place? There is perhaps space for no more than four local authorities - on the grounds of population served - in Wales; SE and SW Wales, Mid and North Wales. A small case could be made for NE and NW Wales authorities, but five is probably the maximum anyone would wish to see. Would that improve matters? Not unless there is serious reform of attitudes so that people committed to service are employed with the right qualifications and experience; both these traits appear seriously lacking, where salaries at the top end attract useless chief officers, and below them cadres of ignorance and indifference. Part of the Thatcher legacy, I agree, but it does need something doing to it. Persuading decent people to want careers in local government is quite a challenge; creating the conditions where they will stay and thrive, and be some use, is another. Possibly greater.

My intuition tells me that there is not really any need for local government tiers below WAG; the Assembly is a local government, of sorts, and getting that Augean stables mucked out and running properly is quite a challenge in itself. Better to focus on the essential than try and create yet another layer of limited value and worth.

It all boils down really to getting the right structures that will attract the right people to do the jobs. To date, probably since 1974, and certainly since 1985, that has not been the case. More of the same, even if fewer in number (and the few will already be eyeing up the more plunder and plate - 6 months chief officer double salaries at changeover, yes?) will simply mean a bigger dinosaur; unfit for the age it finds itself in.

Service, not greed. Quite a challenge.

Yours Sincerely,

Owen Jordan. BSc(ARCH) MCIOB.

**26897-0005 : Dr Peter Cloughton MCIfA**

**Tref / Town – Clynderwen, Pembrokeshire**  
**Sefydliad / Organisation : N/A**

Dear Sir,

Under no circumstances can I accept a return to a 'super-council' embracing the historic counties of Ceredigion (Cardiganshire), Pembrokeshire and Carmarthenshire. This was tried for over twenty years up until 1996, as Dyfed, and was an abject failure. The Dyfed council area was far too large, with the administration in Carmarthen having little, if any appreciation of the needs of the residents in the western parts.

Our identity is with our historic counties, going back at least four hundred years. We should be governed locally, not from some remote location up to 60 miles to the south-east.

I trust you will reconsider the idea of reverting to Dyfed - otherwise I, for one, would be obliged to withdraw support for the current Welsh Assembly government.

Yours faithfully

Peter Claughton

**26897-0006 : The Emeritus Professor JDR Thomas DSc**

**Tref / Town – Wrexham**  
**Sefydliad / Organisation : N/A**

Annwyl Wir Anrhydeddus Carwyn Jones,

Gan I'm syniadau am ad-drefnu Cyngorau Cymru eu cyhoeddu yn y WESTERN MAIL a'r DAILY POST heddiw, penderfynnaf y dylech dderbyn copi o'm e-bost mewn ateb I Mr Morrell o'r WESTERN MAIL. Felly dyma fe. Gwelaf y dylau Cymru symud i gyfeiriad fyn syniad NAWR, gan y bydd galw eto yn weddol fuan ar y Syniadau a gydhoeddiwyd ddoe.

Yr eiddoch yn Gywir,  
JDR o Wynfe

From: The Emeritus Professor JDR Thomas DSc

...

Dear Right Honourable Carwyn Jones

As my ideas for reorganising Welsh Councils are published in the Western Mail and Daily Post today, I have decided you should receive a copy of my email in answer to Mr Morrell of the Western Mail. So here it is. I see that Wales should move in the direction of my idea NOW, as there will a need again shortly for the Ideas published yesterday.

Yours sincerely

JDR from Wynfe

From: Emeritus Professor J D R Thomas DSc

Dear Mr Morrell,

Many thanks for your e-mail, and even more for publishing my view in today's (Thursday 26 November) WESTERN MAIL, and for placing it first. I'm impressed as it was rather late in the day for me to send it - due to Wednesday's events in Parliament and my caring for nearly 10 years for my Stroke disabled wife. WELL DONE and for you to match The DAILY POST, as it also has published a parallel version (so I'm sending a copy of this e-mail there as well).

Yes, I'm impressed. And having lived my childhood and young youth north of the Black Mountain of Carmarthenshire I know that my proposal for a County based on SOUTH WEST WALES to be viable as life spread out beyond Carmarthenshire (birth County of my Great Uncle Sir John Williams, Bart - Founder President of the National Library of Wales - I'm a thrice removed 1st Cousin) to pre-1974 Breconshire, Pembrokeshire, Cardiganshire, Swansea, Neath and as far as Porthcawl (meaning that SOUTH WEST WALES could include the present Bridgend). Furthermore, having lived for half my life in the proposed SOUTH EAST WALES I know that this is viable (as, for example, I covered Careers Evenings over the whole of post-1974 Monmouthshire with Newport). Finally, my retirement of a near quarter Century has been in the proposed NORTH WALES, and I've travelled much from Wrexham to Bangor, Ynys Mon, and to Llandrindod and Aberystwyth via Dolgellau.

Yes considerable rationalisation of the Council structure of Wales along the suggested lines is truly viable.

Regards,  
JDR

Dear Western Mail Editor,

I'm forwarding this again, as I overlooked the ending courtesies. In any case, the inclusion of Ceredigion into **North Wales** isn't crazy, as its Rail link goes to Shrewsbury via Welshpool.

Regards,  
JDR

Dear WESTERN MAIL Editor,

You are invited to publish the following in your Views of Wales columns:

"SIR - Today's Councils cull detailed in the WESTERN MAIL is hardly worth the hassle. It ought to have been far more drastic to fit this day and age. Indeed, in regard to the Wales population of around 3 million people just three County Councils would be adequate.

A suggested scheme for three counties would be along the lines of **South West Wales**, taking in the present Siroedd of Penfro and Caerfyrddin along with the pre 1974 Breconshire and the present Swansea and Neath Port Talbot; **North Wales**, taking in all the existing counties in North Wales

including Ynys Mon plus Cardigan, and the pre-1974 Montgomeryshire and Radnorshire; and the rest as **South East Wales**.

This would do away with the need for a so-called "City Region" around Cardiff and give equal status to the rest of Wales. Also, it would lessen the need for increasing the size of the National Assembly as some responsibilities could be delegated among the three County Councils.

**Emeritus Professor JDR Thomas  
Gresford Wrexham"**

Many thanks,  
Yours Sincerely  
JDR.

**26897-0007 : Paul Barrett**

**Tref / Town : N/A  
Sefydliad / Organisation : N/A**

Good morning.

Further to the recent publication of draft proposals to reduce the number of Councils in Wales.

Whilst the proposal to merge the three County Councils in south-west Wales into a re-formed Dyfed may have simplicity and convenience, at least in one specific element and in my opinion, it fails to reflect the existing and developing situation on the ground.

Llanelli and the surrounding areas are more closely linked to Swansea - historically and industrially - than to predominantly rural Carmarthenshire. In terms of many local, regional and national public services, Swansea rather than Carmarthen is the focus. Geographically and in terms of socio-economic development, the creation of a unified authority for the Swansea Bay City Region - an area including Llanelli, Burry Port and Ammanford - would be both logical and sensible. Such areas would be anachronistic as well as peripheral in a re-formed Dyfed.

I would urge you to consider this issue in detail.

Yours.

Mr.P.Barrett.

**26897-0008 : Keith Toy**

**Tref / Town : Colwyn Bay**

## **Sefydliad / Organisation : N/A**

As a resident of Conwy, I would like to make the following observations about the consultation you are currently undertaking.

1. I am currently satisfied as a council tax payer with the efficiency and cost effectiveness of the way in which Conwy Council delivers most of its services
2. Any re-organisation makes initial demands upon finances, at a time when all councils suffer financial difficulties
3. Many of these demands are in areas, such as re-branding, which do not contribute to the efficient delivery of services
4. I am sure there is further scope for collaborative activities among adjacent councils which would deliver economies of scale.
5. We have suffered continual "re-organisations" and do not want the further disruptions and lack of clarity they initially bring in their wake.

I am clearly opposed to any re-organisation, but should this be decided upon, I would suggest

1. I live in Colwyn Bay, which has the second largest population of any town in North Wales
2. The residents of this town, and of townships such as Towyn and Kinmel Bay, look to the east for most of their services, especially for health and social care.
3. Denbighshire, therefore, would seem to me to be the most natural and sensible partner for Conwy.
4. Reports in the local press suggest that there is already considerable collaborative working between Conwy and Denbighshire in attempts to achieve economies of scale.

I hope that my views will be taken into account.

**26897-0009 : Julian Mahy**

**Tref / Town : Colwyn Bay**

**Sefydliad / Organisation : N/A**

As a resident of Conwy, I would like to state that if there has to be a change in the local authorities in Wales, then my preferred option would be to have a merger between Conwy and Denbighshire. There is considerable common ground between these two authorities and similarity in their profiles, size and community characteristics. The coastal towns share similar strengths and challenges. Their hinterland has a common characteristic in terms of population, rural economy, use of Welsh language, cultural and leisure facilities. Conwy and Denbighshire authorities (not just local government) have worked co-operatively in the recent past. From my own experience in the magistrates' courts, I know that there is a good sense of mutual understanding and co-operation. The alternative proposal comes a poor second.

Julian Mahy, Colwyn Bay  
If you need further details , please ask.

**26897-0010 : Adam Graham**

**Tref / Town : Prestatyn**  
**Sefydliad / Organisation : N/A**

Dear Sir/Madam,

Please find a consultation response attached for the consultation that you are running on the Draft Local Government Bill.

I am only commenting on three of the questions from the consultation response form so I have adapted the form to simply accomodate the comments that I need to make. If you require the comments on the full form please let me know and I will copy them across.

I have also attached a sketch that I hope makes some of my comments clearer.

Thank you

Adam

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?

And

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

Although the current structure of local government is unsustainable, having geographically small counties does mean that decisions are made locally in North Wales. Having two large counties would see (or at least create the perception of) decisions being made more remotely from a number of towns in the region. This is particularly important in North Wales given the disconnect we feel from both Cardiff and London.

The current structure means that in Denbighshire the county council have only a small number of towns to focus their priorities on and investment in. This has created an environment in which Prestatyn has been able to thrive and ambitious plans for Rhyl are currently being developed. If these towns were in a county with Flint, Holywell, Connah's Quay, Mold, and Wrexham (with decisions being made in one of those towns) there is a very real danger that the investment would be focused on the towns in the east, to the detriment of



Rhyl and Prestatyn.

I think there would be less concern if the merger of councils brought Rhyl and Prestatyn together with Colwyn Bay and Llandudno as there are more natural links between these towns (in terms of residents' lifestyles and tourist movements), meaning that any investment can be mutually beneficial.

For those reasons, I think three counties in the North would be the better of the two proposed solutions for North Wales.

The structure of other public bodies noted in the consultation document is also an important consideration. Any re-structure of local government that does not reflect the structure of Police, Fire and Health services is likely to mean a costly restructure of those services, reducing the overall saving to the public purse of these proposals.

However, this review has the potential to start from scratch and create a local government structure in North Wales that better reflects the lifestyles, economy of North Wales, and the links between the communities of the region. This is a unique opportunity to start with a blank map and design a local government structure that really works for Wales, without being tied to existing county boundaries.

At present all of the counties in North Wales (east of Gwynedd) are narrow (east to west) and long (north to south), but economically and culturally the links are east to west, particularly along the coastal strip:

- The main transport links across the region reflect the predominant movements that people make, and all run east to west – the railway line, the A55, the A5, and the A548. In the current structure local authorities cannot develop transport policies that consider the main journeys that people make as they are only able to look at the narrow part of the journey that sits within their boundary. It would seem to also have an effect on things such as planning school transport routes, planning bin collection routes, and on the costs associated with those.
- A vital part of the economy in North Wales is tourism. Tourists do not care which local authority area their caravan is in, but many of them see the area between Talacre and Llandudno as almost one destination. A more comprehensive regeneration or Tourist Economy strategy could be developed if that whole area was under the control of one authority.
- It would appear that the biggest threat to the growth and development of some of the towns in Denbighshire and Conwy is the transport links to North West England and the motorway network. That is something that Conwy and Denbighshire have no control over as all of the

relevant roads go through Flintshire.

- The county boundaries separate villages from the towns that residents look to for services. An example of this is Gronant (Flintshire) which has very strong physical and cultural links with Prestatyn (Denbighshire). Gronant residents go to school in Prestatyn, and they use the library etc in Prestatyn, but pay their council tax to Flintshire. A similar situation exists between Towyn/Kinmel Bay (Conwy) and Rhyl (Denbighshire). This surely has implications for things such as school transport budgets, school applications, and library budgets.
- An example that brings all of these things together is the open top bus that runs between Talacre and Towyn in the summer, connecting the main tourist attractions to the larger caravan parks. The service has an 11-mile route but moves through three counties.

A solution to this could be the creation of two counties covering the area that is currently made up of Wrexham, Flintshire, Denbighshire and Conwy:

- A coastal county focussed on industry and tourism covering Deeside, Flint, Prestatyn, Rhyl, Colwyn Bay, Llandudno (roughly the red area on the attached image), able to exploit strong links with Chester and the North West
- And another county covering Wrexham, Mold, Rhuthin, Denbigh (roughly the blue area on the attached image), focussing on the rural economy, and the further growth and regeneration of Wrexham.

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

Allowing the shadow authorities to determine the names of their new counties, as opposed to having names imposed on them, is a good idea.

However, it is important that local people living in the counties should be able to connect and relate to the new names for their home counties, so I would suggest giving residents a say in the name of the counties – possibly through a ballot or an on line poll. The way that New Zealand are currently looking to re-design their national flag is a good example of this.

As well as making residents feel included it would allow them to build a connection with the new county name and would also raise awareness of this process amongst the general public.

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

The short term cost of implementing these changes is likely to be high, and this should not be borne by the affected local authorities.

To ensure that local services do not suffer as a result of the changes, costs such as new office buildings, re-branding, and redundancies should be met by the Welsh Assembly Government.



**26897-0011 : Mel Edwards**

**Tref / Town : Llanelli**

**Sefydliad / Organisation : Llanelli Town Council**

Dear Colleague,

I am responding on behalf of LLANELLI TOWN COUNCIL

The Town Council wishes to respond to Questions 6.2, 6.3 and 6.7

Question 6.2 - Yes - the Boundary Commission should be required to submit its draft reports to Shadow Authorities from May 2019;

Question 6.3 - Implementation of the Boundary Commission's recommendations should be the responsibility of the Boundary Commission;

Question 6.7 - The duty to set objectives for the Clerk should rest on the Council as a whole.

Yours faithfully,

**Mel Edwards**

Clerc y Dref / Town ClerkCyngor Tref Llanelli / Llanelli Town Council

**26897-0012 : Glenda Burke**

**Tref / Town : Porthmadog**

**Sefydliad / Organisation : Porthmadog Town Council**

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

Mae Cyngor Tref Porthmadog o blaid cael tri chynghor yn y gogledd, sy'n golygu ein bod o blaid uno Gwynedd a Môn, ac yn gwrthwynebu uno Gwynedd, Môn a Chonwy.

Y rhesymau am benderfyniad Cyngor Tref Porthmadog yw hyn:

1. Bydd uno Gwynedd, Môn a Chonwy yn cael effaith andwyol ar bolisi iaith Gwynedd a bydd colli ansawdd gwasanaeth yn y Gymraeg.
2. Gall uno Gwynedd, Môn a Chonwy olygu canoli rhai gwasanaethau a swyddi sydd ar hyn o bryd yn y Wynedd wledig, ac o fewn cyrraedd taith gwaith i Borthmadog, ar hyd glannau'r gogledd. Mae Porthmadog wedi colli llawer iawn o swyddi'n ddiweddar, a phryderir yn fawr am y posibilïad o golli rhagor.

Question 1.2

Porthmadog Town Council in favour of three councils in the North, which means that we are in favour of merging the Gwynedd and Môn, and opposed the merger of Gwynedd, Anglesey and Conwy.

The reasons for decision of Porthmadog Town Council is this:

1. Merger Gwynedd, Anglesey and Conwy is having a detrimental effect on the language policy of Gwynedd and the loss of quality of service in Welsh.
2. Can merge Gwynedd, Anglesey and Conwy mean centralisation of some services and jobs currently in the Gwynedd rural, and accessible work trip to porthmadog, along the banks of the North. Porthmadog have lost a lot of jobs recently, and phryderir for the possibility of losing more.

**26897-0013 : Anonymous**

**Tref / Town : N/A**

**Sefydliad / Organisation : N/A**

## **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?

Demographically and economically the current counties of Conwy and Denbighshire are very alike. They are also far more in the use of English and Welsh in day to day and business life than are Coney and Gwynedd. I therefore feel that Conwy and Denbighshire would be a far more successful merged county, as proposed in table 2, than that proposed in table 1.

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

Conwy would be far more successfully merged with Denbighshire than with any other North Wales authority as they are already alike economically and demographically and have a lot of shared services already. Also it is important not to put any potential European funding at risk by merging counties which do not have similar access to funding provision. This would be best served by merging Conwy and Denbighshire than by any other proposals

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

I would prefer councils not to be merged at all as they are currently working very successfully and I do not believe that service will be improved at all by merging. Also, I do not think that merging any counties will result in any financial benefits or savings.

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?

Yes

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

Should be done by public vote

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

It seems reasonable as proposed

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?

Lack of proven financial benefits is my main reason for being against the merger of Councils altogether. NNDR rates will be a big factor for dissension by many residents who will see their payments increase following merger. Apart from my general objection to merger, the proposals set out in the bill seem sensible.

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

Avoidance of all payments of this kind will increase if councils are merged into bigger authorities as there will be fewer officer covering larger areas and more chance for abusers of the system to slip through the net.

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?

By not merging (see above)

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

By having a larger number of officers covering this issue.

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

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

How the proposed local authority mergers will be funded. This has not been made clear. We (residents) are aware that the local authorities have no funding for this and it would seem neither does the Welsh Government. I have not seen any WG proposals to fund the merger or pass on funding to Local Authorities to carry out merger. The last merger in 1996 did not produce any savings.

## **PART 2**

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

Will not be very easy to initiate and measure. Will not be easy to put across to residents how their council is performing in comparison to others. Residents just want to have the use of good services, not indicators and spin!

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

It will be very subjective to prove this and open to 'abuse' by spin doctors within and without the different councils. Not a very fair method of measurement as too subjective!

## **PART 3**

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

It is a good idea to encourage public and community group participation



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 a god idea to encourage public and community group participation

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

No opinion

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

Yes, that is a good idea but should be subject to mutual agreement a majority vote

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?

Lead in time should be sufficient with some flexibility to allow for problems as they arise

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

No

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

No

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

It is a good idea but difficult to instigate and ensure even participation in all areas, but that should not prevent the attempt!

#### **PART 4**

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

It is a good idea to have groups involved in service improvement in principal but final decisions and instigation should remain with the trained officers within the local authority.

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

No

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

No

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

Councillors should not be remunerated above the previously justified level in any circumstances.

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

NO. Elected members should be present to represent their elector's views and needs.

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

No

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

This ability would help ensure accountability

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 the changes are a good idea and will help avoid stagnation of duties

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

The system works as it is and will not benefit from being changed

## **PART 5**

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

I agree with proposals which will promote enhanced governance being put in place and maintained

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

As long as it is not too onerous and take up too much officer time, then it is a good idea. It should not become something which gets done for no reason though, only as a means to a visible, helpful end!

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

No

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

No

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

No

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

Yes

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

No, not necessary

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

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 County Councils should implement this with sufficient man power provision

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

This is a god idea

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 should remain as it is to facilitate removal of problems

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 good idea

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?

I do not agree with this proposal. It is open to abuse and too heavily weighted towards those with internet access . Older people will feel left out and that their views no longer count

## **PART 7**

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

No

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more

constrained in the matters on which it could issue guidance than a non-statutory Commission?

No

## **PART 8**

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

No

## **ADDITIONAL QUESTIONS**

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

No

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

None

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.

N/A



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

✓

**26897-0014 : Roy Owen**

**Tref / Town : N/A**

**Sefydliad / Organisation : N/A**

Dear Sir madam

I see another consultation on reforming councils in Wales my first Question is why as a rate payer in Gwynedd I believe that we get value for money by the council that's Gwynedd council. I also believe that the assembly have forgotten us up in the north I seems that people on the street believe that everything is going to Cardiff, there is no need for any changes or consultations people are fed up with all of it also people are stopping going to vote because of all this no one in my family votes for the assembly elections why, I go back to my first question why do we need for fewer councils and to your question on the town councils I am very sorry the experience is not there they need a few years to prepare for these massive changes as people today expect more especially with the high volume of unemployment we have lost all our industries in Caernarfon so wages are very low and the main employer is Gwynedd council if we have fewer councils then, of course less jobs the reforming of councils has been a mess for years and really should be forgotten just the same as the boundary consultant again a waste of public money the assembly should be looking in investing in councils to better the services for the people of Wales please rethink .

Kind regards Roy Owen rate payer Gwynedd Sent from my iPad

**26897-0015 : Rowland Launchbury**

**Tref / Town : Cilybebyll**

**Sefydliad / Organisation : Cyngor Cymuned CILYBEBYLL  
Community Council**

My Council has decided to ask that you note this excerpt from its Minutes reflecting its views -

## **WELSH GOVERNMENT CONSULTATION – DRAFT LOCAL GOVERNMENT (WALES) BILL**

The Clerk referred to the Welsh Government's consultation document on the Draft Local Government (Wales) Bill and its Explanatory Memorandum. Following discussion, RESOLVED that Council offer the following comments :

Council accepts the principle of training Councillors, but believes that the context and funding for this should be set and provided by Welsh Government, and that Councils should agree their own programme.

In relation to the General Power of Competence referred to, Council is concerned that the criteria requiring the qualification of Clerks and a proportion of councillors to be elected could be counter-productive and result in a loss of experienced personnel, and the inability of councils to be properly resourced with Members.

**26897-0016 : C Williams**

**Tref / Town : Spittal, Haverfordwest**

**Sefydliad / Organisation : Spittal Community Council**

To whom it may concern

Consultation on Draft Local Government (Wales) Bill and Explanatory Memorandum

Spittal Community Council would like to respond to the proposal for the re-creation of the former Dyfed local authority area.

Spittal Community Council are against this proposal for the following reasons :

1. This model of local government failed before and there is no reason to believe that it will succeed this time. The area covered in the proposal is huge and the distances involved will have huge implications for the people living in these rural areas. We are currently experiencing major problems with changes brought about by Hywel Dda Health Board which affect our local hospital – these distances are small compared to proposals for Dyfed – but their impact is enormous.
2. There would be loss of local accountability and decision making. Local people already feel that their views are not listened to – an area three times the size of Pembrokeshire and this problem would be amplified.
3. The costs involved in making these changes will be huge – there is no need for this level of expenditure in the current economic climate.
4. The difference in Council Tax levels is great between the three Counties – would this mean increases for the people of Pembrokeshire with no improvement in services.

5. Pembrokeshire is a brand and one of which we are very proud. We rely on tourism and we rely on the food industry to provide employment and generate income. This was never the same under Dyfed.

6. Centralisation is the curse of the rural communities on the edge, we are already a long way from Cardiff (where we feel all the decisions are being made) – these proposals will make Pembrokeshire more of an ‘outback’ , less involved than at present with less of a ‘voice’.

**26897-0017 : Dr Peter Jones**

**Tref / Town : N/A**

**Sefydliad / Organisation : Trelawnyd & Gwaenysgor  
Community Councillor**

### **Comments on Local Government (Wales) Bill**

1.2 The concept of 3 rather than 2 counties would provide much better representation.

1.3 We doubt that local issues will be adequately addressed, nor that the proposed area boards - a 3 tier system - will resolve this.

1.5 It would be convenient to revert to previous county names when-ever possible

1.11 Yes

2.2 Seem sound. A difficulty is in the most rural areas where distances are excessive, communications difficult in the hills and attendances much more costly?

3.2 There is difficulty in obtaining an informed public consultation. People do not have the time or perhaps the desire to properly understand issues.

3.3 There should be avoidance in a political party approach as they are inappropriate at the community level.

3.4 Broad central uniformity with local inputs best otherwise a post code lottery.

3.5 A transitional arrangement will add more not less disruption. Not a good idea.

3.6 The idea of community groups seems unrealistic. Enthusiastic public involvement is a rare commodity at our local level.

3.8 Children no, but young people yes to represent the younger views.

4.3 This seems a back door to passing costs to others

4.4 A political not independent decision process would result and this would be wrong.

4.5 I do not agree with remote attendance, listening to the views of others is important as it gives a sounder judgement.

4.7 Provided legal support is available to provide judgement on employment law.

5.5 There should always be independent scrutiny of public accounts and officials.

- 6.1 What exactly a community council would be or who they would represent is not clear. More detail on the community groupings is required. Community councils act at a very local level and combining a number of communities will result, in effect, as small county councils. I currently work in a 2 village community council and this is difficult enough.
- 6.2 Until the details of how the disproportionate village sizes on combined councils is announced it is not possible to comment on the proposals.
- 6.3 Local knowledge is important so the County Councils should try to decide but arbitration may be necessary in the case of inter-council disagreements.
- 6.4 It should be available but not compulsory
- 6.5 OK provided there is the ability to substitute weak councillors before the time expires.
- 6.6 There should be the right but it should not be a requirement.
- 6.7 Yes as part of the business plan.
- 6.8 e-petitions can be part of the system but not exclusive. Not all have internet.
- 9.2 Larger participation would be achieved if there were concise information to read.

We are all busy and do not have time to read too much detail. The concept of executive summary details would be helpful.

## **26897-0018 : Mandy Evans**

**Tref / Town : Abergele**

**Sefydliad / Organisation : Abergele Town Council**

### **PART 1**

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

The population of all counties should be more proportionate.

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?

Consideration is given to reforming the old Counties of Clwyd and Gwynedd. The preferred choice would be option on Table 2

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

The population should more equal as the counties populations in south of Wales is very much higher than in the north counties and these should be much smaller to balance. One county in the north would not be an acceptable alternative

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

n/a

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

Agree with the draft document

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

With regard to Town and Community Councils to have two three year terms not one 6 year term 2017 and 2020 as six years is a long time for a councillor to serve

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?

n/a

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

n/a

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?

n/a

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?

n/a

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

n/a

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

n/a

## **PART 2**

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

Agree with the principals of part 2 of the draft bill.

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

Agree with the principals of part 2 of the draft bill.

## **PART 3**

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

Concern with regard to the community area committee. Is there a need?

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 currently consult with the public on a regular basis through various different methods of communication but it is very difficult to facilitate all requests through the budget and must be prioritised by the council

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

Strongly oppose this as another tear of 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?

Strongly oppose the committee

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

See above

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)?

n/a

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

Cost implications for the Community Councils of recording 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?

No objection to the Measure 2010 criteria, which is already in place at the Council



## PART 4

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

There is a benefit to a Councillor being a Town and Community Councillor and a County Councillor, as they are more in touch with the needs of the Community as a whole

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

Town and Community Councils should be given the option to acquire the asset before it is offered for sale.

## PART 5

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

## **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?

No they should remain independent

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 responsibility of the boundary commission

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

Yes, this is beneficial to both the Council and the 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?

Please see section 1 question 1.6 above

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?

Yes, this is beneficial to both Councillors and employees

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

It should be done by the Council as a whole in consultation with the Clerk and the Staffing Committee and not by an individual Councillor as the Chairman/ Mayor does not have any enhanced responsibility to other Councillors as the role in an honouree role only.

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 status quo should remain

## **PART 7**

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

n/a

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?

Similar jobs should be on a par and not paid at different rates because of people live in a different part of the country

## **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?

n/a

## **ADDITIONAL QUESTIONS**

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

n/a

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

n/a

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

**26897-0019 : Karen Benfield**

**Tref / Town : N/A**

**Sefydliad / Organisation : Offa Community Council**

Dear Sir/Madam

Offa Community Council has discussed the consultation on the Draft Local Government (Wales) Bill and Explanatory Memorandum and has resolved to make the following response to those proposed changes that will directly affect Community Councils in Wales:

Part 1 - Members welcome a fundamental review of ward boundaries but do not support the merging of existing Counties and County Boroughs.

Part 2 – General Power of Competence. Whilst welcoming the additional powers available to Community Councils members have raised concerns over the practicality of the qualifying requirements in particular the requirement for the Clerk to hold a relevant professional qualification such as CILCA. Whilst

acknowledging the need for suitably qualified Clerks only a handful of Clerks in North Wales currently hold this qualification. Difficulties could be encountered when the Clerk of a qualifying authority leaves their post as it would currently be unlikely that the Community Council would be able to employ a new Clerk with the same level of qualification. A period of grace would be required for the new Clerk to undertake and obtain the qualification during which time the Community Council should be allowed to retain its additional powers of competence.

Part 6 - Chapter 1 requires the Local Democracy and Boundary Commission for Wales to undertake a review of community council arrangements. That is a review of the communities within the new counties to be established under the Draft Bill on 1 April 2020 for the purpose of recommending changes to the community councils and their electoral arrangements. Members of Offa Community Council consider that the current size of the community of Offa

Works well and needs little change. Whilst acknowledging that some of the smaller community councils may benefit from merging it should be noted that Offa is one of the larger communities in Wrexham and currently the only Community Council out of 34 Community Councils within Wrexham County that meets all the requirements for the granting of the general power of competence.

Part 6 – Chapter 2 places a duty on county councils to consider the training needs of community councillors and to make arrangements to meet those needs. It also places a duty on community councillors to complete the compulsory training identified by the county councils. This new initiative is welcomed by members.

Part 6 – Chapter 3 provides that community council elections should be fixed at every 5 years from 2023. Members disagree with this proposal requesting that the current term of office of 4 years be maintained for community councils and county borough elections.

Should you require further information on the above please do not hesitate to get in touch

Yours sincerely  
Karen Benfield  
Clerk to Offa Community Council

**26897-0020 : Andrew Davies**

**Tref / Town : Tenby**

**Sefydliad / Organisation : Tenby Town Council**



Please see attached Tenby Town Council's response to the ongoing consultation on the Draft Local Government (Wales) Bill

Regards

Andrew Davies  
Clerk to the Council  
Tenby Town Council

## **PART 1**

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

While Tenby Town Council view much of Part One as principally administrative they have the following comments as indicated.

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?

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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?

Tenby Town Council have no express views on this.

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

Procedures are agreed in principle but Tenby Town Council feel more details are required as to consultation over proposed names and how traditional and historical names will be recognised

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

Tenby Town Council have no express views on this.

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?

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this other than this appears to be a sensible approach.

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

No

## **PART 2**

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

Yes

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

Tenby Town Council agree with the general principle of Community Councils 'with competence'.

However, they feel it would be useful for the Welsh Government to publish their definition as to what they consider the recognised professional qualifications to be held by the Clerk as soon as possible to enable town and community councils to make arrangements to ensure their Clerks meet the criteria.

It is felt that the monitoring of competency should be undertaken by the proposed Principal Authority rather than ministers unless defined procedures as to how ministers will monitor this are put in place.

Tenby Town Council agree with the removal for the £200,000 turnover from the competency test but feel that some form of measure is required to ensure that competent councils achieve critical mass to enable them to deliver services to their communities.

### **PART 3**

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

Tenby Town Council are concerned about the introduction of community area committees as their powers are not defined and there is no clear guidance as to how these committees will be administered or as to how the projected geographical areas will be defined.

As proposed in the draft bill, these committees appear to be, at best, only partially elected and not enough thought has been given to possible conflicts and overlaps with the assumed duties of community councils.

Members feel that not enough thought has been given as to how these committees fit in to the structure of service delivery within local government. They consider them to be an unnecessary, undefined, unelected and potentially costly tier and cannot support them.

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

As Tenby Town Council do not support the principle of Community area committees members have no express views on this.

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

As Tenby Town Council do not support the principle of Community area committees members have no express views on this.

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

Tenby Town Council cannot agree to the delegation of functions to an unelected body

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?

Tenby Town Council have no express views on this.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and

those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

## **PART 4**

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

Yes

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?

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council cannot support the proposals in relation to the transfer of assets to any organisation other than a duly elected community council until the 'eligible community body' is defined by Welsh Government.

## **PART 5**

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

Tenby Town Council have no express views on this as they feel this is the correct way to proceed.

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

Tenby Town Council have no express views on this.



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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

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

Tenby Town Council have no express views on this.

## **PART 6**

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

Yes – as indicated

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

Tenby Town Council have no express views on this.

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?

Tenby Town Council welcome the review being placed in the hands of a neutral body but feel that it should also take account not only of geographical and linguistic parameters but also of historical boundaries and particular characteristics in relation to employment and revenue profiles.

They feel that the Boundary Commission should implement its

recommendations on the proviso that systems are in place to ensure that affected community councils have the right to appeal against recommendations.

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

Tenby Town Council continue to support compulsory training of community councillors in relevant areas – e.g. basic induction, finance and planning.

However they agree that monitoring of training by Clerks will, as stated, place an unnecessary strain on good relations between the Clerk and the Council.

Members feel that the principal authority should determine the training needs of community councils and the principal authority's monitoring office should monitor attendance by 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?

Tenby Town Council have no express views on this.

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

See comment at 6.4

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

Tenby Town Council feel that any review should not be undertaken by an individual but by the Chair and at least one additional councillor elected by 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?

Tenby Town Council have no express views on this.

## **PART 7**

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

Tenby Town Council have no express views on this.

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?

Tenby Town Council have no express views on this.

## **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?

Tenby Town Council have no express views on this.

### **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.

Tenby Town Council have no express views on this.

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.

Tenby Town Council have no express views on this.

**26897-0021 : Kate Cubbage**

**Tref / Town : Cardiff**

## **Sefydliad / Organisation : The National Deaf Children's Society / Y Gymdeithas GeneByddar**

Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

14 January 2016

### **Draft Local Government (Wales) Bill**

The National Deaf Children's Society (NDCS) Cymru is the national charity dedicated to creating a world without barriers for deaf children and young people. We support and represent the interests of deaf children and young people from birth through to independence. In referring to "deaf" we refer to all levels of hearing loss, including mild, moderate, severe, profound and temporary hearing loss.

We are pleased to respond to this consultation and have focussed our response on the key areas that most impact on deaf children and young people. Therefore, we have not provided a response to all of the questions posed in the consultation document. Rather, we have outlined our main areas of concern under 5 key themes and related them to questions where this is relevant.

### **Coterminosity**

Our response relates to question 1.3:

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

Whilst we have no particular view on how Local Government areas should be structured, we are concerned that both proposed options will create one Local Authority which will fall across two Local Health Board areas.

We would caution that this confused structure has the potential to impact negatively both on service delivery and on service users understanding of the systems and services they are able to access.

Whilst we appreciate that challenges could be overcome, it is clear that a very strong case needs to be made to justify advocating arrangements that will from the outset be less than ideal.

We acknowledge plans to encourage LHBs to work more closely together to provide hospital services across traditional boundaries. However, we remain concerned as to how efficient and equitable this will be in practice across all Local Authority areas. If either of the proposed Local Authority configuration options were to be taken further, we would suggest that consideration is given to the feasibility of realigning LHB boundaries simultaneously with changes to Local Authority areas. We feel that a considered change of boundaries would best be achieved in one process rather than a rolling programme of change which can fuel uncertainty and confusion.

### **Public Participation**

We are pleased to see a clear duty on Local Authorities to encourage public participation in decision making as set out in Chapter 2 of the Explanatory Memorandum. The proposed participation strategy has the potential to mark a

significant step forward in ensuring that all citizens are made fully aware of Councils' functions and the nature and impact of decisions taken by Local Authorities.

In order to ensure that this is effective, we would encourage the development of clear guidance for Local Authorities outlining the importance of appropriate communication methods when consulting and communicating with deaf children, young people and their families. Deaf children and young people can be particularly vulnerable and therefore engaging with them during the decision making process can help to ensure that decisions do not inadvertently disadvantage deaf children and young people.

We would consider it appropriate for Local Authorities to have to record the steps they have taken to ensure that their participation strategy reflects adequately the specific communication needs of deaf children and young people and what they have done to ensure that these needs have been met.

### **Access to meetings**

We are pleased to see commitments to better recording of cabinet meetings. Whilst we would welcome moves to televise cabinet meetings, this should not be done at the expense of providing written transcripts which may be more accessible to some deaf young people.

### **Participation of young people**

This response relates to question 3.8:

***Do you have any comments on our proposals to enhance the participation by children***

***and young people through the public participation duty?***

Whilst we welcome proposals to establish youth councils we agree that this does not sufficiently reflect all of the engagement processes that are and should be undertaken in each Local Authority area. We agree that there should be a duty requiring Local Authorities to involve children and young people in the decision making process of the Authority, not limited to decisions which directly affect them. We see it as an important step forward to move beyond only seeking to engage on issues which "might" affect young people, as determining what can reasonably fall under this description would be challenging and highly likely to vary between Local Authority areas.

**26897-0022 : Ian M Reid**

**Tref / Town : Colwyn Bay**

**Sefydliad / Organisation :N/A**

### **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 proposal for larger counties is misconceived and should be abandoned. The creation of larger bodies in the public sector in recent years has not achieved the promised financial savings. In addition, in practice they have actually led to more layers of bureaucracy separating their management from customers, local residents, and their employees.

A relatively recent example is the reorganisation of the health service. The creation of the giant Betsi Cadwaladr University Health Board in North Wales seems to have led to a deterioration in the provision of healthcare for the residents of North Wales. It has created an expensive bureaucratic management structure, totally remote from both local residents and NHS employees. In my area this appears to have led to a major increase in waiting times at our local acute hospital (the details of which are not readily available to the general public or local press or even local GP's, so that people are not aware of the facts, or able to compare local waiting times with neighbouring hospitals in England – thus minimising any accountability to the public locally)

The danger is that larger counties would produce similar unintended detrimental results for the local population. This is in addition to the high cost of reorganisation, particular early retirements (which are enormously expensive in the public sector)

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 much better than 2:

- a) Because smaller units are more accountable to local residents
- b) Because on the whole for most residents Conwy has much more in common with Denbighshire than the Isle of Anglesey and Gwynedd – in terms of historic links, culturally and natural communications (e.g. bus services)

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

The proposed counties are too large. See answer to question 1.1 above



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

No opinion

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

Local residents should be consulted on the new names. They must be names local people can readily identify with.

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

5 years is far too long between elections to preserve accountability to local electors. 5 year intervals are more appropriate for large remote bodies such as Westminster and the Welsh Assembly (the journey to Cardiff takes over 4 hours from Conwy)

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

No

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

No opinion

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

No

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

No opinion

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.

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

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

I agree with the proposals

### **PART 3**

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

No

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

No

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

It is very difficult to ensure impartiality and democratic accountability to local residents. There is a danger of special interest groups having undue influence.

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

Yes  
Powers to raise taxation should not be 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?

No view

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 view

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

No

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

## PART 4

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

No

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

There is a danger that the powers of the Standards Committee can impair the ability of councillors to express or represent the interests of their electors. This is especially a danger when these views are contrary to those of the majority party or of officers. The concept of bringing the local authority into disrepute can (and has) been used to muzzle dissident councillors in some areas (see Private Eye over the years)

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

No

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

Remuneration of councillors should be decided by the local county council, to make such remuneration more accountable to local electors. The creation of the IRPW has led to an excessive increase in the remuneration of councillors, and especially their pension benefits in recent years. Since local electors are paying for these, they feel disenfranchised by a central body having control

(unlike England). Local democratically accountability over remuneration of councillors should be restored.

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

No

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

No

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

These proposals are desirable.

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

No

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

No

## **PART 5**

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

No

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

No

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

No

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

No

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

Local public accounts committees could be a good idea to try to increase

financial efficiency and accountability

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

No view

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

No view

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

No view

## **PART 6**

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

A 3 or 4 year period of service for councillors is preferable – 5 years is too long to preserve local democratic accountability for a local body such as community councils.

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



No view, except that small community councils should be retained and encouraged (not large ones)

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 view

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

Community Councillors are unpaid volunteers. Therefore training should be voluntary, not compulsory

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

It is too long. 3 or 4 years would give more local accountability

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

Too bureaucratic – it should be left to local assessment and decision on what training is provided

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

Smaller community councils should be encouraged, making this unnecessary

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?

I agree

## **PART 7**

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

No

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

No

## **PART 8**

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

No

### **ADDITIONAL QUESTIONS**

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

No

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

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

**26897-0023 : Alan Speake**

**Tref / Town : Carmarthen**

**Sefydliad / Organisation : Local County Council**

Hello, Minister, Mr Andrews, and Staff of RLGP,

Over recent years as local County Councillor I have always tried my very best – indeed utmost - to improve community involvement and for local people to take a more keener interest in the quality of the services that they as tax payers have to pay for.

In short, this hard earned money isn't the money of elected politicians – ie Assembly Members, County Councillors, or Town or Community Councillors – it IS the hard earned money of tax payers – not ours as politicians!?

The possible merger of Carmarthenshire, Ceredigion and Pembrokeshire into the “old” Dyfed I feel will be a huge and unwise gamble taking democratically elected members of local government much further away from the very people who pay these hard earned taxes for their vital public services and also fork out for the salaries of Members of Parliament, Assembly Members, County Councillors etc;

Moreover, devolution was widely supported mainly by the majority of Welsh taxpayers and people - also Plaid Cymru, Welsh Labour and the Liberal Democrats and possibly and as important to the people of Wales to bring elected representation and devolved democracy much closer to the people not the complete opposite, it seems, by undemocratically taking away from the people closer communications, connections and links with local representatives. In short a more centralised control of the services to our Welsh people.

If the amalgamation of these three Counties are agreed to, or possibly forced through, which seems to be the chosen path that you, Mr Andrews, Leighton, have proposed - together with unelected senior administrators and/or advisors - many thousands of jobs will be lost and the quality of our public services - many that are vital to our local communities will be lost - probably forever.

There is also a huge amount of uncertainty that these “mergers” will either succeed or indeed will be successful if they go forward and several Trade Unions and businesses have already warned that this could have a major and negative effect on our Welsh economy and employment and also future employment prospects for our youngsters of today.

Therefore, Minister, I genuinely and sincerely request and indeed strongly urge you to very seriously consider a Wales wide (or possibly

Counties wide?) “Peoples Referendum” to allow the people of Wales the democratic right and opportunity to ultimately decide on the proposed major upheaval of Welsh local authorities that you are , or seem to be proposing, and who and how their public services will be provided?

Yours,

County & Town Councillor,  
Alan Speake,  
Carmarthenshire County Council & Carmarthen Town Council.

Mayor Carmarthen Town 2010-2011. Sheriff 2005- 2006 & 2008- 2009.

**26897-0024 : Deborah Phillips**

**Tref / Town : Pontardawe**  
**Sefydliad / Organisation : Pontardawe Town Council**

**Section 3.1** – There was insufficient information on the composition of the area committees, with no information on their structure, size, legal powers, accountability or method of finance.

They added additional bureaucracy which was unnecessary for areas which already had effective Town and Community Councils, working in partnership with the Principal Council, local third sector organisations, local education and health organisations and local businesses.

It was felt that partnership working rather than additional boards was the way forward as the Town and Community Councils were already local constituted bodies who were representative of the local community and who had the structure, legal powers, and finance to move projects forward.

The area committees would undermine the powers of the legitimately elected representatives of Town and Community Councils.

With regards to Youth Representation, some Town and Community Councils had already elected Youth Representatives who took a full part in the local discussions, information gathering and canvassing of ideas from the Youth of the area.

It was however suggested that ‘best practice’ should be identified to facilitate guidance for Town and Community Councils on how to integrate the young views into policy decisions.

'One Voice Wales' could work with the 'Children's Rights Unit' to create and distribute this guidance.

**Section 4.1** – The Committee felt that there should be no restriction on the ability of County Councillors to become Town and Community Councillors as the inclusion of the local County Borough Member in Town Council meetings would not usually create a conflict of interests but would instead allow the County Borough Member access to a great deal more local feedback.

Any delegation of function should be only with the agreement of all parties.

**Section 5.1** – Any additional access to meeting / electronic reporting of meetings should allow exclusion by resolution to protect sensitive material for example Personnel details.

**Section 6.1** – Town and Community Councillors are voluntary elected representatives who represent the will of a community of people. There is no requirement for elected representatives to have a minimum prescribed level of education and therefore compulsory training with consequences might prevent an element of the community from involvement in the diplomatic process. Obviously initial induction of candidates to advise them of the diplomatic process is necessary, as is Councillor Induction to advise the role of the Councillor together with actions that can and cannot be taken as a Councillor. More technical information should be provided by the officer of the Council (The Clerk) however the Clerk would need specific training to ensure that their skills are sufficient to advise Council but also it must be recognised that one person cannot be an expert in all areas and therefore there must be good support from 'One Voice Wales' and a compulsory undertaking from the County Borough to provide more technical assistance if required. It was also suggested that the Welsh Assembly determine the levels of training required by each element and that funding for this training was provided by the Welsh Assembly.

**Section 9.1** – The document frequently referred to amendments. It is hoped that any amendments are consulted on in a separate 'amendment to the bill' which could be consulted on prior to instigation.

There was also concern that although the bill spoke at length of 'Community Councils' there was no indication that these changes also applied to 'Town Council's', and Town Council's were not mentioned in the document.

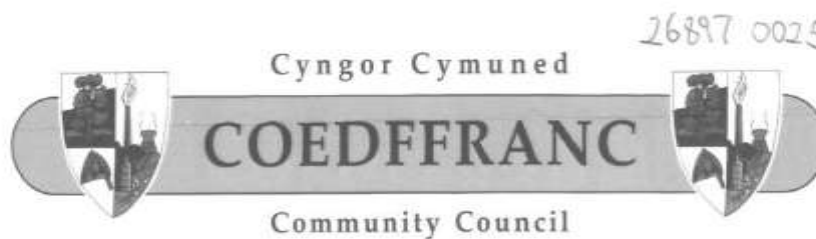
Regards  
Deborah Phillips

Town Clerk Pontardawe Town Council

**26897-0025 : Mrs Louise Thomas**

**Tref / Town : Swansea**

**Sefydliad / Organisation : Coedffranc Community Council**



The Memorial Hall, Skewen Memorial Park, Off Wern Road, Skewen. SA10 6DP  
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Tel: Parks/Cemetery: 01792 812151 Mobile: 07816 419076 E-mail: park@coedffranc-wcc.gov.uk  
Website: www.coedffranc-wcc.gov.uk

18<sup>th</sup> December 2015

Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sir/Madam,

**Re: Draft Local Government (Wales) Bill Consultation Document**

**Part 4: Functions of County Councils and their Members**

Q 4.5 - I have the opinion that introducing a remote attendance system at Council Meetings could lead to the system being abused by Members.

**Part 6: Community Councils**

Q 6.4 - Making the Clerk responsible for Councillors training will put a strain on what could be very good relationships between the Clerk and the Members. It would also give unnecessary work to an already busy workload. Therefore, I strongly disagree with this proposal.

Q 6.5 - I strongly disagree with a 6 year Term of Office. This is due to some elder Councillors who feel the need to retire through ill health or family commitments and may feel obliged to stay in Office. Also if the Clerk has difficult or sedentary Members it is a long time for the Clerk to endure them. Therefore, I recommend that the current Term of Office of 4 Years should be maintained.

Q 6.6 - I am in agreement with Community Councils being responsible for their own training needs.

Q 6.7 - I very strongly disagree with the Chair/Mayor setting the Clerk's Objectives. If the Chair/Mayor is a difficult person and does not get along with the Clerk it could make life unbearable for the Clerk. Giving one person the sole responsibility of setting the Objectives for the Clerks role would not be seen as democratic. Also, how can one person, who may have very little knowledge about the Clerks role, be responsible for setting the Objectives? The Objectives should be set by the Full Council Members and not just one person.

Yours sincerely,

Mrs Louise Thomas  
Assistant Clerk

**26897-0026 : Wendy Thomas**

**Tref / Town : Swansea**

**Sefydliad / Organisation : Coedffranc Community Council**





The Memorial Hall, Skewen Memorial Park, Off Wern Road, Skewen, SA10 6DP  
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Tel: Parks/Cemetery: 01792 812151 Mobile: 07816 419076 E-mail: [park@coedffranc-wcc.gov.uk](mailto:park@coedffranc-wcc.gov.uk)  
Website: [www.coedffranc-wcc.gov.uk](http://www.coedffranc-wcc.gov.uk)

16<sup>th</sup> December 2015

Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sir/Madam

Draft Local Government (Wales) Bill Consultation Document

Part 1: Local Government Areas and County Councils

Q. 1.3: I am not convinced that the proposed mergers on any of the proposed configurations will offer the cost savings claimed by the Welsh Government. The WLGA strongly dispute the figures identified as savings, and therefore, it is difficult to have the confidence needed to agree with the proposed mergers. Therefore, I feel that none of the proposed mergers should take place.

Part 2: General Power of Competence

Q. 2.2: I don't think that the Principal Authority should have the power to revoke a Community Council's Competency Qualification. If this needs to be done it should be done by the Welsh Government. I agree with the three tests being two years unqualified accounts, a CILCA qualified Clerk and Two thirds of the Members having been elected.

Part 3: Promoting Access to Local Government

Q. 3.4: Whilst I agree that County Councils should be able to delegate functions, I don't agree that all functions should be applicable. I believe that a County Council's Statutory Duties should not be delegated to other organisations. Furthermore, I don't agree that County Councils should forcibly delegate functions to community groups or Town/Community Councils. There is sometimes a threat that a function will be withdrawn if a community group or Town/Community Council does not take over the function, and I don't agree with this type of tactic.

Part 4: Functions of County Councils and their Members

Q. 4.2: Whilst I recognise that there are conflicting views within the different Political Parties I don't believe that information put out by individual Councillors should become personal attacks on other Councillors. I believe that leaders of political groups have a duty to ensure that their members are not using this type of tactic, and ensure that all the information their members disseminate, such as Newsletters are done in a professional manner.

Q. 4.3: As 3.4 above.

Cont...

Q. 4.5: I don't agree with remote attendance at meetings. I think that this type of system would be open to abuse.

Q.4.6: I agree that Shadow Authorities should be required to appoint interim Returning Officers.

Q.4.7: I don't agree that Councils should have the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and Head of Democratic service through a vote. Dismal should only be considered when an independent investigation justifies the dismal. I believe that a voting system could be open to abuse.

Part 6: Community Councils

Q. 6.2: I agree that the Boundary Commission should be required to submit their draft reports to Shadow Authorities from May 2019.

Q. 6.3: The responsibility for the implementation of the Boundary Commission's recommendations should be with the Boundary Commission itself.

Q. 6.4: Whilst I do agree with compulsory training for Councillors, I do not agree that it is appropriate to put the responsibility onto the Clerk to ensure that they undertake the training. Furthermore, if the Clerk had to monitor and report failures at Public Meetings this would really put a strain on the relationship between the Councillors and the Clerk.

Q. 6.5: I do not agree with extending the Term of Office to 6 years. I think that this is quite a long period to be stuck with inactive or difficult Councillors. The Term of Office should be held at 4 years.

Q. 6.6: I agree that Community Councils should be responsible for considering their own training needs.

Q. 6.7: I strongly disagree with the Chair/Mayor of the Council setting the objectives for the Clerk. I believe that only the Council as a Corporate Body should be able to set the Clerks objectives. I was the SLCC Glamorgan Branch Secretary for over 7 years, and in that time I heard of countless issues that Clerks had with individual Councillors. It is a regular occurrence for Clerks to feel that they are being bullied by individual Councillors. If the problematic Councillors were the Chair/Mayor of the Council, it would make life untenable and totally unbearable for the Clerk. Furthermore, if one person was setting the objectives for the Clerk, the system could be used to drive personal agendas through. If the Community Council is to be operated democratically, then all the objectives being set must come from the Council as a Corporate Body not from one Councillor.

Q. 6.8: I agree that Local Authorities should implement a system of e-petitions in place of Community Polls where necessary.

Yours sincerely



Wendy Thomas MILCM  
Clerk to the Council

**26897-0027 : E W Evans**

**Tref / Town : Llangennech**

**Sefydliad / Organisation : Llangennech Community Council**

Cyngor Cymuned  
**LLANGENNECH**  
Community Council



26897 0027  
E.W. Evans, B.Sc., A.C.M.A

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Llanelli Sir Caerfyrddin  
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Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

22 December 2015

Dear Sir/Madam

Draft Local Government (Wales) Bill

The Council considered the above document at its meeting held on the 14 December 2015 and decided as follows: -

1. That Carmarthenshire County Council should not be merged with Pembroke and Cardigan County Councils as proposed but retain its existing status as a separate County Council.
2. That no decision be made on Local Government Reorganisation until after the Assembly Election in May 2016.

Yours Faithfully

E W Evans

Clerk to Llangennech Community Council

Mae Cyngor Cymuned Llangennech yn croesawu gohebiaeth yn Gymraeg neu yn Saesneg  
Llangennech Community Council welcomes correspondence in Welsh or English.

LH0025

**26897-0028 : Rowland Launchbury**

**Tref / Town : Blaenhonddan**

**Sefydliad / Organisation : Blanehonddan Community Council**

I have been asked by my Members to forward the following comments to you by e-mail as they did not wish to submit a questionnaire response.

- Council believes strongly that all areas of Wales should be served by Town and Community Councils as the first tier of government
- Whilst understanding the motivation for Member Training, it believes that compulsory training will demotivate existing Members and result in fewer candidates coming forward for election or co-option, given that Members view this role to be appropriate for informed volunteers as opposed to paid councillors
- Members are concerned that there will be a risk of losing effective and experienced Clerks if there is an insistence on certain qualifications being attained.

Yours sincerely

Rowland Lanchbury

**Rowland Lanchbury**

**Clerc y Cyngor / Clerk to the Council**

**Cyngor Cymuned BLAENHONDDAN Community Council**

**26897-0029 : Councillor Graham Pritchard**

**Tref / Town : Monmouth**

**Sefydliad / Organisation : Monmouth Town Council**

**RECOMMENDED RESPONSES**

**SECTION 6(COMMUNITY COUNCILS) OF THE DRAFT LOCAL GOVERNMENT(WALES)BILL**

**6.1 Yes, the Town Council has comments to make on this section.**

**6.2 As we have already stated in a previous response the Town Council agrees that the Boundary Commission should be required to submit their draft reports to Shadow Authorities from May 2016.**

**6.3 As previously stated the Council believes that the Boundary Commission should have the responsibility for implementing their**

recommendations and not the new County Councils which may be influenced by possible political bias.

**6.4 Ideally, the Council believes that Community Councillors should be subject to compulsory training. The Council firmly believes that each Councillor should have their own personal training programme which comprises of core modules such as the Code of Practice as well as other modules which they specialise in such as Finance and Planning.**

**The Council is, however, concerned about the possible affect of implementing this approach. The considerable time commitment may affect recruitment of Councillors from those in employment.**

**6.5 The Council agrees that the term of office of Community Councillors elected in 2017 should be six years.**

**6.6 All Community Councils should be required to plan the training needs of Members and employees (refer to responses in 6.4)**

**6.7 Annual agreed objectives and performance should be set by the Clerk and Line Manager as part of a planned supervision programme. Equally, staff responsible to the Clerk should also be set agreed objectives and performance.**

**6.8 All ways of obtaining the views of residents should be used including Community Polls, e-petitions and regular Councillor Consultation Surgeries as part of a Council's Communication Policy.**

Cllr Graham Pritchard  
Monmouth Town Council

**26897-0030 : Susan Edwards**

**Tref / Town : N/A**

**Sefydliad / Organisation : Glamorgan Archives**

## **PART 1**

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

The proposed Gwent authority has a population 3 times the size of any existing authority and twice that of any other proposed area. This seems disproportionate and illogical.

## **ADDITIONAL QUESTIONS**

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

There is no mention in the draft bill of record keeping or of the existing provisions for archives particularly the joint services. The proposals will see some archive services merging and others splitting, potentially. Timely consideration needs to be given to maintaining sustainable collecting.

Many local authorities are currently storing electronic records and using systems which may not be compatible. The risk of information loss must be considered and addressed urgently.

**26897-0031: Sarah Rochira**

**Tref / Town : N/A**

**Sefydliad / Organisation : Older People's Commissioner for Wales**

Dear Minister,

### **Re: Draft Local Government (Wales) Bill**

In my previous responses to your consultations on local government reform, I alluded to three areas of particular importance to older people:

- a commitment that the quality of service provided to older people would not be diminished with any restructuring of local government;
- enabling the voices of older people to be heard by their Local Authorities, through effective consultation and strong community councils; and
- ensuring that the make-up of local representatives better reflects their constituents by encouraging older women and older people

with protected characteristics to engage with Local Authorities and run for elected office.

In my response to 'Devolution, Democracy and Delivery White Paper – Reforming Local Government: Power to Local People', I made clear that any reform of local government must focus on the quality of services for the end user, including older people<sup>1</sup>. Older people are one of the largest groups of service users for Local Authorities and many rely on these services to live healthy, independent lives. It is crucial that the future local government landscape addresses the key findings in the Wales Audit Office report on 'Supporting the Independence of Older People: Are Councils Doing Enough?'<sup>2</sup>, and aligns with key legislative drivers such as the Well-being of Future Generations (Wales) Act to develop a preventative and outcomes-focussed approach and recognise older people as economic and societal assets.

What is clear to me is that the way in which community services are delivered must be flexible. With such tight budgets, local people and other organisations must be empowered and supported to deliver local services. It should not matter whether they are run by a Local Authority or others, what matters is that services are there for the people that need them, especially older people. Community services, such as public buses, toilets, libraries and community/day centres, are viewed as 'lifeline' services by older people and are essential in maintaining their health, independence and wellbeing.

Part 3, Chapter 2 of the draft Bill places a duty upon local government to consult with "local people" on the decisions that they make. Whilst I welcome this duty, I would wish to see further detail on how older people specifically will be consulted. The draft Bill also notes that the Welsh Ministers may issue guidance on this consultation. In July 2014, I published best practice guidance for engagement and consultation with older people on changes to community services<sup>3</sup> and I would welcome the opportunity to work with you and your colleagues in developing thorough guidance to assist local government in conducting effective engagement with older people.

There is already a duty placed upon Local Authorities, under the Equality Act 2010, to consult with those people who have the protected characteristics as defined in the Act. I will soon be



publishing guidance on the Equality and Human Rights Impact Assessments that public authorities use to meet their duties under the Equality Act. I would like to see the conclusions from this guidance form part of the guidance issued by the Welsh Ministers under Section 41 of the draft Bill.

I welcome the provisions in Part 6 of the draft Bill, relating to community council arrangements and training. As Local Authorities are set to increase in size, community councils can be a vital forum for older people to express their views. Town and Community Councils often have a lot of older members and they should be utilised to provide feedback from local people on decisions made by the Local Authority. Community Councils are the closest form of democracy to local people and they are valued by communities and effective engagement with them increases satisfaction.

As well as effectively engaging with members of their communities, local government representatives must better reflect the diversity of their communities. The Bill and subsequent legislation should place a duty on Council Leaders, Group Leaders and Chief Executives to ensure that diversity is respected. Older women and older people with protected characteristics should be encouraged to put themselves forward as candidates for local elections and should form a greater role in the leadership of Local Authorities. It is of great concern that only one-in-five cabinet members across Wales are women, with only one of the 22 Local Authorities being led by a woman. This imbalance must be addressed to ensure that the make-up of Local Authorities and their cabinets reflects the diversity of the people they represent.

I look forward to working with you further on the best way forward to improve public services in Wales, so that they truly deliver for older people.

Yours sincerely,

Sarah Rochira **Older People's Commissioner for Wales**

**26897-0032 : Paul R Egan**

**Tref / Town : Barry**

**Sefydliad / Organisation :Llandough 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?

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?

No comments

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

The Council is strongly opposed to the proposal that it should be joined up with Cardiff. It will inevitably result in a lack of priority attention being given to the needs of the Vale of Glamorgan.

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?

Support proposal

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?

Yes

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

Fully support the proposal.

## **PART 3**

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

Yes

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

Fully supportive of the proposal.

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

Representatives should be selected by the Community Liaison Committee to be established in each of the new County Councils.

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

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?

No comments

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?

This is a good proposal which the Council fully supports.

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

Fully supportive of the proposal

#### **PART 4**

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

No

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

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

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

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

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

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

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

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

## **PART 5**

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

No

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

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



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

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

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

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

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

## PART 6

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

Yes

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 responsibility should rest with the Boundary Commission.

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

Community and Town Councils should hold the responsibility and use the services of One Voice Wales to provide the training required.

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

Fully supportive.

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?

Fully supportive.

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

There would be benefit in having a standardised appraisal scheme for all Community and Town Councils. This could be developed by One Voice Wales.

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?

Preference for the use 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?

No

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more

constrained in the matters on which it could issue guidance than a non-statutory Commission?

## **PART 8**

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

No

## **ADDITIONAL QUESTIONS**

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

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.

**26897-0033 : Michael Benjamin**

**Tref / Town : Cardiff**

**Sefydliad / Organisation : Estyn**

**PART 1**

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

Estyn's response to the consultation document will focus on questions relating to the delivery of education and related services and the governance of those services. Our responses draw on the evidence from our local authority inspections from 2010 onwards, from the thematic inspection 'Improving schools through regional education consortia' June 2015, from the evidence provided by our local authority link inspectors and from inspection evidence from the other sectors we inspect.

Both table 1 and table 2 set out appropriate proposals for the constitution of eight or nine counties achieved through the merger of existing local government areas. One permutation that does not appear to have been considered or, at least, has not been referred is the possible division of Powys into its previous administrative districts areas prior to 1996 and then the re-allocation of these areas into two or more of the new counties.

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

We agree with the Commission that the creation of a single local authority covering the whole of North Wales could lead to difficulties in meeting multiple diverse local needs and maintain a fair democratic representation. We have no preferred view.

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

N/A

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?

Please refer to response to Q1.1 regarding Powys.

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

N/A

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

N/A

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?

N/A

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

N/A

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?

N/A

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?

N/A

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

N/A

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

N/A

## **PART 2**

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

N/A

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

N/A

### **PART 3**

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

Open government and transparency of the council's working will be supported by the proposals in sections 76 and 77 which requires councils to broadcast their meetings and allow the public to film and record council meetings.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

Open government and transparency of the council's working will be supported by the proposals in sections 76 and 77 which requires councils to broadcast or webcast their meetings and allow the public to film and record council

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?

This is a very positive proposal that should help children and young people better understand how local democracy works and encourage their participation in the democratic process.

## **PART 4**

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A



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

N/A

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

N/A

## **PART 5**

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

N/A

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

N/A

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

In principle and in broad terms, the approach seems reasonable.

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

N/A

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

N/A

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

They would appear to be a reasonable mechanism given their broad representation of interests and agencies

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

N/A

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

N/A

## **PART 6**

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

## **PART 7**

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

N/A

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?

N/A

## **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?

N/A

## **ADDITIONAL QUESTIONS**

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

N/A

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

N/A

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

N/A

**26897-0034 : Sue Dale**

**Tref / Town : Llangynidr, Powys**

**Sefydliad / Organisation : Llangynidr Community Council**

To the RLG Programme,

The following are the comments of Llangynidr Community Council in South Powys. They were gathered at the meeting of the 26th January 2016.

Question 6.3 Powys County Council may have a better idea about grouping councils in implementation phase.

Question 6.4 The Community Council was divided on compulsory or voluntary training - it depends on the level and commitment needed for training.

Question 6.5 The Community Council was divided again, some feeling that 6 years was too long to commit to, some having no objection.

Other matters; capping the Community Council Precept - please define "non-competent".

Question 6.6 Training should as necessary not compulsory.

Question 6.7 Objectives for the Clerk are a good idea.

Question 6.8 Seems like a good idea in principle, concerns around cheating and access/representation of the community

I would be grateful if you could NOT publish my home address, the name of the Community Council, however, can be published.

Regards,  
Sue Dale

**26897-0035 : Mrs Audrey E Parry**

**Tref / Town : Colwyn Bay**

**Sefydliad / Organisation : N/A**

*Dear Mr. Andrews,*

*I have read your latest Consultation Document on the Draft Local Government (Wales) Bill and*

explanatory memorandum on Reforming Local Government dated 24 November 2015, with some difficulty in places, I have to say. However I will endeavour to answer some of the questions asked.

## Chapter 1

I would not, like to see our Conwy County become part of Gwynedd and the Isle of Anglesey for the reasons stated in my previous two letters. I would prefer to see Conwy left as a county in itself. It is a very efficient county and I feel that joining it to another or more counties would merely 'water' that efficiency down. Should you not be inclined to leave Conwy as it is, then as I have said before joining with Denbighshire would be the better option. Gwynedd and the Isle of Anglesey I feel would be far more compatible, and far more beneficial for the welsh language, as would be Flintshire and Wrexham.

On the subject of Council tax, I find that Conwy sometimes has to manage on a relatively small settlement compared with other parts of Wales, but it still manages very well----whether all those that pay their council tax manage as well, is debatable as every year for a Band D home it

rises by approx' £50 and coupled with the police and Community Council precepts many find it difficult. With these possible mergers such costs would have to increase considerably in line with the proposed merging authority, putting more onus on those that pay it.

No, I do not believe that we need Lord Lieutenants or High Sherriffs in any counties any more. I presume they get an income with the privilege. Such money would be better spent on such things as our health service.

Now to Community Councils, and the 'General Power of Competence' the last paragraph must be either written to confuse or by someone who lacks competence themselves, as it seems to be pure 'gobbledegook' What is the point of competency if you can carry on for the remainder of a period between elections (5 or 6 years) without competence. Am I missing something--or am I already lacking competence? Many Comm. Councillors already have full time employment, they care about their community, are involved in it, they know the area, and are unpaid.

It is quite right to require every Comm. Council to publish an annual report for local people to know what has been achieved over the past year, but as things stand now anyone can come to a meeting and hear what is being discussed and speak at an AGM. Very few do.

I do think training for Comm. Council members is a very good proposal whether large or small.

Question 6.8: There are still large areas of North Wales without Broadband, never mind fibre based Broadband, so alternative voting must still be provided until such a time that it becomes available.

Finally I will say that I firmly believe that the people of North Wales would far rather see all the money being used to produce these endless reports, being spent on our health service, good sound education and flood alleviation. Your priorities need reassessing.

Yours Sincerely,

Mrs. Audrey E. Parry,

**26897-0036 : Lynda Willis**

**Tref / Town : Pontypool**

**Sefydliad / Organisation : Ethics & Standards Committee of  
Torfaen County Borough Council**

**PART 4**

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?

**Torfaen County Borough Council's Ethics & Standards committee welcomes the opportunity to respond to the above question on the Consultation of the Local Government (Wales) Bill.**

**The committee welcomes the development of the Nolan principles recognised in the proposal for political Group leaders to set the appropriate style and tone of civic behaviour, and that their leadership role should be monitored by Standards committees.**

**They also welcome the ability for Standards committees to scrutinise councillors in the performance of their civic duties.**

**They note however, that the increased accountability of councillors and group leaders may have the effect of reducing the number of individuals who are willing to come forward to perform those roles.**

**They would also draw attention to the fact that not all members belong to political groups, and there would have to be direct engagement with non group members.**

**Whilst more local determination of complaints etc is thought to be preferable, the committee is mindful of the increased work burden on the Monitoring Officer and other local authority staff to carry out local investigations etc at a time when local authorities are facing more stringent financial burdens and more streamlined staffing structures.**

**In addition, it becomes increasingly difficult in small authorities to progress a complaint locally when potential conflicts of interest may arise, thereby reducing the pool of officers available to properly carry out the various roles of investigation, reporting and advice etc.**



**26897-0037 : Sian Harland**

**Tref / Town : Conwy**

**Sefydliad / Organisation : Conwy County Borough Council's  
Standards Committee**

Dear Sir/Madam

**Re: Draft Local Government (Wales) Bill**

On 19 January 2016, Conwy County Borough Council's Standards Committee considered the relevant issues contained within the consultation on the Draft Local Government (Wales) Bill, namely the additional performance duties for Councillors contained within Part 4, Chapter 2 and the possible breaches of those performance duties contained within Chapter 3. These Chapters related to Question 4.1 of the consultation and the Standards Committee's response is outlined below.

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

***The Standards Committee were of the opinion that Councillors should produce an Annual Report, which should include information relating to attendance, training and interaction with residents, but that non-compliance is placed outside the framework for any disciplinary action.***

***In relation to surgeries, the Standards Committee considered that the requirement to hold surgeries is considered outdated, as Councillors currently interact with residents in a number of different ways on a daily basis.***

Yours faithfully



*for* **John Roberts**  
**Chair - Standards Committee**

**26897-0038 : Delor Harvey**

**Tref / Town : Genau'r Glyn**

**Sefydliad / Organisation : Genau'r Glyn Community Council**

**Draft Local Government (Wales) Bill – Consultation Response  
by Genau'r Glyn Community Council**

**General Comment**

Genau'r Glyn 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, which again will impact on localism, especially in rural communities. It is noted that Community Councils can elect to be competent or non-competent Community Councils. 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 Genau'r Glyn 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 the 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 with 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. This proposal will reduce burden and costs of the local authority, as well as encouraging a more accessible and immediate mechanism for communities to express their views. 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

Delor Harvey  
Clerk  
Genau'r Glyn Community Council

**26897-0039 : Terence Scales**

**Tref / Town : N/A**

**Sefydliad / Organisation : Gower Community Councillor**

Hi, I am a community councillor in the Gower and I would like to see

**1. Community Councils**

A far greater commitment to use **Community Councils** as a level of local Government with stronger controls by the Government of Wales along with increasing their range of local community services and responsibilities. Thereby making better social use of the community council precepts to alleviate the crazy austerity driven reduction in Council services.

Community Council money is a source of tax income not fully taken advantage of. If community councils had automatically local community development trusts attached to them then community councils can be a strong force for very localised community development...eg Community centres, sports and leisure facilities, car parking and pot hole filling managed as not for profit community organisations .....not privatised.....but community run.

**2. Reduced number of County Councils**

As planned.....essential to make local services meet the need of changing communities.

**3. Nationalise the Railways**

T W Scales

**26897-0040 : Councillor Dilwyn Roberts**

**Tref / Town : Conwy**

**Sefydliad / Organisation : Conwy County Borough Council**

Dear Minister,

**Re: Draft Local Government (Wales) Bill**

Please find enclosed Conwy County Borough Council's response to the consultation on the Draft Local Government (Wales) Bill. There are a number of key issues which we wish to highlight, namely:

**With reference to Q1.1**

1. We would prefer not to merge, but if merger is inevitable, we would prefer to merge with Denbighshire Council. This is a view which is supported by both the residents of Conwy and our staff, as highlighted through surveys we undertook: **72.6%** of respondents to the Conwy **public consultation** said that the Council boundary should stay as it is.

**If merger was inevitable then:-**

**68.3%** of respondents to the **public consultation** preferred a merger with Denbighshire, **24.6%** preferred a merger with Gwynedd and Anglesey. **80.4%** of respondents to the Council's **staff survey** said the boundary should stay as it is.

**If merger was inevitable then:-**

**54.5%** of respondents to the Council's **staff survey** preferred a merger with Denbighshire. **19.0%** favoured a merger with Gwynedd and Anglesey and **26.4%** expressed no preference.

2. We feel the proposed merger map in Part 1 and the additional committees and arrangements in part 2 of the draft bill undermine the fundamental principle of **local democracy**. Local will be lost by extending the council geographic areas so massively they lose connection with the community, and democracy will be lost through the additional tiers of unelected and complex committees.

3. Our views are supported by Professor Colin Copus, Director of the Local Governance Research Unit, Department of Politics and Public Policy, De Montfort University who published an article in December 2015 through Gorwel, the Independent Non-party Welsh Think Tank. In the article Professor Copus states

*"...increases in council size do not automatically guarantee that the resultant new administrative units will be more efficient, more effective, and cheaper or lead to service quality improvement. It has been known for the same period*

*however, and with more consistency, that increases in council size can and often do damage the democratic health of local communities. What that means is that as local government gets less and less local, trust in councillors and officers declines and that community engagement and cohesion deteriorates. That is not to say that increase in size cannot and has not brought about improvements; rather, that it is simply not a guaranteed outcome of re-organisation or increases in council size.”*

4. Our residents have expressed concern about the cost of the mergers and the impact on their Council Tax.

5. We share our residents’ concerns and are worried whether the proposals in the draft bill have been appropriately costed, and what impact they will have on local democracy:

<b>Increase in Costs</b>	<b>Reduction in local democracy</b>
The detailed costs of whole scale local government reorganisation and the impact on service delivery are not clear.	Councillors covering much bigger geographic areas, calling into question the term ‘local’.
An increase in costs to support Community Area Committees.	Additional tiers of complexity introduced to address larger geographic councils.
Resident concerns that they will see an increase in council tax – this has not been clarified.	Additional costs to service Community Area Committees.
Complexity and cost of ‘unpicking’ existing collaborations which do not align to new council areas.	An increase in the number of lay or coopted Members with potential voting rights, yet without democratic authority and differing accountability standards.
The cost of introducing more webcasting in areas outside main council buildings.	An increase in Ministerial powers to intervene in local democratic matters.
The cost of holding regular Elected Member Surgeries.	Changes to democracy that are not applied to every level of government – a difference in standards.
The cost of extensive meaningful public engagement in matters such as the budget.	Greater emphasis on public and CAC engagement – ignoring the role of democratically Elected Members.
Alternative delivery models may result in dis-economies of scale and a postcode lottery of service provision.	Workforce proposals will also call into question local democratic accountability.

6. The draft bill represents unnecessary micro management of local democracy. Local Government is not 'line managed' by Welsh Government.

7. The proposals should apply to every level of government and all public bodies in Wales. We appreciate what is trying to be achieved, but the draft bill is far too onerous and prescriptive and will overly complicate local government and will be expensive to administer.

### **With reference to Q1.3**

8. We do not support the creation of a Back Office Shared Service. We do not feel that this has been sufficiently costed nor evidence provided of any efficiency which would result. No account seems to have been taken of the extensive collaboration on back office functions which already exist by Local Authorities - each of these implemented with cost and efficiency benefits at their heart.

### **With reference to Q1.6 & Q 2**

We support the proposed Election Timetable and the introduction of a general power of competence.

### **With reference to Q1.7**

9. The draft bill misses the opportunity to review the Public Audit Inspection rules to allow steps to be taken against vexatious electors.

### **With reference to Q3.1**

10. The annual meeting with the Leader is out of kilter with modern ways of communication and will be inaccessible to many.

### **With reference to Q3.2**

11. We support the participation of communities in Council matters, but this should not extend to being responsible for connected authorities.

12. It will be extremely challenging and onerous to have truly meaningful consultation on the complexities of the budget. How do we expect the public effectively engage in the variety of complicated public budgets in their area eg health, police, National Park etc? This is not a requirement for other public organisations and we must remember that Elected Members are elected to represent the views of the community and decide the budget accordingly.

### **With reference to Q3.3**

13. Community Area Committees (CACs) are not supported – this is introducing another costly layer of unelected bureaucracy.

### **With reference to Q3.6**

14. Improvement requests are already occurring in Councils in a much simpler format. It is not necessary to legislate and overly complicate this.

**With reference to Q3.7**

We support the broadcasting of committee meetings but this should be limited to committee meetings on main Council Office sites because of the cost.

**With reference to Q3.8**

We support the strengthening of the role of the Youth Council. The work of Conwy Youth Council is very much valued.

**With reference to Q4.1**

15. The over-prescriptive nature of the performance duties for Councillors could result in a large number of vexatious complaints which will create an additional burden on the Monitoring Officer and Standards Committee. Attendance in itself does not measure performance, effective contribution at meetings are the important aspect, which cannot be measured. However we suggest a review of the 6 month rule should be undertaken to consider reducing the timeframe to 3 months.

**With reference to Q4.2**

16. We oppose the voting rights for co-opted Members.

**With reference to Q4.4**

17. We strongly object to 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 whole purpose of the IRPW is that it is independent of political influence.

**With reference to Q4.5**

18. We do not feel remote attendance is viable until technology significantly improves.

**With reference to Q4.7**

We are completely opposed to the removal of the independent person's role and moving the power to Councillors in relation to the dismissal of the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services.

**With reference to Q5.1**

19. We welcome the opportunity to review the improvement and governance processes in Councils. However, there is confusion between requirements and deadlines within the draft merger bill and the Well-being of Future Generations Act and this needs clarifying.

20. We are concerned the Corporate Plans will be too large if they incorporate too many other strategies.

**With reference to Q5.3**

21. Peer reviews need to remain flexible both in process and focus.

**With reference to Q5.4**



22. We support the Audit and Governance Committee proposal but do not see the benefit of additional lay members, nor do we agree that the lay member should be chair. We have concerns about the additional cost of a lay chair particularly when accounting for preparation days. It should be the decision of the Committee whether or not to appoint a lay Chair. Furthermore this proposal is another example of which is not applicable to all tiers of government. Further clarity is needed to define the Audit and Governance Committee role and that of Scrutiny Committees, particularly in relation to regulatory reports.

**With reference to Q5.5**

23. We support the rejection of local Public Account Committees.

**With reference to Q 5.8**

24. We are concerned that whilst alternative models of delivery may prevent service closure, there may be dis-economies of scale and the introduction of a postcode lottery in service provision.

**With reference to Q6.1**

25. We support the Boundary Commission submission of draft reports to Shadow Authorities, but the recommendations must be implemented by the Boundary Commission.

26. Training for Community Councillors should not become an industry and cannot be led by County Councils owing to the cost and numbers involved.

**With reference to Q6.7**

27. We support the setting of objectives of Clerks and the extension of Community Councillors' terms of office.

**With reference to Q6.8**

28. We support the repeal of community polls and introduction of e-petitions.

**With reference to Q7.1**

29. The workforce powers described 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 which could affect the legal contractual relationship between a council and employees, and could call into question democratic accountability.

30. 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.

**With reference to Q7.2**

31. The establishment of the Public Services Staff Commission is welcomed, provided it is explicitly linked to local government re-organisation. The Council does not see a continuing role for the PSSC should either local government re-organisation not take place or following its completion.

In conclusion, whilst we appreciate the opportunity to comment on the draft bill, we have found the number of documents and differing references and content extremely confusing. This hindered a streamlined response. In addition, several important points which were included in the bill and/or the guidance were not included in the consultation guidance.

The timing of the consultation over the Christmas period was unhelpful, and we fail to see how this approach could be deemed accessible to the general public.

Yours faithfully,

Cllr. Dilwyn Roberts

Council Leader

### **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.

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### **Consultation questions**

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

## **PART 1 – LOCAL GOVERNMENT AREAS**

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

In summary:

We would prefer to stay as we are, but if merger is inevitable, we would prefer to merge with Denbighshire.

- **72.6%** of respondents to the Conwy **public consultation** said that the Council boundary should stay as it is. **If merger was inevitable then:-**
- **68.3%** of respondents to the **public consultation** preferred a merger with Denbighshire, **24.6%** preferred a merger with Gwynedd and Anglesey.
- **80.4%** of respondents to the Council's **staff survey** said the boundary should stay as it is.
- **54.5%** of respondents to the Council's **staff survey** preferred a merger with Denbighshire.

**19.0%** favoured a merger with Gwynedd and Anglesey and **26.4%** expressed no preference.

As far as residents and staff (many of whom are residents) feel, the case for merger has not been made by Welsh Government and the majority want to stay as we are. Residents are concerned that there is no clarity regarding the impact merger will have on their Council Tax. Should merger be inevitable, the majority of residents and staff wish to merge with Denbighshire.

We are surprised that no lessons have been learned from other public service reorganisations, in particular, Betsi Cadwaldr University Health Board, which combined 3 NHS Trusts and 6 Local Health Boards to create a single Board. The Board has, in several key respects, failed to properly serve the residents of the area and has been placed in special measures. This has shown that 2 bigger is by no means always better. Given the ongoing issues relation to BCUHB, how can it be considered prudent to reorganise Local Government and the ancillary functions of Social Care at the same time? This view came through as a significant concern from the residents of Conwy ie 'fix the health service first'. This view is supported by Professor Colin Copus, Director of the Local Governance Research Unit, Department of Politics and Public Policy, De Montfort University who published an article in December 2015 through Gorwel, the Independent Non-party Welsh Think Tank. In the article Professor Copus states "*size and service improvement are not automatically linked and that savings can be illusory*". We have included the article as an appendix to this response.

We do not support the creation of a Back Office Shared Service. We do not feel that this has been sufficiently costed nor evidence provided of any efficiency which would result. No account seems to have been taken of the extensive collaboration on back office functions which already exist by Local Authorities - each of these implemented with cost and efficiency benefits at their heart.

The draft bill misses the opportunity to review the Public Audit Inspection rules to allow steps to be taken against vexatious electors.

We support the proposed Election Timetable.

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?

In autumn 2015, Conwy County Borough Council undertook two surveys - one with residents and one with staff. The surveys asked for views regarding the Welsh Government 'merger map' options. We have included the full report as an appendix to this consultation response.

As far as residents and staff (many of whom are residents) feel, the case for merger has not been made by Welsh Government and the majority want to stay as we are.

- The residents' survey received 978 responses to the public consultation.
- The Council's staff survey received 1,607 responses.

## **We asked:**

### **What is your view of Conwy County Borough Council's current boundary?**

- 72.6% of respondents to the public consultations said that the boundary should stay as it is.

- 80.4% to the Council's staff survey said the boundary should stay as it is.

Nearly half of all write-in responses mentioned the **financial implications of merger**. Key concerns included the cost of the merger and the likely increase in Council Tax. Residents were concerned Conwy would have to 'bail out' other council budgets and that there were better ways to make savings. A third of respondents indicated that they were **happy with the current configuration of local government services**, and saw no need to change a system that was currently delivering well for local residents and businesses. There was concern about job losses and the distraction to service delivery during a period of change. Over a quarter of residents made comments concerning **the size or boundary lines** and 15% of respondents commented on the **negative impact of merger on services**. Just over 5% of respondents mentioned **possible improvements to services** through merger.

## **We asked:**

### **If merger is inevitable then which of the following options do you prefer?**

Option 1) Conwy County Borough Council merges with Denbighshire County Council. (Table 2 in the draft bill)

Option 2) Conwy County Borough Council merges with Gwynedd County Council and Anglesey Council. (Table 1 in the draft bill)

- **68.3%** of respondents to the public consultations **preferred a merger with Denbighshire**.

Around a quarter (24.6%) preferred a merger with Gwynedd and Anglesey.

- Over half (54.5%) of all respondents to the Council's staff survey preferred a merger with Denbighshire; 19.0% favoured a merger with Gwynedd and Anglesey. 26.4% expressed no preference.

11% of respondents specifically stated they were **against merger**. Many other respondents reiterated their preference that no merger should take place, but that **the option for merger** with Denbighshire or Gwynedd and Anglesey **was based on a choice of "the best of a bad lot"**.

The main points raised for a Denbighshire merger were:

- the areas have similar economies, geography, demographics, communications, politics, cultures.
- links with former Clwyd (and before that old Denbighshire).

- it is a more compact area, easier to manage/stay in contact with than Gwynedd and Anglesey.
- co-operation already established between existing Councils, and shares some services in other public sector areas.
- This is the Council's preferred option, and staff trust their judgement
- We are already shown to be willing to work together
- There would be less impact & disruption with only two organisational cultures to merge.

We have also recently undertaken our biannual Employee Engagement Survey, which reported a high level of satisfaction with the Council. There is a significant risk that a merger will have a negative impact on staff satisfaction and may serve to destabilise the workforce.

These views support the original option appraisal in the Williams Commission Report. In every option in the Williams Commission report, Conwy was proposed to merge with Denbighshire. The commission ruled out a merger with Gwynedd and Anglesey owing to the convergence funding criterion.

We would also like to reiterate the Council letter to the Minister for Public Services which was sent in July 2015.

## **A. NO MERGER OR RE-ORGANISATION IS NEEDED**

### **1. Conwy County Borough Council is performing well.**

The first point we wish to make is that Conwy firmly believes that re-organisation or merger involving this Council is unnecessary and indeed will be counter-productive. Briefly, Conwy County Borough Council is a high performing, low cost local authority. This is evidenced by

- The recent Welsh Government survey of Wales which, as a headline in respect of local government indicated 65% of people agreeing that Conwy provides high quality services – the top result in Wales.
- The KPMG work on administration costs which you cited at the WLGA Conference shows Conwy as the best and most economical and effective in Wales.
- Our very good Wales Audit Office Corporate Assessment which we received last year.
- Our 2014/15 WAO Annual Improvement Report states:  
“The Council continued to make progress in delivering improvements in its priority areas; its track record in delivering its financial objectives leaves it well placed to secure continuous improvement in 2015-16” and the WAO make no Recommendations or Proposals for Improvement
- Good and evolving/transforming Social Care and Education services, effectively modernising to deliver savings and address the changing demographic and to meet the new legislative focus on prevention.
- The numerous initiatives and successes in relation to regeneration and the support of business in our locality, often in conjunction with the Welsh Government

– Porth Eirias, Parc Eirias, Surf Snowdonia, supporting CGG Robertsons to remain in North Wales: to name but a few.

- Achievement of numerous national awards including, as you know, the LGC UK award for Entrepreneurial Council of the Year 2015.

## **2. North Wales Councils are performing well**

You will be aware Minister that North Wales local authorities are generally performing well compared with the rest of Wales and the threat of merger or reorganisation not only inhibits our evolving collaborative initiatives with other local authorities and public bodies, but will also undo the good work done so far and the good progress we are making as an Authority and as a Region. For example, via the work of the North Wales Economic Ambition Board, strategic economic matters, infrastructure, skills, supply chain, Destination North Wales, EU funding, are already being worked on regionally/sub-regionally. This will be integral to the effective delivery of transformational projects such as Wylfa Newydd. This does not need local government reorganisation in order to deliver, as it is happening already and would only be hampered by the distracting and resource absorbing effect of reorganisation.

## **3. Merger at this scale and at this time is wrong**

The cost of merger and disruption to services during the next few very challenging years will inevitably make matters worse rather than better during the medium term (estimated at 10 years and therefore including the next two, if not three, Assembly terms) and it is our opinion that the next several years is the **worst** of times to be re-organising local government, rather than the optimum or even a reasonable time to be doing so. We understand that this is a view shared by our recognised Trades Unions in Conwy.

At a time when medium term and longer term financial planning is so important (an issue raised by the Welsh Government and the Wales Audit Office on many occasions) it is with much frustration that the current uncertainty means that local authorities are unable to sensibly plan financially for a period beyond 2020 as things stand due to the various structural scenarios that are being proposed, let alone the extremely taxing financial scenarios facing the public services generally.

As Dr James Downe, director of the Centre for Local and Regional Government Research at Cardiff Business School has stated – ‘there is no evidence that merger would save money’. Of course, we are fully aware that elements of local government across the whole of Wales are not functioning effectively and that this may be due in large part to the size or scale of the organisations that were formed in 1996, but the Welsh Government already has the mechanisms and powers available to it to tackle such issues including the ability to merge Authorities which are struggling to meet demands.

It is our submission Minister that it would be prudent and effective government on your part (assisted by WAO and other important Regulators) to tackle the areas and

public bodies where there are real issues and difficulties rather than seek a whole scale re-organisation at a time of maximum financial challenge. This would still satisfy the often stated position that 22 Local Authorities in Wales is too many, via a gradual, targeted reduction rather than a 'big bang', whole of Wales approach, which would be hugely expensive and disruptive. It would also enable other elements of the Welsh Government reform programme to be introduced into a relatively stable environment across the public sector.

Finally on this point, on behalf of the people of North Wales, we would urge Welsh Government to concentrate efforts on tackling the crisis within the Betsi Cadwaladr University Health Board and to explore where the good, stable, effective local authorities of North Wales can help in that regard, rather than to tip us into turmoil too. After all, it is likely that whatever improvements or changes are made to local government, if Health is dysfunctional then any benefits gained for local government services will be swamped and lost by continuing problems within Health.

## **B. IF LOCAL GOVERNMENT REORGANISATION IS INEVITABLE**

If local government re-organisation by way of merger with an existing local authority is to be pressed ahead with by Welsh Government then Conwy County Borough Council's strong preference would be that a merger of Conwy and Denbighshire be examined and (probably) supported by evidence – the three local authority model for North Wales. We accept that what follows is, like the Welsh Government's preferred published map(s), unsupported by an evidence backed cost/benefit analysis, but is supported by the work of the Williams Commission and is the preference of the people of Conwy, the Council and its staff. A thorough evidenced costs/benefits assessment should be a pre-requisite to any further action being taken in relation to imposing merger/reorganisation on local government in Wales. This is after all akin to a business case involving a multi-billion pound decision. There are a number of points we would wish to make in this issue and we make them briefly here, but please do not hesitate to seek further explanation or clarification of any of the points.

- Demographically and geographically there are more similarities between Conwy and Denbighshire than between Conwy with Gwynedd/Mon.
- As raised above, given that the health service in North Wales is in crisis and the Health Board is developing (and continuing to develop in spite of being in special measures) a three Area Division model for primary and community care, the Conwy/Denbighshire model adds credence and support to that approach and gives it a better chance of success. The two large county model for North Wales would totally undermine that approach and set any developments within health back. With the Conwy/Denbighshire approach there is a very good chance that the local authority could support health and the potential for closer working, joint working and integration of Health with Social Care is likely to be more achievable, although admittedly not inevitable.
- Similarly a three Authority model for North Wales fits with current operational arrangements within North Wales Police.

- The three Authority model also fits seamlessly with North Wales Fire and Rescue Authority arrangements.
- Since 2011 we have had a joint Local Service Board for Conwy and Denbighshire and we have seen significant successes as a consequence, which would be unfortunate to move away from. It is anticipated that Conwy and Denbighshire would develop and form a joint Public Service Board to deliver the aspirations of the Well-being of Future Generations Act.
- The Community Safety Partnership, Youth Justice Board (and Service) and Safeguarding Delivery Board has been on a joint Conwy/Denbighshire basis for many years and would be disruptive to disconnect.
- There is a real threat that of a council comprising Conwy with Gwynedd and Mon is that the businesses, and citizens of Conwy feel marginalised as being on the eastern periphery of the large council. This is borne out of experience of the former Gwynedd and Clwyd County Councils where there was a clear lack of investment in school buildings in Llandudno and Colwyn, for example. Such marginalisation could well be detrimental to the towns of Llandudno, Conwy and Colwyn Bay, which are vital hubs for businesses, especially the valuable tourism businesses of North Wales.
- It is also our view that the Welsh language would be supported better and wider via a merger of Conwy and Denbighshire. If Conwy were to be merged with Gwynedd and Mon, there is likely to be a strong Welsh language support and culture although by no means overwhelmingly so, given that the coming together of those three Authorities would create an area where possibly less than 50% of the population are Welsh speakers and therefore the services and culture/approach would need to reflect that demography. A merger of Denbighshire with Wrexham and Flintshire is likely to dilute the influence of Denbighshire's current approach to the Welsh language in favour of the more English speaking dominated areas to the east of the region.
- The proposed new Gwynedd is simply too big. Even with the possibility of 100 or so Councillors on that new Authority, Councillors would inevitably be having to cover very large geographic areas and would be divorced from their local areas, thereby undermining the fundamental importance of 'local' government being 'local'. This is especially important as one of the fundamental tenets behind the Welsh Government's local government reform agenda is connection with, or re-connection with communities.
- You will be aware that our staff are hugely important to any Council, not only as key deliverers of services, but also as a barometer for local views (given that most are consumers of local services and/or their friends and family are) and as electors. We therefore undertook a staff survey to gauge their important views. In summary, 68% felt that there should be no change to Council boundaries, but that if that is inevitable, 53% considered that a merger with Denbighshire would be preferable than any other alternative and the 16% who expressed a preference for Mon/Gwynedd and Conwy appear to have been influenced by the fact that they felt it was inevitable after the rejection of the potential early voluntary merger of Conwy and Denbighshire.



- Staff were actively involved in debating the White Paper ‘Power to Local People’ and felt strongly that the focus on restructure missed the opportunity to focus on the modernisation of public service delivery. Staff were not adverse to change, in fact Conwy County Borough Council has extensive examples of modernisation and change within the Council; however Staff felt that the change proposed was based on underperforming Councils, and that some proposals will disaggregate Local Government, create an even more complex structure, limit economies of scale and potentially confuse the general public.
- We have concerns that conclusions reached by Williams Commission on the configuration of local government boundaries appears to have been summarily disregarded without a considered and transparent evaluation of the proposals that have now emerged from Welsh Government as its preferred map.
- As you know Minister, the Williams Commission concluded that *“Many public organisations in Wales are too small. While some of them may perform well (and some large organisations may perform badly), the smaller ones face multiple and severe risks to governance and delivery which are likely to get worse in the medium term”*. There is no evidence of this in North Wales – on the contrary, the large scale of the NHS Board has created significant governance concerns of which you are well aware.
- Whilst a Conwy/Denbighshire Authority with a population of some 210,000 might appear relatively small in comparison (both in geographical area and population) with some of the local authority areas proposed for mid and South Wales, we would urge you to consider that there is significant evidence (particularly felt here in North Wales) that large organisations by no means are good organisations. We would be confident, given the track record here in North Wales and in Conwy in particular that a Council of the size of Conwy and Denbighshire combined would (if merger is indeed inevitable) be the optimum size to have sufficient scale but also to remain relatively close to the communities we would serve
- Minister, you will be aware of some of the key conclusions reached by the Williams Commission (as following in *italics* with our observation in plain text):  
*Overall the Welsh public sector seems to be in a position where:*
  - *The design and structure of the public sector entails over-complex relationships between too many organisations, some of which are too small;* Our view is that to merge Conwy with Gwynedd & Mon would further exacerbate this given the structures within the NHS and Police.
  - *That creates and sustains significant weaknesses in governance, performance management and organisational culture, or at least carries a significant risk of doing so;* This is not the case in North Wales, however a period of significant change is bound to have a detrimental impact on performance, and culture, before improvements are seen.
  - *Those weaknesses are mutually reinforcing and difficult to break from within;* Again there is no evidence of this concern within Local Government in North Wales, but is an area of significant concern within Betsi Cadwaldr NHS Local Health Board.

- *The consequence is poor and patchy performance because delivery mechanisms improve too slowly and inconsistently, and because there is no 'visible hand' driving improvement; There is no evidence of this in North Wales.*
- *Strategic dialogue around reform of the system is sporadic and does not support the necessary shift towards co-production and prevention; and National policy initiatives may inadvertently compound the underlying problems they seek to solve.* This is an area where Local Government would welcome working with Welsh Government to develop a joint vision for the future of Local Government Service Delivery. To consider what and how services can be modernised to support the sustainability of public service delivery in Wales.

## **C. CLOSING COMMENTS**

- We feel strongly that Welsh Government should build on their desire for community involvement by consulting with the residents in each map areas before reaching an established view on reorganisation and engage fully and openly with all stakeholders in a proper debate (both listening and discussing) around the role local government should play in achieving our shared ambition for world class public services in Wales.
- The current uncertainty regarding the map is preventing us from progressing with collaboration and integration of services across local government, but also (importantly) with other public sector bodies, (e.g. police) because we are unsure who we should be working with or what shape local government will be, and yet financially we cannot wait until 2020 to modernise services through collaboration. As well as the organisational impact of the uncertainty, the human cost of the uncertainty to staff is palpable - damaging to staff morale and therefore their wellbeing.
- We have real concern that the debate regarding local government is focussing too much on form/shape and too little on function. What we need is a detailed vision for the future of local democracy, developed in partnership with Local Government, in order to rebuild the vital relationship and mutual respect between Local and Welsh Government so that we can deliver public service excellence in Wales.
- Fundamentally Minister, we should not lose sight of the fact that NO evidenced case, with thorough cost/benefit analysis, has been conducted. The rejection of Conwy and Denbighshire's offer to look further at early merger was a missed opportunity and leaves open the key question of whether there are benefits from reorganisation of local government in Wales which will justify the cost, both financial and political.
- Finally Minister, we reiterate that Conwy is a high performing, low cost Council which is willing to work with others to improve further our public services. The current uncertainty around re-organisation is frustrating, but actually pressing ahead with re-organisation in the next few years could be calamitous and we urge a re-think and a concentration on where current failures lie (in local government and in Health) and exploration of how we can contribute to their improvement, as well as our own.

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

We do not have a view on options relating to local government reorganisation which would not affect Conwy County Borough Council. But we would anticipate that this negative impacts of disruption, planning blight etc that we are concerned about for Conwy would be replicated across the Country.

With regard to the RIA option appraisal, our response is outlined below.

**Option 1 – do nothing**

This option does not reflect the work and collaboration councils have already undertaken to modernise and reform current service delivery in order to create savings. The calculations do not factor in the costs and benefits that councils have already achieved and plan to achieve further through future plans to create efficiencies through modernisation and collaboration.

**Option 2 – Shared Back office Service.**

We do not feel that this has been sufficiently costed nor evidence provided of any efficiency which would result. No account seems to have been taken of the extensive collaboration on back office functions which already exist by Local Authorities - each of these implemented with cost and efficiency benefits at their heart.

The suggestion to expand the NHS Wales Shared Service Partnership would move all jobs to South Wales. This is of significant concern where the public sector are the main employers in North Wales. Should this occur, a retention of regional or sub regional services would be paramount.

There will be relocation costs for those who wish to move, and for those that do not wish to move there will be redundancy costs and reappointment costs. A local service seeking advice from a shared service with no local knowledge, history or affinity with the council area will be a distinct disadvantage to the council and represent a reduction in service quality at time of greatest need.

To reorganise back office functions which will be fundamental to the support for council mergers and service modernisation will be totally counterproductive and will have a negative impact on service provision.

Option 3 – please see our response to Question 1.2

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

Conwy County Borough Council does not have a view on this.

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

We have no concerns with the proposed procedure for naming the counties. However, we are concerned that the moratorium on the establishment of any new collaborations could prevent necessary efficiencies. This should be amended to state that collaborations involving a minimal number of staff, or that do not extend beyond the lifetime of the existing authority life span, can proceed. Failure to allow collaboration under these circumstance will stifle innovation. In addition, if and when the mergers are confirmed, the Minister may make regulations to prevent Authorities entering into certain forms of contractual arrangements, including for the sale and purchase of land and for the recruitment of certain staff unless he gives consent. These restrictions will inevitably have a detrimental effect on the day to day management and service provision of Local Government for a period of almost 4 years. This cannot be sensible or reasonable.

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

We agree with the proposed 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?

The resident survey revealed concern from residents that the merger of councils would result in an increase in Council Tax for households in Conwy. It is not clear from the documentation what the process will be for council tax harmonisation. Even a phased approach will create inequalities across at least one local authority area. We have concerns that currently there are no appropriate powers that would allow for a Council Tax differential to operate within a newly formed authority. We are disappointed that Welsh Government have not taken the opportunity through this Bill to revise the public audit inspection rules allowing steps to be taken against vexatious electors.

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

It is difficult to quantify the impact of rate avoidance on Welsh Local Authorities. There is scope for the creation of a Welsh Government led business rates anti-avoidance working group. This group could collate figures from Local Authorities on the most common types of rates avoidance which would include the short term 42 day occupation of long term empty premises, failing to notify of a change in circumstances, creation of pop up shops, abuse of charity shop status, use of phoenix companies or the misuse of insolvency exemptions. This would lead to a greater sharing of information to understand the scale of the avoidance and a method of identifying and closing any loopholes in the legislation, as well as providing support and sharing good practice.

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?

A fundamental review of the non-domestic rating legislation could be undertaken to clarify which types of properties are eligible for reliefs or exemptions, allowing Authorities to differentiate between those ratepayers who are legitimately eligible for reliefs and those who seek to abuse the system. Avoidance can flourish in overly complex rating legislation and withholding reliefs or exemptions on the basis of opinion can lead to litigation and excessive court costs for Local Authorities. The following suggestions could assist in reducing instances of avoidance:

- Currently the three or six month unoccupied relief is awarded once a hereditament, which has been occupied for 42 days or more, becomes unoccupied again. The relief period could be revoked and all empty properties are granted an ongoing 50% relief. This incentive would encourage local business growth and ensure the 42 day occupation period is not utilised inappropriately. Alternatively legislation could incorporate a clause which states that the relief can only be applied once in any given financial year, occupation of premises must be substantial and solely for the purpose of the Valuation Office description of the premises (For example a shop must be used for retail and not storage).
- There should be a statutory duty on occupiers and owners to supply information concerning liability for rates or a change in circumstances; and not just following a written request to do so. This should be accompanied by penalties imposed for not supplying information or knowingly supplying incorrect information.
- Disputes on reliefs and liability should be considered at the Valuation Tribunal rather than the Magistrates court due to the cost and administrative burden on Local Authorities. Welsh Authorities are currently limited to an application of £70.00 court costs, even when disputes are escalated through the courts. The ratepayer would also have responsibility to pay the rate while their appeal is being considered by the Valuation Tribunal.
- The use of charities by commercial property owners to gain empty property relief should be reviewed. The 100% exemption from empty rates (providing when next in use it will be for charitable purposes) should be capped at a lower level.

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?

A Welsh Government assisted funding scheme to challenge high profile rate avoidance cases could support Local Authorities to pursue difficult cases with a consistent, vigorous approach. A code of practice could also be issued clarifying disputes and issues on mitigation.

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 support this proposal. We have no issues with the Sea Fisheries (Shellfish) Act 1967.

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

The length of time for suspension of by elections should be six months. Charitable Trusts and Local Authority companies should be included in 'other technical matters'. Conwy has responded to the consultation on Draft Directions to the Local Democracy and Boundary Commission for Wales regarding the appropriate number of Councillors for new Authorities. We would again emphasise that a blanket councillor:elector ratio across the new Authorities in Wales will not support effective and convenient local government. We would support the methodology put forward by the Local Democracy and Boundary Commission for Wales in 2013 in their "Council Size Policy" which takes into account a number of factors, such as electorate numbers, population size and measures of population density and urbanisation. This methodology is broadly based on the method currently in place in Scotland. This methodology uses information relating to the population distribution within Councils enabling a conclusion to be drawn on the relative urban and/or rural nature of their areas, in demographic terms. This data is then used to categorise local authorities into four groups. This methodology enables a transparent and robust approach which would provide a sustainable method for future allocation. When this model was applied to Conwy County Borough Council, the ratio of elected member to population (not elector) was 1:2000. Conwy County Borough Council would recommend this preferred methodology previously put forward by the Commission which would also ensure that Councils with similar characteristics are being treated in the same way rather than applying a blanket councillor:elector ratio across all Councils.

## **PART 2 – GENERAL POWER OF COMPETENCE**

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

We are totally supportive of the introduction of a general power of competence. Clarification would be required as to how this provision would tie in with the Local Government Goods and Services Act 1970 and other legal provisions which may restrict its use.

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

**Para 25, Subsection 4 of part 2 chapter 1 "the income should not exceed provision"**. Clarification regarding what would be included in the cost of provision is required. The issue of what is 'a relevant professional qualification' that a Clerk could hold needs to be clarified. We are concerned this could affect recruitment and disadvantage smaller community councils. It would be more appropriate to make training mandatory for the Clerk and introduce a programme of continual professional development given that professional qualifications can be from many years ago.

## **PART 3 – PROMOTING ACCESS TO LOCAL GOVERNMENT**

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

The proposals should apply to every level of government and all public bodies in Wales. We appreciate what is trying to be achieved, but the draft bill is far too onerous and prescriptive and will overly complicate local government and will be expensive to administer. We support the participation of communities in Council matters, but this should not extend to being responsible for connect authorities. It will be extremely challenging and onerous to have truly meaningful consultation on the complexities of the budget. This is not a requirement for other public organisations.

Community Area Committees (CACs) are not supported – this is introducing another layer of unelected bureaucracy.

Improvement requests are already occurring in Councils in a much simpler format. It is not necessary to legislate and overly complicate this.

The annual meeting with the Leader is out of kilter with modern ways of communication and will be inaccessible to many.

We support the broadcasting of committee meetings but this should be limited to committee meetings in main Council Office sites and it should be noted that this will call on further administrative resources to extend the number of meetings that are broadcast; this appears not to have been taken into account in the Impact Assessment.

We support the strengthening of the role of the Youth Council. The work of Conwy Youth Council is very much valued.

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

We are happy with the requirement for public participation so far as they relate to the Local authority, however we do not agree the duty should extend to ‘connected authorities’. However the duty to have meaningful consultation on the annual budget would be extremely onerous and potentially of limited value owing to the time constraints of finalising the budget once the Settlement and the priorities of WG are known – including the protection of key budgets. Members of the public (which will include staff) will each have different priorities and motivations. It would be extremely challenging and capacity draining to consult in a comprehensive and meaningful way on the complexities of a multimillion pound budget. Ultimately the Members are elected to represent the view of the electorate. No other public body (including Welsh Government) is required to consult in any great detail on their budget. Perhaps consideration needs to be given to replicating locally the role of the Budget Advisory Group for Equality (BAGE).

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

We strongly object to this proposal. This is just another layer of bureaucracy, which undermines the legitimate role of local elected members.

The establishment of Community Area Committees, (CAC), the number of which will be decided by Public Service Boards rather than the democratically elected council, is entirely contrary to local democracy. Not all council areas would have community councils and so democratic representation could be imbalanced with community/public body 'co-optees'. The complexity of the arrangement suggested creates a partially unelected tier of bureaucracy, making decisions affecting peoples' lives and could easily fall victim to perceptions and incidents of cronyism, nepotism and unaccountability.

We are also concerned that the potential membership will be large and unwieldy – and whether there will be sufficient interest given some areas struggle to find people to stand for community council elections. For example, at the last election, only 11 out of the 70 community wards were contested, which resulted in 332 of the 397 seats being uncontested.

The draft bill states that the CAC is a subcommittee of the Council – the implications of servicing the committees (the number of which we cannot yet predict) will have a significant impact on staff capacity to support the CACs and will inevitably add further administrative costs into the system. In particular policy and support staff will have considerable additional work in order to prepare and consult on annual priorities and actions, as well as committee administration, translation and electronic broadcasting requirements. This proposal comes at a time where Councils are being driven to reduce inefficiencies and back office staff and functions.

It is also unclear as to whether the co-optees would be subject to the requirements of the new performance duties and be subject to the Code of Conduct.

The issues you are trying to address through establishing CACs could be better addressed by increasing the public participation and accessibility to the scrutiny 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?

We do not agree with this proposal. We do not understand why this would be required when such functions can be delegated to the Town or Community Council which are democratically elected bodies. CACs will introduce an additional tier.

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

This is not required for Conwy County Borough Council.

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

We agree that Wales should have listening and responsive Councils, but this model is just another layer of bureaucracy. The role of local members is to help the local



community to approach the Council. As such, arrangements to have discussions on areas of concern already exist. Our concern with formalising this through improvement requests is that this can lead to vexatious requests or an individual pursuing pet projects, rather than a representative will of the whole community area. There does not appear to be any filter to prevent this. Furthermore, this model could create inequalities in community areas, depending on the proactive nature of the residents. It is extremely difficult to anticipate the level of demand for this and as such, the ability to quantify the costs that will be incurred by Local Authorities to manage and facilitate this process. The only indicator we have is the Freedom of Information requests. These have increased year on year and have represented significant costs to Local Authorities.

We are not against the concept of innovation, but we do not feel this needs legislating – anyone can write in with an idea. We also feel that community improvement requests can be achieved through e petitions and this would work in a more inclusive and efficient manner. We have a number of examples where we have made changes on a simple discussion basis. For example, the Youth Council asked us to review leisure prices for young people who were being charged adult prices, and they also asked us to improve work experience, both of which are being addressed. Disability groups asked for relaxed theatre performances and they are now in place. Businesses asked us to improve apprenticeships and we have now significantly increased access to schemes.

Friends of parks groups asked us to implement no smoking in playgrounds. Community feedback on recycling assisted the introduction of the very successful Trolibocs recycling system. Annually we ask for views on Corporate priorities and we have a 'Have your say' section on the website which allows the community to discuss matters with us. The proposed approach over-formalises what is required and will create a significant amount of bureaucracy which could impact on the speed of decision-making. For example councils will have to formally consider and report any such requests from the community received. If several communities request differing or contradictory models, service delivery across a large council area could become overly complex.

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

The provision for the Leader to meet the public once a year seems overly bureaucratic and not in line with current methods of engagement, particularly involving social media and the expectation for timely responses. One meeting a year could be deemed inaccessible in terms of transport to one location, in what will be a much larger Council geographic area. If the intention is to improve public engagement this access could be addressed through the participation strategy. The Broadcasting of meetings should be limited to actual Committees of the Authority in key Council offices rather than meetings generally. To broadcast all meetings would be impractical and expensive. Funding the broadcast of meetings has a significant cost to an authority both in terms of the software required and the person hours required to support this facility.

Filming and photography by members of the public should not be required if meetings are broadcast. There is a danger that any filming or photography in an uncontrolled manner could be subject to misleading editing and mischief making including possibly harassment on social media sites. This is something of which Conwy County Borough Council regrettably has too much experience. We support the electronic publication of meetings and electronic summons. The minutes of Cabinet meetings should be compulsory regardless of the broadcast requirement. The written minutes would be an accurate record of the decision made and kept for an indefinite period whereas broadcasts are kept for a 6 month period. If it is the intention to retain broadcasts for an indefinite period, this will have financial implications for ongoing data storage. Within Chapter 6 of Part 3, there is a duty to publish a guide to the Constitution. This is a duplication in that, the Constitution itself is the definitive text for the proper governance arrangements of a Local Authority. Most of aspects of the Constitution are written in 'ordinary' language already, and to try over simplify the Constitution will lead to confusion and misinterpretation, particularly when the Constitution itself will always have to take precedence.

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 would welcome the strengthening of the role of the youth council under this legislation as it not as robust under the current guidance. Conwy County Borough Council supports the enhanced participation by Children and Young People. Conwy Youth Council is very much valued and regularly meets with Cabinet and other officers and discusses issues beyond those which might affect them. (Anecdotally they delight in meeting with Cabinet and holding them to task!). There is nothing to stop young people engaging with the democratic process the same way as any other member of the public, but to facilitate their involvement further, we have already adopted a Children's Rights Scheme. This gives opportunities for young people to participate in the decision making process, especially if there is a negative impact on children's rights. It also gives the Conwy Youth Council the opportunity to be involved in changes of high significance, and ongoing dialogue with elected members. The Scheme champions the UNCRC and is supported by a toolkit and training.

## **PART 4**

Question 4.1: FUNCTIONS OF COUNTY COUNCILS AND THEIR MEMBERS Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

**Compulsory attendance is required unless there is good reason.**

Clarification is required on what would constitute 'a good reason'?

**Members to hold surgeries at least 4 times a year.** This is an additional burden on Members who already engage with members of the public.

The requirement to answer correspondence within 14 days is at odds to the Welsh Assembly requirement of 17 working days.

**Compulsory training** – we would have no objection to this, provided that the subject matters were for individual authorities to consider.

**Members to write annual reports.** The requirement for any potential breach to be referred by the Head of Democratic Services to the Monitoring Officer is illogical.

**Breaches of duties** (chapter 3). The requirement for monitoring officers to investigate potential breaches of the performance duties will have a resourcing impact on Local Authorities. These duties do not appear to be linked to the Code of Conduct and this could lead to inconsistencies between authorities whereas the present regime of the Code of Conduct being policed by the Public Service Ombudsman for Wales means that there is consistency in the investigation regime across the whole of the public sector in Wales.

In respect of the above Conwy's Standards Committee would make the following observations:

The Standards Committee were of the opinion that the production of an Annual Report by Councillors be made compulsory and should include information relating to attendance, training and interaction with residents, but that non-compliance is placed outside the framework for any disciplinary action.

In relation to surgeries, the Standards Committee considered that the requirement to hold surgeries is considered outdated, as Councillors currently interact with residents in a number of different ways on a daily basis.

**Setting of objectives for the Cabinet.** We support this proposal.

**The leader must prepare an annual report on the progress of the Cabinet Objectives.** This is already addressed through the Council's Annual Report on progress with corporate priorities.

**The Leader must prepare a written manifesto.** It is not clear why a leader, elected on an electoral manifesto should need to set out a further manifesto for election as leader. This is inconsistent with other tiers of government.

The over-prescriptive nature of the performance duties could result in a large number of vexatious complaints which will create an additional burden on the Monitoring Officer and Standards Committee. Attendance in itself does not measure performance, effective contribution at meetings are the important aspect, which cannot be measured. However we suggest a review of the 6 month rule should be undertaken to consider reducing the timeframe to 3 months.

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? As we have previously responded, diversity of Councillors is the responsibility of political groups and their choice of who stands. Whilst we support diversity within Elected Members for the allocation of Committee roles, each role should be awarded purely on merit. Tokenism can be counterproductive.

We have previously commented on our views on the monitoring and reporting roles of the Standards Committee.

We oppose a voting right for co-opted members of Scrutiny Committees. This would create issues with regard to political balance and contradicts the democratic process. It would be far more effective to leave it to local discretion to invite individuals with experience and knowledge of the subject as expert witnesses, to provide evidence to inform the recommendations from the Scrutiny Committee.

The proposed Welsh Government power to require joint overview and scrutiny committee is unnecessary. Legislation is not required – good governance

arrangements will dictate joint overview and scrutiny committees where they are deemed necessary.

Whilst the consultation includes a role for Standards to monitor performance, it was interesting to read the annual report of the Standards Commissioner for the Assembly, Gerald Elias, who stated:-

*“On a recent visit to Washington D.C.<sup>1</sup> I paid a visit to Deborah Sue Mayer, Chief Counsel and Staff Director of the Select Committee on Ethics of the United States Senate – in effect my counterpart in the US Senate. We discovered that the range of complaints we received covered very similar ground and that our respective Codes more or less mirrored each others. One of the areas which takes up time for the Chief Counsel are complaints relating to “performance” of Senators and as I have indicated in earlier reports – and in this one – this is an area where I, too, receive a significant number of complaints.*

*01.05 Whilst the Chief Counsel and I were clear that “performance” issues were not matters for standards, we did note the fact that the view of the public seems to be moving away from the acceptance that an elected Member can do whatever s/he wishes – and the electorate at the ballot box ultimately judges - to one where a degree of prescription is required as to what is to be expected of a Member. Complaints such as “he/she did not respond to my phone call or letter, or not within x days” are becoming more prevalent.*

*01.06 I am clear that it would be very difficult to set down prescriptive time scales for letter answering or phone call replies – even if it were desirable, which I do not accept – but the fact that such complaints are made does highlight the need for Members to be assiduous in ensuring that timely responses are made – even if the message is that you cannot support the matter for which your help is solicited.*  
“

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

We are supportive of this proposal.

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 this proposal. The whole purpose of the IRPW is that it is independent of political influence. If that is not to be the case, then it would merely be a mouth piece for Welsh Ministers whose own remuneration is decided independently.

We oppose the recall of Councillors. It is unclear why this is only applicable to Local Government and not all levels of government. We are concerned that recall could result in a significant increase in the costs of bi- elections and would be open to abuse, particularly near elections.

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

Whilst we support ideas to increase attendance, there are practical issues which do not make this feasible. We have concerns with connectivity, broadband speed, cost, welsh language preference and confidentiality. Decisions could be subject to

challenge if technical difficulties arose whilst the meeting was taking place. Technology needs to improve to make this feasible. One of our Councillors has experience of remote access as a Member of another public body, and has found remote access limits the ability to join in with the debate and significantly limits the important networking which takes place before and after meetings.

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

As we have stated in our previous response to the Minister ( July 2015)

The proposed **term limits on chief executive appointments** or a period of review is not supported.

This approach would deter good candidates from applying, and does not appear to be applicable to any other area of devolved public services. There is concern that the examples from New Zealand within the White Paper are not comparable with Wales – particularly when the example quoted did not apply to Local Government. A national recruitment process for Chief Executives (*and chief officers*) is also not supported. This is a local decision and again, demonstrates Welsh Government's lack of trust. The introduction of another Quango also undermines democracy.

Councillors felt that there should be review of all quangos to consider a reduction in the number of non-democratic bodies. It is wrong to impose term limits on the basis of recent incidents in a minority of local authorities.

There is concern that this system has the potential for political influence and/or nepotism. Likewise the remuneration of Chief Executives should be a local decision, but parameters could be set depending on the size of the Council, eg national bands – similar to those applied to Leaders and other senior salaries for elected members. However there needs to be enough flexibility to allow a struggling authority to offer a financial incentive to recruit a suitable CEO, or a particularly ambitious Council to want to pay more. The proposal for an interim Returning Officer seems sensible.

Presumably the Welsh Government decision in relation to Returning Officer fees can apply only in relation to Assembly Elections and Local Government elections, as Welsh Government does not have jurisdiction over the operation of other elections and referenda. It is anticipated that Chief Executive salaries would increase to compensate for the loss of the existing contractual obligations, or only be implemented on change of Chief Executive on or following Local Government Reorganisation.

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 completely opposed to the removal of the independent person's role. The legal protections given to the statutory roles recognises the fact that in the interests of good governance it will be necessary to challenge Elected Members from time to time and it is necessary to ensure that there is no subsequent victimisation of post holders. Welsh Government could assist the existing process in ensuring that there is

a suitable, reasonably affordable, cohort of potential Designated Independent Persons available.

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 greater flexibility for Local Authority functions is welcomed.

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

This approach could stifle democracy. Local Members are consulted upon any disposal of a local asset as a matter of course.

Further clarity is required to define what an eligible community body is, and what a competent body is.

Whilst some community bodies have a lack of expertise in legal and health and safety, there are also several other business disciplines where there is a shortfall, which, from our experience, has led to the failure of community transfers. Such disciplines include business/commercial experience, and a sustainable governance structure, for example.

Further clarity is also needed on the statutory notice process, in terms of what is a qualifying asset, timetable, threshold, exemptions, asset class, strategic qualifying assets/situations, and appeals process.

The threshold needs careful consideration, as one size does not fit all across Wales. The process could impact on the efficiency agenda and the promotion of business and enterprise, as community opposition could blight transactions which promote these agendas.

## **PART 5 – IMPROVEMENT OF GOVERNANCE**

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

We welcome the opportunity to review the improvement and governance processes in Councils.

The current system is bureaucratic and cumbersome. The approach Welsh Government are taking to involve Performance Managers in the development of new guidance is a significant shift in partnership working and will enable all councils to be involved in researching good practice and ensuring that the guidance is practical. A particular focus for us will be to look at ways we can make council performance more interesting, accessible and transparent to local communities. However, there is confusion between requirements and deadlines within the draft merger bill and the Well-being of Future Generations Act and this needs clarifying and simplifying both in terms of size of plans, and practical aspects such as proposed deadlines which inhibit the ability to collate performance data in time and the flexibility to amend deadlines in election years to ensure priorities are owned by newly elected Councillors.

We are concerned the Corporate Plans will be too large if they incorporate too many other strategies.

Peer reviews need to remain flexible both in process and focus.

We support the Audit and Governance Committee proposal but do not see the benefit of additional lay members, nor do we agree that the lay member should be chair. We have concerns about the additional cost of a lay chair particularly when accounting for preparation days. It should be the decision of the Committee whether or not to appoint a lay Chair. Furthermore this proposal is another example which is not applicable to all tiers of government. Further clarity is need to define Audit and Governance Committee role and that of Scrutiny Committees, particularly in relation to regulatory reports.

We support the rejection of local Public Account Committees

We are concerned that whilst mutual may prevent service closure, there may be dis-economies of scale.

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

Conwy County Borough Council already produces a corporate plan which is reviewed annually and progress is reported on annually. A key concern is that the Wellbeing of Future Generations Act will require the Corporate Plan to include a number of other strategies and as yet we do not know the implication of revised set of NSIs. This will make the Corporate Plan too large, the key messages will be lost and the ability to report on progress in a transparent and community friendly way will be hindered.

It is not clear how well the corporate planning and reporting proposals align with the new duties of the Wellbeing of Future Generations Act. It appears that the detailed proposals in the Draft Bill duplicate many of the new duties on councils and therefore will increase internal bureaucracy.

Combining the new duties of the Future Generations Act and those of the Draft Bill, councils will have to produce (or contribute to) numerous sets of annual priorities and also report on them:

- PSBs set Wellbeing Objectives and report annually (FG Act)
- Councils set Wellbeing Objectives and report annually (FG Act) / Councils set corporate plan priorities (including performance priorities) and report annually (Draft Bill)
- Leaders set priorities for Chief Executives and report annually (Draft Bill)
- (A number of) Community Area Committees' set annual priorities and objectives (Draft Bill) In terms of transparency to the public, this is potentially confusing and complicated.

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

The shift to peer review is welcomed in principal, but will require additional training and financial support to implement. There is a danger that the approach could

become equally bureaucratic if not carefully managed. Reading the appendix, other than the membership of the panel, this doesn't feel different from a WAO corporate Assessment. There is also a concern about the capacity to both have a peer review and reciprocate by providing staff to take part in peer reviews. However it is acknowledged that there will equally be benefits to be gained from learning from practices in other organisations.

The suggestion to use the CIPFA framework does provide consistency of approach for the benefit of benchmarking, but is very broad and therefore could lose value. To be as effective as possible, the review process needs to have a level of flexibility to allow councils to request particular focus on areas where they feel support in improvement is required. We welcome the suggestion of central coordination ( eg WLGA) to co-ordinate the allocation of peers for reviews.

A key concern is that most assessors will have a 'day job' and the possibility of slippage is a risk, and so recommendations become out of date or lose validity. On a practical level the proposed timescales do not account for committee approval or Welsh translation.

We do not agree that the panel should recommend when the next peer review should take place or that it should be advisable to conduct them more frequently eg during a period of significant organisational change – such timeliness would add unnecessary additional pressure. Rather, peer review should sit as part of a toolkit of a various other improvement methods which could be used according to the particular issue that needs further support.

We feel Local Authorities *should* rather than *may* choose to produce and action plan after the peer review.

Further clarity is required as to how this approach will work with the existing regulatory inspection regime, eg the state of local government report This area feels vague for example, the draft states a review will occur given the 'new WBFG Act gives rise to a number of reports.'

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

This is consistent with the arrangements currently in place at Conwy. We are less than convinced that the make-up of the Audit & Governance Committee will be enhanced by the presence of additional lay members. Although lay members are valued members of audit committees currently, the prescription will affect local discretion, political balance and local democracy. Nor do we agree that the lay member should be chair. We have concerns about the additional cost of a lay chair particularly when accounting for preparation days. It should be the decision of the Committee whether or not to appoint a lay Chair. Furthermore this proposal is another example of which is not applicable to all tiers of government.

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

**Other Matters:**



**Strengthening internal and external scrutiny:** There is a danger that roles and responsibilities of the Audit and Scrutiny committees become blurred in relation to the internal scrutiny of external regulators' reports. This could result in reports being presented to two or more committees. This function needs to be more clearly defined to avoid confusion and duplication. The involvement in the *development* of an action plan (rather than scrutinising a draft) could cause unnecessary delay in an operational matter.

We agree with the proposal to reject local Public Accounts Committees and concur with the statement in the Consultation Document: 'This model would be a significant addition to the cost and complexity of public services in Wales, and is unlikely to add sufficient value to be justifiable.'

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

Yes, we would agree that Public Service Boards will be the right bodies to examine policy choices facing local public services.

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

It seems unlikely that Public Service Boards would require additional legal powers, over and above those provided in the Wellbeing of Future Generations Act 2015 in order to undertake the role of examining policy choices facing local public services, but this should probably be kept under review once the Boards have been in being for some time (post April 2016).

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

### **Mutuals & Co-operatives**

It is accepted that with the choice of closure, or an alternative delivery model, the latter is more attractive. However we are concerned that the transfer of budgets to CACs and the development of more mutuals or co-operatives could lead to dis-economies of scale and potentially too many mutuals applying to the same funding sources. This has the potential to lead to a low way economy as costs are driven down. We wonder how this would link to strategic development and the transformation of services to support other public areas eg NHS. With regard to community asset transfer, the real challenge with this proposal is achieving the level of expertise in the community and also the capacity and appetite within communities. If this is not addressed a postcode lottery could develop.

Experience shows that the volunteer base is diminishing not expanding – perhaps owing to the fact that retirement ages are increasing. It is the same volunteers that support a number of initiatives and community groups are currently struggling to meet running and maintenance costs. The concern with this approach is the viability - it provides a short term fix to affordability, but can limit longer term sustainability and strategic vision if not managed correctly.

## **Shared Services**

We do not feel that this has been sufficiently costed nor evidence provided of any efficiency which would result. No account seems to have been taken of the extensive collaboration on back office functions which already exist by Local Authorities - each of these implemented with cost and efficiency benefits at their heart.

The suggestion to expand the NHS Wales Shared Service Partnership would move all jobs to South Wales. This is of significant concern where the public sector are the main employers in North Wales.

A retention of regional or sub regional services would be paramount. There will be relocation costs for those who wish to move, and for those that do not wish to move there will be redundancy costs and reappointment costs. A local service seeking advice from a shared service with no local knowledge, history or affinity with the council area will be a distinct disadvantage to the council and represent a reduction in service quality at time of greatest need. To reorganise back office functions which will be fundamental to the support for council mergers and service modernisation will be totally counterproductive and will have a negative impact on service provision.

## **PART 6 – COMMUNITY COUNCILS**

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

We support the Boundary Commission submission of draft reports to Shadow Authorities, but the recommendations must be implemented by the Boundary Commission.

Training for Community Councillors should not become an industry and cannot be led by County Councils owing to the cost and numbers involved.

We support the setting of objectives of Clerks and the extension Community Councillors' term of office.

We support the repeal of community polls and introduction of e petitions.

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

We agree with this proposal.

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

A Local Authority would not have the resources to implement the recommendations. We propose that this should be the responsibility of the Boundary Commission.

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

Without funding, the Principal Authority cannot become involved in this. There would be a huge disparity between the number of Town & Community Councillors

within one principal authority area and another. For example in Conwy we have 397 councillors and expecting the Local Authority to undertake training for this number would be resource intensive both in terms of time and cost. In addition, many community councils are able to access training from One Voice Wales, an organisation which has been set up to assist community councils. This potentially puts a huge burden on Community Councillors who are not paid, and may impact on the number of people willing to stand. We acknowledge that some training is vital, but it should not become an industry. This could potentially expand to training requests for Community Area Committees, thereby creating further cost implications.

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

We support this 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?

We would prefer that the training needs for the Community Council be a matter left to the Community Council itself. This appears to be contradictory to Q6.4 and further clarification is required.

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

We believe that this is good practice for any employee to have objectives set.

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

We support this proposal. Having experienced a recent community poll, it was frustrating to go through a process which resulted in no action being taken as the subject matter was outside the Authority's remit.

## **PART 7 – WORKFORCE MATTERS**

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 potentially a significant Ministerial power. This power would give the Minister more influence over a council's staffing structure, complement and management arrangements including pay, than locally elected members, and could impact on current contractual arrangements. This Council has seen the response of the HRD Network(Wales) on Part 7 Workforce

Matters and supports the views expressed by that professional body. We particularly endorse the view that democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively to meet the needs of our local communities. Councils need the freedoms and flexibility to recruit their own senior staff and make decisions on pay. This Council does not support a centralist approach on such important decisions.

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

We are supportive of the Staff Commission as a vehicle to assist with workforce issues around the transfer of staff as part of any re-organisation. The Council does not see a continuing role for the PSSC should either local government re-organisation not take place or following its completion.

## **PART 8 – GENERAL**

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**

None.

**26897-0041 : Griff E Pritchard**

**Tref / Town : Llanfair Mathafarn Eithaf, Anglesey**  
**Sefydliad / Organisation : Llanfair Mathafarn Eithaf**  
**Community Council**

Good morning,

The above Draft Bill was discussed by members of the Llanfair Mathafarn Eithaf Community Council at our January meeting and the following points were made as part of the current Consultation exercise ;

Members are of the opinion that the public in the locality of Llanfair M.E. will be better served by maintaining the status quo and not merging with Gwynedd or Conwy and Gwynedd as the two options given by the Welsh Government.

On a local level within Anglesey members believe the present Town & Community Council structure should be maintained. Any amalgamation of Community Councils on the basis of the present multi member wards would have a negative effect due to

the diversity of population and businesses. The coastal areas tend to have significant population increases during spring and summer as a result of tourism whilst rural areas are sparsely populated and maintain a level population base. Bringing such areas together as part of a single Council would be difficult and a retrograde step.

Griff E Pritchard,  
Clerk to Llanfair M.E. Community Council, Anglesey.

**26897-0042 : Mrs Gill Thomas**

**Tref / Town : Maesycwmmmer, Pontllanfraith**  
**Sefydliad / Organisation : Maesycwmmmer Community Council**

Dear Sir/ Madam,

**Draft Local Government (Wales) Bill.**

Maesycwmmmer Community Council has considered this document and would like to make the following comments.

In general the proposals take representation further away from the local electorate at both Local and Community Council levels and this is not supported by Maesycwmmmer CC.

The Boundary Commission should not be given complete control over the boundary review there should be a robust consultation process and a political input.

The proposals for training, annual reports and performance management will be a big drain on small community council resources.

The precept and services provided vary widely in community councils this will cause a lot of resentment in areas if mergers take place.

Yours faithfully,

G Thomas  
Clerk to the Council.

**26897-0043 : Ruth Richards**

**Tref / Town : N/A**  
**Sefydliad / Organisation : Dyfodol i'r Iaith**

THE FUTURE OF THE LANGUAGE

COMMENTARY ON BILL CONSULTATION LOCAL GOVERNMENT  
(WALES) DRAFT February 2016

contact:  
Ruth Richards  
Chief Executive  
01288 811 798  
07754 666 010

## The Future Language

Language is a future for the impartial organization operating for the benefit of the Welsh language. The organization aims to influence through constitutional means on substance and content of public policies and legislation in order to promote growth and prosperity of the Welsh language in all policy areas. It will act in the interests of Wales and its people, gaining support and respect for the language and ensure that the language is a live issue on the political agenda.

## Background Remarks

We welcome this opportunity to provide our comments on the Draft Bill. We believe that the key to the future of the relevance of Bill Welsh in public administration, and was already discussing future and share our views on the matter with the Government, the Minister and the Prime Minister.

For the purpose of this consultation, we will emphasize the same basic message already expressed; namely the need to protect and expand the administrative language in Welsh Local Government in Wales, and in particular in the Northwest. This means ensuring continuity of the model already established in Gwynedd, adopting a framework that protects what exists, and allowing the dissemination of good practice.

As one of the key issues to success is to set boundaries to suit the needs of Welsh, we will limit our comments to the question below:

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

If you want to protect and strengthen the Welsh language in public administration, there is no doubt that the sensible option would be to establish three counties in the North. If we want to preserve and expand on what has been achieved in Gwynedd over forty years, we need to ensure borders that would allow this fairly easily. Given the demographics of the language and history of the two counties, a Gwynedd and Anglesey merger would offer a great opportunity in terms of strengthening Welsh in the North West. The option of two counties; which would mean among other things added to Gwynedd and Anglesey communities in Clwyd, where the language is used by a relatively small percentage of the population, creates a completely unrealistic option in terms of protecting the language, let alone its expansion . In fact, it is more than probable that it would impose an insurmountable challenge for the Welsh language as the language of administration.

The Impact Assessment on the Welsh Language provided for the Bill recognizes the opportunities and threats, stating the goal:

"... To ensure that creation of larger areas erode existing practices in those Local Authorities who make their internal administration wholly or mainly in Welsh. Indeed, whatever the current practice across Local Government in Wales, the Welsh Ministers want to strengthen and build on the practices of the sort. "

We agree, and certainly the best and easiest way to achieve this goal would be to choose the option of three Counties.

Ruth Richards, February 2016

**26897-0044 : Alun Harries**

**Tref / Town : Carmarthen**

**Sefydliad / Organisation : Carmarthen 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?

Whilst the concept of competence is fully understood there is a need to reconsider and change the choice of term used, i.e. competent. Councils who are not eligible to be deemed 'competent' (for any number of reasons) will inevitably and automatically be labelled as 'incompetent', which carries all sorts of negative inferences and connotations that could cause a lot of unnecessary and avoidable harm to the council's reputation.

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

It does not seem to make sense that the power of competence can last for a period of five years during a council's lifetime even though during intervening years it may fail to meet one or all of the three competency requirements. It is suggested that 'competency' should be subject to an annual review. See also 2.1 above.

### **PART 3**

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

Increased participation of the wider general public in local government is welcomed and any action taken to deal positively with the current lack of engagement is to be encouraged.  
There is insufficient clarity surrounding the purpose and function of community area committees. As presented there appears to be little or no justification for this extra layer of local government especially when the draft legislation focuses on reducing the number of principal councils (and possibly community councils).

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

As for 3.1 above

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

See also 3.1 above. In many places area committees have existed previously in different guises and were not generally seen as effective. There is a risk that they may create divisions between principal councils and community councils and will inevitably present an unnecessary level of administration and bureaucracy, creating added confusion and slowing down the work of local government.

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?

In the absence of further clarity CAC's are not supported, the focus should be on clarifying the roles and responsibilities of and strengthening the relationship between community councils and principal authorities.

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

As stated above, CAC's are not supported at this 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)?

The concept of improvement requests is supported in principle, thereby creating a mechanism for the continued improvement of service delivery.

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

No additional 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?

Increased participation by children and young people is fully supported.

## **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?

See 6.2 and 6.3 below

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

Yes

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

A partnership approach is favoured between the County Council, the Boundary Commission and the relevant community council/s affected by the recommendations. Involvement of the Boundary Commission should ensure that a corporate approach is retained whilst local council participation will allow local circumstances to be considered and incorporated as necessary.

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

A corporate and comprehensive training plan for all Councillors is fully supported, best delivered through one medium (such as One Voice Wales) to ensure consistency of standards/quality and scrutiny of training undertaken and attended.

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 very long term of office but probably necessary to ensure continuity and facilitate smooth transition.

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?

Supported

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

Fully supported

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?

Supported in principle provided mechanisms exist to allow participation by people who may not have ready access to digital technology.



## PART 7

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

The issue of guidance is supported and seen as essential to facilitate a corporate approach to all relevant matters.

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?

Any constraints need to be addressed in a straightforward but mature manner and provided this is effective and achievable without compromise then it would not necessarily have to be placed on a statutory footing.

## PART 8

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

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 additional comment

**26897-0045 : John Bader**

**Tref / Town : N/A**

**Sefydliad / Organisation : Independent Remuneration Panel for Wales**

**DRAFT LOCAL GOVERNMENT (WALES) BILL 2016 – CONSULTATION DOCUMENT**

**Response from the Independent Remuneration Panel for Wales**

The consultation document and the Bill as drafted has few specific matters relating to the Independent Remuneration Panel. However, individually and collectively members of the Panel have expertise and knowledge of many of the issues contained in the document and consider that they are competent to make a valuable contribution. The Panel using its statutory role can have a significant input into the achievement of the vision that Ministers have set out for the future of local government in Wales.

**Q 1.2.** The Panel makes no comment on the basis for establishing the proposed areas but is of the view that greater consistency in the size of

the new councils would allow better opportunities for benchmarking and comparisons of performance and financial efficiency. Therefore in this regard the option to merge Conwy with Gwynedd and Anglesey and Denbighshire with Flintshire and Wrexham is to be preferred.

From the perspective of remuneration for members, the proposed mergers are likely to require bespoke arrangements or at the least modifications to the framework to cater for individual differences. The retention of Powys in its current area is a clear example of the need for a bespoke remuneration framework. While the Panel recognises the geographical justification for its retention there must be questions about the capacity to deliver services effectively and economically compared to the other 7 (or 8). The remuneration framework for Powys would of necessity be different given the much lower population and levels of expenditure.

**Q 1.4.** If the integration of Powys C C and Powys Teaching Health Board for delivery of relevant services materialises, it will have implications for governance and potential remuneration issues for those charged with its governance. If the governance arrangements include health board appointees it may be necessary for the Panel's remit to be extended to ensure equality of treatment.

**Q 2.2.** Community and Town Councils are relevant authorities for the statutory function of the Panel. In general, dealing with these authorities has not been a particularly edifying experience (albeit within the limited area of remuneration). For a small country having 735 of such councils of varying sizes is difficult to justify and we believe the current structure is overdue for a major review and streamlining which should be undertaken sooner rather than later. In the meantime it seems inappropriate to allow self-determination of competency without some form of regulatory assessment on capability to perform. It also raises the question about the relationship of community councils with the proposed community area committees. Self-determined competency could create conflicts and confusion.

**Q 4.4.** The independent Panel believes that this proposal is unnecessary and would undermine the importance that stakeholders attach to the fact that the statutory basis of the Panel is not subject to political control. This principle has operated effectively for the past eight years. Interestingly, the Panel is required to produce a draft Annual Report for consultation which is also presented to the local government Minister for comment. On no occasion (Including the 2016 Report) has the relevant Minister made any comment. The status of independence can

easily be dismissed by stakeholders as was the case recently following the (first ever) remit letter. The Panel was accused of taking decisions that the Minister had sought and therefore was not independent. The Panel was able to refute this successfully. The Panel accepts that there must be a dialogue with Ministers but this is better achieved through an annual remit letter, which is the normal relationship between Welsh Government and its sponsored bodies, and regular annual or bi-annual meetings between the Minister and the Panel. The consultation document does not provide any reasons or justification for the inclusion of this proposal in the Bill when published. Creating an appropriate remuneration framework(s) for the new councils will be a significant factor in ensuring diversity within their membership. It will be important that the process and the outcomes are seen to be independent of influence from any of the stakeholders.

**Q 4.8.** The Panel does not have a view on the proposal to replace Section 13 of the 2000 Act with a more liberal arrangement, decisions made by councils could have implications for the payments made to individual postholders if responsibilities were significantly increased or decreased.

**Part 4.** A general comment in relation to the function and role of elected members of the new councils: the final detail will inevitably have implications in terms of remuneration which would be determined on the basis of the anticipated function which potentially could vary according to the size and level of representation. With remuneration comes an expectation of performance but this has never been codified. When raised the common response is that performance is judged at the ballot box. The new regime provides an opportunity to introduce an element of performance assessment for members.

**Q7.1.** While the Panel has no specific observations on the content of Part 7 of the Bill, it will be important to ensure that there is clarification between the function of the proposed statutory Public Services Staff Commission and that of the Panel (time limited) in respect of the salaries of chief officers of existing principal councils.

John Bader Chair of the Independent Remuneration Panel for Wales

**26897-0046 : Gethin Williams**

**Tref / Town : Pontypridd**

**Sefydliad / Organisation : Pontypridd Town Council**

Consultation on the Draft Local Government (Wales) Bill

The Town Council welcomes the opportunity to comment as it had commented on the White Paper by e mail letter on the 26<sup>th</sup> September 2015.

As a general comment, it is hoped that, whatever legislation is introduced after the Assembly elections, there will be a requirement that regular and meaningful discussions between Principal Councils and Town/ Community Councils take place.

Comments are made by reference to your chapter headings.

## Part 6

### Chapter 1

The Town Council welcomes the intent to strengthen the Town/Community Council Sector

### Chapter 2 - Training

A “soft” approach to Member training in the short term at least is likely to bring desired results rather through “the stick” suggestion in the draft Bill. Within the Town Council all Members have welcomed the training provided which leads to the suggestion that guidance as to what the Welsh Government considers appropriate member development would resolve the concerns raised in the Bill especially if training attendance details were published annually.

The guidance refers to the potential burden placed on the Clerk to reach a judgement as to “not completing training”. If still considered necessary for the “stick” approach far better if an objective training criteria was set and policed by for example a Standards Committee. The burden suggested would be challenging especially as most Clerks would have daily involvement with Members and “hands on” involvement with most aspects of Town/Community Council services/meetings.

### Chapter 3 – Performance Management

The burden placed on the Mayor/Chair of a Town/Community Council would be challenging more especially having regard to the resources of a Council and as the term of office of the “Civic Head” of the Authority is normally only for a year. Further who would assist the Chair in managing the performance of the Clerk in setting the annual objectives? Consideration could be given for an appropriate “guidance” from say Wales Audit with the advantage of comment good or otherwise in the Annual Audit.

### Community Polls

The Town Council has commented previously on what it considered to be the shortcomings in the present legislative requirements regarding Community Polls. Accordingly, the suggestion to repeal community polls is welcomed.

## Part 3

### Chapter 2

#### Participation at meetings of Community Councils

It is suggested that it would not be unreasonable for interested parties to provide advance notice of representation requests say 24 hours in advance of the meeting. The basis of the suggestion is to allow appropriate information to be collated with an immediate response at a meeting wherever possible rather than a later paper electronic response.

### Chapter 3 Area Committees

It is noted that Town/Community Councils would be expected to put forward “nominations” only to Community Area Committees. It is hoped that legislation will allow all Town/Community Councils to comment on relevant matters to the Committees and that meetings will take place in varying locations within the areas. Concerns were expressed that decisions of the democratic Town/Community Councils cannot be overridden by an enlarged and distant Area Committee.

Concerns have been expressed previously regarding Community Area Committees and the non-ballot box appointments

### Chapter 5

It is disappointing to note that only Principal Councils will have the option to forward agenda/reports electronically. Provided the relevant Member agrees, it would be beneficial for similar privileges to be afforded to Town/Community Councils.

### Youth Councils

The Town Council had sought to set up a Youth Council in its area and had allocated money for it “to spend”. The unfortunate experience of the Town Council has been that with some exceptions secondary schools in the Town Council’s area have shown indifference to the proposal. Nevertheless it is the Council’s intention to revive interest. Attendance issues appear to be related to school staff resources and curriculum demands.

## Part 2

### Chapter 2 General Power of Competence

The second competency requirement is for the Clerk to hold a professional qualification and a copy of the Minister’s proposals are awaited. Meantime it is unfortunate that even though

specific to Wales legislation is being introduced apace that the CiLCA qualification is not available through a Welsh University. Another concern recently raised regarding the CiLCA qualification is the strict 12 month time limit for qualification from the enrolment date. In view of the existing 735 Town/Community Councils in Wales employing mostly part time clerks consideration could be given to introduce a modified “CPD” type qualification requiring/demanding attendance at core subjects courses (other elements could be acquired over a period of time to avoid the embarrassment of unqualified clerks in Wales and thereby destroying the likelihood and advantages of Town/Community Councils acquiring competency).

In the earlier letter comment had been made that assistance could be provided to Town/Community Councils if the Welsh Government provided a preferred model to assist particularly in financing/staffing of any future reforms as alluded to in page 46 of the consultation document.

**26897-0047 : Mr Owen Watkin**

**Tref / Town : Cardiff**

**Sefydliad / Organisation : Local Democracy and Boundary  
Commission for Wales**

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Mr Leighton Andrews AM  
Minister for Public Services  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

2 February 2016

Dear Minister,

#### **Local Government (Wales) Bill Written Evidence**

Thank you for the opportunity to provide the Commission's views on the Local Government (Wales) Bill and its role in delivering recommendations for new community electoral arrangements in principal councils.

After careful consideration, the Commission believes there are areas where legislative provision could be made to enable the Commission to effectively consider and make recommendations for community electoral arrangements. There are also more general issues to the Commission which it believes it should raise at this juncture.

Reviewing the community councils will be resource intensive and the Commission wishes to work with Welsh Government to identify the level of resources required to undertake the programme of work within the timescales required in order to achieve appropriate outcome in terms of the quality of the recommendations.

#### **The general principles of the Local Government (Wales) Bill**

In a general sense, this is not an issue for the Commission to consider. The Commission is content that it has been deemed competent to review the community councils in the first instance, rather than the newly forming principal councils. We believe that the Commission's approach will provide for the new arrangements that the Welsh government seeks whilst removing the administrative burden from the newly forming principal councils at a critical stage of their formation.

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Mae'r Comisiwn yn croesawu gohebiaeth yn Gymraeg neu Saesneg  
The Commission welcomes correspondence in English or Welsh



**26897-0048 : Ian Jones**

**Tref / Town : Bangor**

**Sefydliad / Organisation : Bangor City Council**

### **Consultation questions**

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

#### **PART 1**

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

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?

Preference is for 3 Counties in the North

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?

Procedures seem adequate

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

No objections

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?

Greater enforcement powers

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

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?

The Power of Competence for Town and Community Councils should be promoted with clear guidelines drafted and widely issued.

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

It needs to be established as to what checks and balances are to be implemented to ensure Councils who declare themselves as a 'Competent Council' are actually compliant with the Regulations. How will this be monitored? If Councils are not delivering as expected the Competence concept will be de-valued.

### PART 3

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

Setting up another body – Community Area Committee could be confusing for members of the public. If by introducing the Local Government Bill the intention is to slim line local governance then this idea may be construed as adding additional meetings and duplication. Could the role of Town and Community Councils have more effect in this area.

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 should always be encouraged

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

By nomination through its own body. Numbers should be limited so as to be productive and manageable.

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?

Sounds an excellent principle but application may not be easy and a list of delegation powers should be brought to the table and how they might be implemented by a community area committee.

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

This section is confusing and lacks clarity. The committees are part County part Community and 3<sup>rd</sup> Sector. The Electorate would be unclear as to the reason, make-up and powers of these committees. Further work is needed

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 support for external filming, recording and photography.

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

This is supported

## **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?

Funding will be a big issue

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 process should be open and transparent

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?

There appears to be too many Town and Community Councils in Wales and a review is long overdue

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?

This should be the County Council's responsibility as local knowledge is very important for the implementation of changes

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

Training should be compulsory to ensure the correct knowledge and skills are in place to operate effectively. The Clerk should hold training records of Members

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?

Yes particularly for competent Councils

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

Yes this is good employment practice. Small Community Councils may struggle in this matter

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

This would seem to be a less-costly solution to raising of local issues of contention. However not everyone has IT/IT skills

## **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

**26897-0049 : Mark Galbraith**

**Tref / Town : Llanelli**

**Sefydliad / Organisation : Llanelli Rural Council**

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 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?

The council's preference is there should be three county councils for north Wales.

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

While not ideal the council supports the nine local authority configuration arrangement set out in table 2 of the consultation document. However, it would much prefer if Welsh Government reverted to Carmarthenshire County Council being retained as a standalone local authority as was originally advocated. Creating a new county council comprising Carmarthenshire, Ceredigion and Pembrokeshire is too big an area. The outcome of creating a local government area of this size will give rise to fewer county councillors

being elected to represent much larger electoral wards especially if the Minister specifies a member elector ration of 1:4000. If this ratio is adopted the area covering the three existing counties stands to lose over 100 county councillors. The new county council will probably return 72 councillors. As a comparison Carmarthenshire County Council currently has 74 county councillors. Proceeding with this merger will seriously dilute local accountability and will be detrimental to democratic representation and effective and convenient local government.

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 view to express about this.

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

The council agrees that the shadow authorities should determine their own names and it supports the making of regulation powers by Welsh Ministers to give effect to this.

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

The proposals appear to be fair and 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?

The council would like to flag up one issue about council tax. Page 15 of the consultation document states “ we will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for

council tax". This statement equally applies to the local precepting authorities - the community council sector. The council advocates that the community council sector should be treated in the same way as principal authorities with a local transition committee being appointed to oversee changes following the community council review process. Precept equalisation or harmonisation will be a key consideration especially in areas where a number of small communities are brought together to form new common community councils.

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

The council has no view to express about this.

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

The council has no view to express about this.

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

The council has no view to express about this.

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

The council agrees with this proposal.

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

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

## **PART 2**

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

Section 29 of the draft Bill - the council supports the proposal that community councils with competence will no longer be able to utilise section 137 of the LG Act 1972. This is entirely sensible.

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

The council supports the three competency requirements and the general requirements set out regarding the use of the new power. However, when it comes to issuing guidance to the community council sector, the council hopes Welsh Ministers will not be tempted to introduce restrictions which might discourage councils from using the power as a power of first resort. Lessons need to be learned from the restriction imposed on the use of the power of Well-Being where spending limits were restricted to section 137 spending limits. This discouraged use of that particular power.

## **PART 3**

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

See below.

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

The council supports this proposal.

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

The process for selecting community councillors seems fair but it is important that the new county councils are not permitted to appoint one joint representative for an area and that appointments are made on a one to one basis so that every community council has its own seat on the area committee. Given the size of the new county councils it is important to promote subsidiarity to ensure decisions affecting local communities are made at the local level. This will encourage local people to engage in decisions affecting them and will not dilute democratic representation and accountability.

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 fully supports this proposal and believes as many functions as possible should be delegated for local determination and that the area committees have the necessary powers to incur expenditure and for them to be responsible for managing their own budget.



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

Perhaps the Public Services Boards can spearhead the transitional arrangements when they come into being in April 2016.

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

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

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

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

On a general note it is noted that on page 24 of the consultation document it states principal councils should be able to choose to send out the summons

and notices only by electronic means if they so wish. This would be very desirable for the community council sector and so the council requests that the application of this proposal is also extended to give community councils the same choice.

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

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

#### **PART 4**

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

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the questions except for question 4.9 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?

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

The intended approach and proposals seem fair and reasonable.

## **PART 5**

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

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the proposals.

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

## **PART 6**

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

The council would like to comment on “Other matters” identified on page 44 of the consultation document.

Community Council Precept: Precept equalisation/harmonisation has been

referred to earlier in this response. However, it is important to assess the impact the community council review process will have on community council precepts. In the majority of instances council tax will rise (considerably perhaps in some areas) where smaller communities are merged to create new common councils. The local electorate will have a strong opinion about this issue and are likely to object to bearing the brunt of any likely increase. Local support mechanisms will need to be created to help guide the new councils and the communities through transition as it is unlikely that financial support in the form of a subsidy will be offered to the sector from the new county councils or Welsh Government. If precepts increase there will be significant community pressure to start delivering value for money services from inception of the new councils. Building the capacity and capability of the sector will take time to take effect and will create public accountability issues during the transition period because of the time lag and not meeting public expectation immediately.

Annual reports: The council fully supports Welsh Government's intention to require every community council to publish an annual report so that local people can understand what the council has achieved during the previous year with provision being made for this requirement in the Bill for introduction.

Transition arrangements: The draft explanatory memorandum published to support the draft Bill states that section 163 gives Welsh Ministers powers to make transitional provision by regulation in relation to matters such as charter trustees and the transfer of staff, property, rights and liabilities. It also states that the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to staff being transferred under implementation orders made under these provisions subject to two exceptions in relation to criminal liability and pensions. It goes on to state that the new county councils will be required to implement the changes by the local elections in 2023. However, the draft Bill refers to the creation of Transition Committees to oversee the transfer of staff and assets to the new county councils. The council would like to see the remit of these committees extended to provide support for the community council sector. It is important to manage and oversee community council mergers so that this is done consistently and fairly throughout Wales. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

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

The council supports the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. However, the Commission must not be

rushed to complete its work programme. There are 735 community councils in Wales so the review programme will be a very significant task for the Commission to take on and deliver. If smaller councils are to be merged into larger common councils it is important to demonstrate a fair and considered approach and to allow sufficient time to do a thorough job in order to deliver the right outcome the first time around. In the proposed new county council area comprising Carmarthenshire, Ceredigion and Pembrokeshire there are 200 community councils to be reviewed so it is vital that the Commission has sufficient resource capacity to deal with the volume of councils to be reviewed and for it to deliver consistent results within a very tight timetable. The general time constraints are a concern.

Another concern surrounds the directions issued by Welsh Government to the Boundary Commission on how to conduct the community council reviews. The parameters need to be published to avoid the suspicion that the final number of community councils surviving the review process are not centred around and arithmetic exercise to drastically reduce numbers. This observation refers to the Commission undertaking purposeful reviews of community council arrangements in all parts of Wales to secure effective and convenient local government. The council would welcome a clearer definition of what is actually intended because securing effective and convenient local government is far too general and vague.

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

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

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

A further consideration is the council would like to see a correlation to the Boundary Commission's work and the Public Services Boards' work when the

Board's create community area committee boundaries so that the boundaries of community councils are wholly coterminous within the boundaries of these area committees. This is important to avoid local ties being broken by the setting of any particular boundaries.

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

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

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

The council understands the reason for extending the term limits but believes being elected for a six year term is too long and is not in the interests of healthy local democracy. Is there an option for integrating the election timetable so that it matches that of the new county councils resulting in ordinary elections in 2017, 2020 and 2023? From 2023 the timetable could then run over the proposed five year term to 2028.

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

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



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

The council supports the introduction of a performance management framework and that as a matter of good employment practice; objectives need to set for the clerk but advocates this needs to be proportionate to the size of the council. The setting of objectives would be more appropriate for clerks managing larger councils and not so appropriate for clerks serving small councils. The council supports a councillor reviewing the objectives with a clerk instead of a committee or full council. The council believes this councillor could either be the Chairman or in the case of a larger council (which has chosen to appoint a Leader), for the Leader to review the objectives.

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

The council supports this proposal.

## **PART 7**

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

Please refer to the council's remarks in 6.1 above in respect of general transition arrangements. The council would like to see formal transition arrangements put in place to support the community council review programme. The issues are identical to those highlighted for the principal authority mergers and therefore should be dealt with in the same way to ensure a fair and consistent outcome across Wales.

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 does not support the creation of the Staff Commission if it means it will 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?

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

## **ADDITIONAL QUESTIONS**

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

None the council is aware of that relate to the community council sector.

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

The entire document bundle proved to be very useful and provided important explanations and general supporting commentary and background information. The bundle has enabled the council to have a fuller

understanding of the draft Bill and led to a more meaningful debate of the issues surrounding the proposals contained in the draft Bill.

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

None thank you.

**26897-0050 : Huw Jones**

**Tref / Town : Llandygai**

**Sefydliad / Organisation : Llandygai Community Council**

Q 1.2

Some concern about the size (large) of the new Sîroedd and Sîroedd there's ability to respond to local needs and concerns effectively.

Is pleased that the Government has recognised that it would join in Conwy, Gwynedd and Anglesey means a loss of counties where more than 50% of residents speak that language. This would be a negative step for the protection of the language and to promote the use of language as a language of the day. It would also likely be reflected within the new Council staff where should try to promote the use of the language as "living language" in the workplace.

Q 1.3

As 1.2

Q 1.5

Of considering all the options available to consult electronic etc, perhaps dylsiau the process of naming the counties to be one consultative with the local electorate rather than a pure political decision.

Q 1.6

Makes sense

Q 2.2

Before concern about the fact there will be a need for 2/3 of the Community Council is elected in order to be eligible. It is ddipyn of a challenge to rural community councils have sufficient Councillors in the first place, and there are

a lot of changes among the Councillors between elections. What is the situation where there are not enough candidates for election – this is even an issue for some seats at the County Council? What happens to the contingency Advice if they not on above 2/3 elected Councillors, and then leave that draws the number under 2/3? I would suggest that the gofynniad here is excessive and does not reflect the practical reality?

Q 3.3

Dylsiau community level areas committees pendodedig statudol of aeolodau of all relevant Community Council for consistency across Wales.

Q 3.4

Not very clear at the moment what's on the table here.

Q 4.5

As technology in this area improve, this makes sense and is likely to mean fewer travel expenses and reduce the environmental footprint of the Councils.

Q 4.9

Concern about the long-term implications will fall to community groups through this – it would have been some sort of financial support and practical long term by the County Councils/Government if unexpected implications arise in the future (e.g. significant refurbishment costs on buildings, unexpected health and safety gofynnion/new Controls).

Q 5.8

Public sector face huge financial challenges at present, difficult to see painless solutions here.

Q 6.5

no comment.

Q 6.6

Fair intention.

Q 6.7

This makes sense.

Q 6.8

In this here, this makes sense and will encourage the public to engage in the process

Q 9.3

You will need to make sure that the review of community councils will give ystyrieth full bartnariethau sydd has formed ready to run services and promote local businesses e.g. Partnership Ogwen.