

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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Details **The North and Mid Wales Association of Local Councils represents 34 Town and larger Community Councils in Mid and North Wales.**

Consultation questions

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

PART 1

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

The only comment the Council wishes to make is that discussions on local authority re-organisation have taken place over an extended period and the new timescales now set out in the bill need to be brought forward.

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 Association would prefer to see 2 authorities in North Wales

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

The Association does not see any need to 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?

There does not appear to be a need for further powers.

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

The Association supports the view that the new Shadow Authorities should settle on a name for the new Councils. However, this should be done in consultation with the local communities.

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

The Association accepts the timetable for elections for the principle authorities. However, at Town and Community Council level it is felt that two 3 year terms is better than a straight 6 year term. The Association does accept that this has a cost implication for many Councils. It also gives Councils a better chance of gaining a 2/3 elected Council to meet the new Competence level.

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 Association has been concerned about the cost of administration and staff benefits with regard to principle authorities. There are no other comments relating to the bill's proposals.

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

The Association has not 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?

The Association has not 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?

The Association has not 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?

The Association supports this proposal.

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

The Association does not feel qualified to comment.

PART 2

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

The Association accepts that the Power of Competence for Town and Community Councils is a good way forward and could be developed further in stages.

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

The Association would support a monitoring scheme to ensure standards are met.

PART 3

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

The Association is only in support of area Committees if they are effective and not another layer of beaurocacy. Any Committee should include Town and Community Councils for each area with the Committees remit.

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

The Association supports public involvement as long as pressure groups do not 'take over' the proceedings.

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

The Association feels that nominations should be made through the Town and Community Councils, local business forums/chambers and the Local County Councillor.

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

The Association is supportive of this proposal as long as there is not a beaurocratic approach.

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

The Association does NOT support the recording or social media equipment in Town and Community Council meetings as a duty.

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 Association supports the idea of Youth Councils with stronger links being created between Town and Community Councils with the local High School where possible. This can't be a duty on Town and Community Councils as not all their areas have schools.

PART 4

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

The Association is in support of this proposal as far as it relates to Principle Authorities.

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

The interim returning offices should be via the existing returning officers who are already in place. The Association does not support employing new returning officers when there are others already there.

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

The Association would only support such a provision if actions are only taken with a 2/3 majority and not just a majority.

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 Association does not hold a strong view.

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

The Association is strongly of the view that community assets should be offered to Local Town and Community Councils at NIL cost. The public have already paid for them via Council Tax and by 'selling them' within local authority it becomes double taxation. The assets should be sold for money to third parties.

PART 5

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

The Association supports this proposal.

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

**The Association does not feel qualified to comment.
The only comment to make is that it needs to be cost effective in its duties. Often it costs more to check expenditure than to accept it is reasonable.**

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

PART 6

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

The Association supports the need to combine or enlarge Town and Community Councils and such proposals should be brought forward urgently. A larger Local Council would aid taking over and saving services which are being lost to County Council budget cuts.

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

The Association supports a review of the Town and Community Councils as soon as possible. In the case of Powys County Council this should be implemented as soon as possible.

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

The Association is of the view that the Boundary Commission should set the new boundaries and that the County Council should implement the actions required.

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

The Association accepts that this is a good objective. However, it should be noted that Town and Community Councillors do not get paid and are volunteers. Training must be delivered locally and there should not be an expectation on Local Councillors to travel great distances for such training. Much of the training provided by organisations (ie One Voice Wales etc) are cancelled due to lack of support.

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 Association is of the view that a term of 6 years is too long and that there should be two terms of 3 years then reverting to a 5 year cycle.

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

The Association is of the view that this should be standard practise for all Town Councils over a set size. It is recognised that many smaller Councils would not have the facility to accommodate this. However, if after review there are only larger Councils then a standard should be set.

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

The Association accepts that it is good practise for objectives to be set for the Clerk, however this should be set by the Full Council and not the Chair in isolation. (principles of decision making in Town and Community Councils)

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

The Association is of the view that this proposal is too soon. The population of Wales has a statistic of 30% being over the age of 60 years. Many of those people do not have computers nor do they wish to. For the next 5 years any legislation should allow for both e-polls and paper based polls.

PART 7

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

The Association does not feel qualified to comment.

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

**The Association does not feel qualified to comment.
Again the Association needs to be convinced of the viability and effectiveness of such a proposal.**

PART 8

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

The Association has no comment to make.

ADDITIONAL QUESTIONS

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

The Association does not feel qualified to comment.

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

The Association does not feel qualified to comment.

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

The Association is of the view that the re-organisation of Local Authorities at both County and Local Level is long overdue and has taken too long.

The sooner a decision is made and implemented the better.

The Association is willing to give oral evidence to any relevant Committee of the Welsh Government if it were felt to be of value.

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:

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