

Communities, Equality and Local Government Committee

Meeting Venue:
Committee Room 3 – Senedd

Meeting date:
23 January 2013

Meeting time:
09:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Bethan Davies
Committee Clerk
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Agenda

1. Introductions, apologies and substitutions

2. Local Government (Democracy) (Wales) Bill (Stage 1): Evidence Session 3 (9.30–10.45) (Pages 1 – 24)

One Voice Wales

- Lyn Cadwallader, Chief Executive

North Wales Association of Town and Larger Community Councils

- Robert Robinson, Secretary to the Association
- Councillor Mariette Roberts, Towyn & Kinmel Bay

3. Local Government (Democracy) (Wales) Bill (Stage 1): Evidence Session 3 (10.45–11.30) (Pages 25 – 36)

Electoral Reform Society Wales

- Stephen Brooks, Director
- Darren Hughes, UK Campaigns & Research Director
- Owain ap-Gareth, Wales Campaigns & Research Officer

Agenda Item 2

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
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Wales



As part of its Stage 1 consideration, the National Assembly for Wales' **Communities, Equality and Local Government Committee** is calling for evidence on the general principles of the ***Local Government (Democracy) (Wales) Bill***.

Please return this form to the National Assembly for Wales, by 31 January 2013. Should you have any queries please contact Bethan Davies, Clerk 02920 89 8120 or Leanne Hatcher, Deputy Clerk 029 2089 8147.

Responses should be sent to:

CELG.committee@wales.gov.uk

Or by post:
Leanne Hatcher
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Your name: Mr Lyn Cadwallader

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Introduction

One Voice Wales is recognised by the Welsh Assembly Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 70% of the 735 community and town councils are in membership. As well as our representative role, we also provide support and advice to councils on an individual basis and with Welsh Assembly Government support deliver a modular training programme for councillors. We believe strongly that community and town councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as strategic planning, partnership working and their role and place within the public sector generally.

Whilst individual councils might respond to this consultation exercise, One Voice Wales wishes to submit this provisional response on behalf of the sector although it has not had an

opportunity due to the timing of the consultation period to consult with its individual membership organisations. However over the next month it will be seeking the views of National Executive Members of One Voice Wales. Any further comments on the Bill will be submitted to the Communities, Equalities and Local Government Committee ahead of the 15 February 2013 consultation deadline.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
One Voice Wales supports the Welsh government’s commitment to reform and modernize the Local Government Boundary Commission for Wales. Legislation is required to enable the enhancement of the capacity, powers and resources of the Commission.			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
The Bill sets out a range of legislative changes that will improve the clarity of role and purpose of the Commission in relation to its work with Welsh Government and local government whilst at the same time allowing for future flexibility in the scope of the Commission to deal with other public bodies.			

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The Bill sets out clear processes for the improvement of the functions of the Commission and is appropriate and welcomed.			

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

One Voice Wales will support the changes proposed in these sections - in particular the requirement of the commission to follow a set consultation procedure on their proposals - provided that local Community and Town Councils are to be given proper involvement at every stage of any review. All such arrangements should ensure that both tiers of local government are treated equally in this regard. One Voice Wales supports an approach based on true partnership. Additionally One Voice Wales would welcome proposals that allow a right of appeal to the Minister by community or town councils on the outcome of local government reviews. With regard to a review of communities being undertaken One Voice Wales would wish to see proposals that require the Commission to publish its approach prior to the review being undertaken.

Question 5: Do you think the arrangements for local government in relation to:

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

Please refer to Question 4.

Question 6: Do you think the arrangements for local government in relation to:

- Democratic Services Committees (Section 56)
- Audit Committees (Section 57)
- Standards Committees (Section 63)

are appropriate?

Yes

No

Please expand on your answer

One Voice Wales agrees in principle with the proposals contained in these sections provided that local Community and Town Councils are to be safeguarded against any adverse implications as a result of the wider geographical areas created in response to the establishment of joint standards committees. A large number of local councillors already live a significant distance away from the administrative centres for these activities. Currently Standards Committees have community council member representation and any changes brought about as a result of the establishment of joint committees should ensure this representation is not diluted in any way.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Yes - One Voice Wales has no further comment to add in relation to this question.			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>One Voice Wales agrees in principle with the direction and outcomes sought in relation to Community and Town Council information within this bill. However, there is a clear lack of understanding in terms of the implications of this direction for the smaller authorities, and there must be a clear set of guidelines in place, based on robust analysis of the needs and requirements of the sector, prior to any enactment.</p> <p>Furthermore, it is anticipated that as a result of this analysis there will be a resource implication for the Welsh Government. These aspects are expanded in Questions 11 and 13.</p> <p>One Voice Wales considers that the Bill should allow for specific grant support be provided to all community and town councils in Wales to cater for the requirements to provide electronic access to information and should account for 80% of the resources to deliver information electronically. This would place the sector on an equal footing with other public service providers who receive revenue support to facilitate this element of the democratic process.</p>			

Chairing of Principal Councils (Chairs and Mayors of Principal Councils)

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
One Voice Wales has no further comment to add in relation to this question.			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Please expand on your answer

Overall the Bill introduces many new processes that are welcomed and which will improve current arrangements.

However, the proposals involving access to information from Community and Town Councils do include potential barriers in terms of capacity, expertise, training and/or sufficient finance on the part of smaller authorities. The Bill in its current format does not adequately address these barriers. The response to question 8 sets out the sectors view on how the current resource deficit should be addressed.

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

Please expand on your answer

As outlined in Question 10, the potential barriers for many councils would include issues such as capacity, expertise and the need for training and these issues have direct financial implications.

The availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of council websites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that local people would potentially require of them.

Statements are included in the explanatory memorandum on how a technical solution to these challenges could be approached, but little to assist councils in terms of what skills, capacity or other facets would be required of them in order to meet the information demands of the public at large.

Question 12: What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?

Please expand on your answer

One Voice Wales has no comment to add in relation to this question.

Question 13: Are there any other comments you wish to make about specific sections of the Bill?

These comments relate to the proposals involving access to information from Community and Town Councils.

The overview in the explanatory memorandum asserts that it is now common practice amongst large sections of the public to use the Internet, e-mail and social networking sites to obtain information about their local area, identify available services and contact public bodies and that, in turn, public bodies routinely publish information relating to their business, structure and functions in electronic format. What is not stated is the fact that a significant proportion of those searches for information do not conclude with the sought outcomes being established directly from the relevant public sector source. An example of this might be someone seeking information about the opening times of their local surgery or alternatively their local library, who could quite possibly come upon the relevant information without directly accessing the website of the local health board or unitary council. Indeed, this very example provides a degree of justification for such knowledge transfers to occur via a collaborative platform, rather than encouraging individual bodies to upload often overlapping tranches of information.

The overview also establishes the claim that approximately a half of community and town councils already have websites and there is a clear implication in the explanatory memorandum that this number should grow quickly. However, the analysis presented here misses the fundamental point that the availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of the sites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that people would potentially require of them.

The impact assessment proceeds to elaborate on some of these issues, making the presumption that introducing a bill will accelerate that which is likely to occur naturally over a period of time. This may well be the case, and in that sense that would in itself not be an inappropriate aim, but there is no clarity in the explanatory memorandum as to what is actually needed in respect of a community or town council website. Statements are included in terms of how a technical solution could be contemplated, but little to assist councils in terms of what skills, capacity or other facets to this challenge would be required of them and how the task of content management should best be approached.

The section on costs and benefits continues to present arguments in the manner described above, with insufficient regard given to those features of information delivery that will be most important to deal with in this domain. The various suggestions to make the task easier for councils involve mainly ideas that include third party contribution. However, it is unlikely that third party providers will have the full local knowledge to enable the information

content to be exactly as communities wish.

Therefore, the ministerial guidance promised in relation to this aspect needs to be extremely comprehensive.



Communities, Equality and Local Government Committee

Local Government (Democracy) (Wales) Bill.



Your name:

Cllr Mariette Roberts
Robert A Robinson FRICS AILCM Secretary

Organisation (if applicable):

North Wales Association of Town and Larger Community Councils

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10th January 2013

**Response to consultation from
The North Wales Association of Town and Larger Community Councils**

Notes:

The Association represents 34 Town and Community Councils in Mid and North Wales and they have been consulted on the contents included in these responses. The views expressed below are from a Town and Community Council point of view.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?			
Yes	x	No	
<p>The Association recognises the need for some changes and feels that the Bill reflects many of the concerns expressed under the current arrangements.</p> <p>There is a need to ensure that local communities are taken ‘more into account’ when making changes to administrative boundaries.</p>			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)			
Yes	Maybe	No	
<p>The ‘red tape’ which goes with such organisations is often costly, laborious and does not always improve delivery.</p> <p>It is hoped that the provisions of the Bill will achieve the aims and objectives set.</p> <p>The changes to the Commission membership are welcomed and will help the delivery of the Bill.</p>			

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	x	No	
<p>The Association does feel that the changes are appropriate.</p> <p>The changes to the make up of the commission to add an extra member is welcomed (over having a reserve).</p> <p>The requirement to have at least one Welsh Speaker on the group is accepted as an aim. However it should not override the abilities of the applicants for the position.</p> <p>The changes to the operation of Boundary and Electoral divisions are clear and appear workable.</p>			

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	X	No	
<p>The Association supports the contents of Chapters 4 and 5 of the Bill in general.</p> <p>There are two comments which the Association wishes to make which are:</p> <ol style="list-style-type: none"> 1. All boundary changes which affect principal authorities have a large cost implication as well as the problems relating to transfer of assets, staff and more important documents. Such Principal Authority Boundary changes should only take place when essential. 2. Changes in boundaries which affect Town and Community Councils have, in the recent review, been ill received in many cases. The feeling from many or our Member Councils is that communities have been divided on a 'numerical basis' taking little or no account of history or culture. The contents of Chapters 4 and 5 do not cover this issue. 			

Question 5: Do you think the arrangements for local government in relation to:

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

x

No

The Association accepts the general contents of Chapter 1.

The Association is happier with the report and review periods for both County Council and Community Council boundaries. However changes should be made every 20 plus years unless there are compelling reasons why it should be done earlier.

The Commission is currently required to aim for each councillor (in a principal council) to represent, as closely as possible, the same number of electors. However, the Commission is also under an obligation to set boundaries which are easily identifiable and take account of local community ties.

In the most recent review there was much concern expressed by the Association Members. This was due to the fact that local ties, culture and community concerns were overridden in favour of 'numbers' with regard to the allocation of Parliamentary Boundaries. This is not something which the Association would like to see repeated at Principal or Community Council level. Such a numerical basis should only be one consideration and not the overriding one.

Question 6: Do you think the arrangements for local government in relation to:

- Democratic Services Committees (Section 56)
- Audit Committees (Section 57)
- Standards Committees (Section 63)

are appropriate?

Yes

x

No

SECTION 56

The Association is pleased to see that the definition of 'Local Authority' includes 'Community Council'. This enables such a Community to seek a review by approaching the Principal Authority. There should be an obligation upon the Principal Authority to consider such request from a Town or Community Council and to take such review forward if the Town or Community Council has put forward a good case for such review.

SECTION 57

Nothing to add.

SECTION 63

Nothing to add.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	x	No	
<p>The Association supports the general provisions.</p> <p>The Association Members are concerned about:</p> <ul style="list-style-type: none"> a) Payments being made to Town and Community Councillors as an obligation. b) The effect on the precept of such payments. <p>The Association consultation response to the original approach is attached at appendix 1.</p>			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	x	No	
<p>The Association supports these provisions. It is recognised that web sites are the future (if not now) and that Town and Community Councils should embrace this.</p> <p>The Association is of the view that every Town and Community Council should have a basic web site with the following information contained therein:</p> <ul style="list-style-type: none"> a) Contact details b) Dates of Council Meetings c) Location of Council Meetings d) News on local issues <p>The Association is not in favour of such web sites being hosted by others but in in favour of each having its own domain name so that it is easily accessible.</p> <p>The timescale for implementation is acceptable.</p> <p>To encourage the implementation of the proposals grant aid should be made available to include training.</p>			

Chairing of Principal Councils (Chairs and Mayors of Principal Councils)

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?

Yes	X	No	
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The Association feels that standardisation should apply to all Authorities, not have different approaches in each. Either Principal Authorities have a Mayor/Chair or they split the role on the basis of the Mayor being Civic and the Chair being Political.
 The Public need to be able to understand the roles of the two positions and if each authority is different this causes confusion.

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

The Association feels that the provisions will be adopted by Principal Authorities but that it will be more difficult to get full support to implement at Town and Community Council level.

Any cost implication to Town and Community Councils having to implement their aspects of the Bill should be borne by the Welsh Assembly. In particular the reference to web sites.

When considering boundary changes affecting the boundaries of the Town and Community Councils their views should be taken as a 'material consideration' and not just a consultee. If the Town and Community Councils feel that they have been 'taken note of' there will be much more support for any proposals put forward with regard to boundary changes.

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

The cost of the implementation of the Bill itself (ie the Commission) is not an issue to the Association. The affects (including costs) of Boundary Changes are a different matter.

When considering changes in Principal Council boundaries the cost of such changes must be a material consideration. When such boundary changes have taken place the cost, transfer of assets, staff and (more importantly) documents are a major issue. Such boundaries should only be changed where it is essential.

When assessing the changes in boundaries to Principal Authorities it should be noted that in the past the benefits which were envisaged have not been achieved.

Question 12: What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?

The Association agrees with the powers in the Bill for Welsh Ministers with regard to subordinate legislation.

Question 13: Are there any other comments you wish to make about specific sections of the Bill?

The Association strongly objects to any proposal which gives the ability of the Commission to propose electoral divisions which straddle communities except where the Town or Community Council and the Community are in agreement. The Association would like to see something in the Bill to cover this point.

The Association supports the idea of returning officers and polling station staff not being paid twice – ie they either do the job within their own daily work or they take holiday to cover it.

The original consultation response from the Association is attached at appendix 2.

Robert A Robinson FRICS AILCM
Secretary to the
North Wales Association of Town and Larger Community Councils

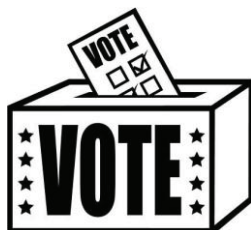
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Annex 1

NORTH WALES ASSOCIATION OF TOWN AND LARGER COMMUNITY COUNCILS

PROMOTING LOCAL DEMOCRACY



Introduction

This paper covers the proposal to alter the way the Boundary Commission operates and asks about the work that it does. The full proposals can be found on the Welsh Assembly Web Site under consultations.

The Questions and proposed answers

The Commission deals with more than boundaries. The electoral review process is as much about the appropriate number of councillors and their distribution in relation to numbers of electors, as it is to electoral boundaries. It is therefore proposed that the Commission be renamed as the Local Democracy and Boundary Commission for Wales.

Question 1: Do you agree with the Commission being renamed as the Local Democracy and Boundary Commission for Wales?

Proposed answer

The Association agrees with the new name as it is more relevant.

Currently the Commission consists of a Chair, Deputy Chair and up to three other members. However, it has a quorum of two and has in fact only had three members in total in recent times.

Question 2: Do you agree being increased to three, with the appointment of a Chair, Deputy Chair and two other members becoming the norm?

Proposed answer

The Association agrees with the increase in numbers. Such membership should include representation covering Mid and North Wales.

One of these members could be a reserve member, whose services would only be called upon when it was clear the quorum would not be achieved otherwise.

Question 3: What are your views on the appointment of a reserve member?

Proposed answer

The Association feels that there should not be a reserve member but an extra member of the committee so the member is up to date.

It is also proposed that the provisions in relation to the language be modernised. The requirement that at least one member should be a Welsh-speaker.

Question 4: Do you agree that the provisions set out at section 7.3 of the Welsh Government's Welsh language scheme are appropriate with regard to appointing members to the Commission? (i.e. as above)

Proposed answer

The Association agrees that the provision appointments should be on merit alone, however it is desirable to include a Welsh speaker. The language used in proceedings must allow inclusion of all.

Members of the Commission will continue to be appointed by Welsh Ministers following a publicly advertised appointments process, based on the principles of merit, fairness and openness, and be paid at rates decided by Welsh Ministers.

Question 5: What are your views on the Commission having the power to appoint persons to provide expert advice, together with the power to pay any such persons?

Proposed answer

The Association is of the opinion that appointments must be on merit and such pay and conditions at a level which is fair and not extravagant.

It is proposed that whenever the Commission suggests a change to local government areas it must also consider making proposals for consequential changes to electoral arrangements (i.e. the numbers and distribution of councillors within a county area).

Question 6: Do you agree that the Commission should consider consequential changes to electoral arrangements (the numbers and distribution of councillors) when recommending changes to local government areas?

Proposed answer

The number of electors to Councillors should only be one of the parameters and not at the cost of loss of local identity.

It is also proposed that if any of the alterations affect the boundaries of a police area the Commission must inform the Secretary of State for the Home Department, who can, by order, change the police area boundaries to make them coterminous with any proposed fresh county boundaries.

Question 7: Do you agree that the Commission should inform the Home Secretary of any recommendations which affect the boundaries of a police area?

Proposed answer

The Association agrees with this proposal.

It is proposed that this review requirement be tightened so that, once notified of a forthcoming electoral review, a principal council will be required to ensure that its communities have been recently reviewed to the satisfaction of the Commission.

Question 8: Once notified of a forthcoming electoral review, should a principal council be required to ensure that its communities have been recently reviewed to the satisfaction of the Commission?

Proposed answer

The Association is not keen that the Welsh Assembly can over ride the Principle Authority and some clear guidelines on when the Welsh Assembly can step in are needed.

Question 9: If a principal council does not follow the guidance, should the Commission be empowered to carry out the review and charge the principal council for doing so?

Proposed answer

The Association feels such actions should be a last resort with the Principle Authority given a chance to rectify any breach.

Question 10: What are your views on the Commission being empowered to issue guidance to the principal council on the timing and process of community reviews together with the principles to be followed?

Proposed answer

The Association is in support of this proposal.

It is proposed that the Commission be granted order-making powers in relation to community reviews carried out by principal councils.

#Question 11: Should the Commission be granted order-making powers in relation to community reviews carried out by principal councils?

Proposed answer

The Association feels that any such powers should be the subject of strict guidelines to give as much freedom as possible to Principle Councils to set boundaries in consultation with their local communities taking into account local conditions.

The Commission would be required to produce a timetable for a ten year cycle of reviews, during which each principal area will be reviewed. No more than ten years should elapse between each subsequent electoral review of any principal area. The next review is planned for 2014

Question 12: What are your views on the Commission operating a continual cycle of electoral reviews, commencing in 2014, with a timetable for a ten year cycle of reviews being produced?

Proposed answer

The Association is in agreement with a 10 year cycle of reviews of both County Council and Community Council boundaries, however changes should be made every 20 plus years unless there are compelling reasons why it should be done earlier.

The Commission is currently required to aim for each councillor in a principal council to represent, as closely as possible, the same number of electors. However, the Commission is also under an obligation to set boundaries which are easily identifiable and take account of local community ties.

Question 13: When fixing boundaries should local community ties have equal importance to achieving a target ratio of electors to councillors?

Proposed answer

The Association agrees with this proposal and indeed feels that local ties are even more important than numbers.

The following should also be noted:

a) Communities are more important than numbers.

b) If keeping communities together means numbers are uneven, so be it.

c) Ward numbers should take into account future developments and the LDP housing numbers.

d) Population numbers are a better guide than just those on the electoral role.

It is proposed that the current provision preventing the Commission from proposing electoral divisions which straddle community boundaries be abandoned as this can impede the Commission's desire to make proposals in the interests of equalising, as much as possible, the councillor to elector ratio.

It is also proposed that, should it feel it appropriate, the Commission may propose changes to community boundaries as part of an electoral review.

Question 14: Should the Commission be able to propose electoral divisions which straddle community boundaries?

Proposed answer

The Association strongly objects to this proposal except in cases where the Town or Community Council is in agreement.

Question 15: Should the Commission be able to propose changes to community boundaries as part of an electoral review?

Proposed answer

The Association supports this proposal as long as any changes are with the Town or Community Councils support.

There are only 3 more questions which are relevant to the North Wales Association.

Question 33: What are your views on town and community councils being required to ensure their contact and membership details, together with records of their proceedings are accessible via the Internet?

Proposed answer

The Association supports this proposal but such information should also be available in other forms and not exclusively a Web Site.

Town and Community Councils should be able to decide how best to publish contact details, these maybe via direct information or by people being asked to go via the Offices of the Council.

Most County Councils do publish Town and Community Council details on their own Web Sites but only include the Clerks details, this is an acceptable practice.

Question 34: Can you suggest any other communication channels that should be explored to improve individuals' access to information about their town and community councils?

Proposed answer

The Association supports the provision of newsletters but these do not need to be mandatory as part of any Town and Community Council's activities.

Question 35: Do you agree that a local government officer should not receive payment under the terms of returning Officers' fees and changes order whilst also receiving remuneration for the same period of time from their local authority?

Proposed answer

The Association supports this proposal.

The Association confirms that they are willing to give oral evidence to a Committee if required.

**Robert A Robinson FRICS AILCM
Secretary
North Wales Association of Town
and Larger Community Councils.**

Annex 2

Cymdeithas Cyngorau Trefi a Chymdeithasau Mwyaf Gogledd Cymru **North Wales Association of Town and Larger Community Councils**

RENUMERATION PANEL FOR WALES

Consultation

Association Members Attending

Cllr Brian Bertola (immediate past Chair)

Cllr John McLennan

Cllr T Renshaw

Cllr K Astley

Robert Robinson Secretary

Representation

The Association represents 31 larger Town and Community Councils in Mid and North Wales (many of which are not members of One Voice Wales).

These Councils range from Bangor, Rhyl, Llandudno and Flint along the North Coast down to Welshpool and Newtown in the South and from the west coast to the borders of England.

Member consultation

The member Councils were each individually consulted on the proposals with regard to remuneration for Town or Community Council Councillors.

Introduction

The Association has been very involved in the consultation process with regard to the Local Government (Wales) Measure 2011 and has in particular shown a special interest in the legislation with regard to remuneration for Town and Community Councillors and the effects on the precept of each area.

The proposals

As the Association understands it the allowances proposed with regard to Town and Community Councillors are set out below and are optional.

The proposals are to allow for payments to Town or Community Councillors as follows:

- a) Up to £100 to Councillors for telephone calls, postage etc.*
- b) Payment of mileage allowances (ie 45p per mile up to 10,000 miles pa).*
- c) Subsistence. (ie £28 per day for meals etc)*
- d) Hotel accounts. (£95 per night)*
- e) Attendance allowance for work outside area. (ie £32.46 per day)*
- f) Financial loss allowance (ie £30.05p for up to 4 hours, £60.11p for 24 hours etc)*
- g) Civic allowances for Mayors or Chair as determined by each Council.*

Consultations

The North Wales Association notes that One Voice Wales and the Society of Clerks are the only organisations consulted. This is not considered representative overall and this has been recognised during other consultations.

The Association has pushed for a meeting with the Panel as its membership (of larger Town and Community Councils) is greater than that of One Voice Wales in the Mid and North Wales area.

It is also noted that those Councils not belonging to One Voice Wales have not been consulted and should have that opportunity.

Matters to consider

The Association considered the following aspects of the proposals:

- a) The consultation process.*
- b) The effect on the precept, if any.*
- c) The effect of the proposals being a duty or a power.*
- d) The level of allowances.*
- e) Allowances and pensions if they were applied to Town and Community Councils.*

Effect of payments on the precept

The effect of payments to Town and Community Councillors needs to be assessed against the effect on the precept. The Association would not support any proposal which does not allow all Town and Community Councils to make up their own minds on if and when to introduce any allowances or payments scheme.

Pension payments

Although the proposals do not, at this stage at least, seek to provide pensions for Town and Community Councillors the Association wishes to make it clear that the scheme is not affordable and such Councils would not be able to meet such a commitment if extended to Councillors.

The North Wales Association Viewpoint

The Association wishes to put to the Panel the following:

- a) Consultations should include the Association due to its membership and representation.*
- b) Town and Community Councils must be able to choose if they wish to implement payments or expenses and not have it imposed.*
- c) The allowances as outlined are acceptable to the Association.*
- d) The Association is opposed to attendance allowances for normal Town or Community Council business.*
- e) Any general attendance allowances must be decided by each Town or Community Council individual. It must only be a power, not a duty.*

f) The allowances for Mayors or Chairs should be extended, if a Town or Community Council wishes, to Deputy Mayor or Deputy Chairs of such Councils.

RAR/August 2012
Robert A Robinson FRICS AILCM
Secretary
North Wales Association of Town and Larger Community Councils
Triangle House
Union Street
Welshpool
SY21 7PG

Agenda Item 3

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



As part of its Stage 1 consideration, the National Assembly for Wales' **Communities, Equality and Local Government Committee** is calling for evidence on the general principles of the ***Local Government (Democracy) (Wales) Bill***.

Please return this form to the National Assembly for Wales, by 31 January 2013. Should you have any queries please contact Bethan Davies, Clerk 02920 89 8120 or Leanne Hatcher, Deputy Clerk 029 2089 8147.

Responses should be sent to:

CELG.committee@wales.gov.uk

Or by post:
Leanne Hatcher
Legislation Office
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Your name: Stephen Brooks

Organisation (if applicable): Electoral Reform Society (Wales)

Email address: stephen.brooks@electoral-reform.org.uk

Telephone number: 029 2078 6522

Your address: Temple Court, Cathedral Road, Cardiff, CF11 9HA

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Yes

x

No

Please expand on your answer

The Society supports the renaming proposal; we would however assert that such a move should be more than just a name change. The Electoral Reform Society Wales recommends that Welsh Ministers instruct the Local Democracy & Boundary Commission to bring forward plans on how it can be more voter-focused, deliberative and participatory in its conduct.

The Society notes that of the Commission’s previous 22 commissioners, 19 were men and just three were women.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

X

No

Please expand on your answer

The Society broadly believes that the Bill will improve the delivery of the statutory roles and functions of the Commission.

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)

Yes

X

No

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

The Society supports the proposal that the Commission should consider consequential changes to the electoral arrangements (the numbers and distribution of councillors) when recommending changes to local government areas. The Society supports the view of the Mathias Review that the current ratio as laid down in the Ministerial Directions in January 2009 for electoral parity of 1:1750 has no obvious logic. It is the same ratio used as in the Ministerial Directions in 1995, which reflected the Welsh average of councillors to electors at that time. The Society further supports the view that the need for a single electoral ratio applied throughout Wales undermines local democracy. A single ratio covering 22 different councils with different geographies, populations and community ties undermines many of the aims of drawing boundaries for effective *local* government.

The Society would therefore support the view that the Local Democracy & Boundary Commission should determine the size of each council (as is the case in England and Scotland). Further, the Local Democracy and Boundary Commission should determine the numbers of councillors deemed necessary in each council, and then ensure an aim of electoral parity within each council.

Given the dispersed population, geography and cultural ties that exist within Wales, the Society agrees that local community ties should have equal importance to the achievement of a target ratio of councillors (see paragraph 14 above). The Society concurs with the view of the Mathias Review that existing arrangements equip the Local Democracy & Boundary Commission with fewer options than in England and Scotland, which has created difficulties in meeting and balancing the different aims when drawing new boundaries. As such, it appears sensible that Wales should move in line with Scotland and England on this matter.

The Society welcomes the clarification provided by the Bill that equal importance is attached to communities and parity of number of electors.

The Society believes the emphasis should be on creating multi-member wards wherever possible and suitable.

Question 5: Do you think the arrangements for local government in relation to:

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

Regarding Boundary Reviews, the Society remains concerned that the Bill will only require the Commission to provide hard copies of draft reports to Welsh Ministers, mandatory consultees and principal council(s) affected by the proposal. The Bill requires that any other person who has submitted evidence during the review must be notified of the draft report's publication and where it can be viewed. Given levels of access to the internet remains relatively poor in some parts of Wales, the Society firmly believes that any person who has submitted evidence during the review should be provided with hard copies.

Question 6: Do you think the arrangements for local government in relation to:

- Democratic Services Committees (Section 56)
- Audit Committees (Section 57)
- Standards Committees (Section 63)

are appropriate?

Yes	<input type="checkbox"/>	No	X
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Please expand on your answer

While the Society supports the provisions contained in the Bill, we are of the view that the draft legislation could have been more ambitious; and that taken together the measures do not provide a Bill that will 'ensure local authorities are democratically representative of their communities, are organized in the most effective way and communicate well with the public'.

VOTING SYSTEM

The Society believes that the current system used to elect councillors – First Past The Post (FPTP) is fundamentally unfair and disadvantages voters. FPTP can often deliver “winners” who may be opposed by the vast majority of local voters; creates a situation where uncontested seats are far more common; creates artificially “safe” seats; and “one party states” – councils overly dominated by single parties.

Electoral Reform Society Wales research shows an alarming number of uncontested seats across the country. In the 2012 local elections, 99 electoral divisions (8.1% of the total) were uncontested. All electoral divisions were single member wards for the exception of the two-member division of Aberbargoed (RCT).

Approximately 140,000 voters across Wales were denied a vote due to uncontested seats. Powys was the worst county in Wales with an estimated 32,132 residents denied a vote, followed by: Gwynedd (22,861) and Pembrokeshire (20,038). The Electoral Commission in its report 'Local Elections in Wales 2012' notes that in Powys 23 out of 73 seats were uncontested; with 19 out of 74 in Gwynedd. Across Wales just eight local authorities contained no uncontested seats.

In Sketty, Swansea the Liberal Democrats won all 5 seats despite gaining just 37.4% of the vote. The Labour party (29.2%) and the Conservatives (20%) failed to gain a seat despite strong local support. Under the current system, those who finish third in terms of share of the vote can go on to win the most seats. The starkest example from 2008 was Cardiff, where the Liberal Democrats came first in terms of seats but third in terms of votes.

FPTP distorts election results and can hand a disproportionate amount of power to single parties. In Blaenau Gwent the Labour party secured a mega-landslide of 81% of the seats on 55% of the vote, which equates to 52 out of a total of 64 councillors. With other half of all votes cast in favour of Labour, the party has a mandate to run the council; but the ineffectiveness of FPTP has resulted in just 8 opposition councillors – raising serious concerns around scrutiny and overview. In Torfaen, the ruling party secured 68.2% of the seats on a minority (41.4% of the votes). Independents in Powys secured 65.8% of seats on 47.9% of the vote.

The Society advocates the introduction of the Single Transferable Vote (STV) for local elections in Wales. STV was recommended by the Sunderland Commission (2004) and is the system currently used in Scotland and Northern Ireland.

The Electoral Reform Society Wales recommends the Welsh Government includes within the Bill measures to introduce the Single Transferable Vote.

DEMOCRATIC SERVICES COMMITTEES

The Society supports the Bill's intention to remove the provision that restricts Democratic Services Committees from discharging not contained in the 2011 Local Government Measure.

The Society is currently surveying councilors across all 22 unitary authorities in Wales and hopes to be able to present to the Committee further evidence on

backbench and opposition councilors' attitudes to existing levels of training, development, support and information.

AUDIT COMMITTEES

The Society supports the intention of the Bill to place on a statutory footing the provision that councilor membership of audit committees should be subject to political balance. However, it should be noted that the political balance of a council often does not reflect votes cast at elections (see examples above of Blaenau Gwent and Torfaen).

SCRUTINY COMMITTEES

The Society is disappointed that the Bill does not include a statutory requirement that the chairs of scrutiny committees within all local authorities are allocated on a basis that reflects the political balance within the authority.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes	X	No	<input type="checkbox"/>
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Please expand on your answer

The Society would support Welsh Ministers being able to add other public bodies to the remit of the Independent Remuneration Panel for Wales.

The Society supports the proposal to empower the Independent Remuneration Panel for Wales to require local authorities in Wales to publish all information relating to remuneration received by individual councillors in connection with the performance of public duties.

The Society would further advocate that the Independent Remuneration Panel for Wales should direct local authorities on how such information should be published, to ensure consistent transparency across Wales.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	X

Please expand on your answer

The Society is of the view that the measures contained within the Bill regarding Town & Community Councils fail to ensure TCCs are truly democratically representative of their communities, are organized in the most effective way and communicate well with the public.

The Society strongly supports the proposed requirement for town and community councils to publish on the internet contact and membership details, and records of proceedings.

The Society remains concerned at the lack of readily available information on elections to Town & Community Councils. The Society therefore recommends that the legislation includes:

- a. How Town & Community Councils should promote elections (including details of the nomination process, power of the council, and voting arrangements);
- b. A requirement that all Town & Community Councils to publish (either on their own website or the website of the unitary authority) the results of elections (including total votes cast, total for each candidate, number of spoiled ballots);

The Society, whilst supportive of 'sub-local' governance structures like Town and Community Councils, remains concerned that the effectiveness of the current arrangements (in terms of the active participation of citizens; fair representation of communities (geographic and interest) and good governance) remains largely untested.

The Welsh Government cites the Community and Town Councils Survey 2010 (Welsh Government Social Research Number 07/2011) as the basis for evidence, however the Society is concerned that the weak methodology of the survey does not guarantee accurate results. The survey did not include the views of local citizens only Town & Community Councils, of which just 56% responded. Further, the survey results show figures that should concern the Welsh Government: 90% of Town & Community Councils felt they had a good relationship with the local community, yet 30% did not have access to the internet. Just 30% of town/community councillors are women, and just 6% are aged under 25 years old. Confusion remains as to the role and powers of town and community councils amongst the citizens they serve. The survey found that only 34% of responding councils were fully elected. 8% were non-elected.

The Society therefore recommends the Welsh Government establishes an independent review of Town & Community Councils, the remit of which will include but is not limited to: powers, elections, equality of opportunity and diversity, finance and resourcing, code of conduct, skills and training of members and staff, participation of and interaction with communities, interaction with local authorities, interaction with Welsh Government, interaction with other public bodies (such as NHS bodies, police authorities etc.). The review should seek evidence from town and community councils, public bodies which interact with town and community councils, and citizens within town and community council areas; as well as examine local democratic practices in other countries. The review should consider the effectiveness and suitability of alternative sub-local governance structures.

The current Bill looks to creating new 'sub-local' community councils as a voluntary demand, where if a certain amount of people demand a community council it will be created. This is something the Society supports.

However, any review should also look as to the possibility and implications of creating universal structures. The Reid Foundation report 'The Silent Crisis: Failure and Revival in Local Democracy in Scotland' notes that there is a danger in voluntarism in democracy in that some groups are far more likely to take part than others. An effective local democracy should have the structures in place and where it can be shown to do things effectively it can bring in new people into politics.

Community democracy is also ripe ground for innovative democratic practices, such as participatory budgeting and deliberative democracy models. Creating conditions for effective local community democracy where people can use their voice and make real changes in their area could do more to bring people into politics and to illustrate that 'politics' isn't just about elites – and thus help with Welsh democratic culture as a whole.

The findings of the review should be made available to the National Assembly and considered as part of the final Bill.

Chairing of Principal Councils (Chairs and Mayors of Principal Councils)

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?

Yes

X

No

Please expand on your answer

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Please expand on your answer

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

Please expand on your answer

Question 12: What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?

Please expand on your answer

Question 13: Are there any other comments you wish to make about specific sections of the Bill?

As stated above.

