

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form



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:
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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	☒	No	☐
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	☒	No	☐
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	☒	No	☐
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	☒	No	☐
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	☐	No	☐
Please expand on your answer			
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. 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. 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.			

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	☒	No	☐
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.