

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: WEDNESDAY, 30 JANUARY 2013

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: LOCAL GOVERNMENT (DEMOCRACY) (WALES)
BILL

1.00 PURPOSE OF REPORT

- 1.01 To inform the committee of the contents of the Local Government (Democracy) (Wales) Bill that was published at the end of November 2012 and agree any response to consultation on it.

2.00 BACKGROUND

- 2.01 On the 17 May 2012 the Welsh Government issued a White Paper entitled "Promoting Local Democracy" for consultation purposes. This was the subject of a report to the Constitution Committee meeting on the 24 July 2012.

- 2.02 The White Paper covered the following areas:-

- Local Government Boundary Commission Wales
- Amendments to the Local Government (Wales) Measure 2011
- Access to Information Town & Community Councils
- Electoral issues
- Local Government Ethical Framework
- Local Government Scrutiny
- Councillor Training & Development

The first three of the above issues were the only ones requiring legislation and these are now covered in the recently published Bill.

- 2.03 At its meeting on the 24 July the Constitution Committee agreed its response to consultation on the White Paper which was subsequently submitted to the Welsh Government. A copy of that response is attached as appendix 1.
- 2.04 On the 26 November the Bill was published by the Welsh Government with a consultation response form for return by 31 January 2013. A copy of the Bill, its accompanying explanatory memorandum and the consultation response form have been deposited in Member Services and group rooms.

3.00 CONSIDERATIONS

- 3.01 The Bill is primarily dealing with provisions concerning the Boundary Commission for Wales and various types of Local Government Boundary reviews. It also contains proposals relating to Town & Community Council information, the Independent Remuneration Panel for Wales and some miscellaneous issues including amendments to the Local Government (Wales) Measure 2011.
- 3.02 Part 2 of the Bill renames the Local Government Boundary Commission for Wales as the Local Democracy and Boundary Commission for Wales and reforms its constitution and functions. These provisions broadly reflect the proposals in the White Paper. The Council's response to consultation largely supported the proposals that are now reflected in the Bill. In relation to question 2 of the previous consultation, the quorum in the Bill is three with the membership of the Commission being up to five rather than the four indicated in the White Paper or the six which Flintshire indicated in its response to consultation.
- 3.03 Part 3 of the Bill makes provision about:-
- a) The duties of the Boundary Commission to monitor the arrangements for Local Government and to conduct reviews where appropriate and the duties of principal Councils to monitor the arrangements for the communities in their area and to conduct reviews of them.
 - b) The types of reviews that can be conducted, the considerations to be taken into account by the reviewing body and the changes that can be recommended in relation to each type of review.
 - c) The procedure for conducting reviews.
 - d) The implementation of recommendations following a review.
- 3.04 These provisions in Part 3 are more extensive than those in the White Paper and previously consulted on. The Bill proposes to repeal the existing legislation contained in the Local Government Act 1972 governing the way Councils, such as Flintshire, conduct community reviews and replace those provisions with provisions in the Bill. The provisions in the Bill replicate the 1972 Act provisions but add detail about how the review process should be conducted. The Council was on the point of commencing such a community review. Fortunately the Bill was received prior to letters being despatched to Town & Community Councils. Consideration is being given as to how and when best to progress the community review in the light of the proposals in the Bill.
- 3.05 The provisions in the Bill concerning community reviews do not give the Commission the powers envisaged in the White Paper. In its answers to questions to 8, 9 and 10 the Council did not agree with those powers being given to the Commission.

- 3.06 Part 4 of the Bill empowers the Boundary Commission to conduct reviews of public bodies other than local authorities. The Council welcomed this proposal in its answer to question 23 of the consultation process.
- 3.07 Part 5 of the Bill includes provisions relating to the Independent Remuneration Panel for Wales and reflects proposals that the Council was in favour of when responding to questions 24, 26, 27 & 28 of the previous consultation. Unfortunately it also includes empowering the panel to require local authorities to publish information relating to all payments made to Members by other public bodies which the Council did not agree to in answering question 29. It also requires Town & Community Councils to make certain information available electronically, notwithstanding the view the Council took in response to consultation that this should be left to the local choice of the Town & Community Council themselves.
- 3.08 Part 5 also contains provisions in section 51 so as to allow County Councils to appoint a "Presiding Member". This is to enable Councils who wish to do so to separate the ceremonial and civic functions associated with the Council Chairman from those of presiding over meetings of the Council. This was not referred to in the White Paper or previous consultation. Amendments need to be made to the way the Bill has presently been drafted so that the new concept of 'Civic Chair' has the same meaning as is given to the Chairman in the Local Government Act 1972. It is also believed that the Presiding Member's term of office should continue until their successor is appointed so they can chair the start of the Council meeting following local government elections.
- 3.09 Part 5 also makes some changes to the Local Government (Wales) Measure 2011. These include section 56 which broadens the scope of the Democratic Services Committee so that it can review anything connected with the support and advice made available to elected Members. It also contains in section 57 a requirement that political balance applies to Audit Committees. As indicated in answer to question 32 of the previous consultation, this is already required under the Local Government Act 1972 as amended by the Local Government and Housing Act 1989.
- 3.10 Section 63 of the Bill enables local authorities to establish joint Standards Committees. It does not seem to go as far as proposals in the White Paper proposing regional Standards Committees. The explanatory memorandum recognises this will lead to a potential increase in travel and subsistence costs but believes some savings should accrue because fewer members of Standards Committees will be needed overall. It is not clear how this assumption of fewer members has been arrived at. Councils may continue to have their own Standards Committees. Even for those who decide to have a joint committee the number of members on it are not limited.

- 3.11 Attached as appendix 2 is a draft completed consultation response form incorporating the points in paragraphs 3.02, 3.04 to 3.10 above for the committee to approve or amend as it sees fit.

4.00 RECOMMENDATIONS

- 4.01 For the committee to note the proposals in the Bill.
- 4.02 For the committee to agree any response to consultation.

5.00 FINANCIAL IMPLICATIONS

- 5.01 It is not believed there will be significant financial implications arising from the Bill.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 None as a result of this report.

12.00 APPENDICES

- 12.01 Appendix 1 – copy of the previous response form
Appendix 2 – copy of a draft consultation response form

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Local Government (Democracy) Wales Bill

Explanatory Memorandum on the Bill

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