

## Promoting Local Democracy

### Consultation Response Form

Please return this form to reach the Welsh Government no later than **3 August 2012**

The email address for responses or queries is: [LGDTMailbox@wales.gsi.gov.uk](mailto:LGDTMailbox@wales.gsi.gov.uk)

Postal responses should be sent to:

Scrutiny, Democracy and Participation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Telephone contact for enquiries: 029 2082 3094

Alternatively, responses can be submitted via an online response form available at:

English:

Welsh:

Your name:

Organisation (if applicable):

Email address:

Telephone number:

Your address:

Question 1: Do you agree with the Commission being renamed as the Local Democracy and Boundary Commission for Wales?			
Yes	<input type="checkbox"/>	✓	No
	<input type="checkbox"/>		<input type="checkbox"/>
Please expand on your answer			

Question 2: Do you agree with the Commission's quorum being increased to three, with the appointment of a Chair, Deputy Chair and two other members becoming the norm?			
Yes	<input type="checkbox"/>	✓	No
	<input type="checkbox"/>		<input type="checkbox"/>
Please expand on your answer			

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

Agree to having a reserve member.

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?

Yes

☐

✓

No

☐

Please expand on your answer

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?

Agree, sensible.

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?

Yes

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✓

No

☐

Please expand on your answer

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

Yes

☐

✓

No

☐

Please expand on your answer

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?

Yes

☐

No

☐

✓

Please expand on your answer

There is already a statutory duty to keep under review which is sufficient.

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?

Yes

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No

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✓

Please expand on your answer

This would change guidance so that it in effect became mandatory.

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?

As long as it is only guidance and principal Councils are able to choose the extent to which it is followed.

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

Yes

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✓

No

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Please expand on your answer

Only where the Commission agrees with the Council proposals so as to make the process more efficient but not where it takes a different view to principal Councils.

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?

No objection.

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

Yes

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✓

No

☐

Please expand on your answer

For practical proposals community ties are equally important as a target ratio of electors to councillors.

Question 14: Should the Commission be able to propose electoral divisions which straddle community boundaries?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			
Freedom to make more practical proposals than if tied to community boundaries.			

Question 15: Should the Commission be able to propose changes to community boundaries as part of an electoral review?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			
To make proposals more efficient.			

Question 16: Should the Commission identify and publish, as part of its consultation prior to an electoral review, the number of councillors it considers appropriate for each principal council?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 17: Should Welsh Ministers be required to consult with the Commission before Minister directions are issued?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 18: Should the Commission and principal authorities be empowered to require the council for the local government area under review to provide them with information relevant to the review?			
Yes	<input type="checkbox"/> ✓	No	<input type="checkbox"/>
Please expand on your answer			

Question 19: Do you agree with the Commission being able to provide draft proposals or orders in electronic format only?

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

Many people do not use electronic communications.

Question 20: Do you agree that the Commission, or principal council, should describe within their proposals, the steps they took to consult and how they responded to the representations received?

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

Question 21: Should an organisation that conducted a review of any kind which resulted in a change to local authority areas be placed under a duty to inform Ordnance Survey, and any other persons or organisations which may be prescribed, once the changes have been made?

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

Question 22: Do you agree with the proposal to remove the regulatory power within section 60(6) of the 1972 Act to prescribe the procedure for reviews?

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

Question 23: Should Welsh Ministers have the power to make other public bodies whose membership includes elected councillors (e.g. fire and rescue authorities, local health boards), subject to review by the Commission?

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

Question 24: Should the Panel be able to prescribe a numeric limit on the posts or duties which may receive a particular payment without having to specify it as a proportion of the authority?

Yes

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✓

No

☐

Please expand on your answer

Question 25: Should Welsh Ministers be enabled to add other public bodies to the remit of the Panel?

Yes

☐

✓

No

☐

Please expand on your answer

Question 26: Should the Panel have the discretion to choose any date for the coming into force of their determinations, with the additional option of backdating any of their determinations for a period of up to three months prior to the publication of a report?

Yes

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✓

No

☐

Please expand on your answer

Question 27: Do you agree with the publication date for the Panel's annual report being altered to 28 February of each year rather than 31 December?

Yes

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✓

No

☐

Please expand on your answer

Question 28: Do you agree to the consultation period for supplementary reports being reduced to between four and eight weeks?

Yes

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✓

No

☐

Please expand on your answer

Question 29: Should the Panel be empowered to require local authorities to publish information relating to all remuneration received by individual councillors in connection with the performance of public duties?

Yes

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No

☐

✓

Please expand on your answer

This would create more bureaucracy and wrongly give the impression that these payments are made by principal councils. The public bodies themselves should publish the payments they made to their members.

Question 30: Do you agree that area committees responsible for non-executive functions should be made up of all the councillors elected for that area who wish to be members?

Yes

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No

☐

✓

Please expand on your answer

This should be left to the local choice of the councils concerned.

Question 31: Should it be a legal requirement for councillor membership of audit committees to be politically balanced?

Yes

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✓

No

☐

Please expand on your answer

It is already required under the Local Government & Housing Act 1989.

Question 32: Should audit and newly-created democratic services committees fall under the normal access to information rules?

Yes

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✓

No

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Please expand on your answer

It is already required under the Local Government Act 1972 (As Amended in 1985).

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?

This is a matter that should be left to the local choice of the Town & Community Councils themselves.

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?

This is a matter that should be left to the local choice of the Town & Community Councils themselves.

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

Yes

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No

☐

✓

Please expand on your answer

The question of individual payments can only be considered in the context of the cost of, and responsibilities for, running elections and not in isolation. The systems for electoral costs and payments have been modified over time by the bodies that 'contract' Councils to run their elections on their behalf but have not been reviewed in totality. Therefore, a review of the level of payments to Councils to run elections as a 'contractor' and their purpose (i.e. for European Union, Parliamentary and Welsh Government elections and ad hoc national referenda), and the costs they incur for their own local elections, should not be denied. It should be noted however that the Welsh Government would have no jurisdiction over contracted payments made to Councils for European, Parliamentary and other UK level elections (e.g. the election of Police Commissioners). The White Paper is proposing that in future local government officers only receive remuneration under the Returning Officers' Fees and Charges Order for work they undertake outside of their normal working hours. The position is not that straightforward. The duties undertaken by Returning Officers and senior and other electoral officers would need to be evaluated on (1) level of responsibility (2) level of risk and (3) level of additional work required over and above their contracted roles with their Council. The question could also be posed who could run the elections more cost-efficiently and effectively than Councils e.g. the private sector. Each year, for example, Flintshire runs elections well, without challenge, and always within its allocated budget and returns efficiencies to the paying body. It is essential to the efficient running of elections that there are sufficient willing senior officers of the calibre, experience and expertise required. The proposal in the White Paper could lead to a loss of expertise if officers refuse, over and above their contracted work, to undertake these duties. This issue is best addressed outside of any White Paper by negotiations between the interested parties to come up with a practical national protocol to be followed.



Question 36: What are your views on the potential use of funding mechanisms to reward efforts to improve registration levels?

This is welcomed.

Question 37: Do you think that legislative competence in relation to electoral registration and the conduct of local and Assembly elections should be conferred on the Assembly?

Yes

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No

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Please expand on your answer

Question 38: What are the practical barriers to extending the local resolution process to community and town councils and how might they be overcome?

Question 39: To what extent is it desirable or necessary to modify the current statutory framework or model code of conduct to facilitate local resolution of complaints?

Question 40: Should the ethical framework in Wales be more radically modified (e.g. to introduce local assessment and investigation of all alleged breaches of the code of conduct) and, if so, how?

Yes

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No

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Please expand on your answer

Question 41: Are the “call-in” arrangements sufficient, or should cases which fall just short of the Ombudsman’s current criteria be routinely referred for local investigation and determination?

Yes

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No

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Please expand on your answer

Question 42: Is the voluntary cap on indemnities provided for this purpose appropriate and sufficient?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

Question 43: Should the Welsh Government introduce a statutory limit on indemnities through subordinate legislation?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

Question 44: What are the perceived barriers, if any, to the establishment of regional standards committees?			