

# Public Document Pack



Contact Officer:  
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To: All Members of the Council

20 January 2016

Dear Councillor

You are invited to attend a meeting of the Flintshire County Council which will be held at 2.00 pm on Tuesday, 26th January, 2016 in the Council Chamber, County Hall, Mold CH7 6NA to consider the following items

## A G E N D A

### 1 PRESENTATION

Apprentice Programme of the Year 2016

Recognising the achievement of the Council's Learning and Development Section in reaching the UK finals of the Learning and Performance Institute's Apprentice Programme of the Year 2016.

### 2 APOLOGIES FOR ABSENCE

**Purpose:** To receive any apologies.

### 3 COUNCIL MINUTES (Pages 5 - 14)

**Purpose:** To confirm as a correct record the minutes of the meeting held on 20<sup>th</sup> October 2015.

### 4 DECLARATIONS OF INTEREST

**Purpose:** To receive any Declarations and advise Members accordingly.

### 5 CHAIRMAN'S COMMUNICATIONS

**Purpose:** To receive the communications as circulated.

### 6 PETITIONS

**Purpose:** To receive any Petitions.

**7 PUBLIC QUESTION TIME**

**Purpose:** To receive any Public Questions.

**8 QUESTIONS**

**Purpose:** To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A).

**9 QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

**Purpose:** The Minute Books, Editions 3 and 4 have been circulated to Members. Members are now entitled to ask questions on these minutes, subject to certain limitations, and answers will be provided at the meeting. Members are requested to bring to the meeting their copy of the Minute Books. Any questions must have been received by the Democracy and Governance Manager prior to the close of business on 20 January 2016.

**10 NOTICE OF MOTION**

**Purpose:** To consider any Notices of Motion.

**11 LOCAL GOVERNMENT (WALES) BILL (Pages 15 - 96)**

Report of Chief Executive enclosed.

**12 COUNCIL TAX REDUCTION SCHEME 2016-17 (Pages 97 - 100)**

Report of Chief Officer (Community and Enterprise) enclosed.

**13 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY (Pages 101 - 152)**

Report of Chief Officer (Planning and Environment) enclosed.

**14 CHANGE OF COMMUNITY COUNCIL NAME (Pages 153 - 158)**

Report of Chief Officer (Governance) enclosed.

**WEBCASTING NOTICE**

This meeting may be filmed for live and/or subsequent broadcast on the Council's website or may be used for training purposes within the Council. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months.

Generally the public seating areas are not filmed. However, by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and / or training purposes.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Evans', with a long horizontal stroke extending to the right.

Peter Evans  
Democracy & Governance Manager

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**FLINTSHIRE COUNTY COUNCIL**  
**20 OCTOBER 2015**

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 20 October 2015

**PRESENT: Councillor Ray Hughes (Chairman)**

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Amanda Bragg, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Adele-Davies-Cooke, Alan Diskin, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, David Healey, Hilary Isherwood, Christine Jones, Richard Jones, Colin Legg, Phil Lightfoot, Brian Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Ann Minshull, Billy Mullin, Tim Newhouse, Mike Peers, Vicky Perfect, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Nigel Steele-Mortimer, Carolyn Thomas, Owen Thomas, David Wisinger, Arnold Woolley, and Matt Wright

**APOLOGIES:**

Councillors: Rosetta Dolphin, Brian Dunn, George Hardcastle, Dennis Hutchinson, Joe Johnson, Rita Johnson, Kevin Jones, Richard Lloyd, Hilary McGuill, Ian Roberts, Ian Smith, David Williams and Sharon Williams

**IN ATTENDANCE:**

Chief Executive, Chief Officer (Governance), Chief Officer (Planning & Environment), Chief Officer (Social Services), Chief Officer (Organisational Change (1)), Chief Officer (Organisational Change (2) ), Chief Officer (Education & Youth), Corporate Finance Manager, Policy Performance Manager, Member Engagement Manager, Performance Team Leader and Committee Officer

**55. MINUTES**

The minutes of the meetings held on 24 September 2015 had been circulated with the agenda.

Accuracy

Medium Term Financial Strategy (MTFS)

Councillors Ray Hughes and Peter Curtis advised that they had voted for the proposal and asked that the minutes be amended to reflect this.

Councillor Carol Ellis referred to her comments on page 7, paragraph 4, and asked that the final sentence be amended to read 'She sought support from all Members for the recommendations'.

Councillor Richard Jones referred to his comments on page 8, paragraph 1, and said the reference to 'the closure of household recycling centres' should read 'the transfer of cemeteries'.

Councillor Carolyn Thomas referred to page 9 and expressed concerns that the minutes did not record the points raised at the meeting. She referred to subsequent discussion about the item on the MTFS which had taken place at the meeting of the Corporate Resources Overview & Scrutiny Committee held on 8 October 2015, and said the emphasis had been on the strategy rather than specifics. She asked that the minutes be amended to include a suitable form of words to reflect this.

#### Matters arising

#### MTFS

Councillor Clive Carver referred to his request for figures on what it would cost the Authority to provide statutory services only and said he was still awaiting this information. Officers advised this would be made available to Members as soon as possible.

#### Statement of Accounts 2014/15

Councillor Clive Carver referred to his request for details on the Members' expenses listed in Accounts. The Corporate Finance Manager advised that this work was in hand and the information would be provided in the next 10 days.

Councillor Carver also referred to the request from Councillor Mike Peers on page 12 for clarification on the figure of £139,150 and asked if the payment related to AD Waste. The Chief Executive confirmed that the payment related to a former employee of AD Waste.

#### **RESOLVED:**

That subject to the above amendments the minutes be approved as a correct record and signed by the Chair.

#### **56. DECLARATIONS OF INTEREST**

The Chief Officer (Governance) advised that all Members had a personal interest in the following item and explained that as this interest would be registered on Members' behalf individual declarations would not be required.

Item 14 – Draft Annual Report of the Independent Remuneration Panel for Wales 2016/17.

#### **57. CHAIRMAN'S COMMUNICATIONS**

A copy of the Chairman's communications had been circulated to all Members before the meeting. The Chairman reported on the positive outcome of the events attended.

**58. PETITIONS**

The Chief Officer (Governance) confirmed that none had been received.

**59. PUBLIC QUESTION TIME**

The Chief Officer (Governance) confirmed that none had been received.

**60. QUESTIONS**

The following question had been submitted by Councillor Alex Aldridge:-

“Using a notional uplift of 4% on a band D property for the year 2016/17, what level would we have to go to in order to fully protect all aspects of the Council's spending which is currently under review for potential reduction”.

A copy of the response had been circulated to Members before the meeting.

Further to the response Councillor Aldridge asked the Chief Executive if he could give an indication of the cap mechanism to be applied by the Welsh Government (WG). The Chief Executive explained that there was a WG expectation that council tax increases would not be in excess of 5% and commented that as far as he was aware this had not been tested in recent years.

**61. NOTICE OF MOTION**

The Chief Officer (Governance) confirmed that none had been received.

**62. ANNUAL PERFORMANCE REPORT 2014/15**

The Chief Executive introduced the Annual Performance Report for 2014/15. He provided background information and advised that the purpose of the report was to account for the organisation's previous year's performance against its Improvement Priorities. He explained that the Report provided a balanced view which reinforced success and highlighted areas for improvement. He invited the Policy and Performance Manager to give a presentation on the Annual Performance Report. The main points of the presentation were:

- Improvement Plan 2014/15
- format and content
- performance overview 2014/15
- highlights
- areas for improvement
- performance overview
- overview
- next steps

The Chairman invited Members to raise questions.

Councillor Mike Peers referred to the Improvement Plan Measures data which was appended to the report and the performance against target for employees receiving an annual appraisal. He referred to the outcome as 'very poor' and said if more appraisals had been undertaken than indicated in the statistics then they should be recorded on the system and the data amended before publication of the Annual Report. He emphasised the importance of employee annual appraisals in relation to the Council's performance. Councillor Peers also suggested that an explanatory note be included on the increase use of contractual workers and raised concerns on the downturn in performance against sickness absence.

Councillor Peers made further suggestions for improvement concerning formatting of the report and commented on the lack of cross-referencing to further detail within it. He also suggested that a simplified summary be used in Section 2 which provided a list of what was to be done, what had been done, and an explanation of the achievements.

Councillor Matt Wright referred to page 40 of the draft Report and the information provided on the Northern Gateway site. He commented on reference to delays concerning work to strengthen the River Dee flood embankment and ongoing discussions with the WG to agree the spine road and infrastructure phases. The Chief Executive suggested that this paragraph could be better worded to reflect the progress made. Councillor Wright raised further concern regarding monitoring of performance and referred to investment enquiries. He said that the Report did not address the types of investment enquiries made. The Chief Executive responded that the data was held by the Welsh Government but he would see what further breakdown could be provided to Councillor Wright. Councillor Wright welcomed the investment and progress made in Town Centres and cited the regeneration of Mold and Flint as examples.

The Chief Executive and Policy and Performance Manager responded to the concerns raised by Councillor Peers and Councillor Wright and provided further clarification around development of the Northern Gateway site and Enterprise zones.

Councillor Richard Jones expressed thanks to the Policy and Performance Manager and the Performance Team Leader for a detailed and informative report. Referring to page 67 of the Report, he commented that the reference to business sector growth in Deeside under the priority heading Economy and Enterprise, was not specific to Deeside. The Chief Executive agreed that although two of the three activities were related to Deeside, the whole of Flintshire was considered under this heading.

Councillor Andy Dunbobbin referred to performance under the Living Well priority and expressed his appreciation for the support provided to vulnerable people during the unprecedented austere financial restraints placed on the Authority.

Councillor Paul Shotton commented on the continued improvement in performance and cited progress and outcomes in Housing as an example. He referred to the success of Flintshire Business Week and the substantial number of new investment enquiries received and new jobs created within the Deeside Enterprise Zone.



The Chief Executive and Policy and Performance Manager responded to the further comments and concerns raised by Members. The Policy and Performance Manager commented that improved accessibility could be undertaken on the final published report by increasing links within the Report and by providing more detailed information on comparative performance to detail the Council's position. The Chief Executive commented that the appraisal data captured on i-Trent was incomplete, but the important arrangements around daily supervision and mentoring etc. were.

Councillor Hilary Isherwood expressed concern around the increase in the number of days taken to deliver a Disabled Facilities Grant for children and young people. The Chief Executive explained that the increase had been due to one of two highly complex cases and he could provide further information to Councillor Isherwood outside the meeting. Councillor Carol Ellis advised that a full explanation of the reasons for the increase had been provided at meetings of scrutiny and Cabinet. Officers advised that further explanation was provided on page 37 of the report.

The Cabinet Member for Corporate Management thanked the Policy and Performance Manager and her team for preparing the Report. He said the Report had been endorsed by Cabinet at the meeting held on 13 October 2015 and moved approval of the Report which was duly seconded.

**RESOLVED:**

That the 2014/15 Annual Performance Report as recommended by Cabinet be approved for publication.

**63. INDEPENDENT COMMISSION ON LOCAL GOVERNMENT FINANCE IN WALES**

The Chief Executive introduced a report on Independent Commission on Local Government Finance in Wales. He provided background information and context and advised that the Commission had now called for evidence to inform its recommendations for financial reform. The Commission aimed to conclude its work and make recommendations early 2016. The Chief Executive gave a presentation on Local Government Commission on Finance for Wales. The main points of the presentation were:

- context
- Welsh commission on finance
- principles to underpin a response
- contrasts: England and Wales
- consultation questions and answers

Councillor Aaron Shotton explained that the Commission had been established by all 22 local authorities in Wales. He referred to the "solid" work undertaken by the Independent Commission on Local Government Finance for England which published its findings and recommendations in 2015. He emphasised that this was an opportunity for Flintshire to "have its say" and for the Council, individual Members, and local organisations to present evidence to the Commission. He referred to the WLGA 'Manifesto' and commented on the future post reorganisation and reiterated the opportunity to shape the political future in Wales and local government in Flintshire.

Councillor Shotton commented on the need for a radical review of business rates and referred to a £12M deficit between what was paid and received. He said it was important that Flintshire's voice was heard and referred to future progress and creation of jobs and said it was only fair that this should be reflected in terms of the public services provided by the Council.

Councillor Gareth Roberts welcomed the report and the principles around subsidiarity. He commented on the advantages of funding through local income tax and spoke in support of being able to retain a greater share of retained National Non Domestic/"business rates".

Councillor Chris Bithell expressed his views on what he felt was the bigger national issue of taxation. He believed local government was "short changed" through the national government system of funding and should be getting a proportion of national income tax. He commented on the need for consultation on the funding arrangements for local government in the future to enable it to meet the increased expectation for better and more efficient local services.

Councillor Mike Peers expressed further concerns around funding from the Welsh Government for local authorities in Wales and said there was a need for greater localism to enable local funding to be raised for local needs.

Councillor Richard Jones referred to the benefits of multi-year financial settlements which would be more beneficial to Flintshire in terms of forward planning.

Councillor Alex Aldridge referred to the creation of the Welsh Government and commented on the inevitable impact on public sector finance in Wales. The Chief Executive and Councillor Aaron Shotton acknowledged the points raised by Councillor Aldridge. The Chief Executive commented that the current system was unsustainable and agreed to reflect the comments expressed by Councillor Aldridge in the Council's response to the Commission.

#### **RESOLVED:**

That the Leader and the Chief Executive submit a written response on behalf of the Council to the Independent Commission.

#### **64. OVERVIEW AND SCRUTINY ANNUAL REPORT**

The Member Engagement Manager presented the draft Overview & Scrutiny Annual Report for the 2014/15 municipal year. He advised that the Constitution Committee had considered and revised the Annual Report at its meeting held on 7 October 2015. He advised that the final version of the Report was appended for consideration.

The Member Engagement Manager took the opportunity to thank all who contributed to the overview and scrutiny function. Councillor Robin Guest, Chairman of the Constitution Committee, expressed his thanks to Councillor Neville Phillips for his valuable support as Vice-Chair of the Constitution Committee, and the Member

Engagement Manager and his team, and Officers for their input into producing the Annual Report. Councillor Guest moved approval of the report and this was duly seconded.

Councillor Mike Peers commented on the number of Call-In meetings held and suggested that the value of the Call-In process as part of the Council's mechanism for scrutiny should be included in the Annual Report. The Member Engagement Manager thanked Councillor Peers for his suggestion and agreed to add a feature on the use of the Call-In facility in the Annual Report.

Councillor Peers advised that there was a typographical error on page 146, paragraph 2, of the Report and the date 4 December 2015 should read '4 December 2014'.

Councillor Guest moved approval of the report and this was duly seconded.

Councillor Hilary Isherwood took the opportunity to reiterate her request, as previous Chair of the Environment Overview & Scrutiny Committee, that representatives of Town and Community Councils continue to be invited to attend Committee workshops.

**RESOLVED:**

That the Overview & Scrutiny Annual Report attached as Appendix 1 to the report be approved.

**65. NEW MODEL CONSTITUTION**

The Chief Officer (Governance) introduced a report on the differences between the Council's current Constitution and the Model Welsh Constitution (MWC) and whether to amend any provisions as a result.

The Chief Officer provided background information and referred to the key considerations. He reported that the Constitution Committee had considered the report of the Constitution Working Group at its meeting held on 7 October 2015 and had approved all the recommendations subject to one amendment concerning provisions about dismissing the Leader. The Constitution Committee felt that the threshold of 15% of councillors as signatories to such a motion was too low. It further recognised that there might not be as many or any political groups on the Council in future. The Constitution Committee resolved that the threshold should be 25% without the requirement that councillors come from more than one political group. This resolution was reflected in the recommended drafting at Appendix E. The Chief Officer advised that a motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

Councillor Robin Guest expressed his thanks to the Chief Officer, the Democracy and Governance Manager, and members of the Constitution Working Group for their work. He also thanked the Leader for his valuable cooperation and contribution.

Councillor Chris Bithell moved the report and this was duly seconded.

**RESOLVED:**

That the changes as recommended in Appendixes A-E of the report be approved.

**66. PROPOSED CHANGES TO CHIEF OFFICER (PLANNING AND ENVIRONMENT) DELEGATED POWERS**

The Chief Officer (Governance) introduced a report to consider the recommendations from the Planning Strategy Group (PSG) to alter the delegations to the Chief Officer (Planning & Environment), and to transfer the documented responsibility to make agreements for highway works from the Chief Officer (Streetscene and Transportation) to the Chief Officer (Planning & Environment) to reflect the staffing structure.

The Chief Officer provided background information and context and advised that the PSG and Constitution Committee fully supported the revised delegations to the Chief Officer (Planning and Environment) and were satisfied that the Planning & Development Control Committee would still be able to consider applications that warranted Member scrutiny. In addition there was the 'failsafe' that Members retained the ability to ask for applications to be considered at Committee if there was legitimate reason.

The Chief Officer (Governance) invited the Chief Officer (Planning & Environment) to provide further clarification on the proposals concerning delegation and the role and responsibilities of the PSG. In response to a concern raised by Councillor Richard Jones around the process for reviewing decisions on a change in delegation, the Chief Officer (Planning & Environment) gave an assurance that all relevant information was already in the public domain.

In response to the questions put forward by Councillor Clive Carver, the Chief Officer (Planning and Environment) reiterated that Members still retained the opportunity to ask for applications to be considered at Planning & Development Control Committee if there was legitimate reason and to request a site visit.

Regarding the further concerns expressed by Councillor David Roney, Councillor Bernie Attridge gave an assurance that a satisfactory answer would be provided to the matter raised.

Councillor Mike Peers referred to page 181, paragraphs (a) and (b), and suggested that the wording be amended to ensure that the Member requesting delegation to the Planning & Development Control Committee also provided a clear written reason for the request. The Chief Officer (Planning & Environment) advised that the detail as to why an application went to the Committee sat within the Planning Code of Practice within the scheme of delegation.

Councillor Robin Guest moved approval of the report and this was duly seconded.

**RESOLVED:**

That the amendments to the Chief Officer (Planning & Environment) Scheme of Delegation be endorsed.

**67. DRAFT ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2016/17**

The Chief Officer (Governance) introduced a report to consider the determinations made by the Independent Remuneration Panel for Wales (IRPW) in their draft Annual Report for the 2016/17 Municipal Year. Members were informed that the IRPW would take any representations it received into account before the final version of the report was issued in February 2016.

The Chief Officer provided background information and advised that whilst the basic salary for elected members remained the same, the IRPW intended to make a number of new determinations; notably the introduction of two tiers of payment for Cabinet Members and Committee Chairs, and a reduction of £2,000 in the payment made to the leader of the largest opposition group. The Chief Officer explained that there was also an expectation around the support provided to elected members regarding the provision of adequate telephone and email facilities, and electronic access to appropriate information.

The Chief Officer referred to the key considerations as detailed in the report and gave an outline of the main concerns he proposed to make in his response on behalf of the Council to the IRPW. He commented on the system of collective responsibility of Cabinet Members in Flintshire, and referred to the lack of rationale for the proposed reduction in payment to the Leader of the largest opposition group. The Chief Officer also commented on the Council's provision of ipads to all Members who wished to use them and said that the Council did not provide 'phones or make line rental payments to Members and commented that this would be difficult to quantify and may incur significant costs.

Councillor Richard Jones concurred with the view that it would be difficult for the Leader and Deputy Leader to determine a two tier approach for Cabinet Member salaries due to the collective responsibility of Cabinet Members in Flintshire. He expressed the view that there should be a single remuneration.

Councillor Hilary Isherwood drew attention to page 200, paragraph 49, and queried how the allowance for staying with friends/family overnight would be audited.

Councillor Aaron Shotton spoke of the disquiet amongst other authorities across Wales around the wider implications with regard to the proposed determinations and commented on the potential for destabilising Councils. He commented on the Welsh Government's desire to reduce the cost of politics and advised that the IRPW had obtained comparative information on remuneration and was reassured that its rates of payment were 'justified and appropriate in comparison to other UK nations'. Councillor Shotton commented on a meeting of the Co-ordinating Committee of the WLGA to be held on 30 October 2015 and said that the concerns which had been raised by

Members would be conveyed to the Committee and feedback provided in due course.

Councillor Robin Guest moved approval of the report and this was duly seconded. On being put to the vote the recommendation was carried. Councillor Owen Thomas abstained from the vote.

**RESOLVED:**

That the Chief Officer (Governance) makes a response on behalf of the Council to the IRPW.

**68. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There was one member of the press present.

(The meeting started at 2.00pm and ended at 4.28pm)

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**Chairman**



## COUNCIL

|                        |                               |
|------------------------|-------------------------------|
| <b>Date of Meeting</b> | Tuesday, 26 January 2016      |
| <b>Report Subject</b>  | Local Government (Wales) Bill |
| <b>Report Author</b>   | Chief Executive               |

### EXECUTIVE SUMMARY

The Welsh Government has published the Draft Local Government (Wales) Bill for consultation. The Bill makes provision for the reorganisation of local authorities in Wales, and the next stage of constitutional reform for local government. The consultation ends on 15 February.

### RECOMMENDATIONS

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| 1 | Council is invited to make a formal response on the Local Government Bill to Welsh Government. |
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### REPORT DETAILS

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| <b>1.00</b> | <b>REFORM OF LOCAL GOVERNMENT</b>   |
| 1.01        | The Welsh Government published in December a draft Local Government Bill for consultation. The consultation ends on 15 February.  |
| 1.02        | The Bill is a 'paving Bill', as in 'paving the way' for a reorganisation of local Government in Wales. The Bill covers local government reorganisation, the general power of competence for local authorities, promoting access to local government, the functions of councils and elected members, the governance of councils, community councils, and workforce planning. |
| 1.03        | The Bill has been preceded by a White Paper and the report of the earlier Public Services Commission. The Council has been consistent in making thoughtful and coherent responses to Welsh Government on:-  |

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|      | <ul style="list-style-type: none"> <li>• the proposal to reorganise local government and its risks and benefits;</li> <li>• the principles of localism and subsidiarity;</li> <li>• the importance of local authorities being granted both the power of general competence and specific powers and freedoms to act in the best interests of their localities;</li> <li>• the granting of financial freedoms and flexibilities to councils;</li> <li>• less central control over performance objectives and standards;</li> <li>• local authorities being held to account primarily by their local communities and stakeholders for performance and governance with reduced central control and regulation;</li> <li>• streamlined arrangements for setting policy priorities for local government at a national level; and</li> <li>• less central determination of constitutional provisions for the governance of local authorities.</li> </ul>  |
| 1.04 | <p>The Ministerial forward to the Bill (Leighton Andrews AM, Minister for Public Services) says <i>“The White Paper Reforming Local Government: Power to Local People set out my vision for Local Government in Wales. This is based on activist Councils, engaged in delivering modern, accessible, high quality public services with their local communities. Councils should be acting as community leaders and agents of change, with leadership focusing on excellence, and Councils committed to looking outwards in their place-shaping role.</i></p> <p><i>It also set out the vision for the different spheres of government in Wales and the relationship between them. We wish to see Local Government which is strong, flexible and empowered to deliver the strategic direction set by the Welsh Government in the light of local circumstances. The Well-being of Future Generations (Wales) Act 2015 provides the framework for coordinating the different parts of government in Wales. This Draft Bill and the programme of reform will contribute to better outcomes by ensuring Local Government services are sustainable, integrated and involve the people of Wales.</i></p> <p><i>In June I announced the Welsh Government’s preference for the future configuration of Local Government in Wales. Maps, with two options in respect of North Wales, were published alongside this announcement. The maps set out our preference for the future structure in South, Mid and West Wales whilst facilitating further discussion around North Wales. The case in North Wales is finely balanced between two or three Local Authorities. I welcome views, through this formal consultation, on all our proposals for Local Authority mergers.</i></p> <p><i>I understand this is an unsettling time, and I am committed to ensuring the terms and conditions of Local Authority staff are protected so no-one will be disadvantaged by transfer to a new Authority. The Bill will, therefore, also establish a statutory Public Services Staff Commission, a proposal which has attracted widespread support from Local Government. The Public Services Workforce Partnership Council will remain at the heart of the vision to support the development of a world class public service workforce. It will be the primary reference point for the Commission.”</i></p> |



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| 1.05 | The full Bill is accessible by following the hyper link in the background documents table or by visiting the Welsh Government website and the local government section of the consultations pages. The consultation paper on the Bill is attached as Appendix A.                                   |
| 1.06 | A commentary on the Bill provided by the Welsh Local Government Association (WLGA) is attached as Appendix B.  |
| 1.07 | A presentation with a suggested detailed response will be made at the Council meeting. The suggested response will build on, and add to, the responses made by the Council to previous consultations. The response of the Council on the earlier White Paper is attached as Appendix C as a guide. |

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| <b>2.00</b> | <b>RESOURCE IMPLICATIONS</b>   |
| 2.01        | There would be significant resource implications from a reorganisation of local government. The costs and benefits of a reorganisation are assessed in the Regulatory Impact Assessments (RIAs) which are published with the Bill. |

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| <b>3.00</b> | <b>CONSULTATIONS REQUIRED / CARRIED OUT</b>  |
| 3.01        | The Council is being consulted by Welsh Government as the proposer of the Bill. The consultation is an open public consultation. |

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| <b>4.00</b> | <b>RISK MANAGEMENT</b>  |
| 4.01        | There would be significant risks within a reorganisation of local government. The risks of a reorganisation are assessed in the Regulatory Impact Assessments (RIAs) which are published with the Bill. |

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| <b>5.00</b> | <b>APPENDICES</b>   |
| 5.01        | Appendix A: Consultation Document on the Local Government (Wales) Bill.<br>Appendix B: Commentary on the Bill provided by the Welsh Local Government Association (WLGA).<br>Appendix C: Response of the Council to the earlier White Paper. |

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| <b>6.00</b> | <b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>   |
| 6.01        | Draft Local Government Bill<br><a href="http://gov.wales/docs/dsjlg/consultation/151124-lg-draft-bill-en.pdf">http://gov.wales/docs/dsjlg/consultation/151124-lg-draft-bill-en.pdf</a><br>Previous County Council reports: |

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|  | <p>9 September 2014 - Reform of Local Government and the Public Services<br/> 14 April 2015 - Welsh Government White Paper; Devolution, Democracy and Delivery</p> <p><b>Contact Officer:</b> Colin Everett<br/> Chief Executive</p> <p><b>Telephone:</b> 01352 702101</p> <p><b>Email:</b> <a href="mailto:chief.executive@flintshire.gov.uk">chief.executive@flintshire.gov.uk</a></p> |
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| <b>7.00</b> | <b>GLOSSARY OF TERMS</b>  |
| 7.01        | <p><b>Bill:</b> a set of proposals for a Government Act which are to go through a legislative debate and scrutiny before being adopted as law.</p> <p><b>Welsh Local Government Association (WLGA):</b> the representative body of principal councils, Fire and Rescue Authorities and National Parks in Wales.</p> |

Number: WG26897



Llywodraeth Cymru  
Welsh Government

[www.gov.wales](http://www.gov.wales)

Welsh Government

## Consultation Document

Devolution, Democracy and Delivery

# Draft Local Government (Wales) Bill and Explanatory Memorandum

Reforming Local Government

Date of issue: **24 November 2015**

Action required: Responses by **15 February 2016**

## Overview

This Welsh Government consultation seeks views on the content of the Draft Local Government (Wales) Bill, Draft Explanatory Memorandum and Draft Regulatory Impact Assessment.

The objective of the Draft Bill is to complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. It will also establish a statutory Public Services Staff Commission.

## How to respond

Closing date for responses is  
**15 February 2016.**

Responses should be sent by e-mail or by post to the address below. Responses are welcome in English or Welsh.

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The consultation documents can be accessed via the Welsh Government's website at [www.gov.wales/consultations](http://www.gov.wales/consultations)

## Contact details

For further information, please contact:

Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

e-mail: [RLGProgramme@wales.gsi.gov.uk](mailto:RLGProgramme@wales.gsi.gov.uk)

## Data protection

### How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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## **Foreword by the Minister for Public Services**

The White Paper *Reforming Local Government: Power to Local People* set out my vision for Local Government in Wales. This is based on activist Councils, engaged in delivering modern, accessible, high quality public services with their local communities. Councils should be acting as community leaders and agents of change, with leadership focusing on excellence, and Councils committed to looking outwards in their place-shaping role.

It also set out the vision for the different spheres of government in Wales and the relationship between them. We wish to see Local Government which is strong, flexible and empowered to deliver the strategic direction set by the Welsh Government in the light of local circumstances. The Well-being of Future Generations (Wales) Act 2015 provides the framework for co-ordinating the different parts of government in Wales. This Draft Bill and the programme of reform will contribute to better outcomes by ensuring Local Government services are sustainable, integrated and involve the people of Wales.

In June I announced the Welsh Government's preference for the future configuration of Local Government in Wales. Maps, with two options in respect of North Wales, were published alongside this announcement. The maps set out our preference for the future structure in South, Mid and West Wales whilst facilitating further discussion around North Wales. The case in North Wales is finely balanced between two or three Local Authorities. I welcome views, through this formal consultation, on all our proposals for Local Authority mergers.

I understand this is an unsettling time, and I am committed to ensuring the terms and conditions of Local Authority staff are protected so no-one will be disadvantaged by transfer to a new Authority. The Bill will, therefore, also establish a statutory Public Services Staff Commission, a proposal which has attracted widespread support from Local Government. The Public Services Workforce Partnership Council will remain at the heart of the vision to support the development of a world class public service workforce. It will be the primary reference point for the Commission.

This consultation is very much part of an on-going dialogue about the reform of Local Government. I want to hear from you whether our proposals for legislation will help to achieve the objective of creating the 'activist' Councils Wales needs. I would also be interested to hear if you think there is more we might do to achieve this objective.

**Leighton Andrews AM**  
**Minister for Public Services**

## Introduction – What this consultation is about

The Welsh Government is consulting on a Draft Local Government (Wales) Bill (“the Draft Bill”) which will complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. It will also establish a statutory Public Services Staff Commission.

We have previously consulted on proposals to reform Local Government. The three White Papers *Reforming Local Government* (July 2014), *Public Services Staff Commission* (October 2014) and *Reforming Local Government: Power to Local People* (February 2015),<sup>1</sup> set out the reasons why we are proposing change and our proposed approach to the reform of Local Government. Full details of the consultation, responses received and links to the documentation are given in the Explanatory Memorandum to the Draft Bill.

As part of the package of reforms, the first Local Government (Wales) Bill was passed by the Assembly on 20 October. It is anticipated that Royal Assent will be received during the consultation period. This legislation makes provision for voluntary mergers and puts in place preparatory legislation for further mergers and reform. The legislation includes provisions relating to Transition Committees, electoral arrangements, remuneration arrangements, and restraints of transactions and recruitment etc.

Having taken into account the issues and views raised through consultation, we are now publishing the Draft Local Government (Wales) Bill, Draft Explanatory Memorandum, Draft Regulatory Impact Assessment and specific impact assessments for a further period of consultation. We will take account of comments received during this consultation as we prepare the Bill and accompanying documents for introduction into the next Assembly, after May 2016.

This Paper sets out additional policy explanation where we have modified or decided not to proceed with the proposals in the *Power to Local People* White Paper, additional proposals we wish to consult on, and matters which we have not included in the Draft Bill but intend including in the Bill for introduction. Where the provisions in the Draft Bill are substantially the same as the proposals in the White Paper, further explanation is given in the Explanatory Memorandum and is not repeated here. This Paper should therefore be read in conjunction with the Draft Bill and the accompanying documents. In structure, this Paper follows the Draft Bill rather than the White Paper.

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<sup>1</sup> [Welsh Government | Devolution, Democracy and Delivery White Paper – Reforming Local Government](http://gov.wales/consultations/localgovernment/power-to-local-people/?status=closed&lang=en)  
<http://gov.wales/consultations/localgovernment/power-to-local-people/?status=closed&lang=en>  
<http://gov.wales/consultations/improving/public-services-staff-commission-consultation/?lang=en>

In this document, a reference to “the White Paper” is a reference to the *Reforming Local Government: Power to Local People* White Paper, unless stated otherwise.



## **The Draft Bill**

The proposals contained within the Draft Bill will complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. It will also establish a statutory Public Services Staff Commission.

The purpose and intended effect of the provisions outlined in the Draft Bill can be found at Chapter 3 of the Explanatory Memorandum. Explanatory Notes for the provisions of the Draft Bill can also be found at Annex A to the Explanatory Memorandum. The following sections provide an update on proposals which were outlined in the White Paper, and new or changed proposals which we would like your views on.

## **Consequential Amendments**

The Draft Bill does not include comprehensive consequential amendments or transitional arrangements. These will be drafted for inclusion in the Bill on introduction. For example, there are some statutory planning requirements that are linked to the ordinary elections of Councillors (by 'ordinary' we mean the regular election of the full Council). The intention is that transitional arrangements will be made to ensure that the ordinary elections to the Shadow Authorities of the new Authorities in 2019 do not trigger the review of strategies required under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 or the preparation of Local Well-being Plans required under the Well-being of Future Generations (Wales) Act 2015.

## Part 1: Local Government Areas and County Councils

Part 1 of the Draft Bill contains the provisions which will establish new Counties and their Councils. Chapter 1 specifies the Local Government areas in Wales. Chapter 2 provides for the constitution and election of the new Councils. Chapter 3 provides for establishment of the new Councils and Chapter 4 makes miscellaneous provision.

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

We also welcome your views on the following matters.

### Chapter 1: Local Government Areas

The Commission on Public Service Governance and Delivery (“the Commission”) recommended reducing the number of Local Authorities in Wales through a series of mergers. The arguments for this recommendation and supporting evidence were set out extensively in the Commission’s Report. The Welsh Government accepted these arguments in a White Paper published in July 2014, *Devolution, Democracy and Delivery: Reforming Local Government*. This document set out the Welsh Government’s preference to merge Local Authorities on the basis of the Commission’s Option 1, which would result in 12 new Authorities. It also signalled that Ministers remained open to considering alternative configurations.

The White Paper *Reforming Local Government: Power to Local People* highlighted the intention to proceed with mergers of Local Authorities through this Draft Bill. On 17 June 2015, the Welsh Government announced its preference for the future configuration of Local Government in Wales, based on eight or nine new Principal Local Authorities. These alternatives are set out in two tables in Schedule 1 to the Draft Bill, the difference between them being the configuration of the proposed new Counties in North Wales:

**Table 1**

| Name                  | Area  |
|-----------------------|---|
| County 1 <sup>2</sup> | Isle of Anglesey, Gwynedd and Conwy                           |
| County 2              | Denbighshire, Flintshire and Wrexham                          |
| County 3              | Ceredigion, Pembrokeshire and Carmarthenshire                 |
| County 4              | Swansea and Neath Port Talbot                                 |
| County 5              | Bridgend, Rhondda Cynon Taf and Merthyr Tydfil                |
| County 6              | Cardiff and the Vale of Glamorgan                             |
| County 7              | Blaenau Gwent, Caerphilly, Torfaen, Monmouthshire and Newport |
| Powys                 | Powys   |

<sup>2</sup> The naming of the new Counties is dealt with below.

**Table 2**

| <b>Name</b> | <b>Area</b>   |
|-------------|---|
| County 1    | Isle of Anglesey and Gwynedd                                  |
| County 2    | Conwy and Denbighshire  |
| County 3    | Flintshire and Wrexham  |
| County 4    | Ceredigion, Pembrokeshire and Carmarthenshire                 |
| County 5    | Swansea and Neath Port Talbot                                 |
| County 6    | Bridgend, Rhondda Cynon Taf and Merthyr Tydfil                |
| County 7    | Cardiff and the Vale of Glamorgan                             |
| County 8    | Blaenau Gwent, Caerphilly, Torfaen, Monmouthshire and Newport |
| Powys       | Powys   |

In setting out its preference, the Welsh Government emphasised there would be an opportunity for members of the public, interested organisations and stakeholders to put forward their views formally on the proposals. The following section sets out a range of issues associated with the proposed mergers and formally invites views on the future configuration of Local Authorities in Wales.

### The Issues

The Commission considered possibilities that would have yielded seven or eight very large Local Authorities, but advised against pursuing them. They felt that the need to sustain local democracy and coherence might act as a limiting factor on the extent of such change. However, we believe that the proposals in the White Paper around greater public participation in democracy, more open and transparent decision making and greater diversity in Local Government, together with community area committees provide effective mechanisms for maintaining democratic engagement with communities in larger areas. It is also important to note there are many Authorities in other parts of the UK operating at the larger end of the scale of what is proposed in Wales.

On the matter of European Funding, the Commission identified an issue of alignment with the West Wales and the Valleys ‘convergence’ area, which has links to EU funding and state aid allowances. While a relevant consideration, we do not think that it should override a strategic, long-term case for mergers. There should be minimal impact on the delivery and related eligibility during the current 2014-2020 EU funding period. The majority of regions in the West Wales and the Valleys ‘convergence’ area remain in that area. The criteria for determining EU funding eligibility post-2020 is yet to be agreed and the Welsh Government will continue to press for the best possible settlement in negotiations for any new EU programmes.

The Commission took a wide range of factors into consideration including the minimum extent of mergers necessary to systematically address problems of scale, alignment of Local Authority areas with Local Health Board and Police Force areas, and avoiding the disruption entailed by splitting up existing Local Authorities. Apart from one exception in terms of alignment with Local Health Board boundaries (Bridgend), the maps published in June 2015 are consistent

with the principles set out in the Commission's Report. They are a refinement of the Commission's Option 1, informed by further consideration of a range of issues including the views of individual Local Authorities.

### Carmarthenshire and Swansea

In terms of Carmarthenshire and Swansea, the Commission report itself noted that *'matters are less clear elsewhere – in the Bridgend / Neath Port Talbot / Swansea and Carmarthenshire / Ceredigion / Pembrokeshire areas – and our preferred options differ only in how they would affect those areas.'*<sup>3</sup> The report made it clear that all of its *'favoured options have different strengths and weaknesses'* and that it had no preference between them.<sup>4</sup>

In the case of Carmarthenshire, a merger with Ceredigion and Pembrokeshire would help integrate health and social care in the Hywel Dda Local Health Board area and bring together an area which has some significant common features in terms of rurality, local economy and, in much of the area, use of the Welsh language. This configuration fits within the option of "larger" configurations as expressed in the Prospectus<sup>5</sup> issued inviting voluntary merger applications, and provides a single, stronger Authority with greater capacity and capability. It would also be compliant with the Commission's Option 2b and 3.

As for Swansea, there is a question as to whether the Authority is of sufficient scale to remain alone and sustainable in the longer term. It is already closely engaged with Neath Port Talbot on a project bringing together social services. A merger with Neath Port Talbot would avoid the anomaly of retaining Swansea as a single entity while merging the city of Cardiff with the Vale of Glamorgan, as well as combining two areas with similar socio-economic conditions. There is also a strong argument that Swansea is the focal point for economic growth in the wider Western Bay wider area (see "Regional Footprint and Collaborations" section below), and that future development is focussed towards its eastern boundary with Neath Port Talbot (for example the new university development). Indeed, both Local Authorities argued with some force back in November 2014 as part of deliberations on voluntary mergers, that they should form the core of a new city region authority for the area (albeit encompassing in addition the Llanelli / Ammanford area and south west Powys). Clearly, breaching existing boundaries in this way does not meet our current preferred options. On the other hand, leaving out the additional areas does not undermine the argument of bringing the two existing Authorities together. A merger between Swansea and Neath Port Talbot would also be partially in line with the Commission's Option 2a and 3.

### Bridgend

The Commission's report did not highlight any specific issues regarding Bridgend. In Option 1 it was included with Swansea and Neath Port Talbot in line with the principle that there should be alignment of Local Authority areas with Local Health Board areas and this remains a strong argument. However,

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<sup>3</sup> Commission on Public Service Governance and Delivery, 2014, p96.

<sup>4</sup> Commission on Public Service Governance and Delivery, 2014, p98.

<sup>5</sup> Invitation to Principal Local Authorities to Submit Proposals for Voluntary Mergers

while some feel Bridgend is in a 'buffer zone' between south east and south west Wales, there is evidence that points towards its natural position lying with the South East Wales City Region rather than to the west.

The Local Authority as part of its voluntary merger expression of interest presented evidence around retailing patterns, transport links and travel to work destinations which all pointed towards the south east rather than west. There are more socio-economic similarities with the Vale of Glamorgan or southern Rhondda Cynon Taf than with Neath Port Talbot. In terms of collaboration arrangements and partnership agreements, again the evidence suggests it operates more naturally within the south east Wales region. The most obvious examples include its membership of the Cardiff Capital City Region and the Central South Education Consortium. It is also a member of a number of Local Government established forums including the South East Wales Strategic Planning Group, South East Wales Regional Housing Forum, and the South East Wales Regional Partnership Board.

The key issue to consider is that a configuration comprising Bridgend / Rhondda Cynon Taf / Merthyr would cross the current Local Health Board boundary and thus move away from the principles of alignment and coterminosity. Our view is while there would be challenges to work through, this cross health boundary arrangement could be made to work in ways which could resolve the additional complexity. We consider there are no challenges which could not be overcome and there appears to be willingness within the Health Boards to do what is necessary to make any new arrangements work. While there are no plans currently to propose any changes to any Local Health Board boundaries, consideration will be given to the implications for Local Health Board boundaries at the point in the process where the conversation is complete and there is a confirmed map in place. Irrespective of the final map, the Welsh Government wants Local Health Boards to work much more closely together to provide hospital services across traditional boundaries regardless of where the formal boundaries are drawn.

Of course, any merger comprising Bridgend / Rhondda Cynon Taf / Merthyr would result in a significantly larger new Authority with commensurate gains in capacity and capability, but these would need to be balanced against the possible disincentive of health boundary issues. Finally, another factor to consider is that in practical terms, Bridgend occupies a particular geographical location and its position in a new structure will determine other choices. This was made clear by the proposed merger of Bridgend and the Vale of Glamorgan which would have prevented delivery of the Option 1 map as the city of Cardiff would have stood alone. In turn, this may have driven different configurations across South East Wales which may have impacted on the proposals in Gwent and the Valleys. A merger between Bridgend and Rhondda Cynon Taf / Merthyr would not prevent the delivery of a modified Williams Option 1 map.

#### South East Wales

The Commission, in recommending mergers between Newport / Monmouthshire and Blaenau Gwent / Caerphilly / Torfaen, nevertheless recognised there may be alternatives. It stated the Gwent Police Force area

contains a diverse mixture of urban, valleys and rural Authorities, of areas of very high and very low deprivation, and of relatively very high and very low Council Tax. The Commission noted other combinations of Authorities were possible. However, it was concerned alternative combinations would breach the criterion on EU convergence funding. It also felt creating Local Authority areas like the whole of Gwent or the whole of North Wales could lead to difficulties in meeting multiple diverse local needs effectively or to maintaining fair democratic representation within such areas, thus potentially jeopardising some of the gains from merger.

It is clear a Gwent area configuration in South East Wales would create the biggest Local Authority in Wales with a combined population of over 580,000. This would make it on a par with other populous Unitary Authorities in the UK such as Glasgow and Cornwall, but still significantly less than Authorities such as Birmingham and Leeds. Despite this and the variety of geographical and socio-economic conditions within the area, we have seen stronger than average collaboration and a distinct sense of a Gwent identity among the public services. It is important to highlight that Authorities in the Gwent areas pride themselves on having established effective collaboration and partnership arrangements in recent years and those in place are working well. For example, the five Local Authorities are part of the Education Achievement Service Consortium, the Gwent Regional Collaborative Committee (Supporting People), and are piloting a regional funding approach for violence against women, domestic abuse and sexual violence services. On top of this, both the Police Force and the Local Health Board operate on a Gwent area footprint.

Another factor to note is the considerable opposition in the Gwent area to the potential configurations proposed by the Commission. Three of the five Local Authorities have expressed clear views around merging with others or remaining independent, with Newport against merging with Monmouthshire and vice versa, and Caerphilly against merging with anyone. Given the strength of feeling and clear opposition to the configurations suggested by the Commission, there is an argument merging the five Local Authorities and creating a larger Authority may be an advantage, not least in terms of maximising economies of scale and giving the Authority a strong voice. It would also be Option 1 compliant, albeit as part of a larger unit.

### North Wales

In North Wales, all of the options presented by the Commission included three Local Authorities. While it is the case that collaboration tends to happen on a North Wales regional basis (GwE Consortium, North Wales Economic Ambition Board, Supporting People etc.), the Commission dismissed the creation of a single Local Authority area covering the whole of North Wales. Doing so could be likely to lead to difficulties in meeting multiple diverse local needs effectively, or to maintaining fair democratic representation.

In addition, the EU convergence funding criterion was not consistent with the division of North Wales into two Local Authorities rather than three by merging Anglesey, Gwynedd and Conwy; and Denbighshire, Flintshire and Wrexham. Denbighshire could jeopardise its qualification for convergence funding by

merger with Flintshire and Wrexham which are not eligible. Setting this issue to one side, the case for either two or three Local Authorities in the North Wales area is finely balanced. Issues include:

- population – if the configuration in North Wales was three Authorities, two of those would have populations around the 200,000 mark i.e. Gwynedd / Anglesey and Conwy / Denbighshire. Notwithstanding Powys, this would be considerably lower than most of the other configurations in Wales which would be 380,000 plus with Wrexham / Flintshire just below the 300,000 mark;
- Welsh Language – there is an important question as to whether it would be supported better by creating three or two Authorities in North Wales. Some argue that placing Denbighshire with the border Counties of Flintshire and Wrexham might impact adversely on maintaining and strengthening the vibrancy of the language in the Denbighshire area. On the other hand, merging Conwy with the Isle of Anglesey and Gwynedd could create an area where possibly less than 50% of the population are Welsh speakers. This would mean that no Authority in Wales would have a majority of Welsh speakers and could impact on current internal administrative practice in Gwynedd;
- the creation of two rather than three Authorities would reduce the variance across North Wales on financial indicators, particularly in terms of the key indicators such as Council Tax raising ability (size of tax base) and spending power (gross revenue expenditure);
- current sub regional delivery structures for police, fire and health currently operate on a three area basis – Anglesey / Gwynedd, Conwy / Denbighshire and Wrexham / Flintshire. The Health Board has recently introduced an area director structure based on these areas; and
- the strong preference expressed by Conwy that in the event mergers were to proceed, a merger between themselves and Denbighshire should be examined further given their supporting evidence.

The case in North Wales is, therefore, finely balanced between two or three Local Authorities and there are pros and cons for both.

A full analysis of the options for eight or nine new Authorities is presented in the accompanying draft Regulatory Impact Assessment (RIA). We would welcome your views on the Welsh Government's preference for the future configuration of Local Government in Wales.

**Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?**

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

### Powys

The Commission on Public Service Governance and Delivery recommended that because of the unique characteristics of the County of Powys and the

distinctive patterns of service delivery this creates, Powys County Council (PCC) and Powys Teaching Health Board (PTHB) should merge.

In considering the available options, Ministers recognise the difficulties in successfully merging two organisations with such different functions, governance arrangements and legislative basis. As a result, the Welsh Government believes the funding and governance issues mean a formal merger is not the best solution, but work should continue to encourage and explore other opportunities for greater front-line and strategic integration, including where these opportunities could result in the need to legislate to remove barriers or facilitate further progress.

PCC and PTHB are already co-terminous organisations, serving the same population, largely experiencing the same challenges and opportunities of a geographically large, sparsely populated, highly rural County. The organisations have a track record of working together to develop services for the people of Powys and have a history of working with communities, the voluntary sector and other stakeholders and partners to deliver improvements. This resulted in the formulation of the One Powys Plan 2014-17.

In November 2014, a joint Expression of Interest was submitted to the Welsh Government in which both organisations sought support to progress integration. In spring 2015, the Minister for Public Services agreed to provide Welsh Government support in response to proposals put forward by PCC and PTHB in *Working Together for a Thriving Powys*. This agreement includes a funding contribution towards the work.

Since November 2014, both Chief Executives together with their executive teams have been meeting regularly as a Joint Management Team. Research has been undertaken to identify what lessons could be learnt from other organisations already undertaking this level of integration. They have developed an integration plan which sets out the priorities for action. Their first priority is to create health and social care teams in the community. These could include staff such as district nurses, speech and language therapists, social workers, physiotherapists, and occupational therapists. These teams will work closely with local GPs to offer care in, or as close to people's homes as possible using technology where practicable.

**Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?**

#### Naming the New Counties

With the exception of Powys, which is a continuing Authority, the proposed new Counties are simply referred to as County 1 etc. in the Tables presented in Schedule 1 to the Draft Bill. The intention is that the Shadow Authorities, to be elected in 2019 will determine the names of their new County (in English and Welsh forms). The regulation-making power in paragraph 2(1) of Schedule 1 will enable the Welsh Ministers to give legal effect to the names determined by the Shadow Authorities.



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

#### Regional Footprint and Collaborations

In 2011 a common public service Regional Collaborative Footprint (RCF) was established based on six areas: North Wales, Mid & West Wales, Western Bay, Cwm Taf, Cardiff and Vale, and Gwent. The Commission on Public Service Governance and Delivery noted that the boundaries of most major service providers were reasonably well-aligned, but that despite the development of the RCF, regional collaborations were still too complex, fragmented and hard to administer. They argued that aligning public service collaborations would simplify working arrangements, avoid duplication and help create more integrated services for the public.

In July 2014, the Welsh Government published its vision for reforming devolved public services in the document '*Devolution, Democracy and Delivery: Improving Public Services for People in Wales*'. One of the 20 high-level actions outlined in the document focuses on the importance of aligning existing collaborations with the boundaries of new, merged Local Authorities and other delivery partners.

Since then, work has been undertaken across the Welsh Government to identify the most strategic regional collaborations. The information received has highlighted that current collaborations and partnerships are broadly well-aligned with the proposed Local Government areas and are consistent with the Welsh Government's RCF, particularly in areas such as North Wales and Gwent.

The Welsh Government does not propose to take any action on aligning collaborations and partnerships ahead of a final decision on the Local Authority areas. In the meantime however, Ministers have agreed that there *should be a moratorium on the establishment of any new collaborations and partnerships prior to finalising the map*. Such a moratorium does not apply to any existing statutory requirements. For example, it will not impact Public Services Boards where provisions under the Well-being of Future Generations (Wales) Act 2015 are due to be brought into force in April 2016. The same is true for planned regulations under the Social Services and Well-being (Wales) Act 2014, such as for the establishment of the Social Services Regional Partnerships.

## **Chapter 2: Ordinary elections of Councillors and term of office**

In accordance with the Fixed-term Parliaments Act 2011, from 2015 Parliamentary general elections are held every five years on a fixed term basis. The Wales Act 2014 likewise moved the National Assembly for Wales elections to a five-year fixed term, with effect from 2016. In accordance with those cycles and to avoid clashes, we are proposing to create five-year fixed term cycles for elections to Local Government (Principal and Community Councils), with effect from 2023.

Before moving to this five year cycle, we propose making various transitional arrangements as follows:

- The term of office of Councillors elected to existing Principal Authorities (Counties and County Boroughs) in the Local Government elections in May 2017 will be three years. The existing Authorities will be abolished from 1 April 2020. This is not the case for Powys which will be a continuing Authority, details of which are found below.
- Elections to the new County Councils will be held in May 2019 and Councillors will serve a four year term. For the first year of that term, the new County Councils will exist as Shadow Authorities, which will exercise only preparatory functions specified in regulations made by the Welsh Ministers. The new County Councils will take over the full range of Local Government functions from 1 April 2020. The Draft Bill provides that the next ordinary elections of the new County Councils will be in May 2023. This will give the new County Councils three years from 1 April 2020 in which to consolidate their new arrangements.
- Holding elections in 2017 and 2023 in Powys, as a continuing Authority, would mean Councillors elected in 2017 would serve a six-year term. This would be an unprecedented length of term and to avoid straining the democratic mandate, ordinary elections will be held in Powys in 2020, meaning two three-year terms for Councillors. Community Councillors in Powys will, however, serve a six-year term between 2017 and 2023 (see Part 6 below).

|            |  |   |
|------------|--|---|
| 4 May 2017 | (i) Elections to <b>continuing Authorities</b> not subject to merger<br><br>(ii) Last elections to all <b>Authorities which would be subject to merger</b> | (i) i.e. Powys. These Councillors will serve 3-year terms until May 2020<br><br>(ii) These Councillors will serve 3-year terms until 1 April 2020 |
| May 2019   | First elections to <b>new County Councils</b>  | New County Councils exist in shadow form until Vesting Day on 1 April 2020. These Councillors will serve a 4 year term                            |
| May 2020   | Elections to continuing Authorities  | I.e. Powys. These Councillors will serve 3-year terms until 2023  |
| May 2023   | Elections to <b>all</b> Local Authorities in Wales   | All Councillors will serve a 5 year term until May 2028   |

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

### **Chapter 3: New Councils: Finance**

The Draft Bill includes legislative changes in relation to finance which are needed to support structural mergers and some of the wider reforms proposed elsewhere in the Draft Bill. The White Paper discussed the need to review the Local Government finance system over a longer timetable than that planned for mergers and the reforms set out in the Draft Bill. This proposal was accepted by most respondents, with the majority acknowledging the risks of fundamental change to the finance system too soon in the reform process.

The Welsh Government intends to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales. This will enable us to design a system which takes account of wider changes to the powers and fiscal responsibilities of the Assembly, and devolves greater financial independence and responsibility to Local Authorities.

#### Accounts and Audit Requirements

The Bill for introduction will contain updated and modernised provisions setting out how Local Government bodies in Wales should account for the money they spend and how their accounts will be audited. Local Government bodies in Wales abide by the requirements set out in regulations made under the Public Audit (Wales) Act 2004. We will take the opportunity provided by this Bill to modernise the accounts and audit requirements of local bodies in Wales in line with the latest good practice for financial management and internal control systems.

The Welsh Ministers will also make provision in regulations in relation to the mechanism by which Shadow Authorities will be funded during the shadow period. The regulations will include the processes a Shadow Authority will be required to undertake in relation to monitoring its internal resources and, if deemed necessary, the keeping of, any audit of accounts.

#### Council Tax

One of the core principles of local taxation is that tax-payers living within the same Local Authority area contribute equivalent amounts (relative to their circumstances) for the provision of local services in that area. Each Local Authority has democratic responsibility for deciding on the amount of Council Tax charged within its area. This means when existing Authorities are brought together to form a new larger Authority, each new Authority will need to set its own level of Council Tax.

In some cases, this may require a process of harmonisation to move to the same level of Council Tax across an Authority's area. This would not necessarily need to be achieved immediately upon the creation of a new Authority. For example, a period of transition could help to promote stability in

tax revenues and to ensure residents are protected from sudden changes in Council Tax liability. Conversely, early harmonisation could result in a fairer system for those taxpayers who would see a reduction in their bills. The existing finance legislation contains a broad range of powers which could be used to effect a number of policy approaches to the setting of Council Tax. There are also existing powers for Ministers to limit increases in Council Tax. We do not propose the Welsh Ministers take any new powers in relation to this and have not, therefore, included new provisions in the Draft Bill.

The Welsh Government is committed to consulting fully on any proposed future approach to Council Tax when the time is right. In light of the changing financial landscape, we consider it too early in the reform process to draw up firm plans for harmonisation, but we will examine and monitor the developing picture across Wales. We will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new Authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for Council Tax. At the very least, we expect Transition Committees and Shadow Authorities to safeguard against any divergence in Council Tax levels in the period running up to mergers. The restrictions on certain transactions set out in the first Local Government (Wales) Bill will assist in the process of financial management and further guidance will be issued in due course.

#### Controls on Avoidance of Non-Domestic Rates

The White Paper recognised there are inconsistencies between local tax systems which we may wish to review as part of shorter term improvements to the finance system. We consider one of those inconsistencies to be the absence of a duty on Non-Domestic Rates-payers to notify their Billing Authority of a change in their circumstances which may affect their liability, or eligibility to claim a relief, discount or exemption. Although valuation officers can serve notices on rate-payers to provide information, there is no requirement for rate-payers to inform the valuation officers or the Billing Authority of a change in circumstances. This differs from some of the requirements placed on Council Tax payers and can result in large backdated bills when changes are made. The summary of responses to the recent discussion paper on rates avoidance<sup>6</sup> produced by the Department for Communities and Local Government and HM Treasury indicates that one of the common avoidance measures is rate-payers notifying Billing Authorities retrospectively of periods of occupation, which are subsequently difficult to verify.

The extent of avoidance in the Non-Domestic Rates system in Wales, whether unintended or deliberate, is not currently known and will require further investigation. However, recent analysis undertaken by the Local Government Association estimates that in England around £230 million (approximately 1%) of rates revenue is lost to avoidance each year.<sup>7</sup> As this is a complex and

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<sup>6</sup> *Business Rates Avoidance: Summary of Responses*, Department for Communities and Local Government, HM Treasury, July 2015.

<https://www.gov.uk/government/consultations/business-rates-avoidance-discussion-paper>

<sup>7</sup> Local Government Association response to *Business Rates Avoidance* discussion paper, February 2015.

developing area of policy, we propose the Bill on introduction contains a provision to enable Welsh Ministers to make regulations in the area of Non-Domestic Rates avoidance.

We do not envisage providing for a detailed policy approach in the Bill as we will wish to develop the proposals in consultation with Local Government, rate-payers, the Valuation Office Agency, the Valuation Tribunal for Wales and the Lord Chief Justice Office. Full consideration will also be given to the appeals process for rate-payers aggrieved by a decision and to reasonable protocols for enforcement by Billing Authorities. In drawing up detailed proposals, we will take into account the available evidence, the findings of the Business Rates Panel,<sup>8</sup> the outcome of a review on rates avoidance in England and powers proposed in the UK Government's Enterprise Bill to facilitate the sharing of more information between the Valuation Office Agency and Billing Authorities. Any regulations developed in due course would be subject to the affirmative legislative procedure, meaning the detailed proposals would undergo specific scrutiny before being debated by the National Assembly for Wales.

The policy development process will be consistent with the Welsh Government's approach to tax collection and management and the principles for tax policy published in 2014.<sup>9</sup> Measures to tackle avoidance and fraudulent activity support the Welsh Government's principles of fairness to all taxpayers, by ensuring that the rates due are responsive to changes in circumstances and that liability is spread fairly across all taxpayers, of having clear rules which seek to minimise administration costs by improving the accuracy of information, and of providing stability and certainty to taxpayers by reducing the instance of backdated liabilities.

**Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?**

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

**Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?**

**Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?**

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<http://www.local.gov.uk/documents/10180/6869714/Business+rates+avoidance+-+discussion+paper+-+LGA+response.pdf/89897cc8-7bba-4257-a97b-243bf6d22ece>

<sup>8</sup> *The Devolution of Business Rates to Wales*, February 2015.

<http://gov.wales/docs/det/publications/150202-devolution-of-business-rates-en.pdf>

<sup>9</sup> *Tax powers, purpose, principles and priorities*, Welsh Government, December 2014.

<http://gov.wales/docs/caecd/publications/150109-treasury-paper-en.pdf>

## **Other matters**

### Phased Elections

The White Paper sought views on whether Local Government elections should be conducted in phases. In response to the concerns of stakeholders, the Welsh Government will not be proceeding with this proposal.

### The Number of Councillors

In recognition of the democratic requirements of the new Authorities, the previous cap of 75 Councillors per Authority has been removed. Consultation on Draft Directions to the Local Democracy and Boundary Commission for Wales took place between August and November 2015. This consultation sought views on what an appropriate number of Councillors might be for the new Authorities to best deliver effective representation and democratic governance. We are currently considering the responses to this consultation.

### The Preserved Counties

The preserved counties of Wales are the counties created by the Local Government Act 1972 (“the 1972 Act”). The counties created under the 1972 Act were abolished by the Local Government (Wales) Act 1994 (“the 1994 Act”). However, the 1994 Act created the concept of preserved counties based on the areas of the eight counties, to be used for a range of purposes largely relating to judicial and administrative purposes. The eight preserved counties are notional entities only; they have no elected Councils, no administrations and no functions of their own.

Since the 1994 Act, most of the purposes for which the counties were preserved have fallen away. For example, justice areas are now based on new geographical areas rather than the preserved counties. In some instances there remain obsolete references to “preserved counties” in legislation which will require amendment. However, there are references to preserved counties which remain relevant. They relate to lieutenancies, shrievalties and sea fisheries.

### *Lord Lieutenants and High Sheriffs*

Lord-Lieutenants and High Sheriffs have traditionally been appointed by reference to local administrative areas. At the time of Local Government reform in 1972, the Local Government Act 1972 (“the 1972 Act”) required the Queen to appoint a Lord-Lieutenant for each County in England and Wales. High Sheriffs are appointed annually by the Queen under the provisions of the Sheriffs Act 1887 and the 1972 Act put in place transitional arrangements so that High Sheriffs were appointed to the new counties established under the 1972 Act. Lord-Lieutenants and High Sheriffs continued to be appointed for the counties established under the 1972 Act between 1974 and 1996.

As stated above, the Local Government (Wales) Act 1994 reformed Local Government in Wales, but preserved the counties established under the 1972 Act for certain purposes. This included the geographical area for which Lord-Lieutenants and High Sheriffs would be appointed.

Today, the preserved counties continue to serve as the areas for defining the lieutenancies and shrievalties in Wales, in accordance with the Lieutenancies Act 1997 and the Sheriffs Act 1887. There is a Lord-Lieutenant and a High Sheriff for each preserved county in Wales, making eight Lord Lieutenants and eight High Sheriffs in total. Some Lord-Lieutenants and High Sheriffs cover two or more of the existing administrative Local Authorities created by the 1994 Act. The lieutenancy and the shrievalty of Gwent cover five Local Authorities (Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen); in contrast, the lieutenancy and the shrievalty of Powys cover one Authority only, the administrative County of Powys.

#### *Sea Fisheries (Shellfish) Act 1967*

Section 10 of the Sea Fisheries (Shellfish) Act 1967 (“the 1967 Act”) states that the portion of the sea shore to which an order under section 1 (power to make orders as to fisheries for shellfish) of that Act relates, shall for all purposes of jurisdiction be deemed to be within the body of the adjoining county, borough or burgh. The 1994 Act provided that the reference to “county” in section 10(1) of the 1967 Act in relation to Wales includes a reference to a preserved county.

The Welsh Government’s proposals for Local Government mergers will result in the number of Principal Local Authorities being reduced to eight or nine, from 1 April 2020. Whichever of the two options is decided upon, there seems little purpose in retaining an equivalent number of preserved counties, to add unnecessary complexity to the Local Government map of Wales.

We propose to abolish the preserved counties in Wales with effect from 1 April 2020. In consequence, it will be necessary to amend the relevant statutes to ensure the appointments of Lord-Lieutenants and High Sheriffs relate to the new Counties in existence after 1 April 2020 and that the reference in the 1967 Act is updated. **Lord-Lieutenants and High Sheriffs are appointed by the Queen, so any changes would be made in consultation with office-holders and the Queen’s advisers.** We will work with all affected to ensure that, where necessary, transitional arrangements are in place before 1 April 2020.

**Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the Counties in existence after 1 April 2020?**

#### Other Technical Matters

There are a number of issues which may be considered technical in nature on which we will be seeking views. These include:

- any property, rights and liabilities, including grants, which require specific provision for their effective transfer to the new Councils;
- any impact on existing contracts and property which would need express provision in the Bill;

- the length of time for suspension of by-elections in existing Councils prior to the new Councils assuming their full functions and responsibilities on 1 April 2020 e.g. where there are casual vacancies;
- mechanisms to preserve historic ceremonial rights, including city and borough status; and
- joint committees, joint boards and port health authorities.

It is our intention to engage directly with Local Authorities on these matters, however, we welcome views on these and any other similar technical matters as part of this consultation.

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



## **Part 2: General Power of Competence**

The provisions in Chapter 1 of Part 2 relate to County Councils' general power of competence and those in Chapter 2 set out the conditions which Community Councils must meet in order to be Community Councils with competence.

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| <b>Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?</b> |
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We also welcome your views on the following matters.

### **Chapter 2: Community Councils with Competence**

The Draft Bill includes conditions which a Community Council must meet if it is to resolve itself 'with competence'. Being 'with competence' would enable a Community Council to use the general power of competence and provide other organisations with a degree of confidence that the Council has the capacity and capability to 'do business'. There will also be a reputational benefit, with communities able to see that their Council is meeting certain standards.

The consultation on the White Paper established that there were clear views against the proposal that one of the competency tests should be a minimum annual turnover of £200,000. In particular, this was seen to disadvantage rural Councils. The Welsh Government accepts the argument and no such provision is included in the Draft Bill.

We also stated in the White Paper our intention that a Community Council resolving itself competent should be required to notify a committee of the Principal Authority for the area, and that the nominated committee should have powers to revoke the Community Council's competency qualification in some circumstances. More consultation responses were in favour than against these proposals. However, we have considered the implications this might have for the relationship between Principal Councils and Community Councils, notably the risk of blurring accountability and of creating tensions in the working relationship between the two tiers of Local Government. Therefore, we have taken a different approach in the Draft Bill.

The provisions in the Draft Bill enable a Community Council to pass a resolution at any meeting of the Council that it meets the competency requirements and that it is a Community Council 'with competence'. Such a Community Council will remain competent until the first annual general meeting following ordinary elections, when it must pass a resolution that it continues or ceases to be a Community Council with competence. A Community Council with competence may also pass a resolution at any meeting of the Council that it ceases to be a Community Council with competence. A Council that ceases to be a Community Council with

competence may continue any activities it has commenced whilst exercising the general power of competence.

This means that a Council would be able to resolve itself competent at its first meeting following an election and remain competent for the five years until its annual general meeting following the next elections, even though in each of the intervening years it might fail to meet any or all of the three competency requirements, including the requirement to have two years' unqualified accounts. During this period the Community Council would be able to exercise the general power of competence and do things it could not otherwise do if it had not resolved itself competent, as is the case with eligible Parish Councils in England. This approach would provide certainty for Community Councils undertaking activities in reliance on the general power and certainty for third parties in their dealings with Community Councils as to the extent of a particular Council's powers. The Welsh Government would welcome your views about this.

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

## **Part 3: Promoting Access to Local Government**

This Part contains provisions relating to promoting access to Local Government. Chapter 1 gives an overview of the provisions. Chapter 2 requires Local Authorities to encourage public participation in Local Government. Chapter 3 establishes community area committees, for the purpose of ensuring that community interests and priorities are taken into account by the Council in exercising its functions. Chapter 4 deals with improvement requests, by which a Council enters into discussions with community bodies for the purpose of improving local outcomes. Chapter 5 extends public access to Local Authority meetings and Chapter 6 requires Local Authorities to publish a guide to their constitution and publish the official addresses of their members. The provisions relating to public participation, community area committees and improvement requests support the Welsh Government's *Principles for Working with Communities*.<sup>10</sup>

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

We also welcome your views on the following matters.

### **Chapter 2: Public Participation in Local Government**

The White Paper makes a number of references to the need for Local Authorities to be more active in involving the public in the Council's work and in decisions which affect them. This part of the Draft Bill draws together the proposals for public participation into a single overarching duty on Local Authorities to encourage participation in the decision making of County Councils and their connected authorities (Community Councils, Fire and Rescue Authorities and National Park Authorities) and to set out how it means to achieve this in a strategy. The participation strategy must address promoting awareness of the Council's functions and how to become a member of the Council, facilitating access to information about decisions and ways for the public to make representations to the Council, public involvement in scrutiny and the use of social media.

Given the importance of the budget setting process, separate provision is made to ensure wide and meaningful consultation on the annual budget.

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

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<sup>10</sup> See Welsh Government Written Statement, 15 September 2015, <http://gov.wales/about/cabinet/cabinetstatements/2015/workingcommunities/?lang=en>

## **Chapter 3: Community Area Committees**

In the White Paper we made a case for establishing a model of community governance so communities could maintain and improve their engagement with the larger, merged Local Authorities, with a leading role for Elected Members. We described an area-based approach, with 'area boards' made up of Elected Members, community bodies, the third sector, Community Councils and other public services.

Respondents to the consultation asked for more detail about what is intended, showed concern about the potential for increasing bureaucracy, and the importance of ensuring appropriate representation, especially from the third sector and Community Councils. The majority agreed that Local Authorities should have flexibility to design an approach suitable to their area. The public have also told us that, while they support bigger Local Authorities, they are concerned about them losing touch with communities.

The provisions included in the Draft Bill seek to articulate our intentions and provide a more informed basis from which to comment. They set out the intention to require Local Authorities to establish a committee in each of their community areas (as determined under the Well-being of Future Generations (Wales) Act 2015). Community area committees will provide a structured way for views on local priorities to be expressed and fed into the Local Authority budget planning process, and for communities and local people to engage with their Elected Members on practical matters of local importance. Local Authorities will also be able to seek the advice of these committees on any matter relating to the committee's community area. The provisions also enable the Local Authority to delegate functions to community area committees. Which functions may be delegated to community area committees will be determined by regulations to be made by the Welsh Ministers.

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

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

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

## **Chapter 4: Improvement Requests**

In the White Paper we consulted on a proposal that there should be a 'right to participate'. This would enable community bodies to become involved in service improvement. The Draft Bill includes provisions which oblige Local

Authorities to enter into a dialogue with community bodies about how an outcome can be improved on receiving a request from a community body, unless they have reasonable grounds for not doing so. The definition of community bodies is widely drawn.

The procedure sets out that at the end of a period of dialogue, the Local Authority will publish on its website a summary of the discussions and the actions that have been agreed. We will expect both Local Authorities and community bodies to hold to the matters they have agreed publicly. However, we do not consider it would be conducive to good relations between Local Authorities and community groups or for fostering a culture of involvement if we were to impose more heavily prescribed duties on the Local Authority.

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

## **Chapter 5: Access to Meetings etc.**

In addition to the matters we consulted on in the White Paper and which are provided for in Part 3, Chapter 5 of the Draft Bill, we also wish to consult on various additional proposals relating to Council meetings.

- Electronic publication of notices of meetings. The Local Government (Democracy) (Wales) Act 2013 introduced a requirement on Community Councils to have websites and publish information concerning the Council. We propose that Principal Councils should be placed in a similar position to Community Councils.
- Electronic summons. We propose that Principal Councils should be able to choose to send out notices only by electronic means if they so wished.
- Prohibition of alcohol at Community Council meetings and removal of the restriction on having meetings in licenced premises. Society has changed considerably since the provisions of the Local Government Act 1972. Many more premises are licensed now and a great deal of public activity, such as weddings and conferences, takes place in places licensed to sell alcohol. The prohibitions, therefore, seem dated and we propose to repeal them. It would, however, be proposed that Community Councils may adopt standing orders which would prohibit Councillors or members of the public from consuming alcohol during a meeting.
- A regulation making power for the Welsh Ministers to require meetings of the Executive to keep and maintain minutes. At the moment, regulations made under the Local Government Act 2000 require that records of executive decisions are written, maintained and published. The proposed regulatory power would enable the Welsh Ministers to make meetings of Council Cabinets the subject of recorded minutes. We would welcome your views on this proposal in the light of our intention that Cabinet meetings would be subject to live broadcasting.

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

## **Other matters**

### Youth Councils

The White Paper proposed requiring the Chief Executive to establish a Youth Council, with the objective of encouraging better participation in democracy by children and young people. Following the consultation, further consideration has been given to this proposal, and it is now felt it is not sufficiently broad to reflect the best practice which already exists in many Local Authorities, in terms of engagement with children and young people, including through digital and social media.

Section 12 of the Children and Families (Wales) Measure 2010 ('the 2010 Measure') requires a Local Authority to make such arrangements as it considers suitable to promote and facilitate participation by children in decisions of the Authority which might affect them. Statutory guidance under the 2010 Measure sets out the Welsh Ministers' expectations that:

- Local Authorities should promote and facilitate children and young people's participation, within the broad context of the UN Convention on the Rights of the Child, as part of their policies, services and wider citizen engagement;
- children and young people's participation should be embedded into all aspects of planning, delivering and reviewing services, including local well-being plans; and
- Local Authorities should establish a county-wide youth forum or council, as a channel for young people's views to the Authority and other local and national decision-making bodies.

The guidance is currently being updated to reflect the commencement of the Well-being of Future Generations (Wales) Act 2015 from April 2016.

Whilst the 2010 Measure goes some way to fulfilling our policy aim of encouraging participation in local democracy, the public participation provisions in Part 3 of the Draft Bill would require a Local Authority to involve children and young people (amongst other 'local people') in the decision-making process of the Authority. This is a step further than section 12 of the 2010 Measure, which is limited to participation by children in decisions of the Authority '*which might affect them*'. The role of children and young people would be emphasised in guidance to be issued under the Bill and we intend it to include specific measures which Councils could take to assist in the organisation of young people in their area and the channelling of their views into Council deliberations.

**Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?**

## **Part 4: Functions of County Councils and their Members**

The provisions in Part 4 of the Draft Bill deal with the functions of the new Councils and their members. Chapter 1 provides an overview of the provisions in this Part. Chapter 2 sets out the duties all Councillors must discharge. Chapter 3 sets out how breaches of the duties on Councillors are to be dealt with and Chapter 4 makes further provision in relation to these duties. Chapter 5 provides that the Elected Mayor or the Leader must set objectives for the Cabinet and that candidates for Elected Mayor or the Leader must prepare a written manifesto. It also enables Councillors to be appointed as assistants to the Executive. Chapter 6 makes provision about the appointment of the Chief Executive, setting his or her objectives, as well as making the post of Head of Democratic Services a chief officer. Chapter 7 makes various provisions relating to Overview and Scrutiny Committees and Standards Committees. Chapter 8 makes minor amendments to other legislation.

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

We also welcome your views on the following matters.

### **Chapter 4: Further Provision about Duties on Members**

In the White Paper we proposed that Group Leaders should be under a duty to ensure diversity is respected, and that Monitoring Officers and Standards Committees should have enforcement roles. The majority of consultees that responded on this issue were supportive. Chapter 4 puts a duty on leaders of political groups to promote and maintain high standards of conduct by the members of the group. Standards Committees are given new functions to monitor compliance by leaders of political groups with this duty and to advise and arrange training relating to the duty.

### **Chapter 7: Overview and Scrutiny Committees and Standards Committees**

The Draft Bill gives Standards Committees new functions to handle complaints that Councillors have breached the duties imposed on them by Chapter 2 of this Part (sections 82 to 86), and to monitor compliance of leaders of political groups with the duty imposed on them by Chapter 4. Given the enhanced role of the Standards Committee, we believe there is merit in the Authority being provided with an overview of the work of the Standards Committee during the year, in all its functions, to gain a better understanding of trends in standards of conduct within the Authority. In Chapter 7, therefore, we put a duty on Standards Committees to publish an annual report and, if appropriate, make recommendations to the Authority.



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

## **Other Matters**

### Delegation of Functions

In the White Paper we set out our intention to review the provisions in the Deregulation and Contracting Out Act 1994 (“the 1994 Act”) with a view to allowing Local Authorities generally to make decisions on how they deliver services, other than in prescribed circumstances. This proposal was connected to the proposal to provide Principal Councils and eligible Community Councils with a general power of competence. Provision has been included within the Draft Bill for a general power of competence.

It is our intention, as is the case now under the 1994 Act, that Local Authorities should be permitted to delegate the exercise of certain of their functions to third parties. However, we consider the current provisions are inflexible. The contracting out power is not currently exercisable in relation to Wales by the Welsh Ministers, and the orders that have been made to date do little to encourage Local Authorities to be more innovative in the way they deliver their services.

We, therefore, propose that Part 2 of the 1994 Act, as it applies to the contracting out of functions of Local Authorities in Wales, should be repealed and replaced with a new regime that will allow for the delegation of Local Authority functions to third parties by regulations made by the Welsh Ministers. We propose this power of delegation should apply to Principal Councils, Community Councils, Fire and Rescue Authorities, National Park Authorities and Joint Planning Boards. As with the general power of competence, it is our intention to bring the provision into force at the earliest opportunity after the Bill is passed in order that the new regime is available to existing Authorities.

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

### Electoral Qualification

Respondents to the White Paper expressed concerns over lifting the prohibition on Local Authority officers standing for election to their own Authority. As previously announced, we will not be proceeding with this proposal.

In addition, the White Paper proposed:

- requiring candidates at Local Government elections to declare their membership of a political party, where appropriate;
- preventing Elected Members of Principal Councils from serving as a Community Councillor at the same time; and

- preventing a person from serving on more than one Community Council at the same time.

Further consideration is being given to these proposals and no provision is made in the Draft Bill.

#### Term Limits

There were clear views in the White Paper consultation regarding the proposal to limit the length of continual service of Elected Members, the Leader and Cabinet Members. As a result, and as previously announced, these proposals will not proceed.

#### Release of Councillors from Employment

The White Paper proposed placing a duty on devolved public services to release employees to undertake duties as Councillors. Given the provision in section 50 of the Employment Rights Act 1996 (right to time off for public duties) further provision has not been made for this in the Draft Bill. Raising awareness and promoting the use of this existing provision will be taken forward through the *Diversity in Democracy* programme.<sup>11</sup>

#### Remuneration of Councillors

As stated in the White Paper, there is a justifiable expectation amongst the general public that elected politicians should receive no greater remuneration than can be justified in relation to the scale of their responsibilities and time commitment. Equally, the Welsh Government does not wish to financially disadvantage anybody for being a Councillor, as this would contradict our clear intention to increase diversity among Councillors.

The framework of remuneration for Councillors is decided by the Independent Remuneration Panel for Wales (IRPW). Although no provision is included in the Draft Bill, it is proposed the Welsh Ministers will have a power in the Bill for introduction to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors.

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

#### Recall of Councillors

75% of online respondents agreed there should be a right of recall. Whilst five Local Authorities agreed (with conditions, especially safeguards against abuse), 13 were against. Although not included within the Draft Bill, provisions which introduce a right of recall over Members of Principal Councils are being considered, similar to arrangements that are in place in relation to Members of Parliament. Standards Committees would have their responsibilities strengthened by enabling them to consider allegations of a failure of a Councillor to perform his or her duties, as well as misconduct matters. In both cases, if a Councillor becomes subject to a suspension from office, this would enable local people, if they wished, to raise a petition calling for a by-election

<sup>11</sup> <http://gov.wales/topics/localgovernment/diversity-in-democracy/?lang=en>

in relation to that Councillor's seat. If a petition was signed by at least twenty percent of the electorate in that ward, a by-election would have to be called.

#### Remote Attendance at Meetings

The provisions enabling remote attendance at Council meetings, introduced in the Local Government (Wales) Measure 2011 ("the 2011 Measure"), have not been widely adopted. Feedback from Local Government has indicated either a lack of demand for the facility or a view that the technical challenges required to abide by the detailed provisions of the Measure has led to the reform not being implemented at Local Authority level.

The Welsh Government believes that enabling remote attendance has particular attractions for Members who may, for employment, travel or domestic reasons, find it difficult to attend some meetings. This may increase with the move to new Authorities, given their larger size and if the age, gender and employment profile of Councillors improves, as intended.

Although no provision is made in the Draft Bill, it is our intention to include in the Bill for introduction provisions which would amend the 2011 Measure in order to further facilitate the operation of remote attendance by Councillors at Council meetings.

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| <b>Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?</b> |
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#### The Cost of Senior Management in Local Government

The White Paper proposed a permanent control mechanism for salary awards for all Chief Officers through the IRPW, a 'central' appointment process for Chief Executives and Chief Officers, and term limits for Chief Executives. Following further consideration, these issues will be addressed as part of wider considerations in respect of senior managers across the public service to create a more transparent and open framework for senior appointments and pay in Local Government, and through the work of the Public Services Staff Commission.

#### The Role and Responsibilities of Chief Executives

We will seek a further appropriate legislative opportunity to provide that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable.

On the basis of existing electoral cycles, the new County Councils would assume the full functions of Local Government on 1 April 2020, just over a month before the scheduled General Election of May of that year. That being the case, it would not be practical for a new Returning Officer for that new Authority to be appointed at that time. Whilst there is no provision in the Draft Bill, we propose that the Shadow Authorities be given powers in the Bill for introduction to appoint Returning Officers to serve until such time as it was convenient.

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

Chief Executives to Promote Engagement and Diversity in Democracy

In the White Paper we consulted on a proposal that there should be a duty on the Chief Executive to promote engagement and diversity in democracy. On reflection, we consider the duty to promote engagement in democracy should rest on the Authority as a whole, as set out in Part 3 of the Draft Bill, *Promoting access to Local Government*.

Local Authority Chief Executives will inherit powers and duties currently placed upon the Local Authority's Head of Paid Services. This will include a requirement that they keep under review the proper management of the Council's staff and, if appropriate, make proposals to the Council. This means compliance with existing legal provision and legal duties (for example, in relation to bullying, harassment and discrimination) should be taken account of in proposing policies and procedures for the Authority to consider adopting. In addition, in Section 104 of the Draft Bill, there is a requirement for the Leader to set objectives for the Chief Executive, which could include objectives relating to equality and diversity. The Welsh Ministers could recommend in statutory guidance that Leaders should be mindful of the importance of setting and monitoring such objectives to ensure compliance with equalities legislation. There is, therefore, no specific additional provision for this in the Draft Bill, as there is extensive legislative provision already in place on these matters.

Power to Dismiss Senior Officers by a Vote of the Full Council

Certain senior officers (the Chief Executive, Chief Finance Officer, Monitoring Officer and the Head of Democratic Services) are subject to arrangements governing their employment which prevent an Authority dismissing them unless there has first been an investigation by an independent person which would justify this course of action. In England, the UK Government has replaced this with a vote in full Council being required to bring about a dismissal. There is a possibility this could give rise to claims against Local Authorities for unfair dismissal and careful consideration would need to be given if such an approach was adopted in Wales. Nevertheless, the Welsh Government would welcome views as to whether it should adopt a similar approach.

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

Council Functions and Responsibilities

The arrangements for determining who within a Local Authority has responsibility for making decisions in relation to the various functions of Local

Government is provided for in regulations made under the Local Government Act 2000.<sup>12</sup>

In short, most functions are the responsibility of the Local Authorities' Executive, but the regulations describe those functions which cannot be the responsibility of the Executive, cannot solely be the responsibility of the Executive, or can either be the responsibility of the Executive or the full Council, dependent on local choice.

These regulations are detailed and prescriptive. They are also liable to become out of date and require frequent revision. We are proposing to simplify the system and give greater flexibility to new Authorities following mergers.

We propose the provisions of section 13 of the 2000 Act should be replaced by a more liberal provision in relation to the allocation of responsibility within the Local Authority. Authorities would be obliged to have regard to guidance from the Welsh Ministers when deciding responsibility for functions. They should, however, need to abide by certain principles which we propose to include in the Bill for introduction. We also propose there should be a power of direction vested in the Welsh Ministers requiring a Local Authority to allocate responsibility for a function in a particular way.

We propose that the principles which would guide the allocation of functions would be:

- when the Council is operating in a quasi-judicial role the functions involved must not be for the Executive. This would include decisions in relation to planning and licensing;
- approval of the Council's budget and financial planning, including the amount of Council Tax required, should fall to full Council;
- appointments of senior staff should be reserved to full Council;
- the appointment of the Electoral Registration Officer and electoral matters more generally should fall to full Council;
- remuneration of Members of the Authority should be reserved for full Council;
- functions related to the provision of services by the Council should be the responsibility of the Executive;
- the allocation of functions requires the agreement of both full Council and the Executive; and
- the Council's scheme of delegation should be published and be accessible through the Council's website.

Local Authorities and their Executives are able to delegate their functions, subject to some exceptions, if they wish and, under these proposals, this would include an ability to delegate certain functions to community area committees, as well as a new regime for the delegation of functions to third parties (see above).

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<sup>12</sup> <http://www.legislation.gov.uk/wsi/2007/399/contents/made>

**Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?**

Transfer of Local Authority Assets

The White Paper included proposals to enable eligible community bodies to initiate the transfer of assets from a Local Authority. A majority of consultation responses were in favour (59% for, 22% against). The objective of the proposal was to facilitate asset transfer to community bodies.

From the perspective of community bodies, the issue which was raised most frequently at the consultation workshops and in the written responses as a barrier to asset transfer was the quality of engagement between Local Authorities and community bodies. The period of notice given to community bodies of a disposal and the quality of information provided (including about liabilities) were frequently mentioned. Community bodies were also looking to Local Authorities to adopt a partnership, rather than a transactional, approach and to recognise the need for ongoing support in the early stages of transfer. Local Authorities identified the lack of capacity among community bodies, such as legal and health and safety expertise, as a barrier to doing business.

The Welsh Government has considered the issues raised and proposes to modify its approach. The proposals as set out in the White Paper could lead to complex bureaucratic processes and create friction between Local Authorities and community bodies, rather than promoting better relations. The Draft Bill does not include any provision in relation to asset transfer, but the Welsh Government intends to include provision in the Bill for introduction.

We propose that community bodies are given statutory notice when Local Authority assets above a certain value are to be disposed of, giving them the opportunity to come forward with new ideas. This would not prevent Local Authorities from taking a planned approach to the disposal of assets whilst giving community bodies greater notice of local opportunities and ensuring more consistent practice across Wales.

For example, Local Authorities could be required to identify disposal of assets above a certain value as a 'key decision'. The Welsh Ministers have regulation making powers under section 22 of the Local Government Act 2000 to require Local Authority Executives to give members of the public or Councillors information about certain types of decisions. Section 107 of the Draft Bill amends section 22 of the 2000 Act to require the information is also provided to Scrutiny Committees and their sub-committees. The regulations can set out types of decision (which could include disposal of assets), the information that must be made available, and the length of advance notice required before a decision is taken.

These powers could be strengthened by including provision in the Bill for introduction addressing related matters, such as how a Local Authority should respond if a community body showed an interest in a particular asset, what assets (if any) might be exempt, how urgent situations should be dealt with, and so on. The financial implications and the duties on Authorities to deliver

value for money would need to be taken into account as part of these considerations. We would welcome your views.

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

Assets of Community Value

The consultation responses showed strong support for a register of (private) assets of community value (86% for, 7% against). The matter has been subject to further consultation by the Minister for Communities and Tackling Poverty in *Protecting Community Assets*. There is no provision relating to assets of community value in the Draft Bill, but the Minister for Communities and Tackling Poverty will consider what action needs to be taken in due course, including the need for legislation.

## **Part 5: County Councils: Improvement of Governance**

Part 5 of the Draft Bill sets out arrangements for a new improvement regime. Chapter 1 puts a general duty on Local Authorities to make and comply with governance arrangements. Chapter 2 requires Local Authorities to have a corporate plan, to consult on it, to keep it under review and report on progress made. Chapter 3 sets out how Local Authorities are to assess the quality of their governance through self assessment, peer assessment and combined assessment. Chapter 4 gives the Welsh Ministers a power to arrange a review of a Local Authority's governance arrangements and gives them a power to intervene when a Local Authority's governance arrangements are inadequate. Chapter 5 provides for better co-ordination between the regulators and Chapter 6 makes miscellaneous provision relating to the previous chapters. Chapter 7 sets out new functions and revised membership of Corporate Governance and Audit Committees (previously called Audit Committees).

It is our intention to commence the majority of these provisions when the Bill is enacted, in order that the transition to the new regime can start immediately and support the process of mergers.

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| <p><b>Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?</b></p> |
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We also welcome your views on the following matters.

### **Chapter 1: Duty to make arrangements to secure good governance etc.**

At present, County Councils are subject to a 'general duty in relation to improvement' and the associated improvement assessment and intervention regime provided for in Part 1 of the 2009 Local Government (Wales) Measure ("the 2009 regime"). The 2009 regime will be repealed in relation to County Councils by section 147 of the Draft Bill. The provisions in Part 5 replace the 2009 regime with a regime focused on the quality of governance in County Councils, with much greater local determination and accountability.

This chapter requires a County Council to make, implement and comply with arrangements in order to ensure good governance, accountability, and economy, efficiency and effectiveness in the use of the Council's resources. The Council's compliance with its own governance arrangements is assessed by way of self, peer and combined assessments, as set out below.

A County Council's governance arrangements must comply with the principles, processes and practices set out in regulations by the Welsh Ministers. The Welsh Ministers may prescribe in regulations a code of practice or guidance. An example of such a code of practice is the *Delivering Good Governance in Local Government: Framework* published jointly by the



Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives.

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

## **Chapter 2: Corporate Plans**

Consultation responses were largely supportive of the proposals that Local Authorities should be required to produce a corporate plan. However, respondents generally did not agree that the corporate plan should be the preserve of the Chief Executive, but rather it should be approved by the Council. The Welsh Government accepts the arguments and the Draft Bill reflects changes we have made in response to these concerns.

## **Chapter 3: Assessments of Governance Arrangements**

The Draft Bill imposes a new duty on Local Authorities to make and implement governance arrangements (see above). Compliance with this duty will be the subject of the proposed self assessments, peer assessments and combined assessments.

### Self Assessment and Peer Assessment

The responses to the White Paper consultation with regards to self assessment and peer assessment were supportive. Local Authorities and the WLGA emphasised the benefits of peer assessment being sector-led. Concerns were raised about the burden of the proposed biennial peer assessment. The Draft Bill reflects changes we have made in response to these concerns, so that each Local Authority will only be required to undertake a peer assessment at least once per election cycle.

Annex A sets out how we would expect a peer assessment to be developed. This will form the basis of Welsh Government guidance. We would welcome your views on whether this model approach is reasonable and whether it could be strengthened in any way.

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

### Combined Assessment

Online responses to the White Paper proposals regarding an external assessment of individual Local Authorities' governance arrangements were broadly supportive. There was limited discussion regarding these proposals in free-form responses. The WLGA and those Local Authorities that did respond had concerns about the burden of a biennial 'health check'. Following further discussions with the relevant regulators (the Auditor General for Wales, CSSIW and Estyn), the Welsh Government accepts this argument and the Draft Bill provides for a less prescriptive regime of combined assessments.

## Chapter 6: Miscellaneous Provision

### Amendment of Local Government (Wales) Measure 2009

The Draft Bill removes County and County Borough Councils from the definition of a 'Welsh improvement authority' in the 2009 Measure. This means the improvement regime in Part 1 of the Measure will no longer apply to Principal Councils. It is our intention that this provision should come into force at the same time as the duty in Part 5, Chapter 1 of the Draft Bill (*Duty to make arrangements to secure good governance etc.*) comes into force. For the purposes of consultation on the Draft Bill, Part 1 of the 2009 Measure will continue to apply to National Park Authorities and Fire and Rescue Authorities in Wales. The Welsh Government will consult fully on future arrangements for National Park Authorities and Fire and Rescue Authorities in Wales regarding performance management and governance mechanisms in due course.

## Chapter 7: Role of the Corporate Governance and Audit Committee

It is proposed that the onus should be on the Corporate Governance and Audit Committee to hold the Local Authority to account for taking action in response to a self assessment, peer assessment, combined assessment and independent governance review. The Draft Bill requires the Corporate Governance and Audit Committee to review the Authority's response to reports and recommendations made under these assessments and, if appropriate, make recommendations to the Authority.

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

## Other Matters

### Strengthening Internal and External Scrutiny

Consultation responses to the proposal in the White Paper to strengthen the links between internal scrutiny and external scrutiny ("the relevant regulators") were broadly positive. Provisions for this are not included in the Draft Bill, but will be included in the Bill for introduction.

It is our intention to require the regulators to submit their reports to the relevant Overview and Scrutiny Committee at the same time final reports are issued to the Local Authority. The Local Authority would be required to involve the relevant Overview and Scrutiny Committee in the development of their response to regulators' reports. For example:

- a draft report/action plan in response to an audit or inspection would be prepared by the Local Authority;
- the relevant Overview and Scrutiny Committee would consider the draft report and provide proposals for change;

- the Local Authority, in finalising their response to a report, must have regard to any such proposals from the Committee.

The regulators would be required to present their findings to the relevant overview and scrutiny committee, when requested to do so, to aid them in their consideration of the Local Authority's response to reports.

#### Report on the 'State of Local Government'

Whilst the proposal for the relevant regulators to make a 'State of Local Government' report was generally supported by online respondents, there was limited feedback on the specifics of the proposal. The Local Authorities, in their free form responses, did not identify any specific issues, concerns or benefits for this proposal other than a general point about adding unnecessary burdens to Local Authorities.

Since consulting, the Well-being of Future Generations (Wales) Act 2015 has received Royal Assent and is coming into force. This Act will give rise to a number of reports. We will consider the proposal for a 'State of Local Government' report by the relevant regulators further, as implementation of the 2015 Act progresses.

#### Single Information Portal

Respondents to the consultation were supportive of more streamlined, transparent and accessible performance data. Online respondents supported a consistent approach to allow comparisons of performance between Local Authorities.

Whilst provisions relating to a single information portal do not feature in the Draft Bill, it is our intention that the Bill for introduction will include provisions requiring Local Authorities to publish key data and documents through an online portal. The provisions will enable the Welsh Government to specify the information that must be published.

#### Complaints

The White Paper set out our proposals that Local Authorities should establish a statutory complaints handling process, primarily online, and be required to record information, analyse and report on complaints received and how they have been handled. This would be based on the Model Concerns and Complaints Policy and sit alongside the existing requirement for Local Authorities to have a process in place to enable them to deal with complaints and representations about their social services functions. We recognise the National Assembly for Wales' Finance Committee has recently published the Draft Public Services Ombudsman (Wales) Bill for consultation and will reflect further on our proposals as this legislation develops.

#### Local Public Accounts Committees

The White Paper sought views on whether there was merit in establishing a system of local Public Accounts Committees (PACs) in Wales. Few responded directly on this point and many considered there was not enough information in the White Paper to form a view.

There have been a number of attempts in the past by Local Authorities, Local Health Boards and others to understand the combined impact of public spending on outcomes in a local area. The aim has generally been to identify and avoid duplication of spending, prevent cost-shunting and find smarter ways of doing things.

There are inherent difficulties in designing a local system where the PAC would need to report to a number of separate organisations rather than to a single body. The Centre for Public Scrutiny has put forward a system, suited to the kind of devolution arrangements emerging in England, such as combined authorities, which would establish local PACs as separate bodies with their own resources. This model would be a significant addition to the cost and complexity of public services in Wales, and is unlikely to add sufficient value to be justifiable.

In addition, PACs look retrospectively at what has been done and how money has been spent, rather than critically examining future policy choices which might lead to more cost effective outcomes. An alternative approach might build on the joint local public service leadership model which Public Services Boards (PSBs) establish. Within the framework of the Well-being of Future Generations (Wales) Act 2015, PSBs will have a strong interest in examining how the policy choices and resource decisions facing public services could be used to improve outcomes in an area more cost effectively. PSB members could jointly agree a programme of work and contribute to its resourcing, providing them with powerful evidence to take back into their organisations to inform corporate decisions.

In terms of the scrutiny of the work of PSBs, we believe the existing and proposed legislative provision is sufficient. There is a requirement in the Well-being of Future Generations (Wales) Act 2015 that the decisions, actions and governance arrangements of PSBs are scrutinised by a Local Authority Overview and Scrutiny Committee. Provisions in Part 4, Chapter 7 of this Draft Bill will enable the Local Authority to grant voting rights to co-opted members of overview and scrutiny committees. This would apply equally to committees scrutinising the work of PSBs. In addition, section 108 of the Draft Bill enables the Welsh Ministers to prescribe in regulations the circumstances in which two or more Local Authorities must establish a joint scrutiny committee.

We welcome your views on whether we are right to reject the idea of local PACs in Wales, whether PSBs are the right bodies to examine the prospective policy choices facing local public services, and if so, whether they would benefit from additional legal powers, for example, to call officials to give evidence and provide information, and to commission external expertise to inform their investigations.

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

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

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

### The Role of Co-operatives and Mutuals in Public Services

We advocate co-operative and mutual models of delivery and other alternative delivery models only as an alternative to ceasing or privatising services, as a 'least worst' option.

There are three important pre-conditions for ongoing work to develop a stronger framework for change and better support which are:

- accountability to Local Government;
- protection of employee terms and conditions;
- continuation of trades union recognition.

We are consulting separately on the development of a national framework to support decisions being made locally on the appropriateness of alternative delivery models for public services.<sup>13</sup> This consultation will explore the practical support which should be made available to public service organisations, their workforce, citizens and communities in making decisions about how services should be designed and delivered.

The purpose of developing the framework and making support available is to ensure that:

- the wider environment within which proposals for new models are considered, and then established, is conducive for ongoing sustainability and success;
- new models are properly tested before being adopted; and
- the interests of citizens, communities and the workforce are properly considered and protected throughout.

The White Paper recognised that mutualism, co-operation and shared ownership with communities should be at the heart of the transformation of public services. This reflected the opportunities identified by the Welsh Co-operative and Mutuals Commission<sup>14</sup> and in the subsequent report for the Minister for Public Services and the Minister for Economy Science and Transport, *Is the Feeling Mutual? New Ways of Designing and Delivering Public Services in Wales*.<sup>15</sup>

In response to these challenges, the Welsh Government proposes granting Local Authorities a general power of competence in the Draft Bill. Local Authorities will be able to utilise this power as a basis for developing alternative delivery models. The Welsh Government has also reviewed the powers of Local Authorities to delegate functions under the Deregulation and

<sup>13</sup> <http://gov.wales/consultations/improving/alternative-delivery-models-public-service-delivery/?status=open&lang=en>

<sup>14</sup> <http://gov.wales/topics/businessandconomy/business/welsh-coop-mutuals-commission/?lang=en>

<sup>15</sup> <http://gov.wales/topics/improvingservices/publications/is-the-feeling-mutual-report/?lang=en>

Contracting Out Act 1994, and is proposing that they should be repealed and replaced with a new regime that will allow for the delegation of Local Authority functions to third parties by regulations made by the Welsh Ministers. The Draft Bill also includes provisions to empower community bodies to take the initiative in relation to improvement requests and it is our intention to use existing legislation and, if necessary, include additional provision in the Bill for introduction relating to the disposal of assets by Local Authorities (see Transfer of Local Authority assets and Question 4.9 above).

### Shared Services

The Report of the Commission on Public Service Governance and Delivery included consideration of the potential improvements in cost effectiveness through the adoption of shared services. It commended the NHS Wales Shared Services Partnership (NWSSP) and suggested it as a model for public sector-wide shared services.

For NWSSP to have the opportunity to take this wider role, the legislative framework would need to change, as hosting within an NHS Trust is constrained by the current legislation 'to provide goods and services for the purposes of the health service'.

Local Authority mergers will create larger service units within the new County Councils but there is also evidence, from the KPMG report into administrative and support functions, that cost savings and the opportunity for better service could be obtained through shared services at a larger scale. There is evidence elsewhere that the ability of Local Government to participate in joint ventures and similar arrangements with the public sector and other partners may open up opportunities for innovation and best practice. We wish to consider whether current legislation and regulations for Local Authorities provides the appropriate framework to support these opportunities. We would welcome your views.

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| <p><b>Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?</b></p> |
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## Part 6: Community Councils

The provisions in Part 6 of the Draft Bill relate to Community and Town Councils. Chapter 1 requires the Local Democracy and Boundary Commission for Wales to undertake a review of Community Council arrangements. Chapter 2 requires Community Councillors to complete training on matters specified by the Principal Council. Chapter 3 extends the terms of Community Councillors elected in 2017 to six years and provides that Community Council terms will be fixed at five years from 2023.

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| <b>Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?</b> |
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We also welcome your views on the following matters.

*Note: the term Local Authority generally means both Principal Councils (County and County Borough Councils) and Community Councils. In order to distinguish between them, in this section we use the terms Principal Council / County Council and Community Council, rather than Local Authority.*

### Chapter 1: Review of Community Council Arrangements

The White Paper set out our intention to strengthen the Community Council sector so that it has greater capacity and capability to take on responsibility for local facilities and services. The proposal was that Principal Councils would undertake a review of Community Council arrangements in their area, with the intention of grouping smaller communities under a Common Council.

Consultation responses from Principal Councils and the Welsh Local Government Association (WLGA) argued that while this approach was reasonable in principle, it would be difficult for Principal Councils to complete such a review by 2023, given the wider context of mergers and reform. The Welsh Government agrees and has previously announced that the review will now be conducted by the Local Democracy and Boundary Commission for Wales (LDBCW).

The provisions in the Draft Bill require the LDBCW to submit their draft reports to the new County Councils on or after 1 April 2020, which is the day they assume the full responsibilities and functions of Local Government. There is a case to bring this date forward to May 2019 when the Shadow Authorities come into existence, in order that the Commission may undertake the review, publish draft reports and consult in a more timely fashion. We would welcome your views.

The provisions require the LDBCW's recommendations to be implemented by the County Councils by order. Alternatively, this is a task the Commission could undertake. This would enable it to undertake and implement the reviews in a single smooth process. We would welcome your views.

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

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

## **Chapter 2: Members of Community Councils to Complete Training**

Community Councils and Principal Councils have formal relations on a number of matters. For example, Standards Committees of Principal Councils have oversight of code of conduct matters relating to Community Councillors, Community Councils are consultees on planning matters in their area, and Principal Councils may delegate functions to Community Councils. It is in the interest of both parties that Community Councillors are equipped with the knowledge and skills necessary to undertake their role effectively. Therefore, the Draft Bill includes provisions which require Principal Councils to consider if there are matters on which it should be compulsory for Community Councillors to complete appropriate training.

If the clerk to the Community Council receives a complaint that a Community Councillor has not completed compulsory training, the Draft Bill puts a duty on the clerk to look into the matter. If, having consulted the chair of the Community Council and considered any representations the Community Councillor makes about his or her failure to complete the training, the clerk's view is the Community Councillor does not have a good reason for not completing the training, the clerk must notify the Community Council at a public meeting. As the clerk is an employee of the Council, this has the potential to strain the good relations between the clerk and the Council. We welcome your views on whether this is the right approach to ensuring Community Councillors complete compulsory training or whether an alternative approach should be considered.

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

## **Chapter 3: Community Council Election Dates**

The Draft Bill provides that elections to all Community Councils, including those in Powys, will be held in May 2017 and May 2023, in both cases coinciding with elections to Principal Councils. The terms of Community Councillors elected in 2017 would need to be extended so they serve a six-year term. From 2023 Community Council elections will be held every five years, in line with the new cycle of elections to Principal Councils.

**Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?**



## **Other matters**

### Capping the Community Council Precept

Further consideration has been given to the proposal in the White Paper to cap the amount by which non-competent Community Councils can raise their Council Tax precept. This issue will now be considered on a longer term basis following the review of Community Councils and alongside the wider financial reforms.

### Annual Reports

The White Paper set out our intention to consider whether other aspects of the governance of Community Councils should be strengthened. It is our intention to require every Community Council to publish an annual report so that local people can understand what the Council has achieved during the previous year. Many already do so. Although we have not included provision in the Draft Bill, it is our intention to include provision to this effect in the Bill for introduction.

### Training

Given the extra responsibilities larger Community Councils may take on, including the significant legal and financial responsibilities which may accrue from exercising the general power of competence, we believe it is right that Community Councils should consider their own training needs (both Councillors and employees) and, where appropriate, make that training compulsory. We have not previously consulted on this proposal and no provision is included in the Draft Bill, however, it is our intention to include provision to this effect in the Bill for introduction.

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

### Performance Management

In the White Paper we consulted on a proposal that the chair of a Community Council should set objectives for, or otherwise manage the performance of, the clerk. The clerk is an employee of the Council and as a matter of good employment practice, they should have both a clear job description and be set annual objectives so they know what they are required to do. For very small Community Councils, this approach may be seen as too much of a burden. However, as Community Councils with bigger budgets take on more responsibilities, which is our intention through the review of Community Council arrangements, good employment practice will become more important. We would welcome further views on this proposal and, in particular, whether the duty should rest on the Council as a whole or its chair, and whether such a duty should apply to all Community Councils or only some.

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

## Community Polls

In the White Paper we said ‘we will also clarify the legislative framework governing community polls’. There were insufficient responses to draw any useful conclusions. We set out here our further thinking on community polls.

Community polls are governed by section 99 and Schedule 12 of the Local Government Act 1972, as amended by the Local Government (Wales) Measure 2011. A community poll may be called in respect of any matter raised at a community meeting, subject to the support of a sufficient number of electors. Community polls provide an indication of community feeling about the subject of the poll. However, they are non-binding and a Principal Council or Community Council does not have to act on the results of the poll, although they do have to bear the cost.

Community polls often relate to matters outside of the control of Local Government. For example, in recent years, community polls have been held about the future of Ffestiniog Memorial Hospital and Flint Community Hospital, but these are matters in which Local Government has no say. Community polls are costly and turn-out is generally low. Four recent polls in Cardiff cost in excess of £20,000 and in recent polls, turn out of those entitled to vote has ranged from 37% down to 9% in a 2012 poll relating to the closure of the paddling pool in Ynysangharad Park in Pontypridd.

The Welsh Government considers a modernising reform which strengthens community voice and progresses the digital agenda of Local Government should be considered, through the use of electronic petitions. Petitions are an established feature of Government at all levels in the UK and in recent years, there has been a significant increase in the use of e-petitions as a means of giving the public a greater say in decisions which affect them, by the National Assembly, the UK Government, the Scottish Parliament, and Local Government in England and Scotland. Most Councils in Wales have procedures for dealing with written petitions, but none is known to operate e-petitions.

We are, therefore, proposing that in the Bill for introduction the existing legislation which provides for community polls should be repealed in respect of Wales, and be replaced by an alternative approach which would require Principal Councils to establish a petitions scheme and an e-petitions facility. This would enable communities (of place or interest) to express their views on matters which concern them, without the restrictions and costs which currently apply to community polls, and there would be a requirement for Councils to set out how they would respond. We would welcome your views.

It is, therefore, our intention to put on hold the implementation of any changes to the existing Community Polls rules, following the consultation on a proposed amendment of the rules<sup>16</sup> which concluded in February 2014. With regard to polls conducted for the purpose of forming or dissolving a

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<sup>16</sup> [Welsh Government | Community Polls](#)

Community Council, it is our intention to review the existing legislation, as set out in the following section.

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

#### Review of Community Council Legislation

The legislation governing the creation, grouping, merging and dissolution of Community Councils and the holding of community meetings etc. is found in the 1972 Local Government Act, as amended.

It is our intention to suspend the majority of the 1972 provisions about community applications for the duration of the LDBCW's review of Community Council arrangements and for a period afterwards. This is to ensure the Commission is able to undertake its review without Council arrangements changing during the course of the review. There is a question about whether to revert to the provisions in the 1972 Act from 2025 onwards. We intend to use the intervening period to consult further with the sector and consider a legislative framework for Community Councils which is appropriate for the mid 21<sup>st</sup> century.

## Part 7: Workforce Matters

Part 7 of the Draft Bill deals with workforce matters. Chapter 1 enables the Welsh Ministers to publish guidance to public bodies on workforce matters. Chapter 2 provides for the establishment of a Public Services Staff Commission. We recognise our vision for reform, and our ambition for world class public services, can only be realised through a world class public service workforce with the right skills and support to deliver them. The dedication and excellence of the public service workforce is instrumental to transformation. Our non-statutory Public Services Staff Commission has been operating since September using the Workforce Partnership Council as its primary reference point. We are committed to continuing our strong model of social partnership through the Workforce Partnership Council as we take forward our programme of reform.

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

We also welcome your views on the following matters.

### Chapter 2: Public Services Staff Commission

Following consultation in late 2014 on the White Paper, *Devolution, Democracy and Delivery: Public Services Staff Commission*, the Minister for Public Services established a non-statutory Public Services Staff Commission in September 2015. The overwhelming majority of consultation responses were in favour of putting the Commission on a statutory footing and the Draft Bill includes such provision.

However, it may be the case that a statutory Commission would be more constrained in the matters on which it can offer workforce guidance in comparison with the non-statutory Commission. Whether this is the case or not will depend on the content of the UK government's proposed Wales Bill which will make changes to the devolution settlement in Wales.

The content of the Wales Bill and its implications in relation to the proposed statutory Public Services Staff Commission will not be fully known until the Bill is passed. This will not happen during the course of this consultation and the passage of the Wales Bill is not in the control of the Welsh Ministers. Nevertheless, the Welsh Government would welcome views at this stage on the best way forward if it turned out that a statutory Commission would be more constrained in the matters on which it can offer workforce guidance in comparison with the non-statutory Commission.

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

## Part 8: General and Schedules

Part 8 of the Draft Bill sets out the meaning of terms and of references to existing legislation in the Draft Bill, sets out how the provisions will apply to Local Authorities before 1 April 2020, gives the Welsh Ministers powers to make consequential and transitional provision, makes provision for orders and regulations, sets out when the different parts of the Draft Bill will come into force, and the short name by which the Draft Bill will be known when it is enacted.

### Schedules

In addition, there are a number of Schedules to the Draft Bill.

**Schedule 1** sets out the areas of the new Counties in Wales. Two alternative tables are provided (see Part 2, Chapter 1 for an extensive discussion).

**Schedule 2** sets out the arrangements for holding the first ordinary elections and first meetings of the new Councils.

**Schedule 3** sets out provisions relating to the finance of the new Councils.

**Schedule 4** makes various transitional arrangements and provides for staff, property, rights and liabilities to be transferred from the existing County and County Borough Councils to the new County Councils.

**Schedule 5** makes amendments to the Local Government Act 1972.

**Schedule 6** makes amendments to existing legislation in relation to assistants to Local Authority executives which are provided for in Chapter 5 of Part 4 of the Draft Bill.

**Schedule 7** makes consequential amendments to existing legislation in relation to Chief Executives of the new Councils.

**Schedule 8** makes various amendments and repeals to existing legislation in relation to community area committees established by provisions in Chapter 3 of Part 3 of the Draft Bill.

**Schedule 9** makes various amendments in respect of the renaming of County Council Audit Committees.

Further explanation of the content of the Schedules is provided in the Explanatory Memorandum and the Explanatory Notes.

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

## **Annex A: Peer assessment**

### **Governance Themes**

The focus of peer assessment under the Draft Bill is a Local Authority's compliance with its good governance duty. In essence, the assessment will look at the corporate capability and capacity of a Local Authority, within a framework of 'good governance themes', such as that set out in *Delivering Good Governance in Local Government: Framework* (CIPFA/SOLACE).<sup>17</sup>

### **Reviewers**

To add maximum value, members of the peer assessment panel should not just be external to the Local Authority, but experienced and credible. This way the Local Authority knows that their findings can be trusted and will give them confidence that the changes proposed are necessary.

Peer assessment panels should be made up of a cross section of individuals (Elected Members, officers and those from other sectors) whose skills and expertise cover the breadth of the core themes and any additional areas that the Local Authority wishes to cover. Whilst it is important that a proportion of the assessment team have a good understanding of the complexity of working in a political environment and the impact which local politics can have on a Local Authority's organisational culture and priorities, those with experience of other sectors can also offer a valuable insight. We would expect a peer assessment panel to be made up of both those with direct experience of working in and with Local Government.

As a guide/ minimum, we would expect peer assessment panels to be made up of:

- A chair who will lead the peer assessment
- At least 1 Elected Member from a Welsh Local Authority that does not have a border with the host Authority
- At least 1 senior officer from a Welsh Local Authority that does not have a border with the host Authority
- At least 1 Elected Member or officer from another Local Government administrative area (e.g. England, Scotland, Northern Ireland, Ireland, or further afield)
- At least 1 individual with relevant expertise or knowledge from beyond Local Government (e.g. the Private or Third sector)

Local Authorities could also consider whether it would be appropriate to invite others to be members of the assessment panel, for example:

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<sup>17</sup> <http://www.cipfa.org/Policy-and-Guidance/Publications/D/Delivering-Good-Governance-in-Local-Government-Framework>

- A representative from the WLGA (or LGA)
- A representative from an Audit, Inspection and Regulation body

## **Example Process**

Typically a peer assessment process will take a number of months, from start to finish and it is suggested that there may well be an ongoing relationship with the chair or the panel in a mentoring capacity in the longer term. The information below is a suggested example, recognising that there will need to be flexibility around the process, but the principle of peer assessment is that it is a 'short and sharp' process ensuring that any findings remain relevant, and allow the Local Authority to respond in a timely manner.

### Pre-assessment

The pre-assessment process would typically take around 8 weeks. During this period the Local Authority, working with partners or an organisation paid to coordinate this activity, will scope the requirements of their peer assessment, identifying any particular challenges that have been highlighted in their self-assessment, or in recent reports of the relevant regulators, including a combined assessment. This will also help to identify the skills and expertise required to maximise the impact of the review.

Once scoped, the Local Authority, working with partners or an organisation paid to coordinate this activity, will be able to identify an appropriate assessment panel to undertake the assessment.

Once appointed, the chair (or lead assessor) will have the opportunity to meet with the Leader and Chief Executive of the host Local Authority to discuss the scope of the assessment in detail and amend the scope of the assessment as necessary. This is also an opportunity to discuss expectations and the approach to the assessment.

During this time the Local Authority will be able to gather information to share with peer assessment panel that is relevant to set the context for and inform the assessment. This information should rarely be required to be produced specifically for the assessment as, typically, the documents should be in existence. However, it might be useful for the host Authority to produce an overview document.

### Assessment

The assessment itself will typically take place over a period of about 4 weeks. The initial period of the assessment is desk based for the assessment panel. The assessment panel will have time to consider the information provided to them, and have the opportunity to request any additional information that they believe would be pertinent to the assessment. This desk based review will allow them to develop areas for consideration for them to focus on during their site visit.

The site visit would normally last around 4 days over no more than a two week period, and ideally in a single week. The site visit is an opportunity for the assessment panel to question and discuss areas within the scope of the assessment with Elected Members, officers and other stakeholders of the host Authority.

At the end of each day, the panel members would come together to discuss their findings and consider if there are any other issues that should be considered or individuals or stakeholders that it would be useful to meet.

At the end of the site visit the assessment panel will present its findings to the Leaders and Chief Executive. The Local Authority may wish to consider if others should be invited to hear the assessment findings (for example, the whole Executive, senior management team, full Cabinet). This presentation is an opportunity for the peer assessment panel to set out their main findings and areas which they believe the Authority would benefit most from focusing in on. It is also an opportunity for the host Authority to clarify its understanding of the issues raised.

#### Post assessment

Following the site visit and presentation the assessment panel will produce a more detailed report for the Authority to consider in more detail. This report is not meant to be all encompassing, but it should give sufficient detail that it can be read and understood as a stand alone document, as the report will eventually be published on the Local Authority's website. We would expect that the Local Authority should receive the report within 2 weeks of the site visit. This ensures that the issues identified during the assessment and any recommendations remain relevant. As part of the report we would expect the assessment panel to recommend when the next peer assessment should be undertaken. Peer assessments must be undertaken at least once in every election cycle (i.e. 5 years from 2023) but it may be advisable to conduct them more frequently, for example, during periods of significant organisational change.

The Local Authority will be required to respond to the findings from the assessment. Whilst some Local Authorities may choose to produce an action plan as a result of the assessment, others will feed in the action they intend to take as a result of the assessment findings into other documents, for example, recruitment and retention strategies or the corporate plan. The Local Authority's response should be made within 4 weeks of the report being produced to ensure that early action can be taken.

The Local Authority will need to be clear what action it is taking as a result of the peer assessment and there will be a requirement that the proposed actions are considered by the Corporate Governance and Audit Committee. We would encourage the lead assessor to return to the host Authority within 3-6 months following the review to support the Authority to develop their improvement planning.



The Local Authority may choose to approach members of the peer assessment panel, or the lead assessor to establish a longer term 'mentoring' relationship to provide ongoing peer support to the host Authority.

Timeline

|             |   |  |            |                 |                  |   |
|-------------|---|--|------------|-----------------|------------------|---|
| Activity    | Scoping of assessment as well as identification of the assessment panel | Review   |            | Report write up | Report Published | Response to findings developed by Local Authority |
|             |   | Desk based review and research by assessment panel | Site Visit |                 |                  |   |
| Time scales | 8 weeks   | 3 weeks  | 1 week     | 2 weeks         |                  | 4 weeks   |

## **Annex B: Consultation Questions**

The Welsh Government would like to hear your views on the Draft Bill, Draft Explanatory Memorandum, Draft Regulatory Impact Assessment and the matters raised in this Consultation Paper. We would like your views on the practical application of the provisions contained within the Draft Bill.

The intention would be to introduce the Bill into the National Assembly for Wales following the Assembly elections in 2016, and we want to ensure we have addressed as many issues as possible before doing so. Your responses will help inform the Bill for introduction.

Please let us have your responses and comments on the questions set out in this Annex, based on the suite of documents that comprise this consultation.

### **PART 1**

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

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

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

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

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

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

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

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

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the Counties in existence after 1 April 2020?

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

## **PART 2**

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

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

## **PART 3**

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

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

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

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

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

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

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

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

## **PART 4**

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

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

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

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

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

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

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

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

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

## **PART 5**

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

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

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

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

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

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

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

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

## **PART 6**

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

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

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

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

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

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

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

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

## **PART 7**

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

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

## **PART 8**

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

## **ADDITIONAL QUESTIONS**

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

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

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

# WLGA BRIEFING

## DRAFT LOCAL GOVERNMENT (WALES) BILL

### December 2015

## Background

This briefing provides a summary of the main points in the Draft Local Government (Wales) Bill and accompanying documentation. It should be noted that that consultation document includes additional proposals which are not included on the face of the Draft Bill. The consultation closes on 15<sup>th</sup> February 2016.

The [Draft Local Government \(Wales\) Bill and Explanatory Memorandum](#) was published on 24<sup>th</sup> November and has no formal legislative status at this stage and provides an opportunity for further consultation and engagement on Welsh Government proposals

The briefing also reflects early views from member discussions and feedback from meetings with members, including the WLGA's Management Sub Committee, and local authority officers including Monitoring Officers, Heads of Democratic Services Officers, Heads of Policy and Improvement Officers. It also 'tests' the Draft Bill's proposals against the principles of the WLGA's Manifesto and WLGA response to the 'Power to Local People' White Paper. Members also recently agreed at October's Coordinating Committee that reform of local government should not be undertaken in isolation and a wider review of all levels of governance in Wales should take place to ensure clarity and consistency of expectations, roles, responsibilities and structures.

## Summary

The Draft Bill outlines:

- The establishment of new Counties by the merger of existing Counties and County Boroughs; and
- A new and reformed legislative framework for Local Government democracy, accountability, performance and finance;

The accompanying documentation seeks further views on other proposals which have not as yet been drafted as legislation. The preparatory work and consultation around the Draft Bill will provide a new Welsh Government a 'ready-made' reform bill which could be introduced soon after the Assembly elections.

Much of the initial media commentary about the Draft Bill has focused the anticipated merger proposals (Part 1 of the Bill) and, with particular interest from the media about the potential loss of '[nearly 2,000 jobs](#)'. However, Parts 2-8 of the Draft Bill build on the White Paper and propose a range of significant reforms to councils' democratic, governance and improvement arrangements.

Given the range of views within the Assembly about reorganisation, there remains some debate about the direction of travel of the proposed merger plans following the Assembly election. Notwithstanding the contested merger proposals of Part 1 of the Draft Bill, **it is**

**important that councils consider the implications of Parts 2-8 which (if introduced as a standalone Local Government Reform Bill) would see the most substantial local government reforms in Wales since the Local Government Act 2000.**

In producing the Draft Bill, the Welsh Government has responded to many of the concerns and views expressed by councils during the White Paper consultation. There are therefore a number of proposals that would be welcomed by councils including:

- The non-introduction of some of the more controversial White Paper proposals such as term limits for councillors, review of members' remuneration and elections by thirds;
- Proposed power of general competence;
- The proposed clarification and simplification of authorities' executive and full council functions;
- Improving and streamlining of some existing burdens and duties on councils, including remote attendance and community polls; and
- A reformed improvement regime based on self-improvement and proportionate external regulation.

Councils would also support the principles underpinning a number of other aspects of the Draft Bill, such as improving community involvement and public engagement, however, some of the proposals (as drafted) are prescriptive and would create additional burdens and resource implications for authorities.

There are a number of proposals, particularly those which feature only in the Consultation Document, that require further clarification and exploration with Welsh Government.

Some proposals are however overly-prescriptive and would create additional burdens, resource implications and/or complexity for local authorities. There are also some proposals which will have an impact on local democracy and are inconsistent with expectations and arrangements of other tiers of government. Such proposals include:

- 'Performance duties' for councillors;
- Establishment of 'Community Area Committees';
- Introduction of 'improvement requests';
- Councils' duties over other public bodies, such as provision of training to community councils and public participation duties over fire and rescue and national park authorities;
- The consistency of the proposed improvement and corporate planning regime with the new duties of the Wellbeing and Future Generations Act.
- Ministerial powers to direct or issue guidance to local authorities, for example on workforce matters.

Note: *Red italicised text indicates early member/officer feedback and/or WLGA commentary of the Draft Bill proposals.*



## Part 1 – Local Government Areas and County Councils

Part 1 of, and Schedules 1 to 5 to, the Draft Bill contain provisions for the reorganisation of county and county borough councils in Wales into 8 or 9 authorities as per the Ministers' map and the establishment of new counties and councils from 1 April 2020.

The accompanying documents (in particular the '[Consultation Document](#)') provides a rationale for the proposed merger options, in particular the two options of 2 or 3 councils in North Wales and the inclusion of Bridgend with Merthyr Tydfil and Rhondda Cynon Taf, despite the proposed new authority crossing a health boundary.

It is proposed that the new councils' names will be determined by the Shadow Authorities.

The Regulatory Impact Assessment [Part 1](#) and [Appendix A](#) outlines costs and benefits of the proposed options:

- **Do Nothing** – the reports suggest that if 'nothing was done' councils would miss out of net savings of between £548m and £668m over the next 10 years. *The reports however undersell councils' (and WG's) current financial planning and reform programmes and do not factor in the costs and benefits that councils plan to achieve through transformation, efficiencies and collaboration.*

|                 |  |
|-----------------|--|
| Costs (to LG) – | not achieving the savings of other options |
| Benefits –      | none                                       |

- **Shared Administrative Service** – the report explores the costs and benefits of implementing a shared administrative service (building on analysis of the recent KPMG report).

|                 |                          |
|-----------------|--------------------------|
| Costs (to LG) - | £71m - £186m             |
| Savings –       | £26m - £73m from 2019/20 |

- **Option 3a – 12 authorities (as per Williams)**

|                 |                          |
|-----------------|--------------------------|
| Costs (to LG) - | £99m - £229m             |
| Savings –       | £43m - £71m from 2020/21 |

- **Option 3b – 8 or 9 authorities (as per Ministerial map)**

|                 |                          |
|-----------------|--------------------------|
| Costs (to LG) - | £97m- £246m              |
| Savings –       | £64m - £92m from 2020/21 |

*The Draft Bill and associated documents do not consider the implications of council tax harmonisation in detail.*

*Further more detailed WLGA analysis of the Part 1 merger proposals will be produced in due course.*

## Part 2 – General Power of Competence

- The Draft Bill introduces a **general power of competence for county councils and 'community councils with competence'**, setting out the boundaries of the power and degree to which it may be used for commercial purposes.
- The general power of competence gives a councils the same power to act that an individual generally has.
- It is a power of first resort which means that an authority does not need to rely on specific powers in legislation to do something, so long as what they intend to do is not otherwise illegal.

*The WLGA has long called for a general power of competence and welcomed its inclusion in the White Paper. Whilst this new power is welcomed, as drafted, it is constrained by legal provisions which local authority lawyers would have to carefully consider before the power could be used.*

## Part 3 – Promoting Access to Local Government

Chapter 2 places a **duty on councils to promote access to, and public participation in, local government.**

- This duty also means that councils have to **promote access to and public participation in 'connected authorities' including community councils, fire and rescue authorities and national park authorities.**
- In exercising this duty, councils have to **produce a statutory 'public participation strategy'** (which also covers the connected authorities).
- Councils must also **take 'reasonable steps' to consult the public over budget proposals.**
- *Councils are already actively seeking to engage with communities. Many have adopted the principles of public engagement, are broadcasting council meetings and undertaking extensive consultaion and engagement over budgets and service planning proposals.*
- *It is not clear however why councils should have duties and responsibilities over other autonomous 'connected authorities'; this will inevitably have resource implications on councils and clouds accountability and responsibility for delivering on public participation duties.*
- *This issue of councils having duties over other bodies is featured elsewhere in the Draft Bill, including a duty to consider and provide for the training needs of community councils.*

Chapter 3 requires the establishment by county councils of **community area committees (CACs).**

- The 'community area' will be defined by the Public Service Board (as per S37(5) of the Wellbeing and Future Generations Act)
- Membership of the CAC would include: all ward members within the area; representative of each community council in the area; representatives from other bodies exercising functions of a public nature and representatives from third sector bodies.
- CACs must prepare (and consult on) a statement of priorities and objectives annually

- Councils may delegate functions to CACs. Ministers may also direct or restrict the delegation of functions to CACs.
- *In response to the White Paper, the WLGA supported the concept of community based models of governance particularly should county councils merge and become more 'distant' from local communities. There were some concerns regarding the clarity and complexity of the original proposed models and, critically, the relationship with community councils and PSBs.*
- *The proposals as drafted could create complexity and could be construed as creating another tier of governance and it is not clear how the committee roles relate to the proposed roles of reviewed (and larger) community councils.*
- *It is not appropriate that a statutory partnership (the PSB), albeit which includes LA representation, should determine the area coverage and the basis for council committees. The provisions of the Wellbeing of Future Generations Act regarding community areas were set out for very different purposes (e.g. the undertaking of wellbeing assessments and planning) and not for community representative purposes and have been treated differently by councils/partnerships (some have defined them as communities of interest and therefore do not have complete geographical coverage).*
- *It remains unclear, as yet, how many CACs there would be in each council area, size of membership and number/regularity of meetings – however, they will present an additional burden on authorities in terms of administration (in particular policy and support staff given the need to prepare and consult on annual priorities and actions, as well as committee administration, translation and electronic broadcasting requirements).*
- *CACs' membership (as described) could be large and unwieldy, depending on the size of proposed community areas.*
- *Not all council areas would have community councils and so democratic representation could be imbalanced with community/public body 'co-optees'.*
- *Would community/public body 'co-optees' be subject to the member code of conduct and proposed new 'performance duties' for councillors?*

Chapter 4 places county councils under **duties in respect of 'improvement requests'**, which require a county council to enter into discussions with certain community bodies for the purpose of improving local outcomes.

- Any community group or community council can make written 'improvement requests' to the council over how it believes outcomes could be improved. This would appear to include proposals for services to be delegated and delivered by or with the community group or community council.
- Unless there are 'reasonable grounds to refuse' or a similar request has been previously considered, the council has a duty to decide to agree to an improvement request, inform the interested body and report publically and produce an annual report of improvement requests.
- A complaints process relating to improvement requests must also be set-up.
- *This proposed power is similar to that of 'participation requests' introduced in Scotland through the Community Participation and Renewal Act 2015. It is not clear whether any analysis or evaluation of the Scottish experience has been completed since enactment, however, during the passage of the Bill, COSLA expressed the following concerns:*  
*"The financial impact of the Bill in this area is two-fold. Firstly, the resource required to enable communities, on an equal basis, to have the ability and*

*capacity to take a proactive role in how services are planned and delivered. Secondly, the staff resource required to set up and manage a new process for participation requests within Local Authorities. However, the main concern from COSLA centres around the difficulty of anticipating the demand for this legislation and, in turn, quantifying the costs that will be incurred by Local Authorities. It has been suggested that the impact could be similar to the current Freedom of Information process and COSLA is therefore concerned by the potential administrative burden that these new duties could create."*

- *This proposal is based on the White Paper's 'activist council' ambitions. Councils were broadly supportive of the 'activist' concept as they are pro-actively (and increasingly) engaging with communities and partners in the design and delivery of services. Many councils have led the way in terms of developing alternative delivery models for services.*
- *Councils already initiate and respond to informal 'improvement requests' on an ongoing basis in terms of service design and delivery, both through formal consultation and engagement and ongoing, real-time service feedback or complaints.*
- *The 'improvement requests' proposal as drafted therefore over-formalises such an approach and will create a significant amount of bureaucracy which could impact on the speed of decision-making – councils will have to formally consider and report (either through executive or scrutiny) any such requests from the community received.*
- *Similarly, additional business and project planning capacity will be required as well as capacity-building support for community groups if services were to be transferred.*
- *Concerns have also been expressed that this will create complexity in terms of service delivery and deliverers across what will be larger authority areas.*
- *Concerns have been expressed regarding 'counter-improvement requests' where a different community group of body submits an alternative request in response to a request from another body.*

Chapter 5 & 6 make provision about **improving public access to local authority meetings.**

- Councils will have to **electronically broadcast all public council meetings**
- **Ministers may allow public filming of meetings**
- **Duty to produce a user friendly summary of the constitution**
- *Whilst many councils are already proactively webcasting a range of council meetings already, a duty to broadcast all public council meetings (including proposed new CACs) will create an additional administrative burden on councils and require additional resources.*

## **Part 4 – Functions of County Councils and their Members**

- This part sets out '**Performance Duties**' for councillors, which include the requirement (unless there is 'a good reason') to:
  - **Attend at all committee/council meetings** of which the councillor is a member
  - **Hold of 4 surgeries each year**
  - **Respond to correspondence within 14 days**
  - **Undertake training** deemed mandatory by the council

- **Publish an annual report**
- Councillors can be reported for a **breach of any of the above which would be deemed equivalent to a breach of the code of conduct** and similar sanctions (including suspension) could be applied by the Standards Committee.
- *The Leader and Coordinating Committee recently called for consistency across all levels of government in Wales and a wider review of all levels of governance. The above proposals are inconsistent with expectations on Assembly Members for example, where no such 'performance duties' or standards are in place. It should be noted for example that whilst councillors would have 14 days to respond to correspondence (when they will be covering larger populations of around 4,000 voters), Welsh Ministers have 17 working days to respond to correspondence (according to the WG website).*
- *The above list focuses on a simplistic interpretation of the 'formal' council role of councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities.*
- *Similarly, the above list does not adequately equate to 'assessing' a councillor's 'performance' e.g. a councillor may attend every meeting and be deemed to be performing by the above criteria, but he or she may not contribute effectively to those meetings. Whilst surgeries are useful forums for many, councillors use varied methods of engaging with and being available to their communities.*
- *Notwithstanding the above, it is not clear why any failure to adhere to the above list could be deemed consistent with and comparable to a serious breach of the current standards regime. The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.*
- Chapter 4 places **duties on Group Leaders to take 'reasonable steps to promote and maintain high conduct of standards by members of the group'**
- Chapter 5 requires the **leader (or elected mayor) to set objectives for the executive, and requires candidates who wish to stand for elected mayor or executive leader to prepare a written manifesto**. It also enables the appointment of members as assistants to the executive.

*In terms of consistency with other tiers of government, is not clear why a leader of a majority group elected on an electoral manifesto should need to set out a further manifesto for election as leader. The leader once elected would also have to set annual objectives for the Chief Executive (see below).*

- Chapter 6 requires councils to replace the term and role of **'head of paid service' with that of 'chief executive'**.
  - Council leaders must also set and review objectives for the Chief Executive
  - The leader must prepare and publish a report on the above, and share it with all members.
- Chapter 7 **allows voting rights for co-opted members of overview and scrutiny committees**, such rights would be determined by councils. It also requires standards committees to prepare annual reports on the exercise of their functions and other matters.

*A number of authorities actively involve cooptees on committees and this proposal allows the strengthening of cooptees' roles but leaves it to local discretion which is welcome.*

## Part 5 – County Councils: Improvement of Governance

Part 5 sets out arrangements for a new regime to improve the governance of county councils; it largely dis-applies much of the Local Government (Wales) Measure 2009 as it applies to councils.

- Chapter 1 places a **general duty on county councils to 'make, implement and comply with governance arrangements for the purpose of securing good governance; accountability; and economy, efficiency and effectiveness in the use of resources'**
- Councils will have a **duty to prepare and publish a corporate plan, consult on it, keep it under review and report on progress** made against the matters set out in the plan. The Draft Bill lists all the features expected of a corporate plan, including workforce planning, risk management, asset management and financial planning.
- Councils will have a **duty to undertake and publish an annual 'self-assessment'** of its compliance around the general duty around good governance.
- Councils must also **commission a peer assessment once every term**. The peer assessment report and council's action plan in response must be published.
- The Draft Bill clarifies **Ministerial powers of intervention**, support and commissioning of a governance review.

- *The WLGA welcomed the White Paper proposals regarding the reduction of regulation and promoting self-assessment and peer assessment. The WLGA, with local government, had developed a programme of self-assessment and peer assessment which has largely been translated onto the face of the Bill. The WLGA warned about turning a successful voluntary and sector-developed models into a prescriptive statutory assessment and regulatory regime.*
- *The Draft Bill however includes some prescription around processes. The statutory prescription in particular of the peer assessments, means they will become quasi-inspections and will be less effective as improvement tools. The prescription included in the associated documents is too detailed and inflexible, to the point that the only Welsh peers Powys is permitted to use would be from the new Cardiff-Vale of Glamorgan council.*
- *It is not clear how well the corporate planning and reporting proposals align with the new duties of the Wellbeing of Future Generations Act. It appears that the detailed proposals in the Draft Bill duplicate many of the new duties on councils and therefore will increase internal bureaucracy. Combining the new duties of the FG Act and those of the Draft Bill, councils will have to produce (or contribute to) 5 sets of annual priorities and also report on them:*
  1. *Councils set Wellbeing Objectives and report annually (FG Act)*
  2. *PSBs set Wellbeing Objectives and report annually (FG Act)*
  3. *Leaders set priorities for Chief Executives and report annually (Draft Bill)*
  4. *Councils set corporate plan priorities (including performance priorities) and report annually (Draft Bill)*
  5. *(A number of) Community Area Committees' set annual priorities and objectives (Draft Bill)*
- *Statutory Performance Indicators do not feature on the face of the Bill (unlike the predecessor 2009 Measure) but it is understood that they are likely feature in a final Bill. According to civil servants, the statutory national strategic indicators are currently being reviewed – it is not clear, however, why this review is being undertaken in isolation and after the Welsh Government has consulted on the national Wellbeing Indicators which also cover local government performance in many areas.*

- *Whilst the Ministerial powers of intervention and support are similar to the present 2009 powers, there are no criteria (such as evidence considered) before the triggering of an intervention.*

**WAO, Estyn and CSSIW 'at intervals as they see fit' must carry out a combined assessment in relation to each council.** The council must prepare a formal response to the combined assessment. Regulators must also coordinate their functions.

- *The annual external regulatory burden around such assessments and plans appears to have reduced, but it is unclear how burdensome and regular the combined external regulatory assessments will be.*
  - *It is unclear how the improvement duties and timescales in this Part of the Draft Bill align with wider wellbeing planning and reporting duties in the Wellbeing of Future Generations Act, likewise, it is unclear how the AGW's duties under the Draft Bill align with the AGW's new duties under the Wellbeing of Future Generations Act.*
  - *Whilst the reference to the coordination of regulators' functions is welcomed, this is not significantly different to the current duties as per the 2009 Measure, so it is not clear what impact this will have.*
- **Audit Committees renamed Corporate Governance and Audit Committees and membership would include a third lay members and the chair must be a lay member.** The Committee's role in considering regulatory and assessment reports would be strengthened.

*Although lay members are valued members of audit committees currently, the prescription around proportion of membership and chairmanship will affect local discretion and local democracy.*

## Part 6 – Community Councils

- Chapter 1 requires the **Local Democracy and Boundary Commission for Wales to undertake a review of community council arrangements.** That is, a review of the communities within the new counties, to be established under the Draft Bill on 1 April 2020, for the purpose of recommending changes to the community councils and their electoral arrangements.

*This is welcomed, as the WLGA expressed concern that the White Paper placed such duties for review on county councils*

- Chapter 2 places a **duty on county councils to consider the training needs of community councillors, and to make arrangements to meet those needs.**
  - *This would be an additional burden for local authorities.*
  - *It is not clear why councils should have duties and responsibilities over another tier of democratically accountable government (and builds on the responsibilities outlined above in relation to council duties over public participation in community councils).*

## Part 7 – Workforce Matters

- **Establishment of a statutory Public Services Staff Commission**
- Welsh Ministers may **produce guidance on workforce matters which public bodies (including councils) would have to have regard to**. Such guidance could include:
  - 'planning by public bodies in relation to the size and composition of their workforce
  - recruitment and retention of staff of public bodies;
  - The management, organisation and remuneration of staff of public bodies;
  - Training and development of staff of public bodies'

*The WLGA is supportive of the Staff Commission as a vehicle to assist with workforce issues around the transfer of staff as part of any re-organisation.*

*The powers for Ministers to issue guidance which councils must have regard to over such matters of management and staffing is potentially a significant Ministerial power which could effectively give the Minister more influence over a council's staffing structure, complement and management arrangements including pay than locally elected members will have, and could impact on current contractual arrangements.*

## Part 8 – General

- Contains general provisions regarding interpretation and **commencement**
- Most provisions commence following Ministerial orders on statutory instruments, but the following would come into force within 2 months of Royal Assent (*possibly April 2017*):
  - **Establishing new councils (Chapters in Part 1)**
  - **general power of competence (Part 2)**
  - **Improvement Requests (Chapter 4 of Part 3)**
  - **Review of community councils (Part 6)**

## Other proposals included in the [Consultation Document](#)

The Welsh Government is further seeking views on a number of other proposals not included on the face of the Draft Bill and build on the White Paper consultation. Proposals include:

- **Right of Recall of councillors (p29)** – Although not included within the Draft Bill, provisions are being considered whereby if a Councillor becomes subject to a suspension from office following a breach of the code of conduct, local people could raise a petition calling for a by-election. If a petition was signed by at least twenty percent of the electorate in that ward, a by-election would have to be called.

*WLGA White Paper response stated that the WLGA does not support the concept of right of recall. While WLGA members are prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation in Wales.*

- **Simplification of remote attendance provisions (p32)**



*This would be welcomed, as there was in principle support about the original concept of remote attendance by members at committee members, but the prescription of the 2011 Measure made the provisions unworkable.*

- **Roles and responsibilities of Chief Executives** - WG '...will seek a further appropriate legislative opportunity to provide that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable' (P33)

*Local authority views are being sought on this proposal.*

- **Power to dismiss statutory officers on vote of the council** (rather than following the Designated Independent Person process) (p34)

*Local authority views are being sought on this proposal.*

- **Clarification of council functions and responsibilities** – this is in response to council requests to simplify and clarify functions and responsibilities, the paper (p34) proposes principles which would guide the allocation of functions:
  - quasi-judicial functions must not be for the Executive. This would include decisions in relation to planning and licensing;
  - approval of the Council's budget and financial planning, including the amount of Council Tax required, should fall to full Council;
  - appointments of senior staff should be reserved to full Council;
  - appointment of the Electoral Registration Officer and electoral matters more generally should fall to full Council;
  - remuneration of Members of the Authority should be reserved for full Council;
  - functions related to the provision of services by the Council should be the responsibility of the Executive;
  - allocation of functions requires the agreement of both full Council and the Executive; and
  - Council's scheme of delegation should be published and be accessible through the Council's website.

*Councils would welcome a clarification of council functions and responsibilities as successive local government legislation has meant the distribution of statutory duties and functions is complicated and open to interpretation.*

- **Repeal of community polls duties, replaced by duties to set up petitions and e-petitions process** (P48) - This would enable communities to express their views on matters of concern, without the restrictions and costs which currently apply to community polls as well as the incorrect expectations that community polls are, in effect, binding referendums.

*This proposals would be welcomed as it would reduce bureaucracy and costs.*

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## **White Paper: *Reforming Local Government: Power to the People***

### **Formal Response of Flintshire County Council**

#### **Responding to the White Paper**

Given the significance of the White Paper it is important that consultee councils make full strategic responses to both extend the thinking behind and within the Paper, and to suggest solutions where the Paper is perhaps deficient. The questionnaire which accompanies the Paper is too intricate and limiting for the expression of strategic views. What follows is the strategic response of Flintshire County Council.

The Council also supports the collective response of the local government 'family' submitted by the Welsh Local Government Association and submits its own response alongside it. Our corporate response explores and takes forward some of the positions taken by the Association. Where our response is less detailed, or silent, the response of the Association should be taken to speak for Flintshire.

#### **Introductory Comments**

The White Paper should act as a marker for the redefinition of the role and value of local government in a devolved Wales. This redefinition should be a positive experience with a renewed vision set for local government and the governance of local communities. Any redefinition must inevitably include the relationship and power-sharing balance between Welsh Government and local government; an appropriate balance between centralism and localism in policy-making and deciding priorities; legal and financial flexibilities to enable innovation and support local solutions for local challenges; the empowerment of local democracy; a sufficient and sustainable funding basis for local government.

Whatever the shape of local government, and the number of new councils which succeed the current, local governance must continue as a respected, valued and resilient model for local public services to communities, businesses and the most vulnerable. The White Paper should be a defining moment in the long and proud history of local government and, in years to come, be viewed in retrospect with recognition and not regret.

#### **Theme: Power to Local People**

The White Paper was positioned as one which would provide a vision for local government. Whilst developing some of the themes which could underpin a vision the White Paper, in itself, does not provide one. The Paper speculates over what might be in the future once local government is re-organised into a smaller number of larger councils. A re-organisation is not an answer in itself. The time for redefining the role and value of local government, and its place in a devolved Wales, is now.

The vision for local government could usefully be set out as:-

- what it must do (service/functional duties and responsibilities), what it should do (service aims and standards) and what it could do (generic powers, discretion and innovation);
- how it is governed (governance model, local accountability, self and external regulation);
- how it is resourced (national funding model and local flexibility); and
- the democratic principles which underpin the above being 'written into' the relationship between central and local government: subsidiarity and localism as principles with the powers and freedoms to act (within the national policy setting and legislative framework).

A well governed and high performing council under this model would be one which:-

- both meets its statutory duties and national service standards (e.g. social care, education, environmental health) whilst providing innovative solutions to local challenges (e.g. business growth, poverty, community safety, environmental management);
- is well governed with statutory compliance, effective use of resources, effective partnership working, respected community leadership, and a positive local reputation as indicators of its 'health';
- is properly funded to achieve the above with demonstrable financial stewardship; and
- is effective in co-managing both national social policy objectives and local community demands.

Competent councils within this model would meet the four primary aims of local government which are its essence:-

- enabling local communities and people to fulfil their own potential;
- acting as an extension of the 'welfare state' in supporting the most vulnerable;
- providing first class statutory local public services and meeting national standards and targets; and
- adapting to meet the specific local needs and demands of local communities in their area.

On the prospect of local government re-organisation the fundamental questions which follow the above and require some answers from those promoting structural change, for a fully informed debate to take place, remain unanswered. These are (1) what will be the benefits of a reorganisation (2) how will the transition costs of a reorganisation be funded (3) what are the aspirations for localism and thereby the future roles, functional basis and freedoms to operate for local government and (4) how will local government be funded sustainably, and to what level, in the longer-term as a basis for planning? The White Paper falls short in answering these questions.

### **Theme: Balancing the Responsibilities of National and Local Government**

The title of this chapter would suggest that role of National Government (in our case Welsh Government) was itself to be examined in rebalancing central-local relations in a devolved nation which prides itself on community identity and respect for regional diversity. The White Paper does not address the role of Welsh Government to any real extent. The vision for local government which Flintshire advocates (above) addresses the axis of power under the themes of democratic principles, roles and functions, governance and resourcing. Through the vehicle of the Partnership Council, Welsh Government is invited to return to these fundamental questions.

The principles of subsidiarity and localism should be re-adopted with true belief, and be given real meaning in practice. Both the UK and Scottish Governments have been re-examining these principles for their respective relationships with local government in England and Scotland. There is real-time learning and transferable practice in both examples. Local government should have parity of esteem in the Welsh governance system.

The development of regionalism could have powerful and beneficial impacts. For local government to play its role then the commensurate freedoms, powers and resources to act should be invested in the model, for example in the fields of planning, transportation and economic development. The recent UK Government-enabled model of Greater Manchester is a prime example which redefines central-regional-local roles and releases capacity for innovative solutions to economic planning and growth. Regions in Wales would need to be empowered and resources to fulfil the potential of 'city regions'.

The proposal for a power of general competence is to be welcomed. However, if policy directives from National Government are to remain so specific and restrictive, and continue to be underpinned by a funding system with tight controls, then such a power is likely to be under-deployed. This would be self-defeating.

### **Theme: Renewing Democracy**

The collective response of the WLGA, on this theme, which is comprehensive, is fully supported.

### **Theme: Connecting with Communities**

The collective response of the WLGA, on this theme, which is comprehensive, is fully supported. In the absence of a clearly defined future role for town and community councils advocating new devolved arrangements, such as neighbourhood management, could unintentionally confuse local governance and cause role conflict and dysfunction.

The approach Flintshire and other counties are taking to encourage town and community Councils to develop their functions, take on assets, act as the central point of community activity, and 'cluster' together to share resources and procure services, can help demonstrate the worth and value of the community level of local government. This approach is in line with previous Welsh Government policy which recognises the role and value of the most immediate form of local government.

### **Theme: Power to Local Communities**

New service models which promote community action and ownership are to be encouraged. Communities need to be supported to take on more responsibility to ensure that local services and assets can be protected in the face of unprecedented public funding cuts. The innovation Flintshire and other like-minded counties are taking to promote alternative models of service delivery should be supported with risk-taking to experiment given licence. Flintshire welcome the recently appointed commission on mutualisation. National policy and legislation in this field should enable, and not constrain, experimentation.

### **Theme: Corporate Governance and Improvement**

The proposals made for assuring good governance and improved performance management and accountability are not new. The White Paper proposes a combined set of current models such as self-assessments and peer reviews, all of which have a proven track record where done well. These sorts of arrangements could be made, in return for less external regulation and government performance controls and 'strings', and be introduced voluntarily. They do not require legislation. There is a risk that the extent and frequency of the proposed self and peer assessment models could be too demanding and could create a new industry in themselves. Early and proportionate adoption and experimentation is to be encouraged.

The White Paper appears to be legislating for the few - those who are not well-governed or performing to the expected standards, and not the majority - in this chapter and the two which follow. This is a questionable basis on which to legislate. The current governance model is 'not broken' and legislation and interventionist policy should be proportion to the scale of the challenge and reserved for those who fail. To repeat the well-rehearsed phrase freedoms should be there to be lost in a trusting central-local relationship, and should not have to be earned by the majority.

### **Theme: Performance in Local Government**

The collective response of the WLGA, on this theme, which is comprehensive, is fully supported. This chapter is light on addressing the unresolved question of how to set broad policy objectives and service standards for the critical statutory services, whilst allowing freedom to innovate to meet them, and avoiding micro-management by Government departments which is the hallmark of so many central-local performance management arrangements. This is not an impossible 'nut to crack' but one which can only be prised open in a relationship where local government is trusted and empowered to act to meet national social policy objectives.

### **Theme: Strengthening the Role of Review**

External regulation, both financial and performance audit and inspection, has an essential place in ensuring independence, objectivity and fairness in passing judgement on organisational performance and prospects for self-improvement. Whilst the scale and quality of the current regulatory system has been a vexed question for several decades, this central role in Welsh governance is recognised and valued. There is a risk that a diminution of external regulation could leave a vacuum for self-improvement in weaker councils, and leave open the opportunity for Government-led interventions which could be perceived as politically motivated. This is a significant issue which asks for careful and sensitive handling.

The track record of interventionist-led corrective improvement is mixed and we should avoid jumping to solutions which are unproven.

Effective local governance, with accountability to local communities through the democratic process, supported by external regulation and validation, should remain the cornerstone of the model for local government of the future.

### **Theme: Reforming Local Government Finance**

This chapter of the White Paper is the least developed and has few specific proposals for the future. The current funding model for local government is no longer 'fit for purpose' on two counts. Firstly, the balance of central-local funding sources is too heavily weighted to the former with limited capacity for local fund raising and taxation. Secondly, local councils have limited flexibility in how they can choose to allocate centrally provided funding to local priorities given the extent of hypothecation and spending controls and bureaucracy within both the core annual financial settlements and the specific grants regime. Welsh Government should commit to a programme of supporting local funding capacity and income retention, to include the local retention of 'business rates' within the income generating council areas, and an immediate review of specific grants with grants only being retained in exceptional circumstances as two partial solutions.

Even if the funding model were 'fit for purpose' it still needs to be funded properly for local government to meet its duties and obligations, and to have the capacity to innovate. The current local government funding formula is in need of review; local government needs to have sufficient annual funding - the current reductive funding strategy during a period of fiscal austerity is not sustainable; the absence of any longer term funding projections compromises strategic financial planning at the local level; Welsh Government should openly share its funding plans for the whole public sector e.g. for the NHS and social care given the interdependence of the public services, in the spirit of the co-production of social policy solutions; the legislative and policy making aspirations of the Welsh Government need to be fully funded with a recognition that the current Regulatory Impact Assessments system underpinning the legislative process is under-developed. The White Paper speculates over a funding model for the new merged councils. The funding crisis is a 'here and now' issue which should not be put off for a future generation of council leaders to face.

Following the parallel review in England, local government in Wales is to form an Independent Commission on Local Government Finance. Welsh Government is invited to support the Commission and to contribute to the setting of its terms of reference to include the above.

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## FLINTSHIRE COUNTY COUNCIL

|                        |  |
|------------------------|--|
| <b>Date of Meeting</b> | Tuesday, 26 January 2016               |
| <b>Report Subject</b>  | Council Tax Reduction Scheme 2016-17   |
| <b>Report Author</b>   | Chief Officer (Community & Enterprise) |

### EXECUTIVE SUMMARY

The current Council Tax Reduction Scheme (CTRS) was approved by Flintshire County Council on 27<sup>th</sup> January 2015.

There is an annual requirement for Council's to formally adopt CTRS for their Authority.

This report ensures that the Council meet its statutory obligation to adopt the scheme for 2016-17 by 31<sup>st</sup> January 2016.

### RECOMMENDATIONS

|   |  |
|---|--|
| 1 | Adopt the CTRS and maintain the current discretionary elements for 2016-17 |
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### REPORT DETAILS

|             |   |
|-------------|---|
| <b>1.00</b> | <b>EXPLAINING COUNCIL TAX REDUCTION SCHEME</b>  |
| 1.01        | The CTRS in Wales is set by Regulations made under Schedule 1B of the Local Government Finance Act 1992 (As inserted by the Local Government Finance Act 2012)  |
| 1.02        | The draft Regulations were laid before the National Assembly for Wales on 1 <sup>st</sup> December 2015 and will be debated on 19 <sup>th</sup> January 2016 and, subject to approval, will come into force on 20 <sup>th</sup> January 2016. |

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| 1.03 | These Regulations prescribe the main features of the Scheme to be adopted by all Councils in Wales. They ensure that qualifying tax payers may continue to receive a reduction up to 100% of their Council Tax bill (depending on the level of their income).  |
| 1.04 | The statutory instrument uprates certain figures used to calculate an applicant's entitlement to a reduction under the Scheme. They also make amendments relating to eligibility for a Council Tax Reduction and makes consequential amendments as a result of wider changes to welfare benefits and to ensure they remain fit for purpose.  |
| 1.05 | It does not contain provisions to uprate the financial figures in relation to rates for working age, disability or carer as the UK is currently in a low inflationary period. This means that there will be a 0% increase in these rates in 2016-2017.   |
| 1.06 | <p>The statutory instrument does include amendments to Regulations to uprate figures in relation to:</p> <ul style="list-style-type: none"> <li>• Personal Allowances in respect of pensioner rates to align these with Housing Benefit</li> <li>• Non-dependant deductions in relation to income bands and deduction amounts. This amendment is required in order to make appropriate deductions from Council Tax Reductions to reflect average earnings</li> </ul>   |
| 1.07 | These uprated figures have been calculated with assistance from the Department for Work and Pensions following the Chancellor's Autumn statement.  |
| 1.08 | <p>In addition to the uprating this statutory instrument amends the 2013 Regulations to incorporate a number of changes to legislation which governs interrelated benefits:</p> <ul style="list-style-type: none"> <li>• Social Services and Well-being (Wales) Act 2014 and the Care Act 2014 ("the 2014 Acts)</li> <li>• National Insurance Contributions Act 2015</li> <li>• Pensions Act 2014</li> </ul>   |
| 1.09 | There is limited discretion given to the Council to apply additional elements that are more generous than the normal scheme.   |
| 1.10 | <p>Discretions exercised in the current Scheme are:</p> <ol style="list-style-type: none"> <li>a) Provide and extended payment period of 4 weeks after they return to work, when they have been in receipt of a relevant qualifying benefit for at least 26 weeks</li> <li>b) Discretion to disregard the whole amount of War Disablement pensions and War Widows pensions when calculating income</li> <li>c) Backdate the application of Council Tax Reduction awards for working age customers the standard period of 3 months prior to the claim.</li> </ol> |

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| <b>2.00</b> | <b>RESOURCE IMPLICATIONS</b>  |
| 2.01        | The cost of the Council Tax Reduction Scheme is largely covered through direct funding from Welsh Government.   |
| 2.02        | This is a fixed amount and does not increase year on year to take into account of the usual inflationary increase in Council Tax.   |
| 2.03        | To mitigate this the Council budgets for a provision which for 2016/2017 is £317,000 to meet the inflationary increase which assumes an annual increase in Council Tax of 3.0%. However, based prior year trends, because of a diminishing caseload and costs, there is sufficient budget provision to meet fully the cost of CTRS. |

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| <b>3.00</b> | <b>CONSULTATIONS REQUIRED / CARRIED OUT</b> |
| 3.01        | None Required                               |

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| <b>4.00</b> | <b>RISK MANAGEMENT</b>   |
| 4.01        | Based on current levels of claims and the cost of CTRS, there is sufficient budget provision to meet the cost of all awards especially given that the Council set aside £371,000 to meet increasing inflationary costs of Council Tax Increases. |
| 4.02        | The service is demand led and the Council has no control over costs, however, there are systems and measures in place to closely monitor costs against the budget and to report any discrepancies in year.                                       |
| 4.03        | The Cost of CTRS in recent years has not increased and in the current year there is a projected surplus, however this is not risk free as any changes in the local economy could result in an increased caseload and costs.                      |

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| <b>5.00</b> | <b>APPENDICES</b> |
| 5.01        | None              |

|             |  |
|-------------|--|
| <b>6.00</b> | <b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>   |
| 6.01        | Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016<br><br><b>Contact Officer: Jen Griffiths – Benefits Manager</b><br><b>Telephone: 01352 702929</b><br><b>E-mail: <a href="mailto:jen.griffiths@flintshire.gov.uk">jen.griffiths@flintshire.gov.uk</a></b> |

| 7.00 | GLOSSARY OF TERMS   |
|------|---|
| 7.01 | <b>Council Tax Reduction Scheme</b> – The scheme replaced Council Tax Benefit in April 2013. It is a scheme for people on low incomes to claim support towards paying their Council Tax bill. It is means tested and awards for eligible tax payers can be up to 100%               |
| 7.02 | <b>Housing Benefit</b> – A benefit for people on low incomes to assist with payments of their rent.   |
| 7.03 | <b>Personal Allowances</b> – Is set by Department for Work and Pensions and is a calculation of need based on a set of personal circumstances which is then used to calculate a person's benefit entitlement  |
| 7.04 | <b>Non-dependant deductions</b> – A non-dependant is someone who normally lives with the claimant, such as an adult son or daughter, relative or friend. A non-dependant deduction is applied to the calculation of Council Tax Reduction based on the income of the non-dependant. |



## FLINTSHIRE COUNTY COUNCIL

|                        |  |
|------------------------|--|
| <b>Date of Meeting</b> | Tuesday, 26 January 2016                         |
| <b>Report Subject</b>  | LICENSING ACT 2003 STATEMENT OF LICENSING POLICY |
| <b>Report Author</b>   | Chief Officer (Planning & Environment)           |

### EXECUTIVE SUMMARY

To request that Members consider and approve the next Flintshire County Council Statement of Licensing Policy. The Licensing Act 2003 requires the Licensing Policy to be reviewed every five years.

### RECOMMENDATIONS

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|---|--|
| 1 | That Members consider and adopt the Licensing Act 2003 Statement of Licensing Policy that will have effect from January 2016 for a five year period. |
| 2 | That any decision to make changes to this policy during the five year period is delegated to Licensing Committee.                                    |

### REPORT DETAILS

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| <b>1.00</b> | <b>EXPLAINING THE REQUIREMENT FOR A LICENSING POLICY</b>  |
| 1.01        | It is a requirement of the Licensing Act 2003 that the Licensing Authority must review its Statement of Licensing Policy every five years. The policy was previously reviewed in November 2010 and was implemented in January 2011.   |
| 1.02        | The next period will begin in January 2016.   |
| 1.03        | The North Wales Licensing Authorities worked together on the review of their policies as part of the Collaboration Project. Although the table of contents remains the same for each Authority, it was understood that due to the differences in the six counties, the content would remain specific to |

|      |   |
|------|---|
|      | the individual areas.   |
| 1.04 | To summarise, the changes to the policy were non contentious. Paragraphs which repeated the guidance issued under Section 182 of the act were removed, reference was made to new legislation i.e. The Live Music Act, and each Authority included a section in relation to Public Health.   |
| 1.05 | The Licensing Authority undertook a public consultation process throughout December 2015 to invite observations or comments about the policy.   |
| 1.06 | Those consulted included Responsible Authorities (eg. Police; Fire; Planning; Social Services for Children; Pollution Control; Trading Standards etc); County Councillors; Town and Community Councils and Licence Holders. Details of the consultation were also placed on the Council's website and displayed in Main Reception. A Member's drop in session was arranged, and presence was offered at Town and Community Council meetings if required. In addition, Licensing Officers made members of local Pubwatch groups aware of the consultation. |
| 1.07 | Only one response was received in relation to the consultation. A summary of this is shown at Appendix A.   |
| 1.08 | As a result of this, a slight change was made to the Policy. The final draft is shown as Appendix B.  |

|             |  |
|-------------|--|
| <b>2.00</b> | <b>RESOURCE IMPLICATIONS</b>   |
| 2.01        | The policy must be monitored for necessary changes and must be reviewed again in five years. |

|             |  |
|-------------|--|
| <b>3.00</b> | <b>CONSULTATIONS REQUIRED / CARRIED OUT</b>  |
| 3.01        | Consultation was carried out as required by the Act.   |
| 3.02        | In previous S182 (Licensing Act 2003) guidance documents licensing authorities were advised to follow the consultation principles guidance issued by the Cabinet Office. Paragraph 13.6 of the current guidance states that it is a matter for the licensing authority to decide the duration. |
| 3.03        | It was decided in this instance, a consultation duration of four weeks would be proportionate.   |

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| <b>4.00</b> | <b>RISK MANAGEMENT</b>          |
| 4.01        | None in respect of this report. |

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| <b>5.00</b> | <b>APPENDICES</b> |
|-------------|-------------------|

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|------|--|
|      |  |
| 5.01 | A: Summary of consultation responses<br>B: Final draft Statement of Licensing Policy |

|             |  |
|-------------|--|
| <b>6.00</b> | <b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b> |
|-------------|--|

|      |   |
|------|---|
| 6.01 | <p>Cabinet Office Consultation Principles<br/> <a href="https://www.gov.uk/government/publications/consultation-principles-guidance">https://www.gov.uk/government/publications/consultation-principles-guidance</a></p> <p><b>Contact Officer:</b> Gemma Potter<br/> Community Protection Team Leader - Licensing</p> <p><b>Telephone:</b> 01352 703371</p> <p><b>E-mail:</b> gemma.potter@flintshire.gov.uk</p> |
|------|---|

|             |                          |
|-------------|--------------------------|
| <b>7.00</b> | <b>GLOSSARY OF TERMS</b> |
|-------------|--------------------------|

|      |   |
|------|---|
| 7.01 | <p><b>Statement of Licensing Policy:</b> A document that sets out how Flintshire County Council will carry out its licensing function for the next five years.</p> <p><b>Collaboration Project:</b> A collection of task groups aiming to work together in certain areas across the six North Wales Authority areas.</p> <p><b>The Live Music Act 2012:</b> An Act which caused certain licensable activity in relation to live music and dancing to become deregulated.</p> <p><b>Responsible Authorities:</b> Bodies to whom the Licensing Act 2003 delegates a licensing role. A Responsible Authority can make a representation about an application for a licence or to vary a licence.</p> <p><b>Pubwatch:</b> A meeting run by members of the Licensed Trade, to which the Police and Licensing Authority are usually invited. The main aim is to discuss emerging issues or problems within the night time economy.</p> <p><b>Section 182 Guidance:</b> Guidance issued under Section 182 of the Licensing Act 2003</p> |
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| <b>Ref No</b> | <b>Source of Response</b> | <b>Summary of Respondent's Comments</b>   | <b>Authority's Appraisal</b>  | <b>Authority's Response</b> |
|---------------|---------------------------|---|---|-----------------------------|
| 01            | Elected Member            | Paragraph 5.3 still references the Unitary Development Plan which may now have expired. | The Licensing Authority is in agreement that this information had been included in error. | Paragraph 5.3 removed       |

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## Foreword by the chair of Flintshire County Council's Licensing Committee

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This is the fourth of Flintshire's Statements of Licensing Policy.

The Licensing Act 2003 has now been in force for more than ten years, and has seen many changes and amendments during that time.

The experience built up during the past ten years has contributed to ensuring that customers have a wide choice of premises to visit, that licensees have been supported through difficult economic times and that residents living near licensed premises have remedies if they suffer disturbance of any kind.

Licensing in Flintshire is located within the Community Protection Section of the Public Protection Division along with Trading Standards and the Community Safety function.

This means that many of the issues surrounding alcohol, for example under age sales, anti-social behaviour and breach of licence conditions can be dealt with by the same Section thus providing a more effective and consistent approach.

The remit of the Licensing Committee itself covers Private Hire and Hackney Carriage (Taxi) Licensing and the Gambling Act in addition to alcohol and entertainment licensing. These areas again have a natural synergy which provides for a well co-ordinated approach.



*Councillor Tony Sharps*

*Chair of the Licensing  
Committee*

## 1.0 | Background

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- 1.1** This Licensing Policy Statement is issued as required by the Licensing Act 2003 ('the Act') and is in line with the Home Office and Department of Culture, Media, and Sport (DCMS) guidance to local authorities. This document sets out the policies that the Council as Licensing Authority will follow when making decisions upon applications for:
- ▶ The sale by retail of alcohol
  - ▶ The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
  - ▶ The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)
  - ▶ The provision of regulated entertainment to the public or club members or with a view to making profit including raising money for charity where the entertainment involves:
    - a) a performance of a play;
    - b) an exhibition of a film;
    - c) an indoor sporting event;
    - d) a boxing or wrestling entertainment;
    - e) a performance of live music;
    - f) any playing of recorded music;
    - g) a performance of dance;
    - h) entertainment of a similar description to that falling within paragraph e, f or g.

\* Live Music Act – See Appendix D

The entertainment falls within the requirements when it takes place in the presence of an audience and is provided for the purpose or includes the purpose of entertaining that audience.

- 1.2** Incidental live and incidental recorded music will not be regarded as regulated entertainment. The Licensing Authority will give the word "incidental" its ordinary and natural meaning when making judgements about whether activities are licensable.
- 1.3** Spontaneous music, singing and dancing is not included in the definition of regulated entertainment and any occurrences of it will be assessed in accordance with the Act.
- 1.4** Guidance on the procedures to be followed by applicants and objectors is included in Appendix A of this document.

## 2.0 | Scope and Extent of the Licensing Act

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- 2.1** 2.1 It is the duty of the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives which are:
- ▶ the prevention of crime and disorder
  - ▶ public safety
  - ▶ the prevention of public nuisance
  - ▶ the protection of children from harm

The Licensing Authority acknowledges that each objective is of equal importance and that there are no others.

It is recognised that the licensing function cannot operate in isolation in the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with its local communities, the police, local businesses, the Community Safety Partnership and all other relevant stakeholders. The Licensing Authority acknowledges that the private sector and local residents and community groups have as equally a vital role as public bodies.

- 2.2** In undertaking its licensing function, any licensing authority is also bound by other legislation, examples of which are set out below:
- ▶ Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality
  - ▶ The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances
  - ▶ Health and Safety at Work Act 1974
  - ▶ Environmental Protection Act 1990
  - ▶ Disability Discrimination Act 1995
  - ▶ The Anti-social Behaviour Act 2003
  - ▶ The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2007
  - ▶ The Health Act 2006 and the Smoke-free Premises etc. (Wales) Regulations 2007
  - ▶ The Violent Crime Reduction Act 2006
  - ▶ The Equalities Act 2010
  - ▶ Police Reform and Social Responsibility Act 2011
  - ▶ The Live Music Act 2012
  - ▶ Anti-Social Behaviour, Crime and Policing Act 2014

Where existing law already places statutory obligations on applicants, the Council will not impose the same or similar duties by way of licence conditions.

- 2.3** The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:
- ▶ Action Plan for Tackling Alcohol-related Crime, Disorder and Nuisance
  - ▶ LGR / TSI Code of Best Practice on Test Purchasing
  - ▶ Crime and Disorder Reduction Strategy
  - ▶ Together Tackling Anti-social Behaviour
  - ▶ Enforcement Policy
  - ▶ Unitary Development Plan
  - ▶ Transport Plan
- 2.4** The Licensing Authority would also draw attention to, and is supportive of, existing initiatives that are relevant to licensing, for example:
- ▶ Night-safe schemes
  - ▶ Proof of age schemes
  - ▶ CCTV coverage of town centres
  - ▶ Exclusion Orders from town centres
  - ▶ Pubwatch schemes
  - ▶ Off-watch Schemes
- 2.5** The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of licensable activities in a way which ensures public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.6** The Licensing Authority recognises that the entertainment industry in Flintshire is a significant contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the Licensing Authority has a duty to protect.
- 2.7** The Licensing Authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the County's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.
- 2.8** The Licensing Authority has adopted this policy, which sets out the general approach it will take when it acts as Licensing Authority in considering applications for premises licences. In adopting this policy, the Licensing Authority recognises that each application will be considered on its merits.

- 2.9** The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities, and in particular, children. In determining conditions to be attached to licences and certificates the Licensing Authority will avoid measures which deter opportunities for cultural activities by imposing indirect costs.
- 2.10** The Council may seek premises licences in its own name for public spaces such as market squares, pedestrianised streets, etc. in order that community activities can take place easily. In such defined places, performers and entertainers would not need to obtain a licence themselves or issue any temporary event notices. They would simply seek permission from the Council as the premises licence holder.(The Council would not be seeking authority to permit the sale or supply of alcohol for these areas).
- 2.11** The purpose of the Statement of Licensing Policy is to assist Officers and Members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the County with some measure of certainty.
- 2.12** The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every five years. Accordingly, this Policy will be reviewed no later than December 2021. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.
- 2.13** The Council will also monitor the impact of licensing on regulated entertainment to ensure that cultural events are not being deterred by unnecessary, disproportionate or unreasonable licensing conditions. The Council's Arts Development Officers will be included in consultation on this.
- 2.14** The policy will normally apply to any licence application determined after the date that the Council resolves to make the policy operational, irrespective of the date on which the application was made. The Licensing Authority will only depart from the policy, if individual circumstances of the case merit it, in the interest of the licensing objectives. Full reasons for such a departure will be given.
- This policy applies to the following categories:
- ▶ Premises Licenses
  - ▶ Club Premises Certificates
  - ▶ Personal Licences
  - ▶ Permitted Temporary Activities (Temporary Event Notices)
- 2.15** In the case of premises requiring a Premises Licence or Club Premises Certificate the Licensing Authority may select appropriate and necessary conditions from the DCMS or Institute of Licensing pool of conditions. These conditions will be appropriate to the nature of the activities specified in the operating schedule, and



reflect the four licensing objectives set out at paragraph 1.5 above.

## 3.0 | Licensing Objectives

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### Crime and Disorder

*The Statement of Licensing Policy and the procedures and conditions that form part of the process should promote the Licensing Objectives*

- 3.1** The Licensing Authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent / reduce crime and disorder in the area. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, e.g. the provision of CCTV cameras in certain premises.
- 3.2** One of the key priorities of the Flintshire Crime and Disorder Reduction Partnership is to reduce the level of crime in specified areas. The policy will have regard, therefore, to the likely impact of licensing on related crime and disorder in the Council's area, particularly when considering the location and impact and the operation and management of all proposed licence applications, renewals and variations of conditions.
- 3.3** The Licensing Authority will have due regard to the representations of North Wales Police which is one of the Responsible Authorities that will be consulted regarding premises licence and club premises certificate applications, and Temporary Event Notices.

### Drugs

- 3.4** Special conditions may need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions take into account the above-mentioned "Safer Clubbing" advice issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Substance Misuse Action Team.

### Door Supervisors

- 3.5** The Licensing Authority, upon receipt of relevant representations, may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally contribute to safe operation of the premises. In such cases, the Licensing Authority may impose a condition that licensed door supervisors (Security Industry Authority) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, and at a number and ratio to be determined by the Licensing Authority.

- 3.6** Stewards and other persons whose role is to provide advice about and ensure the safety of those visiting the premises are not deemed to be carrying out a security activity and need not be registered with the Security Industry Authority.

### Late Night Refreshment

- 3.7** Premises selling hot food or drink between 11.00 pm and 5.00 am will need to be licensed. The key licensing objectives in connection with this activity are the prevention of crime and disorder and public nuisance. Where provision of hot food and drink is a secondary activity in licensed premises open for other activities, then the primary licence conditions will adequately cover the activity. The requirements will not normally be applied to convenience stores / garage shops and similar premises unless crime and disorder or public nuisance becomes an issue.

### PubWatch and Off-watch

- 3.8** The Licensing Authority would encourage active participation in such schemes as contributing to the prevention of crime and disorder licensing objective.

### Alcohol in Public Places

- 3.9** Flintshire is a 'designated public place' under the relevant legislation. This means that if a police officer reasonably believes that a person is or has been consuming, or intends to consume, alcohol in a designated public place he/she has the power to require that person not to drink alcohol in that place and to surrender any alcohol or alcohol containers (including sealed containers) in his/her possession.
- 3.10** It is not an offence to drink alcohol in a designated public place but failure to comply with an officer's requirements without reasonable excuse is an arrestable offence.

### Irresponsible Promotions

- 3.11** Banning the irresponsible promotion of alcohol in on-licensed premises was one of five measures brought in by Government in 2010. The others were banning the dispensing of alcohol directly into the mouths of customers; making free tap water available; ensuring age verification policies are in place and offering smaller servings of beer, wine and spirits.
- 3.12** In Flintshire the decision on what is and is not an irresponsible promotion will be made on a case by case basis taking all the circumstances into account and with reference to other Responsible Authorities when necessary.

## Late Night Levy

- 3.13** Changes in primary legislation through the Police Reform & Social Responsibility Act 2011 provided the potential for the Authority to adopt an additional local power to assist in the control of the effect of the Late Night Economy on the local community. Flintshire County Council do not currently charge a Late Night Levy.

## Early Morning Restriction Orders

- 3.14 Early Morning Restriction Orders (EMRO) are seen as a tool for potential use by the Authority to readjust the focus of the night time economy away from problem drinking, if such measures would promote the Licensing Objectives.

## Public Safety

- 3.13** The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003.
- 3.14** The Department of the Council which enforces health and safety in relevant premises may be consulted as a Responsible Authority and may also act as Authorised Persons for enforcement purposes under the Licensing Act 2003.
- 3.15** The Licensing Authority recognises that general health and safety duties will not always adequately cover specific issues that arise in premises in connection with certain entertainments and therefore conditions may need to be attached to a licence/certificate.
- 3.16** Where activities are organised by volunteers or a committee of a club or society, the Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 3.17** The Licensing Authority will encourage licence holders to provide facilities enabling the admission of people with disabilities. No conditions will be applied which could be used to justify exclusion on the grounds of public safety. Any licence condition imposed to prohibit pets for public safety reasons will not apply to guide or assistance dogs.

## Fire Safety

- 3.18** The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service which is one of the Responsible Authorities that will be

consulted regarding premises licence/ club premises certificate applications, renewals and variations.

- 3.19** North Wales Fire & Rescue Service may select appropriate and necessary conditions in relation to fire safety matters in consultation with North Wales Fire and Rescue Service.
- 3.20** The Licensing Authority, upon receipt of relevant representations will include in a premises licence / club premises certificate an occupant capacity where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service.
- 3.21** Where applicants wish to avail themselves of the special provisions in Section 177 of the Act (dancing, amplified and un-amplified music in premises with a permitted capacity of not more than 200) North Wales Fire and Rescue Service may be asked to make a confirmation of the capacity of the premises.
- 3.22** Flintshire County Council is a signatory to the protocol between North Wales Fire & Rescue Service and the six North Wales local authorities.

## Public Health

- 3.23** The Local Health Board is responsible for making representations and observations on licence applications. The Health Board will also use information provided by Public Health Wales in order to inform their decision making. Public health is not yet a licensing objective but the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

## Prevention of Public Nuisance

- 3.23** When considering public nuisance the Licensing Authority will take account of:-
- ▶ Noise from premises - including that caused by patrons smoking outside
  - ▶ Waste
  - ▶ Litter - including smoking related litter
  - ▶ Car Parking
  - ▶ Light pollution
  - ▶ Noxious smells

The Licensing Authority will take the broad common law meaning of public nuisance when making its judgements on applications and reviews of premises licences / certificates.

- 3.24** In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.
- 3.25** The Licensing Authority will use the recognised pool of licence conditions to control noise from existing premises and to advise developers on the required noise attenuation for new premises. Stricter conditions with regard to noise control may be imposed in areas where the premises are near residential property.
- 3.26** The Pollution Control Section of the Council's Public Protection Division will act as a Responsible Authority and will be consulted with regard to the prevention of public nuisance and reference may be made to the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' (current edition). Reference may also be made to the Department of Environment, Food and Rural Affairs (DEFRA) report entitled "Implications for Noise Disturbance Arising from the Liberalisation of Licensing Laws".
- 3.27** The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.
- 3.28** The Licensing Authority acknowledges the powers that the Police hold to issue a Closure Order on individual licensed premises that are causing a nuisance as a result of noise emitted and would encourage the Police to use such powers wherever appropriate and inform the Licensing Authority in the event of such action.
- 3.29** The above powers are also available to Pollution Control Officers by the Anti-Social Behaviour Act 2003. Such powers will be used when deemed necessary and in accordance with the legislation.
- 3.30** The Licensing Authority will not impose conditions on licensed premises that the licensee cannot directly control, or on matters not related to the immediate vicinity of the premises.
- 3.31** When considering applications for licences or reviews of licences, the Licensing Authority will take a common sense view on whether the individual or business making representations is located "in the vicinity" of the premises concerned and therefore likely to be directly affected by disorder and disturbance.
- 3.32** Noise and disturbance arising from the behaviour of patrons that have left the premises are matters for personal responsibility and are subject to Police enforcement of the normal law concerning disorder and anti-social behaviour.
- 3.33** Notwithstanding the previous paragraph, it is the view of the Licensing Authority that the Designated Premises Supervisor holds the responsibility for ensuring that patrons who may be outside their premises for smoking related purposes do not create public nuisance.

## Protection of Children from Harm

- 3.34** The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include, for example, theatres, cinemas, restaurants, pubs, night-clubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted in any way apart from as specified in the Licensing Act 2003, unless it is considered necessary to do so in order to protect them from harm in some way (i.e, physical, moral or psychological harm).
- 3.35** When considering applications for premises licences or club premises certificates, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children, for example:
- ▶ Where there have been convictions of members of the current staff for serving alcohol to minors or with a reputation for underage drinking
  - ▶ With a known association with drug taking or dealing
  - ▶ Where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines)
  - ▶ Where entertainment or services of an adult or sexual nature are commonly provided, e.g. topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, strong and offensive language or imagery. (see also paragraph 20)
  - ▶ Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

The Licensing Act 2003 makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

The Licensing Authority will give the term “exclusively or primarily” its ordinary and natural meaning in the context of the particular circumstances. The Licensing Authority will consider the individual merits of each application.

- 3.36** Where the circumstances described in 6.2 exist then conditions may be attached to the licence to protect children from harm. Such conditions may include:
- ▶ Requirements for the production of proof of age cards
  - ▶ Limitation on the hours when children may be present
  - ▶ Age limitations (below 18)
  - ▶ Limitations or exclusions when certain activities take place
  - ▶ Restrictions or exclusions in respect of parts of premises
  - ▶ Full exclusion of people under 18 from the premises when any licensable activities are taking place
  - ▶ Requirements for adult supervision

As a general principle the Licensing Authority will not attach conditions to premises licences or certificates requiring the admission of children. This will be left to the discretion of the venue operator.

- 3.37** Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification recommendations. This is a mandatory condition in the Licensing Act 2003 for premises admitting children to the exhibition of any film.
- 3.38** The Licensing Authority recognises the requirement in the Act for children under the age of 16 to be accompanied by an adult. In circumstances where large numbers of unaccompanied children are likely to be present on certain licensed premises, for example at a children's show or pantomime, then to ensure public safety and the protection of children from harm, the ratio of adults required to supervise children will be in accordance with Annex H, Section 182 Guidance to the Licensing Act 2003 or such other ratio that a responsible authority may recommend.
- 3.39** No films shall be exhibited at licensed premises which are likely to:
- ▶ Lead to disorder
  - ▶ Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, language, disability, religious beliefs, sexual orientation or gender.
- 3.40** With general reference to the protection of children from harm, the Licensing Authority will regard the Social Services for Children Department of the Community Services Directorate as the Responsible Authority competent to respond on matters relating to children and harm.
- 3.41** It is expected by the Licensing Authority that operating schedules submitted as part of applications shall contain enough detailed information so that a proper view as to what measures may be necessary to protect children from harm can be determined.
- 3.42** Please see paragraph 15 below for more detailed information on control of Sexual Entertainment Venues



## 4.0 | Cumulative Impact

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- 4.1** This relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 4.2** The Licensing Authority does not consider that at the time of publication of this Statement of Licensing Policy there are areas in Flintshire where cumulative impact poses a significant problem.
- 4.3** However, the Licensing Authority wishes to remain alive to the possibility of such impact occurring.
- 4.4** Through liaison with local residents and Responsible Authorities the Licensing Authority may therefore conclude in the future, that a particular part of its area is considered to be causing a cumulative impact on one or more of the licensing objectives.
- 4.5** A special policy of refusing new licences will therefore be adopted when there is an evidential basis for it from Responsible Authorities, interested parties or other bodies such as Crime and Disorder Reduction Partnerships.
- 4.6** The Licensing Authority will follow the steps detailed in the revised Home Office Guidance when adopting a special policy.
- 4.7** This will create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 4.8** The special policy will not, however, be absolute. Each application will be considered on its merits and licences or certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. The different styles and characteristics of premises will be taken into account.
- 4.9** Special policies will not be used as a ground for revoking an existing licence or certificate, nor for rejecting applications to vary an existing licence except where those modifications are directly relevant to the policy and strictly necessary for the promotion of the licensing objectives.
- 4.10** A special policy will not be used to impose fixed closing times in a particular area, or to impose quotas – based on either the number of premises or the capacity of those premises.

- 4.11** Other mechanisms will also be used for controlling cumulative effect, for example:
- ▶ provision of CCTV
  - ▶ prohibitions on consuming alcohol in designated public areas
  - ▶ police enforcement of the general law concerning disorder and anti social behaviour
  - ▶ enforcement of legislation on selling alcohol to people who are drunk
  - ▶ confiscation of alcohol from adults and children in designated areas
  - ▶ use of the police temporary closure powers
  - ▶ ability for the Police, Responsible Authorities, residents and businesses to seek review of premises licences or club premises certificates.

## 5.0 | Planning and Building Control

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- 5.1** The Planning, Building Control and Licensing regimes in Flintshire will be properly separated to avoid duplication and inefficiency.
- 5.2** Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property in question. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 5.3** The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers wider amenity issues. As such licence applications should not be a re-run of the planning application and should not necessarily be influenced by decisions taken by the local authority planning committee or by the Planning Inspectorate on appeal, and vice versa.
- 5.4** The granting by the licensing authority of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission (Listed Building Consent where applicable), or Building Control approval.
- 5.5** There are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 5.6** The Planning Authority is a responsible authority under the Licensing Act and as such may make representations on licence applications as long as they relate to the licensing objectives.

## 6.0 | Application for First-time Grant of Licence / Certificate and Variation of existing Terms and Conditions

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In considering all new or variation of condition applications, the Licensing Authority will assess them in light of the licensing objectives, the operating schedule and in particular will consider the following, to the extent that they are under the control of the applicant :

- 6.1** The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- 6.2** The steps the applicant has taken or proposes to taken to prevent disturbance by patrons arriving at or leaving the premises.
- 6.3** The steps the applicant has taken or proposes to take to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.
- 6.4** The steps the applicant has taken or proposes to take to ensure patrons leave the premises quietly.
- 6.5** The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
- 6.6** Whether there is sufficient provision for public transport for patrons.
- 6.7** Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- 6.8** Whether routes to and from the premises on foot or by car or service / delivery vehicles pass residential premises.
- 6.9** Whether other measures to reduce nuisance have been considered, such as the use of CCTV or the employment of Licensed Door Supervisors.
- 6.10** The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- 6.11** The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.
- 6.12** If the applicant has previously held a licence within the County, the details of any enforcement action arising from the premises.

- 6.13** Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- 6.14** Representations from Responsible Authorities.
- 6.15** Representations from interested parties.
- 6.16** In respect of applications for variation of a premises licence or club premises certificate the Licensing Authority will take into account the previous history of the premises and its management. The views of all Responsible Authorities may be taken into account.

### Minor Variations

- 6.17 A premises licence / club premises certificate holder may apply under the 'minor variation' procedure for small variations which may not impact adversely on the licensing objectives. There is no right to a hearing , however if the application is rejected, a full application can be made.
- 6.18 The Licensing Authority must consider the impact of the minor variation, and decide whether to consult with any of the Responsible Authorities.

### Annual Fee

- 6.19 Although premises licenses and club premises certificates are granted indefinitely, licence holders are required to pay an annual fee to the Licensing Authority.

During 2012, the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on the Licensing Authorities to suspend premises licenses where the annual fees are not paid.

## 7.0 | Temporary Events

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- 7.1** The Licensing Authority will produce clear and understandable local publicity about its approach to temporary permitted activities. In brief, these are events that last for less than 168 hours and have less than 500 people attending.
- 7.2** Both the Police and Environmental Health can object to a Temporary Event Notice within a three day window of submission
- 7.3** Many local events will be organised by volunteers or a committee of a club or society. The Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 7.4** The Licensing Authority will encourage organisers of temporary events to seek advice / information from their local Safety Advisory Groups.
- 7.5** Though the Licensing Authority is unable to attach any limitations or restrictions in respect of Temporary Events it expects organisers to have proper respect for local residents and those attending events, for example, in the areas of:
- ▶ health and safety
  - ▶ noise pollution
  - ▶ use of temporary structures
  - ▶ road closures
  - ▶ use of pyrotechnics / fireworks
  - ▶ controlling anti-social behaviour
  - ▶ sale of alcohol

### Standard TENs

- 7.6** A minimum of ten working days notice must be given to the Licensing Authority of temporary events, however the earliest possible notice would be preferred. “Ten working days notice” means ten working days exclusive of the date the notification is received, and the day the event starts. “Working day” excludes Saturday, Sunday, Christmas Day, Good Friday or Bank Holidays.
- 7.7** Where the Police or Environmental Health object to the TEN, the applicant can agree to modify the TEN. If no agreement is reached, a hearing of the Licensing Sub Committee will be arranged. The panel may decide to impose conditions or issue a Counter Notice to prevent the event from going ahead.

## Late TENS

- 7.8** A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.
- 7.9** Where the Police or Environmental Health apply for a Late TEN, there is no provision for a hearing and the Authority must serve a Counter Notice to prevent the event from going ahead.

## 8.0 | Personal Licences

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- 8.1** The Licensing Authority will closely follow the Home Office guidance in respect of applications for and granting of Personal Licences.
- 8.2** Applicants will be required to produce a recent basic criminal record disclosure document. Applicants from foreign jurisdictions must make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 8.3** The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 8.4** The Licensing Authority will append details of the relevant offences to the application forms for the information of applicants.



## 9.0 | Club Premises Certificates

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- 9.1** Section 62 of the Licensing Act sets out the general conditions which an organisation with at least 25 members who have joined together for particular social, sporting or political purposes must meet to be a qualifying club. Only qualifying clubs may apply for a Club Premises Certificate.
- 9.2** A Club Premises Certificate provides authorisation for the supply of alcohol and provision of regulated entertainment for the benefit of members and their bona-fide guests only. If a premises wishes to provide licensable activities for non-members or the public in general, they will need to do so by means of a Temporary Event Notice or a Premise Licence. The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 9.3** The grant of a Club Premises Certificate affords the qualifying club certain benefits:
- ▶ Supply of alcohol to members without the requirement for a Designated Premises Supervisor
  - ▶ Provision of Late Night Refreshment to members without the need for additional authorisation
  - ▶ Limited rights of entry to the police and authorised persons as the premises will generally be considered to be private and not open to the general public
  - ▶ Exemption from police powers of instant closure on grounds of disorder and noise because they operate under their codes of discipline and rules
  - ▶ Exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected

## 10.0 | Operating Schedule

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- 10.1** The Licensing Authority believes that all parties – licensing authorities, licence / certificate holders, authorised persons, the police and responsible authorities – should be working together in partnership to ensure collectively that the licensing objectives are promoted.
- 10.2** In order to minimise disputes and the necessity for hearings, the Licensing Authority believes it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 10.3** Operating Schedules are expected to contain sufficient information to allow any Responsible Authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 10.4** Descriptions of activities proposed at the premises should include those that also fall outside the definition of regulated entertainment.
- 10.5** The type of dancing should be described, as should the type of music provided. This type of information is essential so that Responsible Authorities and interested parties can form a proper view as to what measures may be necessary to ensure that the licensing objectives are being met.
- 10.6** The measures put forward in Operating Schedules to promote the licensing objectives will become licence conditions attached to the premises licence or club premises certificate.

## 11.0 | Hours of Operation

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- 11.1** The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time.
- 11.2** The Licensing Authority will aim, through the provisions of the licensing objectives, to achieve a slower dispersal of people from licensed premises through longer opening times. The Council will not fix pre-determined closing times for particular areas, nor seek to engineer 'staggered closing times'.
- 11.3** Shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises at the times when they are normally open in the course of their business. Hours may be restricted when representations are received from the Police in relation to individual shops which are known to be a focus of disorder and disturbance.
- 11.4** When considering applications for premises licences / certificates, the Licensing Authority will take into account applicants' requests for terminal hours in the light of:
- ▶ The potential impact on the amenity of the area
  - ▶ The character or function of a particular area
  - ▶ The nature of the proposed activities to be provided at the premises
- 11.5** The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate.
- 11.6** Where premises are situated adjacent to residential areas then stricter conditions with regard to noise control may apply, but this should not limit opening hours provided the required conditions are complied with.
- 11.7** The times when a premises are open to the public are not necessarily identical to the hours during which licensable activities may take place. It will be possible for premises to allow the consumption of previously purchased alcohol outside the hours authorised for the sale or supply of alcohol.
- 11.8** The Licensing Authority will not oblige the holder of a premises or club premises certificate to remain open for the entire period permitted by his / her licence or certificate.

## 12.0 | Enforcement, Reviews and Powers

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- 12.1** A protocol on the implementation of a shared enforcement role between the Licensing Authority and North Wales Police has been established.
- 12.2** In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Public Protection Division Enforcement Policy which is dated July 2009 and available at [www.flintshire.gov.uk](http://www.flintshire.gov.uk)
- 12.3** The ability to require reviews of premises licences or club premises certificates allows licensing authorities to apply a 'light touch' bureaucracy to the grant and variation of premises licences / club premises certificates.
- 12.4** A review may be initiated by the Responsible Authorities, e.g. North Wales Police, North Wales Fire and Rescue Service, Flintshire County Council's Environmental Health Department or by a resident or business in the vicinity of premises.
- 12.5** In every case sufficient evidence to support the allegations made will need to be presented to the Licensing Authority.
- 12.6** Authorised Persons and Responsible Authorities will be expected to give licence / certificate holders early warning of their concerns about problems identified at the premises concerned and the need for improvement. A failure to respond to such warnings is likely to lead to a decision to request a review.
- 12.7** The Licensing Authority will refer to Home Office guidance when considering whether complaints from interested parties are irrelevant, vexatious, frivolous or repetitious.
- 12.8** Amendments to the Licensing Act by the Police Reform and Social Responsibility Act 2010 afford Councils the power to suspend premises licences and club premises certificates where the required annual fee has not been paid.
- 12.9** When an annual fee has not been paid by the due date, usually the anniversary on which the licence was first granted, the Licensing Authority will notify the licence or certificate holder in writing that:
- ▶ The licence or certificate will be suspended in 7 days from the date of the notice
  - ▶ The suspension will not become effective should the fee be paid prior to the suspension date

## 13.0 | The Licensing Process

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### Conditions of License

- 13.1** The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises licences / club premises certificates.
- 13.2** The Licensing Authority will have regard to model pools of conditions and will attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with issues surrounding –
- ▶ Crime and disorder
  - ▶ Public safety
  - ▶ Public nuisance
  - ▶ Protection of children from harm
- 13.3** The Licensing Authority will also consider reference documents listed in the Annexes to the Home Office Guidance, though they will not be used as standard conditions.
- 13.4** When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.
- 13.5** When determining applications the Licensing Authority will have regard to guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

### Administration – Application Process

- 13.6** The Licensing Authority accepts that it must not interfere in the decision of who is the most appropriate person to apply for or hold a premises licence / club premises certificate. It will, however, only accept applications made in the prescribed form.
- 13.7** The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 13.8** Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime

prevention initiatives and to have taken these into account where appropriate when formulating their operating schedule.

- 13.9** The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 13.10** The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority. Delegation of functions will be in line with Home Office recommendations.
- 13.11** In the context of applications, inspection, enforcement and reviews of premises licences / certificates the following groups are identified in Flintshire

**Authorised Persons and Officers (inspection and enforcement roles):**

- ▶ North Wales Police
- ▶ North Wales Fire and Rescue Service
- ▶ Flintshire County Council
  - ▶ Health and Safety
  - ▶ Pollution Control
  - ▶ Food Safety
  - ▶ Environmental Control
  - ▶ Licensing
- ▶ Health & Safety Executive
  - ▶ in accordance with Health & Safety (Enforcing Authority) Regulations 1998

**Responsible Authorities (to be notified of applications and entitled to make representations):-**

- ▶ North Wales Police
  - ▶ North Wales Fire and Rescue Service
  - ▶ Flintshire County Council – Public Protection Division
  - ▶ Health and Safety Executive (where applicable)
  - ▶ Flintshire County Council - Planning Division
  - ▶ Flintshire County Council – Social Services for Children
  - ▶ The Licensing Authority
  - ▶ Local Health Board
- 13.12** Any person can make representations or comments to the Council about applications for new licenses, variations or reviews.

Comments may be positive or negative but will only be considered relevant by the Council if they relate clearly to the licensing objectives.

- 13.13** Where premises are being constructed or extended or substantially changed structurally, an application for a Premises Licence or Club Premises Certificate will be accepted provided clear plans exist, an operating schedule is submitted together with the name of the designated premises supervisor. If information of sufficient detail is not available then application should be made for a “Provisional Statement” instead.
- 13.14** Flintshire is linked to the Government’s Gov.uk system, which means that we are able to receive applications (including payment) electronically.

## Public Health

- 13.15** The Local health Board is responsible for making representations and observations on licence applications. The Health Board will also use information provided by Public Health Wales in order to inform their decision making. Public health is not yet a Licensing Objective but the Licensing Authority believe that public health has much to add to licensing in relation to the local populations’ alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms , particularly in relation to cumulative impact policies.

## 14.0 | The Licensing Committee

### Recommended Delegation of Functions

| Matter to be dealt with   | Full Committee | Sub Committee                     | Officers                           |
|---|----------------|-----------------------------------|------------------------------------|
| Application for personal licence  |                | If a Police objection             | If no objection made               |
| Application for personal licence with unspent convictions   |                | All cases                         |                                    |
| Application for premises licence/club premises certificate  |                | If a relevant representation made | If no relevant representation made |
| Application for provisional statement   |                | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate  |                | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor  |                | If a Police objection             | All other cases                    |
| Request to be removed as designated premises supervisor   |                |                                   | All cases                          |
| Application for transfer of premises licence  |                | If a Police objection             | All other cases                    |
| Applications for interim authorities  |                | If a Police objection             | All other cases                    |
| Application to review premises licence / club premises certificate  |                | All cases                         |                                    |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.   |                |                                   | All cases                          |
| Decision to object when local authority is a consultee and not the relevant authority considering the application |                | All cases                         |                                    |
| Determination of a Police objection to a temporary event notice   |                | All cases                         |                                    |

Appeals against decisions of the Licensing Authority must be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.



## 15.0 | Special Considerations

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### Adult Entertainment

- 15.1** Flintshire County Council has formally adopted controls on Sexual Entertainment Venues.
- 15.2** The effect of this resolution is that sexual entertainment venues will be included in the existing licensing regime which controls other sex establishments, namely sex shops and sex cinemas.
- 15.3** It will be an offence to operate such premises without the necessary Sex Establishment Licence being in force, or to fail to operate in accordance with the terms and conditions subject to which such a licence has been issued.
- 15.4** A sexual entertainment venue is defined as ‘any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer’ and includes such activities as lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows.
- 15.5** If a Licensing Act 2003 Premises Licence is in force that permits regulated entertainment in the form of music or dancing or entertainment of a like kind it will be possible for entertainment of the type outlined in the above paragraph to be held on no more than 11 occasions within a 12 month period. There must be at least a month between each occasion and no such occasion can last more than 24 hours.
- 15.6** The Licensing Authority takes the view that ‘stripograms’ and similar activities fall within the definition of sexual entertainment if the licensee organises or provides them and in these circumstances therefore they should not take place unless a Sex Establishment Licence is in force. Premises may however avail themselves of the occasional use provision detailed in the above paragraph.
- 15.7** Licensees are requested to provide notification to the Licensing Authority when they provide or allow sexual entertainment under the occasional use provision detailed in paragraph 20.5 above, or when ‘stripograms’ have performed in their premises. Please make contact via [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk) or on 01352 703 030

## 16.0 | The Licensing Register

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- 16.1** The Licensing Authority maintains an on-line licensing register which can be viewed at [www.flintshire.gov.uk](http://www.flintshire.gov.uk).
- 16.2** Charges made for copies of applications will not exceed the cost of preparing such copies.

## Contact

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Contact with Flintshire County Council regarding the Licensing Act 2003 and associated matters can be made via:

Telephone: 01352 703030

Fax: 01352 703341

E-mail: [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk)

Website: [www.flintshire.gov.uk](http://www.flintshire.gov.uk)



At any level it can be decided depending on the merits of the case to apply for a review of a premises licence. Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of troublesome Licenced Premises culmination of the licence.

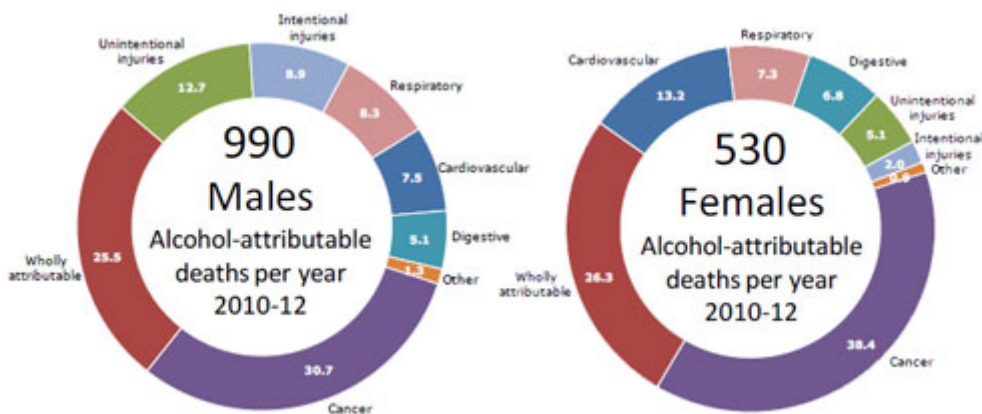
## Appendix B

### ALCOHOL AND HEALTH IN WALES

Alcohol use and its consequences remain a major public health challenge in Wales, the UK and elsewhere. The harmful use of alcohol ranks among the top five risk factors for disease, disability and death throughout the world.

The Public Health Wales Observatory has published [Alcohol and health in Wales 2014](#), updating and extending the previous report released 5 years ago. These are some of the key messages:

- Alcohol is a major cause of death and illness in Wales with around 1,500 deaths attributable to alcohol each year (1 in 20 of all deaths).
- Drinking in children and young people remains a particular concern with 1 in 6 boys and 1 in 7 girls aged 11-16 drinking alcohol at least once a week. Around 400 young people under 18 are admitted for alcohol-specific conditions per year, although the rate has been decreasing for several years.
- Generally, consumption of alcohol has slightly decreased and adults under 45 now drink less. Whilst this decrease is good news, it masks persistent or increased drinking in over 45 year olds.
- Mortality and hospital admission due to alcohol are strongly related to deprivation with rates in the most deprived areas much higher than in the least deprived. There is no sign of improvement in the inequality gap in mortality over time.



Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

### DRINKING LEVELS AND PATTERNS

There's no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances. Please visit [www.drinkwisewales.org.uk](http://www.drinkwisewales.org.uk).

It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute

intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups, binge drinking is often associated with 'pre-loading'.

Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information that is relevant to the promotion of the licensing objective of public safety, which includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

For example, drunkenness can lead to accidents and injuries from violence resulting in attendances at emergency departments and the use of ambulance services. In some cases, these will also involve breaches of the crime and disorder licensing objective.

In respect of the protection of children from harm there is a duty to protect them from moral, physical and psychological harm and therefore there is lots of potential for health bodies to add value. Under 18 alcohol-related A&E attendances may relate to the objective to protect children from harm and underage or proxy sales of alcohol will have implications for both the crime and disorder and protecting children from harm objectives. Health teams can provide supporting evidence, for example in relation to the effects that drinking alcohol has on the adolescent body.

In some areas, the main barrier to health bodies acting effectively as a responsible authority is that the evidence that they need to support a representation is not routinely collected or available in their area. Wrexham Council and its partners, Wrexham Maelor Hospital, North

Wales police, Welsh Ambulance Service and Betsi Cadwaladr University Health Board are currently working on a pilot project to improve data collection and sharing. It is intended to implement this across the whole of North Wales. The data collected should assist greatly in targeting enforcement where it is needed, informing licensing policy and contributing to the licensing decision making process.

## Appendix C

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### Mandatory Conditions

**1. Door supervisors**

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against:

- a) Unauthorised access or occupation (eg. through door supervision)
- b) Outbreaks of disorder
- c) Damage

**2. Community premises alternative mandatory condition**

Every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

**3. Exhibition of films**

The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made :

- a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) By the licensing authority where no classification certificate has been granted by the BBFC, or
- c) where the licensing authority has notified the club which holds the certificate that section 20(3) (b) (74(3) (b) for clubs) of the Licensing Act 2003 applies to the film.

**4. Supply of alcohol**

1 No supply of alcohol may be made under this Premises Licence:

- At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner that carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- Games or other activities that require or encourage, or are designed to require or encourage, individuals to:

- Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
  - Drink as much alcohol as possible (whether within a time limit or otherwise)
  - Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the act)
  - Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
  - Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - The outcome of a race, competition or other event or process; or
    - The likelihood of anything occurring or not occurring
  - Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (1) The Premises Licence holder or Club Premises Certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 The responsible person shall ensure that:
- Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: ½ pint
    - gin, rum, vodka or whisky: 25ml or 35ml; and
    - still wine in a glass: 125ml;
  - customers are made aware of the availability of these measures



## Appendix D

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### Recent Legislative Changes

#### Live Music Act

The Live Music Act 2012 and Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 removes the requirement for the following:

- Film exhibitions for the purposes of advertisement, information, education etc
- Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery
- Music whether live or recorded, which is incidental to other activities that do not require a licence
- Live music as follows:
  - Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified music between 8am and 11pm in all venues
- Use of television or radio receivers for the simultaneous reception and playing of a programme
- Any entertainment or entertainment facilities at a place of public religious worship
- Entertainment at garden fetes or similar functions unless there is an element of private gain.
- Morris dancing or dancing of a similar nature or a performance of unamplified live music as part of such a performance
- Entertainment on road vehicles in motion
- Performance or play in front of an audience of 500 persons or less between 8am and 11pm
- Performance of dance in front of an audience of 500 persons or less (unless it is relevant entertainment within the meaning of Schedule 3 para 2a Local Government (Miscellaneous Provisions) Act 1982 i.e certain forms of sexual entertainment) between 8am and 11pm
- Indoor sporting events in front of an audience of 1000 persons or less between 8am and 11pm.

#### Immigration Bill

The new Immigration Bill currently going through Parliament places additional responsibilities<sup>3.1</sup> The new Immigration Bill, currently going through Parliament, places additional responsibilities on licensing authorities to take action where licence holders are

found to not be entitled to work in the United Kingdom. The Bill will also place implications on applicants and the following notes are general guidance at this stage.

## Premises Licenses

- A new section 13(4)(ha) designating the Secretary of State as a responsible authority where the premises (not being a vessel) are being, or are proposed to be, used for a licensable activity.
- A new section 16(2A) disqualifying residents of the UK from applying for a premises licence where the resident is not entitled to work in the UK.
- A new section 27(1A) which will cause a premises licence to lapse if the holder of the licence ceases to be entitled to work in the United Kingdom at a time when the holder of the licence is resident in the United Kingdom (or becomes so resident without being entitled to work in the United Kingdom). A new section 42(5ZA) requiring an applicant to give notice of a transfer request to the Secretary of State.
- A new section 42(8) & (9) stating “Where the Secretary of State is given notice under subsection (5ZA) and is satisfied that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must give the relevant licensing authority a notice stating the reasons for being so satisfied.  
(9) The Secretary of State must give that notice within the period of 14 days beginning with the day on which the Secretary of State is notified of the application under subsection (5ZA).”
- A new section 44(5)(b)(ii) requiring a licensing authority, when considering an application for a transfer of a premises licence and where the notice is given under section 42(8) (i.e. by the Secretary of State), to reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.
- A new section 45(2A) requiring local authorities to give notice of a decision to transfer a licence to the Secretary of State if the Secretary of State gave notice of objection under the new section 42(8) & (9).
- A new section 47(3A) disqualifying any person not entitled to work in the UK from applying for an interim authority notice.
- A new section 48(2A) requiring licensing authorities to give notice to the Secretary of State of all applications submitted for an interim authority notice. Where the Secretary of State is satisfied that the exceptional circumstances of the case are such that a failure to cancel the interim authority notice would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State will give notice to the licensing authority setting out reasons.

## Personal Licenses

- A new section 113(2A) inserting new “immigration offence”.
- New subsections 5-8 for section 113 introducing new “immigration penalties”.
- A new section 115(2A) which will cause a personal licence to cease to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.
- A new section 120(5A) placing a new requirement on the licensing authority to notify the Secretary of State where an applicant for a personal licence has complied with the statutory requirements (i.e. subsection 2(a) to (c)) but not subsection 2(d)

(i.e. has relevant immigration related offences/convicted of a foreign offence etc.).

Where the Secretary of State is satisfied that granting the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (5A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).

- A new section 124(3A) & (3B) placing a new requirement on the licensing authority to notify the Secretary of State where a personal licence holder has been convicted of an immigration related offence subsequent to the grant of the licence.
- Where the Secretary of State is satisfied that continuation of the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (3A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).

Read the full Bill here: <http://www.publications.parliament...74/15074.pdf>

## **Deregulation Act**

### **Late Night Refreshment Exemptions**

Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- motorway service areas;
- petrol stations;

- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

*Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.*

## **Community and Ancillary Sellers Notice**

Draft and/or secondary legislation has not yet been finalised for CAN's (Community and Ancillary Sellers Notice) but it is envisaged that there will be an ability for community groups and small business accommodation providers to provide/sell limited amounts of alcohol to apply for a CAN. The CAN would last for a three year term with the possibility that Environmental Protection service and the Police could object from the outset.

Options possibly contained in the legislation may include the following

- Alcohol may be sold between 7am and 11pm
- Notice will be given to the licensing authority
- The prescribed fee will be paid
- Police, Environmental Health Authority and licensing authority can object if a CAN will undermine the licensing objectives. Where problems arise, the police and environmental health authority can object, with the result that the CAN may be revoked.
- Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions.
- No right to a hearing or appeal if a CAN is revoked
- Sale of alcohol must be ancillary to provision of goods or services by the business.
- Sale of alcohol from single named premises.
- Alcohol for consumption on the named premises
- Sale of alcohol must be made by or on behalf of a community group that does not trade for profit.
- Sale of alcohol must be ancillary to an organised community event.
- Sales of alcohol may be made from up to three named premises.
- Sales of alcohol for consumption at organised events of up to 300 people

## Appendix E

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### Glossary of Terms

**Authorised Persons** – Authorised persons are bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.

**Club premises certificate** – Authorising a **qualifying club** to carry out ‘qualifying club activities’ under the Licensing Act 2003. This includes time-limited certificates.

**Conditions** – there are three types of conditions

1. **Proposed Conditions** – are conditions proposed by the applicant in the operating schedule.
2. **Imposed Conditions** – are conditions imposed by the licensing authority after its discretion has been engaged following the receipt of relevant representations.
3. **Mandatory Conditions** – are conditions prescribed by the Act and are included in every premises licence or club premises certificate when specified licensable activities take place.

**Cumulative impact area** – Area that the **licensing authority** has identified in their licensing policy statement as having a saturation of licensed premises and the ‘cumulative impact’ of any additional licensed premises could adversely impact on the statutory licensing objectives.

**Designated Premises Supervisor (DPS)** – This will normally be the person who has been given day-to-day responsibility for running the premises by the **premises licence** holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS. The DPS must be a **personal licence** holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

**Early morning alcohol restriction order** – A power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

**Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a **premises licence** because of serious crime and/or serious disorder under s.53A of the **Licensing Act 2003**.

**Fee bands** – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no **multiplier**] (£450); Band D premises licence with

**multiplier** (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

**Forfeited (personal licence)** – Suspension following a court order under s.129 of the **Licensing Act 2003** specified (and where that order has not been suspended, pending an appeal under s.129 (4) or 130 of the Act).

**Hearing** – Used in the context of applications for a **premises licence** or **club premises certificate** that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

**Judicial review** – Includes only those where the High Court notified parties of its decision in the time period specified.

**Lapsed (club certificate)** – Where a **club premises certificate** has lapsed because it had effect for a limited period, but that period has since expired.

**Lapsed (premises licence)** – Where a **premises licence** has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the **Licensing Act 2003**. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

**Late night levy order** – A discretionary power for **licensing authorities** under section 125 of the **Police Reform and Social Responsibility Act 2011**. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy.

**Late night refreshment** – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

**Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the **Licensing Act 2003** to make low-risk changes to the terms of a **premises licence** or **club premises certificate**. The fee for a minor variation is prescribed in the Act.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a **premises licence** (**fee bands** D and E only).

**Off-sales** – The sale by retail of alcohol for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

**Other persons** – Any individual, body or business that is likely to be affected by the granting of **premises licence** or **club premises certificate** applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of premises licence or club premises certificate.

**Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a **premises licence** under the **Licensing Act 2003**. The application fee for a personal licence is prescribed in the Act.

**Premises licence** – Authorising premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of **late night refreshment**, under the **Licensing Act 2003**. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

**Qualifying club** – A number of criteria must be met to be considered a qualifying club for a **club premises certificate**. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Relevant representations** – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

**Responsible authority** – Public bodies that must be notified of certain **premises licence** or **club premises certificate** applications and are entitled to make representations to the licensing authority. They include

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,

- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

**Review** – Following the grant of a **premises licence** or **club premises certificate** a **responsible authority** or **other person** may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

**Revoked (personal licence)** – If the holder of a **personal licence** is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the **Licensing Act 2003**.

**Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a **premises licence**), section 81 (for a **club certificate**) and section 116 (for a **personal licence**).

**Temporary event notice (TEN)** – A notice under s.100 of the **Licensing Act 2003**, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is prescribed in the Act.

**Variation (to premises licence)** – Applications made under s.34 of the **Licensing Act 2003** to change the terms of a **premises licence**, for example the opening hours, the licensable activities or the conditions. The fee for a variation of **DPS** is prescribed in the Act.

**Variation (to club premises certificate)** – Applications made under s.84 of the **Licensing Act 2003** to change the terms of a **club premises certificate**, for example the qualifying club activities or the conditions.





## FLINTSHIRE COUNTY COUNCIL

|                        |                                  |
|------------------------|----------------------------------|
| <b>Date of Meeting</b> | Tuesday, 26 January 2016         |
| <b>Report Subject</b>  | CHANGE OF COMMUNITY COUNCIL NAME |
| <b>Report Author</b>   | Chief Officer (Governance)       |

### EXECUTIVE SUMMARY

For Council to consider a request from Leeswood Community Council to change its name to Leeswood and Pontblyddyn Community Council.

### RECOMMENDATIONS

|   |   |
|---|---|
| 1 | That the Council approves the change in the name of Leeswood Community Council to Leeswood and Pontblyddyn Community Council. |
| 2 | That the costs of advertising future town or community council name changes be paid by that council.                          |

### REPORT DETAILS

|             |  |
|-------------|--|
| <b>1.00</b> | <b>CHANGE OF NAME OF COMMUNITY COUNCIL</b>   |
| 1.01        | Section 76 of the Local Government Act 1972 states that, at the request of a Community Council, the principal Council in which the community was situated may change the name of the Community Council.  |
| 1.02        | In accordance with Section 76 of the Local Government Act 1972, Leeswood Community Council has requested the Council to consider changing the name of the Community Council from Leeswood to Leeswood and Pontblyddyn Community Council. A copy of the Council's minutes from 1 December 2015 is attached as Appendix 1. |
| 1.03        | Apparently, residents have often asked Community Councillors why   |

|      |   |
|------|---|
|      | Leeswood Community Council is not Leeswood and Pontblyddyn Community Council when it is inclusive of and serves both small villages.  |
| 1.04 | Should the Council be minded to approve the change of name of the Community Council, notice of the change is required to be sent to the National Assembly for Wales, to the Director General of the Ordnance Survey and to the Registrar General for England and Wales. It must also be published in the community. |
| 1.05 | A change of name of the Council would not affect any rights or obligations of the Community Council nor render defective any legal proceedings which may be commenced to continue as if there had been non change of name.  |
| 1.06 | Section 76 of the Local Government Act 1972 provides that at the request of a Community Council, the principal Council in which the community was situated may change the name of the Community Council.  |
| 1.07 | The County Council must advertise the change of name for any town or community council and incurs a cost for doing so. In future, it is recommended that the cost of doing so be recharged to the relevant town or community council.   |

|             |   |
|-------------|---|
| <b>2.00</b> | <b>RESOURCE IMPLICATIONS</b>  |
| 2.01        | A cost will be incurred in advertising the change of name of the Community Council. |
| 2.02        | There are no personnel implications.  |

|             |   |
|-------------|---|
| <b>3.00</b> | <b>CONSULTATIONS REQUIRED / CARRIED OUT</b> |
| 3.01        | None as a result of this report.            |

|             |                                  |
|-------------|----------------------------------|
| <b>4.00</b> | <b>RISK MANAGEMENT</b>           |
| 4.01        | None as a result of this report. |

|             |   |
|-------------|---|
| <b>5.00</b> | <b>APPENDICES</b>                               |
| 5.01        | Appendix 1 – Leeswood Community Council Minutes |

|             |  |
|-------------|--|
| <b>6.00</b> | <b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>   |
| 6.01        | None.<br><br><b>Contact Officer:</b> Gareth Owens, Chief Officer (Governance)<br><b>Telephone:</b> 01352 702344<br><b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a> |

|             |                          |
|-------------|--------------------------|
| <b>7.00</b> | <b>GLOSSARY OF TERMS</b> |
| 7.01        | None.                    |

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**LEESWOOD COMMUNITY COUNCIL**

Minutes of the meeting of the Leeswood Community Council held on Tuesday, 1 December 2015

**194. Change of Community Council Name to Leeswood and Pontblyddyn Community Council**

From a proposal by Councillor R. Hughes, seconded by Councillor K. McCallum JP, it was agreed that information be sought on how to go about changing the name of the Community Council from Leeswood Community Council to Leeswood & Pontblyddyn Community Council. The Clerk was to contact Legal Services at Flintshire County Council about this.

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