



Local Government (Wales) Bill

Council
January 2016



Background

- Welsh Government intent to reform local government
- Phases of change over the past 15 years at UK and later Welsh Government levels
- Public Services Commission (2014)
- White Paper *Power to the People* (2015)
- Further Regulations passed (2015)
- Draft Local Government (Wales) Bill (2015)

Passage of the Bill

- Public consultation stage closes February
- National Assembly Committee examination stage underway
- Welsh Government reconsiders with the consultation and Committee evidence
- Bill to be reintroduced post Assembly Elections depending on the Government of the day
- Legislative process to follow

Bill Contents

- Part 1: Local Government Areas and County Councils
- Part 2: General Power of Competence
- Part 3: Promoting Access to Local Government
- Part 4: Functions and Members
- Part 5: Improvement of Governance
- Part 6: Community Councils
- Part 7: Workforce

Bill Documents

- Draft Bill itself in the legal form
- Consultation Document (within the report)
- Regulatory Impact Assessments (RIAs)
(supporting evidence and analysis)



Critique of the Bill

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White Paper: Reminder of what we said in response

- Localist principles in a devolved Wales
- Re-frame a vision for local government which builds on our roles and strengths
- Invest trust in local government
- Legislate for the majority not the minority
- Reduce centralist bureaucracy
- Balanced self and external regulation
- A longer-term funding strategy to match

The White Paper



Part 1: Local Government Areas

- Wholesale reform needed or justified? A selective reform programme e.g. assimilation of smaller councils as an alternative
- Is this really an issue of public concern or a political and media obsession? Is regionalism not overtaking structural reform as the agenda?
- During a period of financial uncertainty the disruption will further affect financial planning
- The reducing capacity of councils would be distracted by a major reorganisation exercise

Part 1: Local Government Areas

- In a diverse country leading a reform on the basis of scale and population is not feasible (the new council options have a population range of 132,000 – 580,000)
- There is no evidential case that economy of scale is fundamental to council performance
- Cost-benefit case for reform still to be proven. The RIA is flawed in some of its analysis
- A two-council model too high risk on complexity of transition, scale and loss of community ties

Part 1: Number of Members

- Removal of limit councillor numbers welcomed
- Awaiting response of Welsh Government to consultation on the proposals of the Local Democracy and Boundary Commission
- Repeat concerns of size and manageability of electoral divisions within new larger county councils and less councillors
- Risk that role of councillors becomes undervalued at a time when community participation is being promoted

Part 1: Specific Issues

- Any reform should be based on the best case; the complexity of Council Tax equalisation should not be a constraining factor
- Council Tax reform is needed as part of a new local government funding model
- NNDR collection/avoidance regulations are needed and should be considered as part of a wider reform of NNDR
- Maintaining ‘preserved counties’ has no justification beyond emotional attachment

Part 2: Power of Competence

- Welcomed in principle
- Not in itself a major enabling power. Research into English councils already having the power reveals a level of indifference
- The principles of localism and subsidiarity are far more significant for Welsh Government conferring policy, functional and financial freedoms on local government
- Community councils having the same power should be part of a wider review

Part 3: Promoting Access

- Proposals too prescriptive and would require some resourcing e.g. broadcasting all meetings
- Limited recognition of how accessible local government has become with an over-rating of the level of public interest in greater access
- Limited understanding that engagement is effective where there is a real will not because it is required e.g. public consultation, youth engagement, specialist service user planning

Part 3: Promoting Access

- Areas committees could complicate local governance rather than add value. Arguably there would only be a justification if the new county were so large that some localised geographical governance were needed to underpin them
- The Bill does not deal directly with the role of community councils and their value as building blocks both individually and as clusters
- Improvement requests model needs thought

Part 4: Functions and Members

- The abandoning of certain of the original prescriptive proposals is welcomed
- The performance standards for councillors are too onerous and are disproportionate to elected/appointed officials in other parts of the public sector
- The performance of senior members and officers should be judged against their delivery of formal council plans and objectives

Part 4: Functions and Members

- Remote attendance should be permissible but for most councils is not an issue if meetings schedules are well planned
- Transferring assets to the community is an area of live learning. Legislation is not required. Access to advisory resources to assist the process, and to capital and revenue funds by community organisations, is far more critical

Part 5: Improvement

- Principles of less external regulation and more self-governance welcomed
- Proposals far too prescriptive
- Complexity of national performance management arrangements, including new legislation and specific grants, needs review
- The recent decrease in statutory plans could go into reverse with these proposed new requirements and burdens

Part 5: Improvement

- Bill does not deal directly with the capacity, independence and quality of regulatory bodies
- Flintshire already operates a local protocol for regulatory work to be presented to Audit and Overview and Scrutiny Committees. Practice could be recommended here in place of more legislation
- There should be sufficient checks and balances in the system without the need for local public accounts committees to be set up

Part 6: Community Councils

- Principal Councils should continue to have the duty and the responsibility for reviewing and maintaining their own community council boundaries
- The Local Democracy and Boundary Commission should advise and assist. The track record, and size of the Commission, would not suggest that it could fulfil this role
- Community Polls could be removed as a facility

Part 7: Workforce

- It is questionable why these issues are in a Bill rather than seen as policy and practice
- The ability of Wales to standardise and reform public sector employment is limited by UK arrangements; ambition needs to be realistic
- Equity of employment terms, pay and reward across the public sector should be the social policy goal beyond prescription for local authorities as employers

Part 7: Workforce

- There are contractual and employment relations risks from too much national prescription and interference
- There would be merit in national protocols to ease the movement of employees across public sector employers
- Funding of employer costs such as the Living Wage and Pensions Reform should be considerations for Welsh Government ahead of the need to regulate local government



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