

National Assembly for Wales
Communities, Equality and
Local Government Committee

**Local Government (Democracy)
(Wales) Bill**

Stage 1 Committee Report

March 2013



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

An electronic copy of this report can be found on the National Assembly's website:
www.assemblywales.org

Copies of this report can also be obtained in accessible formats including Braille, large print; audio or hard copy from:

Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: 029 2089 8120

Fax: 029 2089 8021

Email: CELG.Committee@wales.gov.uk

© National Assembly for Wales Commission Copyright 2013

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the National Assembly for Wales Commission and the title of the document specified.

National Assembly for Wales
Communities, Equality and
Local Government Committee

**Local Government (Democracy)
(Wales) Bill**

Stage 1 Committee Report

March 2013



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Communities, Equality and Local Government Committee

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing: Wales's culture; languages; communities and heritage, including sport and the arts; local government in Wales, including all housing matters; and equality of opportunity for all.

Current Committee membership



Ann Jones (Chair)
Welsh Labour
Vale of Clwyd



Peter Black
Welsh Liberal Democrats
South Wales West



Janet Finch-Saunders
Welsh Conservatives
Aberconwy



Mike Hedges
Welsh Labour
Swansea East



Mark Isherwood
Welsh Conservatives
North Wales



Gwyn R Price
Welsh Labour
Islwyn



Ken Skates
Welsh Labour
Clwyd South



Rhodri Glyn Thomas
Plaid Cymru
Carmarthen East and Dinefwr



Joyce Watson
Welsh Labour
Mid and West Wales



Lindsay Whittle
Plaid Cymru
South Wales East

Contents

Summary of Conclusions and Recommendations	5
1. Introduction.....	10
2. Background.....	12
3. Part 1 – Introduction	13
Overview (Section 1)	13
4. Part 2 – Local Democracy and Boundary Commission for Wales.	16
Welsh Language requirements	16
Membership and Proceedings of the Commission (Sections 4 and 6)	19
Other issues around the Commission’s structure and operation (Sections 7-20)	21
5. Part 3 – Arrangements for Local Government.....	23
Area Reviews (Section 23–28).....	23
Consequential alteration of community boundaries (Section 29(6))	25
Review of electoral arrangements for principal area (Timing of reviews - Sections 29(3) and 29(7)).....	27
Terminology (Section 29(10))	31
Principal areas and Communities (Sections 30-33).....	33
Procedures for undertaking reviews (Sections 34-36).....	38
6. Part 4 – Reviews of public body membership.....	41
Reviews of qualifying public bodies (Section 50).....	41
7. Part 5 – Other changes to Local Government.....	44
Presiding member of principal councils (Section 51)	44
Access to information (Sections 53-55)	46
Democratic services committees (Section 56)	50
Audit committees (Section 57)	52
Relevant authorities(Payments to members of other public bodies - Section 59)	53

Annual reports (Timing of reports - Sections 60-62)	54
Joint standards committees (Section 63).....	55
Commencement (Section 69)	57
8. Financial Implications	59
9. Witnesses.....	62
10. List of written evidence.....	64

Summary of Conclusions and Recommendations

The Committee's recommendations to the Welsh Government are listed below, in the order that they appear in this report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

The Committee notes that the majority of witnesses are in favour of the principles of and need for the legislation. Therefore, the Committee supports the general principles of the Bill. (Page 15)

Recommendation 1. The Committee has considered the differing evidence and recommends that the Bill should include provisions similar to the 1972 Act to ensure one of the Commissioners will be a Welsh speaker. The Committee feels this would guarantee that the Commissioners have the necessary language skills to engage effectively with the public. (Page 18)

The Committee has noted the comments of the Commission, but on balance, believes the increase in quorum is acceptable. (Page 20)

The Committee notes the concerns of the North Wales Association of Town and Larger Community regarding the addition of a provision to the Bill that Commission members should be from 'every area of Wales'. The Committee understands these concerns but believes a potential increase in the membership of the Commission could help to address those concerns. Therefore, the Committee does not believe the Bill needs to be amended. (Page 20)

The Committee is content with the provisions detailed under sections 7-20. (Page 22)

Recommendation 2. The Committee recommends that the Bill should be amended so that the Commission can consider consequential changes to the electoral arrangements of principal councils when reviewing community boundaries. (Page 25)

Recommendation 3. The Committee recommends that, if the Bill is amended to this effect, clarification should be provided in the Bill stating who would be responsible for making those consequential changes. (Page 25)

Following a report by the Commission, section 37(3) provides that no order may be made for six weeks, which provides an opportunity for community councils to make representations to the Minister. We consider that to be sufficient, and are content with the Bill's provisions in this context. (Page 27)

Recommendation 4. The Committee notes the Commission's concerns regarding the length of the interruption to its work caused by a nine month period, and recommends Section 29 of the Bill is amended to provide for a six month period. (Page 31)

Recommendation 5. The Committee agrees with the points raised by the Boundary Commission, and recommends that section 29 be amended to permit the Commission to commence work as soon as possible. (Page 31)

Recommendation 6. The Committee recommends that the Bill is amended to ensure there is clarity between carrying out a review and publishing the proposals of that review in terms of what would be permitted during the period provided for in section 29. (Page 31)

Recommendation 7. The Committee does not believe that the change in terminology detailed in section 29(10) is helpful. The Committee recommends the Minister reconsiders the terminology changes he has introduced. (Page 33)

The Committee is satisfied with the considerations required in section 30, both as to councillor to elector ratios and the maintaining of community ties. (Page 37)

The Committee is also satisfied with the requirements in sections 30(2) and 33(5) relating to the need for the Commission to take into account the number of local government electors. (Page 37)

Recommendation 8. The Committee believes the Commission's views are reasonable on sections 31 to 33. Therefore, the Committee recommends that the Bill is amended so that it includes mechanisms to link reviews of the electoral arrangements of principal areas with the reviews of communities. (Page 37)

Recommendation 9. The Committee is generally content with the engagement provisions detailed in sections 34-36. However, the

Committee notes the provisions which require electronic versions of the reports to be published. The Committee recommends that they are amended to clarify that hard copy versions of reports are also available on request. (Page 40)

Recommendation 10. The Committee notes the Minister's view that there is already a duty to consult. However, the Committee recommends that the Minister issues guidance to the Commission on best practice for engaging with the public. (Page 40)

Recommendation 11. The Committee is content in principle with the proposal contained in section 50. However, the Committee would recommend that a list of the bodies which may be subject to a direction under section 50 is included within the Bill, and a provision should be added to the Bill which would allow Welsh Ministers to add bodies to that list, using the affirmative procedure. (Page 42)

Recommendation 12. If the Minister is not minded to bring forward an amendment to implement Recommendation 11, the Committee would recommend that the Minister look again at the wording of this section to see if some of the Commission's concerns about clarity can be addressed. In particular, the reference to 'exercises functions' in subsection (5)(c) should be revisited to ensure that new bodies (such as the Natural Resources Body referred to by the Minister) that are proposed to exercise functions are clearly included. (Page 43)

Generally, providing for a presiding member was considered a good idea, given the very different skills required to chair council meetings from those needed for formal and representational roles. However, a minority of Members were not persuaded that this could be justified without further provision in the Bill, in respect of additional senior salary. (Page 46)

Recommendation 13. The Committee recommends that the Bill be amended to extend the office of presiding member to include the first council meeting after an election. (Page 46)

The Committee notes the concerns raised around the funding of this section of the Bill, and hopes the Minister's announcement on 29 January 2013 regarding funding will assist in this area. (Page 49)

Recommendation 14. The Committee recommends that section 53 of the Bill is amended to include:

- a requirement for the register of Members' interests to be published online;
- a duty for principal councils to be under the same publication obligations as town and community councils; and
- a power for Welsh Ministers to be able to add items to the list in section 53(1). (Page 49)

Recommendation 15. The Committee notes the Minister's comment that community and town councils are listed under Schedule 6 to the Welsh Language (Wales) Measure 2011 and that they may potentially become subject to Welsh language standards when that system comes into effect. The Committee recommends that the Minister should keep under review the resource implications for community and town councils of providing information bilingually under sections 53-55 if that is to be the case. (Page 50)

The Committee notes that the funding the Minister announced on 29 January 2013 is also to be used towards 'broadcasting county council meetings'. The Committee believes that steps should be taken so that the broadcasting of such meetings can take place as soon as possible. (Page 50)

Recommendation 16. The Committee has considered the evidence and notes that democratic services committees can only review the support available to members 'at the request of the authority'. The Committee recommends that the Bill should be amended so that instead of being at the request of the authority, the democratic services committee can carry out such reviews at the request of 10% of the council's membership. (Page 51)

Recommendation 17. The Committee supports the proposal in the Bill but recommends that the Minister considers whether further steps are needed to promote balance and the scrutiny work of council committees. (Page 53)

The Committee is content with the provisions in section 59 of the Bill that will enable the Independent Remuneration Panel to review payments to members of other public bodies. (Page 54)

Recommendation 18. The Committee considered the evidence and believes that the Independent Remuneration Panel should continue to publish its annual report by the end of December. Therefore, the Committee recommends that the Bill should be amended to reflect this. The Committee believes this will provide more transparency when councils are undertaking financial planning for the year ahead. (Page 55)

Recommendation 19. The Committee recommends the Bill should be amended to ensure there is provision for one authority to refer a standards issue to another authority's Standards Committee in the event of it being deemed inappropriate for the home committee to consider it. If the Minister decides to make joint standards committees compulsory rather than optional, the power to transfer may still be relevant pending the establishment of joint committees. (Page 57)

The Committee is content with the reassurance offered by the Welsh Government to the WLGA that the Bill's powers would only apply to community reviews which begin after the Bill is commenced. (Page 58)

The Committee recognises the cost implications identified when providing access to information by town and community councils. The Committee is content that this should be addressed by the funding announced by the Minister on 29 January 2013. (Page 61)

1. Introduction

1. On 26 November 2012, the Minister for Local Government and Communities, Carl Sargeant AM (“the Minister”), introduced the Local Government (Democracy) (Wales) Bill¹ (“the Bill”) and made a statement² in plenary³ the following day.
2. At its meeting on 13 November 2012, the National Assembly’s Business Committee agreed to refer the Bill to the Communities, Equality and Local Government Committee (“the Committee”) for consideration of the general principles (Stage 1), in accordance with Standing Order 26.9. The Business Committee agreed that the Committee should report to the Assembly by 8 March 2013.
3. On 4 December 2012, the Business Committee agreed to amend the deadline for the Committee to report to 22 March 2013.

Terms of scrutiny

4. The Committee agreed the following framework within which to scrutinise the general principles of the Bill:

To consider:

- i) the need for a Bill to deliver:
 - reform to the organisation and functions of the Local Government Boundary Commission for Wales;
 - amendments to the Local Government (Wales) Measure 2011 in relation to the responsibilities of the Independent Remuneration Panel for Wales and the structure of local authority audit committees;

¹ Local Government (Democracy) (Wales) Bill, available at: <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=240849&ds=11/2012>

² ROP, 27 November 2012, available at: <http://www.assemblywales.org/bus-home/bus-chamber-fourth-assembly-rop.htm?act=dis&id=240944&ds=11%2F2012#bil>

(NB: unless otherwise stated, subsequent references in this report to ROP refer to the proceedings of the Communities, Equality and Local Government Committee)

³ A full meeting of the National Assembly for Wales

- provisions concerning the public's access to information concerning town and community councils;
 - amendments to Part III of the Local Government Act 2000 to facilitate the creation by local authorities of joint standards committees;
 - provision concerning the role of the Chairman or Mayor of principal councils; and
 - recasting and consolidating existing local government provisions in relation to the Boundary Commission.
- ii) the key provisions set out in the Bill and whether they are appropriate to deliver its stated objectives;
 - iii) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
 - iv) the views of stakeholders who will have to work with the new arrangements.

The Committee's approach

5. The Committee issued a consultation and invited key stakeholders to submit written evidence to inform the Committee's work. A list of the consultation responses is attached at page 61.
6. The Committee took oral evidence from a number of witnesses. The schedule of oral evidence sessions is attached at page 59.
7. The following report represents the conclusions and recommendations the Committee has reached based on the evidence received during the course of their work.
8. This report does not comment on all sections of the Bill. Where no comment is offered on a particular section, it can be assumed that the Committee is content with the provisions as they stand within the Bill as currently drafted.
9. The Committee would like to thank all those who have contributed.

2. Background

The National Assembly's legislative competence to make the Bill

10. The Explanatory Memorandum⁴ states that the provisions of the Bill relate to heading 12 (Local Government) in Schedule 7 to the Government of Wales Act 2006, which is set out on page 5 of the Explanatory Memorandum.

11. The heading of Local Government includes the subject 'Electoral arrangements for local authorities' which is relevant to Parts 2, 3 and 4 of the Bill. The Assembly's competence under Local Government also includes the subject 'Powers and duties of local authorities and their members and officers', and the provisions of the Bill that relate to local councils in Part 5 (sections 51-63) clearly relate to this subject. The remaining sections of the Bill in Part 6 contain provisions incidental to the first 63 sections.

Explanatory Memorandum

12. The Explanatory Memorandum accompanying the Bill states that:

"The overarching objective of the Bill is to ensure local democracy operates as efficiently as possible and to improve the democratic process in local government."⁵

13. The Explanatory Memorandum explains:

"It is intended to ensure local authorities are democratically representative of their communities, are organised in the most effective way and communicate well with the public. Robust local scrutiny will be a strong driver for the improvement of public services and allow the public to have greater confidence in the democratic system."⁶

⁴ Welsh Government, Explanatory Memorandum, available at: <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=240850&ds=11/2012>

⁵ Explanatory Memorandum, paragraph 10, page 6

⁶ Explanatory Memorandum, paragraph 10, page 6

3. Part 1 – Introduction

Overview (Section 1)

Background

14. Section 1 provides an overview of the key provisions of the Bill and what the Bill seeks to achieve.

Evidence from witnesses

15. The majority of the evidence received supported the general principles and the need for the Bill.

16. The Local Government Boundary Commission (“the Commission”) said:

“We think that it is important. This is the first time for 40 years that we have had a piece of legislation affecting the Local Government Boundary Commission for Wales. The last Act was the Local Government Act 1972, and it is surprising what a long time has passed without bringing the powers up to date. We recognise that the Bill makes important improvements to the 1972 Act, for example, dividing communities into wards, and the powers to consult and to determine councillor numbers.”⁷

17. The Commission continued to say:

“However, we have reservations about certain aspects of the Bill.”⁸

18. The Welsh Local Government Association (“WLGA”) said:

“Broadly ... we welcome it and regard it as an appropriate Bill to introduce.”⁹

19. One Voice Wales agreed there was a need for the Bill. They said:

“We in One Voice Wales see the Bill as being necessary to overcome some of the issues that have occurred over recent

⁷ ROP, paragraph 9, 17 January 2013

⁸ ROP, paragraph 9, 17 January 2013

⁹ ROP, paragraph 134, 17 January 2013

years in the outcomes of some of the electoral reviews, which have seemed at times a little ill-conceived. Naturally, we welcome the Bill. At face value, it addresses the issues of the Mathias review, and that is to be welcomed.”¹⁰

20. The North Wales Association of Town and Larger Community Councils agreed with the need for the Bill and said ‘with regard to the general principles behind it all, the answer is ‘yes’’.¹¹

21. The Electoral Reform Society (“ERS”) said:

“As it [the Bill] stands, we are content with most of the measures contained within the Bill, and there are a few amendments that could improve what is in there.”¹²

Evidence from the Minister

22. The Minister said:

“On the main provisions of the Bill, you will be aware of the Mathias review of the Local Government Boundary Commission Wales, and the conditions around that. There were proposals in the Mathias review that enabled us to make some structural and operational changes, and there were recommendations in the review that indicated the legislative competence required to make those significant changes. Broadly, the Bill is based around the Mathias review and its recommendations. We also took this opportunity to introduce some tidying-up exercises around the Local Government (Wales) Measure 2011 ... Broadly, it is Mathias and some tidying-up exercises.”¹³

23. The Minister was asked whether any discussions had taken place with the Secretary of State for Wales, regarding competence of the Bill, and specifically the powers under Section 45 (*Police Area Change*) of the Bill. The Minister said:

“I wrote to the Home Secretary ... I have heard nothing back from the Home Office. I assume from that that they are content

¹⁰ ROP, paragraph 10, 23 January 2013

¹¹ ROP, paragraph 9, 23 January 2013

¹² ROP, paragraph 213, 23 January 2013

¹³ ROP, paragraph 11, 9 January 2013

with the Bill. I would imagine that they are content with the Bill.”¹⁴

24. Regarding the section 45 provisions, the Minister said:

“Is it ideal? I think that it probably is not, in that police boundaries and the competence are matters for the Home Secretary, and community council boundaries are the responsibility of the Minister in Wales. However, that is where we are.”¹⁵

Our View

The Committee notes that the majority of witnesses are in favour of the principles of and need for the legislation. Therefore, the Committee supports the general principles of the Bill.

¹⁴ ROP, paragraph 56, 9 January 2013

¹⁵ ROP, paragraph 57, 9 January 2013

4. Part 2 – Local Democracy and Boundary Commission for Wales

Welsh Language requirements

Background

25. The Bill does not replicate the statutory requirement in the *Local Government Act 1972*¹⁶ for one of the Commissioners to be a Welsh speaker. The Minister told the Committee that the Commission members will instead be appointed in accordance with the Welsh Government's current Welsh Language Scheme.

Evidence from witnesses

26. The Committee received mixed views on the removal of the statutory requirement for one Commissioner to be a Welsh speaker.

27. The Commission believed the statutory requirement for a Welsh Speak should remain:

“We understand that the position would be that the Minister would make appointments based on the Welsh language scheme of the Welsh Government. That is fine, but that does not necessarily guarantee that a member of the commission will have language skills. So, we thought that what was in the 1972 Act was worth capturing in this piece of legislation, because, in doing reviews, we are a front-line service to local authorities and community councils. We think that that language skill is an important element that enables us to fully engage.”¹⁷

28. The ERS agreed with the Commission and said that it was ‘vital to have a Welsh-speaking commissioner’.¹⁸ They went onto say:

“It would be essential given that the Bill is looking to engage more with the public, and to be seen as more participative, and

¹⁶ Available at: <http://www.legislation.gov.uk/ukpga/1972/70>

¹⁷ ROP, paragraph 35, 17 January 2013

¹⁸ ROP, paragraph 236, 23 January 2013

so on. It is essential that there would be a Welsh speaker as a commissioner.”¹⁹

29. The ERS also commented on the provision within the Bill regarding the Welsh language. They said:

“The Bill refers to the Welsh Government’s corporate language policy, and not to the Welsh Language Act 1993 ... Where that policy deals with public appointments, it does not seem to guarantee a Welsh speaker; it seems to depend on the Welsh Government’s own assessment of the skills necessary for the team to do its work. [It] seems to water down the equality guarantee that is in the 1972 Act ... It also seems slightly perverse, in light of the fact that Welsh is now an official language, for that provision to be watered down.”²⁰

30. However, other witnesses were content that the *Welsh Language Act 1993*²¹ and the *Welsh Language (Wales) Measure 2011*²² sufficiently covered the issue and that appointments should be based on the best person for the job.

31. The North Wales Association of Town and Larger Community Councils felt that the ‘calibre of the person on the committee’²³ was the most important issue. They went onto say:

“If there is a need to have expertise regarding the Welsh language, there is the ability within here to pull people in on an advisory basis to do that.”²⁴

32. The Wales Audit Office (“WAO”) was content that legislation covering the Welsh language was sufficient. They said:

“...We think that that more recent legislation is probably a better way of ensuring that the Welsh language is properly considered.”²⁵

¹⁹ ROP, paragraph 236, 23 January 2013

²⁰ ROP, paragraph 238, 23 January 2013

²¹ Available at: <http://www.legislation.gov.uk/ukpga/1993/38/contents>

²² Available at: <http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

²³ ROP, paragraph 39, 23 January 2013

²⁴ ROP, paragraph 39, 23 January 2013

²⁵ ROP, paragraph 22, 31 January 2013

33. When questioned as to whether not having a Welsh speaker could cause problems with not understanding Welsh names and similar considerations, the WAO said:

“....There are any number of non-Welsh speakers who would be more than capable of understanding the boundaries, local names, names of local communities, et cetera.”²⁶

Evidence from Minster:

34. When asked whether the changes to the Bill weakens the Welsh language requirement in the *Local Government Act 1972*, the Minister responded:

“I would not want any member of the committee, or anyone giving evidence, to think that we are trying to water down the effects on the Welsh language.”²⁷

35. The Minister believed that the Welsh language should be given consideration for all appointments, as opposed to just for one person and that there should not be just one person to tick the Welsh language box. He continued:

“The public appointments procedure is covered by the Welsh Government’s Welsh language scheme, which ensures that the need for Welsh-speaking commissioners is taken into account during the recruitment process.”²⁸

36. However, the Minister did state ‘if Members think that that is not correct, then I am more than happy to listen to your views’.²⁹

Our view

Recommendation 1:

The Committee has considered the differing evidence and recommends that the Bill should include provisions similar to the 1972 Act to ensure one of the Commissioners will be a Welsh speaker. The Committee feels this would guarantee that the

²⁶ ROP, paragraph 24, 31 January 2013

²⁷ ROP, paragraph 11, 6 February 2013

²⁸ ROP, paragraph 13, 6 February 2013

²⁹ ROP, paragraph 11, 6 February 2013

Commissioners have the necessary language skills to engage effectively with the public.

Membership and Proceedings of the Commission (Sections 4 and 6)

Background

37. Section 4 sets out that the members of the Commission shall be the chairing member, the deputy chair, and up to three others.

38. Section 6 increases the quorum for meetings of the Commission from two (as at present) to three.

Evidence from witnesses

39. The Commission did not agree that the quorum for the Commission's meetings should be increased to three, mainly due to cost implications. They said:

“.... at the moment, we have three members, and the quorum is two. Obviously, this carries the risk that it could be inappropriate for significant decisions to be made by just two people. The Bill proposes increasing the quorum from two to three to eliminate that risk. However, we consider that, if you increase the quorum to three, and we still have three members, that increases the risk of meetings becoming inquorate if one of the members cannot turn up. However, increasing the membership to four or five, which is allowed at the moment and under the new Bill, would reduce that risk but would increase the cost of running the commission.”³⁰

40. The Commission said that they had estimated the cost of each additional member would be ‘in the region of at least £6,000 per year’.³¹

41. To ensure the Commission continued its work on a day-to-day basis without incurring extra cost for additional members, the Commission suggested that the quorum should remain at two, and

³⁰ ROP, paragraph 44, 17 January 2013

³¹ ROP, paragraph 44, 17 January 2013

decisions regarding reviews or other significant decisions could be ratified by the absent member at a later date.³²

42. The ERS said:

“I think the boundary commission stated last week that it was against increasing the quorum on the basis of cost...We are happy to defer to the boundary commission on that. What I would note is that having more commissioners being appointed might possibly make it easier to appoint women, and possibly to appoint a Welsh speaker.”³³

43. The North Wales Association of Town and Larger Community Councils supported the proposal to increase the quorum but believed that there should be provision in the Bill to ensure that ‘every area of Wales is covered’³⁴ on the Commission.

Evidence from the Minister

44. The Minister did not share the Commission’s view that increasing quorum would result in significantly more costs. He said:

“I think that a minimum of three members for the commission to be quorate would be reasonable, and that is why I have imposed that.”³⁵

Our view

The Committee has noted the comments of the Commission, but on balance, believes the increase in quorum is acceptable.

The Committee notes the concerns of the North Wales Association of Town and Larger Community regarding the addition of a provision to the Bill that Commission members should be from ‘every area of Wales’. The Committee understands these concerns but believes a potential increase in the membership of the Commission could help to address those concerns. Therefore, the Committee does not believe the Bill needs to be amended.

³² ROP, paragraph 44, 17 January 2013

³³ ROP, paragraph 232, 23 January 2013

³⁴ ROP, paragraph 26, 23 January 2013

³⁵ ROP, paragraph 7, 6 February 2013

Other issues around the Commission’s structure and operation (Sections 7-20)

Background

45. Sections 7 to 20 of the Bill deal with other matters relating to the Commission’s structure and operation, including the appointment of the chief executive by Welsh Ministers (section 8); staffing issues (section 9); the ability to appoint expert advisers (section 10); the need to comply with any direction, general or specific, issued by Welsh Ministers (section 14); and the need for the Commission to establish an audit committee (section 17).

Evidence from witnesses

46. Regarding the need to comply with any direction, general or specific, issued by Welsh Ministers (section 14), the Commission said:

“...before making a direction under this section relating to this Part, the Welsh Ministers must consult with the Commission.”³⁶

47. The WLGA said the powers of direction are similar to those that apply now.³⁷

Evidence from Minister

48. Regarding the provisions under section 14, the Minister said:

“The general power of direction is currently in place. It is an instruction of last resort. A Minister never really wants to make a power of direction to an organisation, but you never know—you cannot predict what may or may not happen in the future. The last commission was one where directions and orders needed to be made. This is the same provision updated for this new Bill. I would hope that I would not have to make direction and that our discussions with the commission would facilitate the necessary changes, but this provides a backstop to make that direction if need be, as is currently available.”³⁸

³⁶ Written Evidence, LGD 6

³⁷ ROP, paragraph 150, 17 January 2013

³⁸ ROP, paragraph 29, 9 January 2013

Our view

The Committee is content with the provisions detailed under sections 7-20.

5. Part 3 – Arrangements for Local Government

Area Reviews (Section 23–28)

Background

49. Sections 23-28 cover reviews of principal area boundaries (section 23), reviews of principal areas following new town order (section 24), reviews of community boundaries by principal council (section 25), reviews of community boundaries by the Commission (section 26), reviews of preserved counties (section 27) and reviews of seaward boundaries (section 28).

50. Under the Bill, the Commission’s current ability to review the boundaries of principal areas will remain, and the Commission can make consequential changes to the relevant electoral arrangements of principal areas, or to communities, if it proposes to change any such boundaries.

51. Area reviews of community boundaries can also be undertaken by both the Commission and by principal councils. The Bill enables a principal council to conduct such a review of its own initiative or when requested to do so by a community in its area. The Bill enables the Commission to carry out a community review if a principal council asks them to conduct it on the council’s behalf; if they are not content with a community review undertaken by a principal council; or if a principal council has failed to conduct such a review in accordance with a direction issued by the Welsh Ministers. The Commission can recover the costs of undertaking a community review from the principal council in certain circumstances.

Evidence from witnesses

52. The Commission pointed out that a provision already exists in current legislation for it to make consequential changes to the electoral arrangements of principal councils when reviewing community boundaries, but that it is missing from this Bill:

“A provision exists under the current legislation for the commission to consider consequential changes to principal councils’ electoral arrangements when reviewing community boundaries. We think that this is essential for tidying up the

boundaries of electoral divisions. We would like that provision to be added to section 26(3)(b) ... The Bill does not give us that power. The consequence of that would be that there would be an anomaly between the community boundaries and the electoral division boundaries, which would remain in place until such time as the commission conducts an electoral review.”³⁹

53. However, if this is the case, an issue would need to be addressed with regard to who would make any consequential changes in such circumstances. The Commission said:

“We are asking that the Bill is changed to bring in this consequential change; we think that that is important. If the Welsh Government and yourselves think it appropriate for the commission then to make the Order to bring that into effect, then that can be encompassed within the Bill and within the powers that the Bill gives us. However, if there are concerns, which the Welsh Government or yourselves might have, about the commission making Orders for electoral arrangements for principal authorities, then the Bill would need to be changed accordingly.”⁴⁰

Evidence from Minister

54. The Minister believed the Commission’s point ‘has some merit’⁴¹ and stated that he would ‘give that further consideration at the next stage of this process’.⁴²

55. One of the Minister’s officials also clarified the issue around who would make any consequential changes:

“Section 40 of the Bill deals with consequential provision when a body, whether it is Welsh Ministers, the Commission or a principle council, is making an Order to implement proposals, and it includes the possibility of changing electoral divisions in principal councils, as a consequence of a community review. We need to clarify and look again at who would make any consequential changes to electoral divisions following a

³⁹ ROP, paragraph 68, 17 January 2013

⁴⁰ ROP, paragraph 114, 17 January 2013

⁴¹ ROP, paragraph 18, 6 February 2013

⁴² ROP, paragraph 18, 6 February 2013

community review where the commission makes the order. I think that that is what they need, and what we will seek to do.”⁴³

Our view

Recommendation 2:

The Committee recommends that the Bill should be amended so that the Commission can consider consequential changes to the electoral arrangements of principal councils when reviewing community boundaries.

Recommendation 3:

The Committee recommends that, if the Bill is amended to this effect, clarification should be provided in the Bill stating who would be responsible for making those consequential changes.

Consequential alteration of community boundaries (Section 29(6))

Background

56. Under the *Local Government Act 1972*, when undertaking electoral reviews of principal areas, the Explanatory Memorandum states that the Commission is prevented from proposing new electoral divisions that ‘straddle’ community boundaries. The Explanatory Memorandum further states that this impedes the Commission when it wishes to equalise councillor to elector ratios. As such, the Commission will now be able to propose changes to community boundaries as part of these electoral reviews.

57. However, the Welsh Government concedes in the Explanatory Memorandum that allowing the Commission to change boundaries in this way could prove to be controversial among those communities affected, but that the requirement to consult and the ability of Welsh Ministers to make the final decisions is intended to address these concerns.

⁴³ ROP, paragraph 22, 6 February 2013

Evidence from witnesses

58. When asked whether the Commission was satisfied with the provisions that it will be able to propose changes to community boundaries as part of electoral reviews of principal areas, the Commission said:

“We see that it seeks to address a long-standing problem we have encountered when we have undertaken electoral reviews. We get suggestions for changes to an electoral division boundary in an electoral review, but we cannot consider them in the electoral review, because it would require a change to the community or the community ward boundary. That is because community and community wards are considered to be the building blocks for the electoral divisions.”⁴⁴

59. They continued:

“We are of the view that the best forum for changing community and community wards is a review by the principal council. However, when we have undertaken an electoral review, it could be that it has been some time before such a review has taken place and issues have arisen with community and community wards boundaries, and developments may have taken place that span community boundaries; that occurs quite often. These can be addressed with this power within the electoral review.”⁴⁵

60. When asked whether allowing the Commission to change community boundaries as part of the electoral reviews could prove to be controversial and unpalatable among those communities affected, the Commission said:

“The Bill clearly sets out the requirements for the commission and local authorities regarding the operation of reviews... The commission would undertake this power carefully; we are aware of the controversy that it might cause and we would fully consult with the principal council and community councils. Only at that stage would we publish and allow people to comment on them, then take account of those comments. With

⁴⁴ ROP, paragraph 82, 17 January 2013

⁴⁵ ROP, paragraph 83, 17 January 2013

those balances in place, we would then be confident to make a decision.”⁴⁶

61. The North Wales Association of Town and Larger Community Councils had specific concerns if communities themselves were in disagreement with proposed changes. They said:

“The Association strongly objects to any proposal which gives the ability of the Commission to propose electoral divisions which straddle communities except where the Town or Community Council and the Community are in agreement. The Association would like to see something in the Bill to cover this point.”⁴⁷

Evidence from Minister

62. The Minister said he did not think that it was necessary for community councils to be in agreement before changes to community boundaries could be made as part of the electoral reviews of principal areas.

Our view

Following a report by the Commission, section 37(3) provides that no order may be made for six weeks, which provides an opportunity for community councils to make representations to the Minister. We consider that to be sufficient, and are content with the Bill’s provisions in this context.

Review of electoral arrangements for principal area (Timing of reviews - Sections 29(3) and 29(7))

Background

63. The Bill places the Commission under a duty to conduct a review of each principal area’s electoral arrangements at least once every ten years, removing the 10-15 year window for undertaking these reviews.

64. Section 29(7) sets out that the Commission may not conduct any review of this sort or make recommendations within nine months of an ordinary council election.

⁴⁶ ROP, paragraph 86, 17 January 2013

⁴⁷ Written Evidence, LGD 9

Evidence from Witnesses

65. The Commission said:

“...section 29 asks us to publish a programme of reviews over the 10-year period. We will do that; it is what we want to do.”⁴⁸

66. When asked whether the ten-year review programme was feasible, the WLGA said:

“as long as the commission plans appropriately well in advance, and engages and liaises with principal authorities and community councils well in advance so that they can plan, it should be feasible.”⁴⁹

67. However, the Commission did raise concerns over the commencement of the provisions within the Bill allowing the Commission to begin its programme of reviews; they said:

“The Commission considers that given its current timetable of work an earlier start date than 1 May 2014 would be beneficial. We consider that September 2013 (or as soon as possible after the Bill receives Royal Assent) is an appropriate start date for the 10 year period.”⁵⁰

68. This point was expanded during their oral evidence; they said:

“We would like to get on with the work as early as possible. If we could start work this year, after Royal Assent in September, it would give us another period leading up to the election in 2017. The clock is against us all of the time. We have to maximise the time that we have available. We are keen to get on with the work, not that we are not doing any work at the minute. However, in terms of the Bill, we are keen to get into publishing the programme and getting all the infrastructure of the work in place.”⁵¹

⁴⁸ ROP, paragraph 21, 17 January 2013

⁴⁹ ROP, paragraph 154, 17 January 2013

⁵⁰ Written Evidence, LGD 6

⁵¹ ROP, paragraph 77, 17 January 2013

69. Regarding the provisions under section 29(7), the Commission felt that not conducting a review within nine months of an ordinary council election was 'excessive'.⁵²

70. In evidence the Commission said:

"there are risks here, namely that if we move towards the period of suspension before the elections, as discussed previously, then that leads to an uneven pattern of expenditure for the commission. We may have to adjust for these peak periods and fallow periods, which may mean that we will need temporary staff. So, there is an implicit risk, not only in terms of workload, but in the complement of the commission in order to undertake that work."⁵³

71. The Commission continued to outline their concerns:

"We recognise the sensitivities associated with the date of an election ... but we think it is more than 9 months ...when a council is elected it takes time to sort out its arrangements ...so, the nine months is not nine months when you talk about engaging authorities: it is longer than that because there is a spill-over period after the election."⁵⁴

72. When asked what would be considered a reasonable period of time, the Commission suggested 'that we would not publish or act after the date of notice of publication of an election poll'.⁵⁵

73. The ERS was content with the nine month period but had no issue with work continuing in the background:

"Certainly, there should be an appropriate time period for any publication of reviews or proposals, and the nine-month period should be upheld for that. I am not privy to the detailed work that goes into a review on a day-to-day basis, but, if the boundary commission can give assurances that there is work that is not so public-facing and does not have an effect on an electoral campaign in any way, I would have no problem with

⁵² ROP, paragraph 15, 17 January 2013

⁵³ ROP, paragraph 123, 17 January 2013

⁵⁴ ROP, paragraph 15, 17 January 2013

⁵⁵ ROP, paragraph 17, 17 January 2013

the review bubbling away, as it were, over those nine months of the electoral period.”⁵⁶

Evidence from Minister

74. Regarding the ten year cycle of reviews the Minister said:

“What we are trying to do with the commission is build a structure that it and we understand and, more importantly, that the principal councils and communities fully understand. We have included the time frame so that the commission can then provide a rolling programme rather than the big-bang effect of doing six at once and not being able to deliver on the six... The 10-year cycle fits in quite nicely given that it is around two terms of local government. We believe that that is probably the right time to start thinking about a local area. Fifteen years or beyond is probably too long a timeline.”⁵⁷

75. In response to the Commission’s concerns as to when they can begin to undertake reviews the Minister said:

“I am supportive of that. We indicated a date of 2014 for implementation, however, I can understand why the commission would want to get under way in doing that. I would probably support that, actually. Providing that there are no show stoppers or disagreements in that process, I would be happy for the commission to start work as soon as possible. So, I will consider if there is a need to change any wording to make that timing appropriate. There is no reason for me to resist people wanting to get on with the job.”⁵⁸

76. When asked whether the nine month restriction on undertaking reviews was excessive, the Minister said a period of stability was required prior to an election and a nine month period is a reasonable period of time.⁵⁹

77. The Minister was asked:

⁵⁶ ROP, paragraph 267, 23 January 2013

⁵⁷ ROP, paragraph 31, 9 January 2013

⁵⁸ ROP, paragraph 25, 6 February 2013

⁵⁹ ROP, paragraph 27, 6 February 2013

“Is there a difference here between carrying out a review and publishing proposals? Is that distinction worth making—that they can carry out the review in that nine-month period, but that they cannot publish proposals until after the election period is over?”⁶⁰

78. The Minister responded:

“I believe that that is what I would want to reflect. We need to strengthen that and it is something that we would consider.”⁶¹

Our view

Recommendation 4:

The Committee notes the Commission’s concerns regarding the length of the interruption to its work caused by a nine month period, and recommends Section 29 of the Bill is amended to provide for a six month period.

Recommendation 5:

The Committee agrees with the points raised by the Boundary Commission, and recommends that section 29 be amended to permit the Commission to commence work as soon as possible.

Recommendation 6:

The Committee recommends that the Bill is amended to ensure there is clarity between carrying out a review and publishing the proposals of that review in terms of what would be permitted during the period provided for in section 29.

Terminology (Section 29(10))

Background

79. Section 29(10) introduces new terminology in this field. What are currently called ‘*electoral divisions*’ (also commonly referred to as ‘*wards*’) will now become ‘*electoral areas*’. What are currently referred to as ‘*single-member electoral divisions*’ and ‘*multi-member electoral*

⁶⁰ ROP, paragraph 33, 6 February 2013

⁶¹ ROP, paragraph 34, 6 February 2013

divisions' will respectively be called '*single member areas*' and '*multiple member areas*'.

Evidence from witnesses

80. Several witnesses raised the issue of confusion being caused by the new terms contained within the Bill.

81. Most witnesses also acknowledged that '*electoral divisions*' are also commonly known as was '*wards*'.

82. The Commission said:

“Essentially, it will not have an effect on the work of the commission, but it is a matter of understanding the terms that are being used. For example, people refer to wards, but, legally, there is no such thing as a ward in Wales. There are wards in England, but there are not any in Wales. ... If we have one term that is commonly used, everyone knows what they are talking about.”⁶²

83. The ERS didn't feel that changing the name of the subdivision of a principal authority would necessarily engage people with the process and was likely to cause more confusion. They said:

“The danger here is that we already use the two terms '*electoral divisions*' and '*wards*' interchangeably. If we add the word '*area*' into the mix, we will be using three terms interchangeably. The particular danger with the word '*area*' is that we already talk about such things as school catchment areas, and I think that, in the minds of citizens, it would become even more confusing, not less confusing.”⁶³

84. The WAO agreed, they said:

“We understand that a change in terminology can cause confusion for everyone...It can also create a lot of work in terms of changing documentation, instructions et cetera...I can appreciate the need to want to modernise the language, but I think that one needs to be aware of how well things are

⁶² ROP, paragraph 92, 17 January 2013

⁶³ ROP, paragraph 272, 23 January 2013

currently understood with the old terminology and the effects that it could have in actually changing it.”⁶⁴

Evidence from Minister

85. The Minister said:

“We have just tried to use a definition that people will understand. I do not think that there is anything in the wording that is complex.”⁶⁵

86. The Minister acknowledged that the main term used is still ‘wards’⁶⁶.

Our view

Recommendation 7:

The Committee does not believe that the change in terminology detailed in section 29(10) is helpful. The Committee recommends the Minister reconsiders the terminology changes he has introduced.

Principal areas and Communities (Section 30 - 33)

Background

87. Section 30 clarifies that when considering whether to make recommendations for changes to the electoral arrangements of a principal area, the Commission must ‘seek to ensure’ that the number of electors represented by each councillor within a principal council is as close to the same as possible. The need should also be recognised to make proposals which have regard to the desirability of electoral divisions having recognisable boundaries and that community ties are respected.

88. Section 30(2)(a) states that the Commission must take account of any discrepancy between the number of those on the electoral register and the number of those eligible to vote when it is undertaking electoral reviews. There is a similar provision in section 33(5) with regard to reviews of the electoral arrangements of communities.

⁶⁴ ROP paragraph 39, 31 January 2013

⁶⁵ ROP, paragraph 70, 6 February 2013

⁶⁶ ROP, paragraph 70, 6 February 2013

89. Section 30(2)(b) similarly states that the Commission should take account of any likely change to the number or distribution of local government electors in the area in the five years after any recommendations are made.

Sections 31 to 33 provide that a principal council may conduct reviews of a community's electoral arrangements either on its own initiative or when requested by a community council or by at least 30 electors. The Commission may also conduct a review of a community's electoral arrangements in certain circumstances.

Evidence from witnesses

90. Most witnesses have welcomed the clarification over community ties and councillor-to-electors ratios in section 30.

91. However, due to the fact that section 30 refers to 'ensuring' that councillor-to-electors ratios are equal, but only refers to 'having regard' to the desirability of maintaining community ties, the North Wales Association of Town and Larger Community Councils questioned whether the Bill went far enough:

"There is the fixation that there has been recently on the numbers of electors, which has taken precedence over local community needs. That has caused deep concern in communities that have been split up, and we do not believe that this [Bill] does anything to allay that fear..."⁶⁷

92. They continued:

"[The Bill] talks about the numbers and ensuring that they are roughly equal, and then it says that it will take into account—so, there are two different levels, as I read that, one is that it should be close to the numbers, and if it happens to fit with the community council, that is fine. I see a difficulty here in the sense that if a town and community council is being difficult, some view has to be taken at some point as to the right thing to do."⁶⁸

⁶⁷ ROP, paragraph 9, 23 January 2013

⁶⁸ ROP, paragraph 55, 23 January 2013

93. Meanwhile, the Commission was concerned that the issues around the number of electors (section 30(2)) would present it with insurmountable difficulties:

“It comes down to making an estimate of how many people are eligible and should be on the register, but it brings with it a host of questions that create ambiguities in the data. When we have to depend on those statistics to create accurate wards, it creates a difficulty that cannot be resolved correctly. The Bill refers to statistics that can be published. We do not know whether those statistics are available or whether they will be current ... This comes on top of having to estimate—this is more statistical, perhaps—the population in five years’ time, because we have to estimate what the population of the council area will be in the future. This introduces a factor that has so many difficulties that we doubt that there is a way of overcoming them by changing the Bill. The hard line that we have suggested is to remove these two sections that relate to the principal councils and the local councils from the Bill, because we think that the difficulties in what the Bill is trying to achieve are too great to overcome.”⁶⁹

94. The Commission had a strong view on the provisions under sections 31 to 33, stating that the Bill should include a requirement to link reviews of the electoral arrangements of principal areas with the corresponding reviews of communities:

“... it would be a good thing if county councils’ work of reviewing communities were tied into the commission’s work of reviewing county constituencies. What we suggest is this: when a programme of [principal area] reviews is published, that every county council knows in which year a review of the county will be undertaken, and that every county in its turn, no more than five years before that review, reviews its communities and tells the commission what it is going to do ... At present, that link is not in the Bill. We think that the Bill could be improved by doing this. It will bring the county council and the commission’s workflow together in one piece of continuous work within a time frame that is comprehensible to the

⁶⁹ ROP, paragraph 89 & 90, 17 January 2013

communities, the county, the commission and, ultimately, the Minister in considering the final recommendations.”⁷⁰

95. One Voice Wales agreed with the Commission. It said it would ‘advocate that community reviews need to be undertaken in advance of electoral reviews’⁷¹ and that there is a ‘real opportunity here to put in place a system of consultation and engagement between all parties’.⁷²

Evidence from Minister

96. Regarding councillor-to-electors ratios and community ties, and the concerns of North Wales Association of Town and Larger Community Councils in this respect, the Minister said:

“The Bill places the need to have regard for community ties on the face of this section, so it is not tucked away as it is in the 1972 Act, but is expressed more fundamentally.”⁷³

97. When asked about the Commission’s proposals that section 32(2)(a) and 33(5) should be removed from the Bill, the Minister said:

“I have wrangled with the duties of the commission and the Members, who are elected to constituencies that include university cities, will know in particular that there is a huge change in the dynamics of their communities, with a lot of student activity, which is often not reflected in the numbers on the electoral register. However, as a councillor, it is still their duty to represent them. I think it is reasonable to ask the commission to consider the number of electors on the electoral roll and the actual number in their community. I am giving the commission some flexibility; I do not think that it particularly likes that flexibility and would rather I tell it what to do in black and white. However, I am giving the commission the flexibility to make these observations and to therefore agree on that process in terms of the compromise between the two on what direction to take. So, we are trying to be reasonable on this.”⁷⁴ ...

⁷⁰ ROP, paragraph 94, 17 January 2013

⁷¹ ROP, paragraph 59, 23 January 2013

⁷² ROP, paragraph 59, 23 January 2013

⁷³ ROP, paragraph 40, 6 February 2013

⁷⁴ ROP, paragraph 40, 6 February 2013

“Of course, I think that the commission would prefer, as would most people, a very prescriptive, ‘This is what I am requiring you to do’. Actually, I am asking the commission to take a true value; these are the people who are out there looking at communities. It is reasonable to ask them to look at a true value of what the community is, so I do not agree with the commission’s view.”⁷⁵

98. The Minister said that the suggestion to include a mechanism that obliged principal councils to conduct community reviews in advance of electoral reviews of their areas had some merit but believed it needed to be given some more consideration. He said:

“There are some risks involved that, if we do some community reviews before a boundary review, you sort of pre-empt a decision by the boundary commission. There is some logic in it, but I think that we need to work that through. Again, I would not want the boundary commission community reviews to take place, changes happen, and then the boundary commission coming in, doing another review and change them completely again. It is a balancing act. I am not objecting to the principle of this, but I think that we need to give it some more thought about how that process may or may not work. They might work in conjunction with each other. I do not know.”⁷⁶

Our view

The Committee is satisfied with the considerations required in section 30, both as to councillor to elector ratios and the maintaining of community ties.

The Committee is also satisfied with the requirements in sections 30(2) and 33(5) relating to the need for the Commission to take into account the number of local government electors.

Recommendation 8:

The Committee believes the Commission’s views are reasonable on sections 31 to 33. Therefore, the Committee recommends that

⁷⁵ ROP, paragraph 48, 6 February 2013

⁷⁶ ROP, paragraph 77, 6 February 2013

the Bill is amended so that it includes mechanisms to link reviews of the electoral arrangements of principal areas with the reviews of communities.

Procedures for undertaking reviews (Sections 34-36)

Background

99. Sections 34 to 36 set out the procedures that the Commission or principal council must follow in undertaking reviews. They include requirements for the Commission to explain its methodology and approach, the consultation requirements, and what needs to happen before implementing any recommendations.

Evidence from witnesses

100. The ERS believed that the Bill did not do enough to encourage the Commission and principal authorities to engage with the public when reviews take place:

“[the Bill] could do more in terms of encouraging the participation of people in local politics...”⁷⁷

We think that more can be done on sections 34, 35 and 36 of the Bill—the sections on pre-review, consultation, investigation and reporting on the review—to encourage public engagement across those three sections...”⁷⁸

There does not seem to be an onus on the boundary commission to really go out and talk to people. There is an expectation that people will come to the boundary commission and talk to it.”⁷⁹

101. The North Wales Association of Town and Larger Community Councils had concerns about the involvement of communities when reviews are undertaken. It said that their views should be a ‘material consideration’⁸⁰ and that this in turn would generate ‘much more

⁷⁷ ROP, paragraph 217, 23 January 2013

⁷⁸ ROP, paragraph 224, 23 January 2013

⁷⁹ ROP, paragraph 226, 23 January 2013

⁸⁰ ROP, paragraph 55, 23 January 2013

support for any proposals put forward with regard to boundary changes'.⁸¹

102. One Voice Wales similarly said that it supported the consultation procedures as long as community and town councils were properly involved at every stage.

103. One Voice Wales also wished to see some additional provisions in the Bill relating to a right of appeal for communities on the outcome of local government reviews:

“The reason for asking for the right of appeal within the Bill is that, if, for example, a community review was undertaken by a principal authority and the outcome appeared at face value to be the result of a flat-map exercise or based on just numerical figures, it would be appropriate for community and town councils to have some form of recourse to another body to say that they thought that insufficient weighting had been given to issues around community ties or that, perhaps, the history of that community or the identity of that community had been undermined in some way.”⁸²

Evidence from Minister

104. The Minister stated there was already a duty to consult, and he was reluctant to issue lists of who must be consulted as this can result in some people being excluded, he continued:

“The list of consultees that the boundary commission uses is wide-ranging, including, of course, members of communities. In addition, it is not about with whom, but more about how community engagement takes place. This is perhaps not for the Bill, but I might seek to issue some guidance to the commission about what I would expect in terms of community engagement. That might be helpful for addressing this some of the issues that the Electoral Reform Society raised.”⁸³

105. Regarding the right of appeal, the Minister stated this right already exists. He said:

⁸¹ Written Evidence, LDG 9

⁸² ROP, paragraph 69, 23 January 2013

⁸³ ROP, paragraph 84, 6 February 2013

“the community councils have an appeal process to the commission. If the commission is doing a review, then there is an appeals process to the Welsh Minister. There are appeals processes, but you will recognise that you cannot always please the people involved in that process. What is really important is that there is an appeals process.”⁸⁴

Our view

Recommendation 9:

The Committee is generally content with the engagement provisions detailed in sections 34-36. However, the Committee notes the provisions which require electronic versions of the reports to be published. The Committee recommends that they are amended to clarify that hard copy versions of reports are also available on request.

Recommendation 10:

The Committee notes the Minister’s view that there is already a duty to consult. However, the Committee recommends that the Minister issues guidance to the Commission on best practice for engaging with the public.

⁸⁴ ROP, paragraph 91, 6 February 2013

6. Part 4 – Reviews of public body membership

Reviews of qualifying public bodies (Section 50)

Background

106. Section 50 amends the remit of the Commission to be able to review and make proposals about the constitution of additional public bodies (other than councils) whose make-up includes councillors or council appointees.

Evidence from witnesses

107. The Commission was concerned about the lack of detail available in this respect, stating that this proposal was ‘very open and subject to any directions the Welsh Ministers may decide to make’.⁸⁵

108. The Commission continued to suggest:

“that discussions are required with Welsh Government to create guidelines that will allow the implementation of these provisions in the interests of transparency and understanding of the bodies affected.”⁸⁶

109. The WLGA had concerns about the capability of the Commission in this context:

“We do not yet know the scope of what the commission might be expected to do ... I think that section 50(3) states that the commission would not just look at the number of members on a public body, but that it would look at things like skills, attributes and so on. In principle, that is fine, but if it is looking at the membership of a local health board, would the boundary commission have the expertise and capacity to determine what skills a health board might need?”⁸⁷

Evidence from Minister

110. When asked about the perception that section 50 appears to be open and lacking in detail, the Minister said:

⁸⁵ Written Evidence, LGD 6

⁸⁶ Written Evidence, LGD 6

⁸⁷ ROP, paragraph 175, 17 January 2013

“We have added this section as a sort of future proofing tool for what we believe the commission might or might not do in the future. I do not have a list of bodies and organisations that I would suggest the commission now goes out to and says, ‘Have a look at this organisation because we are looking to restructure it in some way, to grow or reduce the number’. Therefore, I cannot give clarity of definition on ‘bodies’. Again, the example that I would use is that, recently, John Griffiths’s new single organisation has a new structure, so we would not have seen that coming. It is something new that has been created, and we need the open-endedness within the Bill to comply with that.”⁸⁸

111. Regarding the capability concerns of the Commission the Minister said:

“With regard to the expertise of the commission, I would disagree with the idea that it does not have the expertise to look at numbers and functions of organisations. That is what it does. It counts numbers and it looks at structures and democratic representation and processes. You could argue the same about some things that the remuneration board does. If it is a public body, it is reasonable for an independent organisation such as the commission to look at the make-up of that body, such as the commission. I do not really accept the point about the skill base of the commission. I think it is completely reasonable for it to be asked to do that.”⁸⁹

Our view

Recommendation 11:

The Committee is content in principle with the proposal contained in section 50. However, the Committee would recommend that a list of the bodies which may be subject to a direction under section 50 is included within the Bill, and a provision should be added to the Bill which would allow Welsh Ministers to add bodies to that list, using the affirmative procedure.

⁸⁸ ROP, paragraph 98, 6 February 2013

⁸⁹ ROP, paragraph 99, 6 February 2013

Recommendation 12:

If the Minister is not minded to bring forward an amendment to implement Recommendation 11, the Committee would recommend that the Minister look again at the wording of this section to see if some of the Commission's concerns about clarity can be addressed. In particular, the reference to 'exercises functions' in subsection (5)(c) should be revisited to ensure that new bodies (such as the Natural Resources Body referred to by the Minister) that are proposed to exercise functions are clearly included.

7. Part 5 – Other changes to Local Government

Presiding member of principal councils (Section 51)

Background

112. Section 51 amends the *Local Government Act 1972* so that councils can decide to appoint a “presiding member” to preside over council meetings while allowing the Chairman/Mayor/Lord Mayor to continue to conduct ceremonial and civic functions.

Evidence from witnesses

113. While most witnesses were supportive of this proposal, there were some concerns raised.

114. The Association of Council Secretaries and Solicitors, Wales Branch (“ACSeS”) raised concerns regarding the role of the chair/presiding member following an election.

115. They stated:

“The one thing missing in the Bill is the extension of the term of a presiding member beyond a local government election. Currently, as you know, the chair of the council continues to be the chair for the first council meeting following the election, even if he or she had lost his or her seat in the election or did not stand for election. He or she is allowed to attend the first meeting in order to preside over that meeting. It is essential, in our view, that the presiding member also has the right to do so.”⁹⁰

116. The WLGA supported this part of the Bill, but they endorsed the points raised by ACSeS who said that redrafting was needed over the issue of who should chair the first meeting after an election.⁹¹

117. In evidence to the Committee, the Independent Remuneration Panel (“IRP”) stated:

⁹⁰ ROP, paragraph 207, 17 January 2013

⁹¹ Written Evidence, LGD 7

“We agree with the proposal to recognise the role of Presiding member as this has been raised with us in respect of the payment of a senior salary for such individuals.”⁹²

118. Cardiff Council responded to the Committee consultation stating that they were keen for these roles to be split, and they had ‘been taking steps to do so’.⁹³

119. Regarding payment for the split roles, ACSeS raised a further concern, regarding ‘whether the presiding member and chair would both receive a higher salary, and whether that would therefore limit the number of higher salaries available for other posts within the council’.⁹⁴

120. During evidence it was noted that the number of higher salaries payable by an authority is set by the Independent Remuneration Panel, although an authority can ask for special dispensation to increase that number if it feels that a post warrants a senior salary. The WLGA agreed an authority could request additional senior salaries, but stated:

“However, if this was enacted, the independent remuneration panel would certainly review its current scheme of allowances and salaries. Previously, in practice, it has been quite restrictive and strict about the number of senior salaries being awarded. So, it would be a matter for the independent remuneration panel to decide whether this counted as an extra one to add to the 20 or whether councils would have to find this salary within the existing number. So, it has the potential to increase allowances, but I would imagine that, given the current practices, the remuneration panel would keep it fairly constrained.”⁹⁵

Evidence from Minister

121. With regard to the role of the chair/presiding member following an election, the Minister advised:

⁹² Written Evidence, LGD 17

⁹³ Written Evidence, LGD 39

⁹⁴ ROP, paragraph 188, 17 January 2013

⁹⁵ ROP, paragraph 193, 17 January 2013

“the 1972 Act currently allows that very process to happen, so that the mayor or mayoress can come back in a civic role in this process to hand over, whether in an elected or non-elected post, or following non-election or retirement. It allows that to happen, and that will continue to happen.”⁹⁶

122. The Minister considered any amendments regarding the handover process unnecessary but was ‘flexible’.⁹⁷

123. Whilst the Minister was not specifically questioned about the payments which could be made when splitting presiding/mayoral role, it is noted that the Explanatory Memorandum states that there will be no associated costs with these powers, as the salaries would be decided by the Independent Remuneration Panel and then managed from the relevant council’s budget.

Our view

Generally, providing for a presiding member was considered a good idea, given the very different skills required to chair council meetings from those needed for formal and representational roles. However, a minority of Members were not persuaded that this could be justified without further provision in the Bill, in respect of additional senior salary.

Recommendation 13:

The Committee recommends that the Bill be amended to extend the office of presiding member to include the first council meeting after an election.

Access to information (Sections 53-55)

Background

124. Section 53 requires a community council to publish certain information electronically including details of the council’s membership, business, and contact details.

125. Section 54 requires community councils to publish public notices electronically.

⁹⁶ ROP, paragraph 101, 6 February 2013

⁹⁷ ROP, paragraph 102, 6 February 2013

126. Section 55 requires a community council to publish agendas and public reports for forthcoming meetings electronically.

Evidence from witnesses

127. The WLGA and the IRP supported the proposals. The IRP said:

“Community and town councils are important public bodies with a crucial role in community cohesion and should be using modern communication methods to function efficiently.”⁹⁸

128. The WAO believed that ‘Legislation would be a realistic means of accelerating the provision, which would be helpful in promoting public engagement’.⁹⁹

129. However, the WAO thought the Bill should be more explicit in its intentions regarding access to information. They said:

“The scope for sharing website provision should be helpful for enabling an economical approach to communication, though it might be helpful if provisions made this option clearer by mentioning it explicitly. The section title “community council websites” could be inferred by some as requiring individual councils to maintain their own websites. A better title might be “Electronic provision of information by community councils”.¹⁰⁰

130. Whilst both One Voice Wales and the North Wales Association were supportive of the need for town and community councils to be publishing information electronically, both organisations were concerned about the resource implications, including capacity, expertise, training and finance.

131. Both One Voice Wales and the North Wales Association of Town and Larger Community Councils called for grants to be provided in this respect. In their written evidence, One Voice Wales said:

“One Voice Wales considers that the Bill should allow for specific grant support be provided to all community and town councils in Wales to cater for the requirements to provide electronic access to information and should account for 80% of

⁹⁸ Written Evidence, LGD 17

⁹⁹ Written Evidence, LGD 16

¹⁰⁰ Written Evidence, LGD 16

the resources to deliver information electronically. This would place the sector on an equal footing with other public service providers who receive revenue support to facilitate this element of the democratic process.”¹⁰¹

132. In their written evidence, Llanarthne Community Council,¹⁰² Caernarfon Royal Town Council¹⁰³ and Barry Town Council¹⁰⁴ all agreed with One Voice Wales’ view on grant funding.

133. The North Wales Association of Town and Larger Community Councils referred to a ‘massive’¹⁰⁵ cultural reluctance in some councils, they said that it was likely that many councils would simply not comply with the obligations in the Bill without additional funding.

134. On 29 January 2013, a press release issued by the Welsh Government stated that £1.25 million would be used ‘to take forward measures such as broadcasting county council meetings and improving the range of information available to the public about their town and community councils’. The press release stated:

“The Minister has also urged principal councils to work with their local community councils to provide the public with information about their local council. This will become a requirement within the Local Government (Democracy) (Wales) Bill that is currently being considered by the Assembly.”¹⁰⁶

135. No breakdown or details of how the £1.25 million will be spent was provided in the official Welsh Government press release. However, a Wales Online article¹⁰⁷ regarding this announcement suggests that a total of £375,000 will be aimed at helping to develop community council websites.

136. Pontardawe Town Council raised an issue regarding whether websites should be bilingual. They said:

¹⁰¹ Written Evidence, LGD 11

¹⁰² Written Evidence, LGD 22

¹⁰³ Written Evidence, LGD 24

¹⁰⁴ Written Evidence, LGD 29

¹⁰⁵ ROP, paragraph 129, 23 January 2013

¹⁰⁶ Welsh Government, [*Minister announces £1.25 million to improve Democracy in Councils*](#), 29 January 2013

¹⁰⁷ <http://www.walesonline.co.uk/news/welsh-politics/welsh-politics-news/2013/01/29/1-25m-to-help-councils-improve-local-democracy-and-public-engagement-91466-32698695/#ixzz2JM9BVOaH> accessed 25/02/2013

“cost of translation to comply with the Welsh Language schemes may be considerable and will require additional funding.”¹⁰⁸

Evidence from Minister

137. When asked about the provision of funding referred to in the Welsh Government announcement the Minister said ‘the funding will be £500 per council in each unitary authority area, which will go to the principal council. There will be conditions based on the expectation of delivery around the grant’.¹⁰⁹

138. The Minister was questioned as to whether he had considered amending the Bill to enable Welsh Ministers to add to the list of website requirements by regulations. The Minister said this is something he would consider.

139. When questioned about whether websites will be required to be bi-lingual the Minister said:

“That is a matter for them and the Welsh Language Commissioner. Community councils are listed in Schedule 6 of the Welsh Language (Wales) Measure 2011. Therefore, the Welsh Language Commissioner is able to issue a section 7 notice, I think, to community councils if the commissioner—she currently—wishes to do so.”¹¹⁰

Our view

The Committee notes the concerns raised around the funding of this section of the Bill, and hopes the Minister’s announcement on 29 January 2013 regarding funding will assist in this area.

Recommendation 14:

The Committee recommends that section 53 of the Bill is amended to include:

- **a requirement for the register of Members’ interests to be published online;**

¹⁰⁸ Written Evidence, LGD 28

¹⁰⁹ ROP, paragraph 114, 6 February 2013

¹¹⁰ ROP, paragraph 139, 6 February 2013

- a duty for principal councils to be under the same publication obligations as town and community councils; and
- a power for Welsh Ministers to be able to add items to the list in section 53(1).

Recommendation 15:

The Committee notes the Minister's comment that community and town councils are listed under Schedule 6 to the Welsh Language (Wales) Measure 2011 and that they may potentially become subject to Welsh language standards when that system comes into effect. The Committee recommends that the Minister should keep under review the resource implications for community and town councils of providing information bilingually under sections 53-55 if that is to be the case.

The Committee notes that the funding the Minister announced on 29 January 2013 is also to be used towards 'broadcasting county council meetings'. The Committee believes that steps should be taken so that the broadcasting of such meetings can take place as soon as possible.

Democratic services committees (Section 56)

Background

140. Section 56 amends the *Local Government (Wales) Measure 2011* so as to broaden the scope of a democratic services committee so that, if requested by the authority, they can review anything connected with the support and advice made available to elected members and their terms and conditions.

Evidence from witnesses

141. The WLGA said they supported the changes being made to the 2011 Measure in this context.¹¹¹

142. The ERS were also supportive of 'the Bill's intention to remove the provision that restricts Democratic Services Committees from

¹¹¹ Written Evidence, LGD 8

discharging [functions] not contained in the 2011 Local Government Measure'.¹¹²

143. However, in this context, the ERS said that they felt that the Bill did not go far enough to improve the effectiveness of local democracy in Wales, particularly in terms of the resources available to assist back bench and opposition members with their scrutiny roles within councils. They said that this Bill could have been further used to strengthen those functions:

“we are of the view that the draft legislation could have been more ambitious; and that taken together the measures do not provide a Bill that will ‘ensure local authorities are democratically representative of their communities, are organized in the most effective way and communicate well with the public’.”¹¹³

Evidence from Minister

144. In evidence the Minister recognised that for council members who were not part of the Cabinet ‘there is a limited amount of knowledge you can access’.¹¹⁴

145. However, the Minister said that the operation and function of back bench and opposition support was ‘a matter for local authorities’. He said that the 2011 Measure had put in place a system that he ‘hoped would work’, and it was not his role to ‘micro-manage local authorities’. He added that it was up to back bench local authority members to ensure they were making use of the provisions.¹¹⁵

Our view

Recommendation 16:

The Committee has considered the evidence and notes that democratic services committees can only review the support available to members ‘at the request of the authority’. The Committee recommends that the Bill should be amended so that instead of being at the request of the authority, the democratic

¹¹² Written Evidence, LGD 10

¹¹³ Written Evidence, LGD 10

¹¹⁴ ROP, paragraph 143, 6 February 2013

¹¹⁵ ROP, paragraph 148, 6 February 2013

services committee can carry out such reviews at the request of 10% of the council’s membership.

Audit committees (Section 57)

Background

146. Section 57 amends the *Local Government (Wales) Measure 2011* so as to provide that an audit committee of a local authority is one to which the rules of political balance apply.

147. Guidance issued under the 2011 Measure states that the councillor membership of each council’s audit committee should reflect the political balance of that authority, but this is not a statutory requirement. The Bill amends this and makes reflecting political balance a requirement for these audit committees.

Evidence from witnesses

148. Most witnesses who commented on this section were supportive of the changes.

149. While supporting the provisions for audit committees, the ERS suggested that the Bill could be improved by strengthening the general procedures relating to local authority scrutiny committees.¹¹⁶

150. In particular, despite the requirement for scrutiny committee chairs to be appointed on the basis of political balance, the ERS suggested that the scrutiny function of many authorities is weakened by the fact that many authorities decided to have very few scrutiny committees in the first place:

“The 2011 Measure states that chairs of scrutiny committees should be allocated according to party balance. When we have looked at some of the detail, we have seen that some authorities are quite canny at getting around the spirit of that Measure.”¹¹⁷

¹¹⁶ Written Evidence, LGD 10

¹¹⁷ ROP, Paragraph 313, 23 January 2013

Evidence from Minister

151. The Minister said that the issue of scrutiny committees was not a matter for this Bill.

Our view

Recommendation 17:

The Committee supports the proposal in the Bill but recommends that the Minister considers whether further steps are needed to promote balance and the scrutiny work of council committees.

Relevant authorities (Payments to members of other public bodies - Section 59)

Background

152. Section 59 sets out that Welsh Ministers will be able to prescribe other public bodies (as well as councils etc) for which the IRP will be able to determine payments to members, as long as their membership includes a member of a relevant authority (local authority, community council, national park authority or fire and rescue authority).

Evidence from witnesses

153. The IRP believes this proposal ‘has merit’, but believes the requirement for the public body to have at least one member from a relevant authority ‘appears restrictive and could create inconsistencies in application that would be difficult to justify in the public arena’.¹¹⁸

Evidence from Minister

154. The Minister said:

“That is about openness. If we have local authority members serving on a public body, it is completely reasonable that the public is able to see the process and scrutinise it; that does not happen at the moment. I suppose that you could compare it with the fire authorities, where the Independent Remuneration Panel made judgements on their remuneration. You say that having one member of an authority may be restrictive, but one

¹¹⁸Written Evidence, LGD 17

is enough to ensure that the IRP can look at the matter. It is a reasonable request.”¹¹⁹

Our view

The Committee is content with the provisions in section 59 of the Bill that will enable the Independent Remuneration Panel to review payments to members of other public bodies.

Annual reports (Timing of reports - Sections 60-62)

Background

155. The Bill relaxes provisions in the 2011 Measure relating to the way the IRP operates. One of the changes includes a new provision that the annual reports setting out councillors’ remuneration for the year will not need to be published until 28 February, rather than 31 December as at present.

Evidence from witnesses

156. Both the WLGA and the ACSeS had specific concerns about how the IRP’s annual reports are linked to councils’ financial planning arrangements.

157. As ACSeS explained:

“The financial planning process in a council means that proposals start to be drawn around December, once financial information has come from the Assembly and the Welsh Government. The tax and the budget are set around the end of February or the beginning of March. That budget is relevant for the period from 1 April onwards. If the independent panel does not publish its report until the end of February, that is too late to catch that financial planning process ... If the panel’s report means a substantial increase in payments to members, the council would have needed to be aware of that long before the end of February in order to plan the spend in its budget, and find a source for that money. So, very broadly, that is the concern ... We are suggesting that we adhere to the date of the

¹¹⁹ ROP, paragraph 157, 6 February 2013

end of December for the publication of the report, rather than the end of February.”¹²⁰

Evidence from Minister

158. The Minister said:

“If you look at the allowances for Members, which the independent remuneration panel instructs on, it is a very small amount of the financial aspect of a local authority. There are issues around the consultation process. That is why the timeline of this is quite tight. I could tighten that a little more, but it will be weeks as opposed to months in difference. I do not think that this is a major practical issue. In terms of the overall settlement of a local authority, the amount of funding available for Members’ allowances is small.”¹²¹

Our view

Recommendation 18:

The Committee considered the evidence and believes that the Independent Remuneration Panel should continue to publish its annual report by the end of December. Therefore, the Committee recommends that the Bill should be amended to reflect this. The Committee believes this will provide more transparency when councils are undertaking financial planning for the year ahead.

Joint standards committees (Section 63)

Background

159. The *Local Government Act 2000* requires each relevant authority to establish a standards committee to maintain standards of conduct among its members and to monitor issues relating to the authority’s code of conduct. The Bill facilitates the establishment of joint standards committees between authorities.

¹²⁰ ROP, paragraph 239, 17 January 2013

¹²¹ ROP, paragraph 153, 6 February 2013

Evidence from witnesses

160. The Public Ombudsman for Wales (“Ombudsman”) believed the establishment of joint standard committees would address some of his concerns, including;

- problems with forming suitably independent committees;
- some standards committees are rarely called to consider complaints and so they lack the necessary experience in this area;
- some authorities similarly do not see the need to establish standards committees so rarely are they required to meet.

161. Both the WLGA and ACSes said that they supported the proposal but were clear that this should merely be an option for authorities and not a requirement that would be forced upon councils.

162. In their written evidence, the ACSes say that they would:

“...welcome an additional clear power for an authority to refer a matter to another authority’s standards committee where there might be a difficulty in the ‘home’ authority’s standards committee dealing with the case”.¹²²

163. The Ombudsman agreed that authorities should be able to refer cases to another authority’s standards committee. However, he suggested that if this was not the case, the setting up of joint standards committees should be a requirement in the Bill in order to address some of the problems he has identified with their operation.

Evidence from Minister

164. The Minister said he was giving the issue of allowing referral to another authorities standard committee consideration and said ‘we may not have gone far enough in the Bill’.¹²³

165. The Minister also said:

“I am considering that we may be able to present regional standards boards, which may resolve all of the issues.”¹²⁴

¹²² Written Evidence, LGD 7

¹²³ ROP, paragraph 176, 6 February 2013

Our view

Recommendation 19:

The Committee recommends the Bill should be amended to ensure there is provision for one authority to refer a standards issue to another authority's Standards Committee in the event of it being deemed inappropriate for the home committee to consider it. If the Minister decides to make joint standards committees compulsory rather than optional, the power to transfer may still be relevant pending the establishment of joint committees.

Commencement (Section 69)

Background

166. Section 69 contains the commencement provisions for the Bill.

Evidence from witnesses

167. An issue was raised regarding the commencement provisions relating to Parts 2 and 3 whereby the provisions under those parts come into force at the end of the period of two months after the Bill receives Royal Assent.

168. The WLGA raised the issues of community reviews, they said:

“community reviews are due to be received by the Commission by July 2015 and, given 2013 is a non-election year, some authorities are planning to undertake community reviews shortly. However, the Bill's Commencement Provisions (S69) state that the parts of the Bill relating to Community Reviews will be commenced 2 months following Royal Assent. There is a concern therefore that community reviews already commenced or concluded (yet not formally implemented or approved) which were undertaken under current guidance and legislation may be affected by the new provisions under the Bill (particularly the issuing of the Commission's guidance on community reviews). It is therefore suggested that the Bill only applies to Community Reviews which are commenced after the Bill has

¹²⁴ ROP, paragraph 177, 6 February 2013

been introduced. The Commission believed the Bill should commence as soon as possible after Royal Assent.”¹²⁵

169. In supplementary evidence provided by the WLGA they said:

“The Welsh Government has however reassured the WLGA that the Bill’s powers would only apply to reviews started after the Bill was commenced.”¹²⁶

Our view

The Committee is content with the reassurance offered by the Welsh Government to the WLGA that the Bill’s powers would only apply to community reviews which begin after the Bill is commenced.

¹²⁵ Written Evidence, LGD 8

¹²⁶ Written Evidence, LGD 8b

8. Financial Implications

Background

170. The Explanatory Memorandum states:

“There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.”¹²⁷

Evidence from witnesses

171. Regarding the financial implications of the Bill the WLGA said:

“The financial implications are covered in the Explanatory Memorandum. The only area of some uncertainty is around the new charges that could be levied by the Local Government Boundary Commission on authorities for undertaking a community area review. The costs for such reviews vary, and the Explanatory Memorandum estimates that this would cost between £8,000 to £15,000 and that it should not be in excess of the cost should the authority have undertaken a review itself. Most of the costs incurred undertaking a community review relate to local authority staff time; where an authority requests that the Commission undertakes a community review on its behalf or the Commission decides to undertake a review due to delays, it is likely to be due to internal capacity constraints within the authority in question. Any reviews undertaken by the Commission are therefore likely to be an additional cost to an authority.”¹²⁸

172. One Voice Wales raised concerns over the costs to town and community councils. They said:

“the potential barriers for many councils would include issues such as capacity, expertise and the need for training and these issues have direct financial implications.”¹²⁹

¹²⁷ Explanatory Memorandum, paragraph 75, page 21

¹²⁸ Written Evidence, LGD 8

¹²⁹ Written Evidence, LGD 11

173. Some town and community councils also raised the issue of costs relating to the access to information provisions, Llandough Community Council said:

“The costs of developing and maintaining a website would stretch the capacity of those councils with low level precepts.”¹³⁰

Evidence from the Minister

174. When asked about the costs associated with the Bill’s changes to the Commission, the Minister said:

“we do not believe that there will be any significant challenges in terms of the additional funding requirements to do this. This has been a tidying-up exercise of how the organisation operates...We do not believe that there will be any additional financial burdens on the organisation, and any costs that are already there will be managed within the boundary commission’s financial envelope.”¹³¹

175. The Minister was also asked about the costs associated with the changes to town and community councils. He said:

“We have started a piece of work on looking at what the costs of doing this are in terms of town and community councils; ... If there is a cost to doing this, working collaboratively across the organisations, perhaps through One Voice Wales, would provide an opportunity to enable councils to become web-based. So, I am seeking to place a duty on councils to become web-based and I will be announcing shortly how I will be able to support town and community councils to do that.”¹³²

176. When asked about the funding announcement made on 29 January 2013, the Minister said:

“The funding will be allocated under a grant mechanism to principal councils. I think that I am right in saying that the funding will be £500 per council in each unitary authority area,

¹³⁰ Written Evidence, LGD 21

¹³¹ ROP, paragraph 71, 9 January 2013

¹³² ROP, paragraph 98, 9 January 2013

which will go to the principal council. There will be conditions based on the expectation of delivery around the grant, and I have already opened discussions with One Voice Wales on opportunities that it might have to work with town and community councils to enable them to work with principal authorities. I have opened dialogue to get them around the table to ensure that this can happen. So, the money will go to the principal councils—£500 per council within the area.”¹³³

Our View

The Committee recognises the cost implications identified when providing access to information by town and community councils. The Committee is content that this should be addressed by the funding announced by the Minister on 29 January 2013.

¹³³ ROP, paragraph 114, 6 February 2013

9. Witnesses

177. The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at:

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=1306>

9 January 2013 & 6
February 2013

Carl Sargeant AM Minister for Local Government and
Communities

17 January 2013

Owen Watkin,
Chairman Local Government Boundary Commission
for Wales

Steve Halsall,
Deputy Secretary Local Government Boundary Commission
for Wales

Daniel Hurford,
Head of Policy
Improvement and
Government Welsh Local Government Association
(WLGA)

Dilys Phillips, Chair
of ACSeS Wales The Association of Council Secretaries and
Solicitors, Wales Branch ("ACSeS)

23 January 2013

Lyn Cadwallader,
Chief Executive One Voice Wales

Robert Robinson,
Secretary to the
Association North Wales Association of Town and
Larger Community Councils

Councillor Mariette
Roberts Towyn & Kinmel Bay

Stephen Brooks,
Director Electoral Reform Society Wales

Darren Hughes, UK
Campaigns &
Research Director Electoral Reform Society Wales

Owain ap-Gareth,
Wales Campaigns &
Research Officer Electoral Reform Society Wales

31 January 2013

Anthony Barrett,
Assistant Auditor
General Wales Audit Office

Martin Peters,
Compliance
Manager Wales Audit Office

Peter Tyndall, Public
Service Ombudsman Public Services Ombudsman for Wales

Elizabeth Thomas,
Director of
Investigations and
Legal Adviser Public Services Ombudsman for Wales

10. List of written evidence

178. The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Id=5904>

<i>Name / Organisation</i>	<i>Reference</i>
Individual response	LGD 1
Cenarth Community Council	LGD 2
Myddfai Community Council	LGD 3
Llangattock Vibon Avel Community Council	LGD 4
Devauden Community Council	LGD 5
Local Government Boundary Commission for Wales	LGD 6
Association of Council Secretaries and Solicitors Wales Branch (“ACSeS”)	LGD 7
Welsh Local Government Association	LGD 8
North Wales Association of Town and Larger Community Councils	LGD 9
Electoral Reform Society Wales	LGD 10
One Voice Wales	LGD 11
Anonymous	LGD 12
Connah's Quay Town Council	LGD 13
Denbigh Town Council	LGD 14
Llandyfaelog Community Council	LGD 15
Wales Audit Office	LGD 16
Independent Remuneration Panel for Wales	LGD 17
Public Services Ombudsman for Wales	LGD 18
Llanharan Community Council	LGD 19
Old Radnor Community Council	LGD 20

Llandough Community Council	LGD 21
Llanarthne Community Council	LGD 22
Buckley Town Council	LGD 23
Caernarfon Royal Town Council	LGD 24
Llanelli Town Council	LGD 25
Penarth Town Council	LGD 26
Llanfairfechan Town Council	LGD 27
Pontardawe Town Council	LGD 28
Barry Town Council	LGD 29
Churchstoke Community Council	LGD 30
Llanelli Rural Council	LGD 31
Pontypool Community Council	LGD 32
Flintshire County Council	LGD 33
Caernarfon Town Council	LGD 34
Henllanfallteg Community Council	LGD 35
Ambleston Community Council	LGD 36
Abergavenny Town Council	LGD 37
Puncheston Community Council	LGD 38
Cardiff Council	LGD 39
Llangoedmor Community Council	LGD 40
Mochdre with Penstrowed Community Council	LGD 41