

## Draft Local Government (Wales) Bill

Public Consultation (*convened 24/11/15 and closed 15/02/16*)

### Full Responses (151 – 192)

Some respondents sent in more than one response – they are recorded in the Summary Report as one respondent/response

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**26897 -151 : Shan Bowden**

**Tref / Town : Penarth**

**Sefydliad / Organisation : Penarth Town Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

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

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

In support of the new configuration of Unitary Authorities Penarth Town Council would suggest that there is a need for the creation of local councils in areas where they do not currently exist to ensure consistency of democratic arrangements

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

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

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

Penarth Town Council supports local government elections being moved to fixed five year terms from 2023 and would support a six year term from 2017 as a one off to allow the changes in the arrangements to be made.

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

It is suggested that arrangements need to be in place to deal with the impact of issues such as asset merging, service merging, taking on of services and or assets from current Unitary Authorities to ensure consistency across Wales

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

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

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

An alternative to non-domestic rates was considered by the Silk Commission Part 1: Land Value Tax. The problem with non-domestic rates is that it usually falls on the occupier and bears little relationship to trading conditions or turnover, hence an additional burden on enterprise. LVT on the other hand would fall on the owner and relate to the long term economic circumstances internalised in land value. A limited exercise focused on the phased withdrawal of non-domestic rates and phasing in of LVT was suggested (Box 4.12) in Financial Powers to Strengthen Wales: Commission on Devolution in Wales (2012).

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

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

Transition arrangements need to be put in place for the local council sector to cover the transfer of staff, property and liabilities.

## **PART 2**

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

The Town Council agrees with the principals of Part 2 of the Draft Bill

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

Penarth Town Council supports the three competency requirements and the general requirements regarding the use of the new power.

However it has concerns with regard to the term competent council (its connotations) and suggests that Quality Council as used in England would be more appropriate.

### **PART 3**

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

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

Penarth Town Council supports the proposed public participation duty placed on the new Unitary Authorities but would welcome guidance on how community and town councils will be engaged in this process in a way that removes confusion about the roles of the County and local councils (CTCs) and tax raising autonomy.

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

The Town Council has concerns over the governance arrangements for community area committees including unelected representatives and the potential under representation of the local council sector. These are developed more fully in the submission by One Voice Wales. The research commissioned for the White Paper, particularly from INLOGOV and IFF highlights the public awareness and broadly supportive recognition of the CTC sector by the public but there is confusion as to its role in relation to unitary authorities. The proposed area arrangements, unless they are more akin to a consultative forum and more focused on community interest rather than place will further entrench the confusion of the public and the frustration of the sector; limiting its attraction to prospective members; diluting well-rehearsed principles of subsidiarity and place based representation.

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

The Town Council would not wish to surrender its views to the community area committee and would suggest that there will be a danger of clouding the community and town council role within the local community. The Town Council would be happy with the committee being a vehicle for passing information through to the Unitary Authority but is less comfortable with the committee being able to delegate functions down to the local council. Although it could provide a forum for developing ideas and potential partnerships. The Town Council would wish to see local councils maintaining their autonomy and clear relationships with their communities

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

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

The Town Council supports the principle as a means of dialogue

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

Clear guidance would need to be provided with regard to filming, photography and sound recording of meetings. The Council whilst recognising the need to use all means for broadcasting and giving access to its business, considers there is potential for abuse which constrains debate and potentially deters interest in becoming a local councillor.

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

The Town Council would suggest that civic participation needs to form part of the national curriculum the Town Council has supported a Youth Council since 2008 and has ambitions to expand the role by encouraging the involvement of the young people in the activities of the Council.

#### **PART 4**

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

Members of Community Councils to Complete Training- The Town Council would support compulsory and general training for councillors and would suggest that the training programme should be developed by One Voice Wales

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

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

The Town Council would support the proposals to extend the power to include the community and town council sector.

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

The Town Council would support this view point

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

The Town Council would support this view

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

No view

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

No view

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

No view

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

The approach and proposals appear to be fair.

## **PART 5**

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

The Town Council does not wish to respond to this Part of the Draft Bill

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

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

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

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

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

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

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

## **PART 6**

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

The Town Council supports the view that groups of adjacent councils should be encouraged to work together in clusters and not forced to amalgamate

Guidance will be required to enable local councils to consider the issue of precept harmonisation and equalisation. The Guidance will, as a prerequisite, have to deal with related clarifications about perceived double taxation and the opportunities to use the precept to provide support to services and facilities over the long term.

The Town Council supports the development of Annual Reports to enable greater local accountability and encourage democratic engagement. However the requirements should have regard to the size of the council and functions undertaken.

There will be a need for Transition Committees to oversee the recruitment and selection process for the clerk's post on new common councils, assimilation of staff generally, to deal with redundancies, the transfer of assets and delegation of services

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

The Town Council agrees with this proposal but suggests that the date may be ambitious

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

The Boundary Commission should implement its recommendations

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

The Town Council supports compulsory training for community councillors the programme of training should be developed by local councils in collaboration with One Voice Wales. Non remunerated members undertaking compulsory training should have the statutory right to paid leave.

Alternatively it is suggested that training should be available on-line.

A reasonable period of time, say six months from attaining office, should be allowed for the training to be completed.

It is also suggested that if there is to be a mechanism of reporting the non-attendance of councillors at compulsory training that it should be one that does not strain the relationship between the Clerk and their members.

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

The Town Council supports the proposal as a one off for 2017

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

Community Councils should develop a training plan for its members in collaboration with One Voice Wales

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

The duty should be the responsibility of the Council and managed through the Leader or Chairman

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

The Town Council supports community polls but has concerns over the proposal for e –petitions which could produce unrepresentative surveys. The need to attend a meeting at least demonstrates a degree of commitment not required in casual on-line responses.

From experience there is need for the registration process to be simplified perhaps by pre-registration because the process was found to be bureaucratic and frustrated those running and attending the community meeting.

## **PART 7**

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

The introduction of Transition Arrangements and development of transitional committee's will be essential in supporting the vision for the local council sector

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

The Town Council supports the creation of the Staff Commission subject to local council representation.

## **PART 8**

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

No views on this part of the draft Bill.

## **ADDITIONAL QUESTIONS**

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

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

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

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -152 : Judith Paget**

**Tref / Town : Caerleon**

**Sefydliad / Organisation : Aneurin Bevan University Health Board**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

The Health Board does not have any specific comments on the provisions of Part One of the Draft Bill. However, more general comments are provided below with regard to the themes covered by Part One of the Draft Bill.

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

The Health Board does not have any specific comments with regard to the proposals for North Wales as this is outside our geographical area of operation.

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

The Health Board understands the rationale for the proposed reconfiguration of Local Government in Wales, especially with regard to the economies of scale that the reconfiguration will offer and also the alignment with other public services such as NHS and the Police. This would particularly be the case in the Gwent area. Nevertheless, the Health Board wishes to highlight that it already has a positive working relationship and partnerships in place with the existing five local authorities in our area in their current configuration. However, we are sure that whichever configuration of services that is currently decided upon the Health Board is confident that it would be able to ensure that it continues these partnerships and works together with Local Government to meet the needs of our local communities.

For instance, we have well established partnership arrangements such as Local Service Boards and meet regularly on a range of issues and

developments. This includes regular attendance at joint meetings such as the developing partnership arrangements for the implementation of the Social Services and Well Being Act locally and the next stages of development for the Well Being and Future Generations Act arrangements.

We work very closely together and have a strong track record collectively understanding the needs of our local communities and working together and collaborating to ensure services meet these needs. For instance, the Gwent Frailty programme has been in place for a number of years and has demonstrated how statutory bodies working with local community based third sector bodies can develop services which meet the needs of local people and provide services closer to their homes and increasingly directly within their homes. This has been done with the existing configuration of bodies in the Gwent area. Economies of scale in terms of the number of Local Authorities might make the governance and negotiation arrangements more streamlined, but it would not undermine the fundamental principles of the service, which is to provide responsive services as locally as possible.

As you will be aware, Aneurin Bevan University Health Board is a large integrated Health Board, with responsibility for the well-being of our population and the provision of services in primary care, community settings and also hospital and specialist care. There was concern at the establishment of the Health Board that a large integrated Health Board might become remote from the communities it serves. There has been similar concerns expressed with regard to large new County Councils. However, the Health Board has sought to ensure since its establishment that services are configured locally although the organisational structures and governance arrangements might be focused on one organisation. Therefore, we have established as mentioned key local partnerships, established our own local mechanisms such as Neighbourhood Care Networks (GP Clusters, although these are much wider in their membership in our area containing a range of professional and community interests) and also an Engagement Team that is active in forging ongoing relationships with our local communities to ensure we remain connected to these communities and understand their needs.

Therefore, the work of the Health Board in serving nearly 600,000 people in the Gwent area and also the needs of patients in the South Powys area, demonstrates that although the corporate model and governance structures might be established on a large area model, it can continue to remain connected with local people, act locally and deliver locally to meet the needs of our citizens.

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

The Health Board does not wish make any comments on this question.

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

If Local Government reorganisation does go ahead, the Health Board sees as reasonable the alignment of the five Local Authorities in our area into the proposed new Gwent construct. This is a construct that people are familiar with and is based on some history. Many people in our area continue to refer to Gwent although it has not been used for local government since the mid-1990s. It would also appear reasonable in planning terms as this would align to the main areas of responsibility of the Health Board and co-terminous boundaries would continue to support the positive planning and development arrangements that we currently have in place with the existing Local Authorities.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not have any specific comments on the provisions of this section of the Draft Bill.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

## **PART 2**

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

The Health Board does not have any specific comments on the provisions of Part Two of the Draft Bill.

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

The Health Board does not wish to make any comments with regard to this question.

## **PART 3**

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

The Health Board does not have any specific comments on the provisions of Part Three of the Draft Bill. However, more general comments are provided below with regard to the themes covered by Part Three of the Draft Bill.

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

The Health Board considers that continuous engagement and participation of the people we serve as being crucial to ensure that local public services can understand the needs of our citizens and communities and also being to develop with them, through active participation, services that meet their needs and also encourage healthier lifestyles. The Health Board as mentioned previously has established a dedicated Engagement Team working in and with communities and it is also taking forward a philosophy of co-production with our patients and citizens to promote their active feedback and involvement in our work and the planning services for the future. Much of this work can and is done in partnership with others, especially Local Government. Therefore, any ideas or approaches that further encourage participation in planning and decision making of our citizens should be welcomed. However,

there might be more strength in ensuring that all public services work together under the proposed duty for public participation. This will assist in ensuring that local public services work together and streamline current engagement and participation activities to ensure that public services connect together in effective and efficient ways with the people we serve.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board very much supports the enhanced participation of children and young people. This is an area that needs much more development to ensure that children and young people's voices are also clearly and directly heard in the planning and decision making about services. Traditionally, young people's views have either not been actively sought or if they have been sought they have been filtered through adult professionals or expressed

by adults on their behalf. The Health Board is aware, that Local Government has a strong track record in engaging with young people through Youth Fora and Councils and the former Local Health Boards did a lot of partnership work with Councils on this in the past. The Health Board's engagement with young people tends to be specifically through our services such as Child and Adolescent Mental Health Services and also Learning Disability Services. However, we recognise that more general engagement work needs to be undertaken and proposals are currently being taken forward with our Local Government partners to take these proposals forward. Therefore, the proposal within the draft Bill to promote and facilitate the involvement of young people would be welcomed, but would have more strength and impact if it was taken forward together in partnership as public services, perhaps under the provisions of the Well Being and Future Generations Act and through existing and future mechanisms such as the Local Service Boards and Public Service Boards.

#### **PART 4**

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

The Health Board does not have any specific comments on the provisions of Part Four of the Draft Bill.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

## **PART 5**

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

The Health Board does not have any specific comments on the provisions of Part Five of the Draft Bill. However, more general comments are provided below with regard to the themes covered by Part Five of the Draft Bill.

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

The Health Board supports the proposals with regard to ensuring good governance principles as these are the fundamental framework for any reorganisation of local government to ensure that accountability, efficiency, openness and transparency are at the forefront of any changes. Key to these approaches will also be ensuring partnership governance is also well established, understood and supported, especially with current joint services, but also new concepts such as Public Services Board. These arrangements will need to be clear with regard to accountability and responsibilities. This

will help to ensure coherent partnership approaches in the interests of citizens. Also, further work will need to be undertaken with regard to scrutiny and how this is taken forward in partnership to ensure that partners are holding each other to account, but also holding collectively joint services and approaches to account on which they are collaborating. Further consideration needs to be given to developing joint/partnership scrutiny arrangements and this could be facilitated by the further alignment and streamlining of local government arrangements.

Also, arrangements for Local Authorities to deal with complaints from citizens is highlighted within the consultation document. Further work is required to understand, as services are increasingly jointly designed and delivered, how statutory partners can agree how complaints and criticisms are dealt with by lead providers or collaborating organisations for services that are genuinely joint services in the eyes of the citizen.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board has a positive experience with regard to its partnership arrangements locally and particularly with the work that has been done in the past with Local Government and others. Local Service Boards have been very important relationship and partnership vehicles. Therefore, Public Service Boards appear to be an important next stage development in partnership working at local levels. The implications of the Well Being and Future Generations Act are still being assessed, however, if previous experience is applied to Public Services Boards, the concept will be one that can add value to local partnership arrangements and be a real engine room for ensuring that public services work together in the interests of the people we serve and sustainable services for the future.

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

The Health Board does not wish to make any comments with regard to this question as the concept is still being assessed locally.

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

In considering this concept, further discussion should be undertaken with the NHS Shared Services Partnership for Wales, which has experience of providing shared services for NHS Wales. The principle however, of the benefits of consistency, standardisation and economies of scale that could be realised through shared services for public services should be further explored.

## **PART 6**

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

The Health Board does not have any specific comments on the provisions of Part Six of the Draft Bill.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

## **PART 7**

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

The Health Board does not have any specific comments on the provisions of Part Seven of the Draft Bill.

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

The Health Board does not wish to make any comments with regard to this question.

## **PART 8**

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

The Health Board does not wish to make any comments with regard to this question.

## **ADDITIONAL QUESTIONS**

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

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

The Health Board does not wish to make any comments with regard to this question.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -153 : Huw Vaughan Thomas**

**Tref / Town : Cardiff**

**Sefydliad / Organisation : Wales Audit Office**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

Overall, there are no findings from my work in relation to local government that suggest that any of the proposed provisions are unreasonable or unworkable. Similarly, however, I cannot give a view as to whether any of the proposed configurations of local government have particularly strong merits or drawbacks.

Please also see responses to following questions.

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

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

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

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

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

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

The provisions relating to local government finance seem to be reasonable provisions to enable the new structures to function. They do not represent substantive change to the overall current general approach to local government finance, and I note that the Welsh Government intends to consult on proposals, including for further legislation, to address the mechanisms for distributing, raising, managing and accounting for the funding of local government. I welcome the Welsh Government's intention and look forward to the consultation.

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

One option may be to undertake or commission research that compares (on a sample basis) NDR status with indicators of activity, such as use of authorities waste collection services, or against Companies House records of non-dormant companies.

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

It seems sensible to make provision requiring NDR payers to notify authorities of changes in circumstances. It might also be worth considering provision for authorities to have right of entry to premises so as to enable checks for evidence of activity, particularly by reading utility meters. Likewise, it may be useful to consider clarification of which organisations qualify for charitable exemptions and/or provision for checks of such exemptions.

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

The Welsh Government may wish to discuss its intentions on NDR and other local government finance matters in more detail with me so that I can give some consideration as to how the National Fraud Initiative could be extended, for example, to include real-time checking of entitlement of exemption of properties from business rates.

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

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

## **PART 2**

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

The provisions are on the whole, I think, appropriate. I note that there has been some confusion in at least one Welsh authority as to whether the competence provided by the Localism Act 2010 applied, and Welsh provision should help prevent such confusion in the future.

See also 2.2. below.

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

In relation to the draft Bill's provision for the use of audit opinions in determining community council competence (section 31), I should note that while such opinions are of relevance to the abilities of bodies in terms of

financial management and governance, audit work is not actually designed so as to provide assurance as to whether a council meets competency requirements. Current audit provisions in section 17 of the Public Audit (Wales) Act 2004 do not require audits to address general competence. If audit arrangements are to be fully appropriate to determining whether a council has competence, it will be necessary to amend the scope of audit work. In many, if not most, cases, this will increase community council audit fees (or will need to be funded by other means). Rather than making this a blanket requirement for all audits, it may be more cost-effective if provision were made requiring community councils to obtain specific reports on fitness for competence. Such reports could be provided on an agreement basis under section 19 of the Public Audit (Wales) Act 2013.

I note that section 35 of the draft Bill requires community councils to have regard to guidance issued by Welsh Ministers on the exercise of functions in relation to the general power of competence. I think this is appropriate and would add that I think that such guidance will be very important, as community councils are likely to be unfamiliar with recognising the limits of competence, as imposed, by, for example, European State Aid rules.

### **PART 3**

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

In general, I welcome the proposals in Part 3 to encourage public participation. Many of the requirements are consistent with good governance principles and may assist in contributing to a framework for assessing compliance with the 'good governance' duty.

I particularly welcome the duty to publish a constitution guide to aid transparency and good governance.

I do, however, see the provisions for improvement requests (Chapter 4 of Part 3) as leading to potentially administratively burdensome procedures. In that respect, it may be helpful if the Welsh Government were to consider means of minimising such burdens, for example, by setting out in guidance a realistic range of examples of reasonable grounds for refusing requests.

I also have some concerns about possible lack of co-ordination and streamlining of effort between community area committees and community councils. I wonder whether it is worth exploring the possibility of replacing community councils (where established) with community area committees, where that might be the preferred local option. This possibility would need to be dovetailed with any review of community councils.

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

As above

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

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

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

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

Section 67 (1) states that improvement requests must be agreed to unless there are reasonable grounds for refusing the request (or such request had been made in the preceding two years). Would evidence of democratic mandate to not accede to a request (e.g. majority party has a manifesto commitment to pursue a policy that runs counter to the request) be "reasonable grounds"?

I see a risk of the process of dealing with improvement requests being

administratively burdensome. The Welsh Government may wish to consider how it can build in safeguards against that risk.

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

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

#### **PART 4**

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

In general I welcome provisions to improve the accountability of elected members and chief officers. Overall, the provisions of Part 4 appear reasonable.

The provisions in Chapter 2 of Part 4 seem conducive to ensuring more consistency in responsiveness to constituents on the part of individual members, and as authorities are overall governed by their members, it should enable the electorate to be better informed and otherwise engaged with authorities. I think, however, some caution may be necessary in terms of application of the compulsory training requirement (s85). It would be unfortunate if this were applied in a heavy-handed way that led to members of the public being put off from seeking candidature. That could perversely decrease engagement with democracy.

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

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

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

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

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

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

As the Welsh Government notes in its consultation document, if such a provision is introduced, careful consideration will be needed. In particular, authorities will need to proceed carefully in order to head off or be in a good

position to defend claims of unfair dismissal. However, the removal of the requirement for a report by an independent person does have merit, as such reports can be costly, particularly where QCs are engaged to produce them.

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

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

## **PART 5**

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

### Corporate Plan

While the draft Bill recognises that well-being objectives should be included in the corporate plan, as currently set out the “statement of priorities” these appear to be a separate add-on. If it is the intention that well-being objectives are central to the priorities of the council then this needs amending to make this clear.

### The multiplicity of assessments and review

Altogether Part 5 leads to multiple assessment and review requirements:

- a) section 116 self-assessments;
- b) section 118 peer assessments;
- c) section 124 combined assessments, and
- d) section 128 Welsh Government appointed governance reviews.

Altogether the requirements for assessments and reviews of governance matters are stacking up.

### Combined Assessments

These consultation questions do not cover the proposal for Combined

Assessments. This does not encourage all respondents to consider this specifically.

As currently set out the requirement for Combined Assessments is to assess compliance with duties under section 111. However jointly conducting and reporting such an assessment could prove unnecessarily complicated given the necessarily distinct roles and independence of the bodies involved. The joint clearance and sign off of reports by multiple parties, both within councils and AIR bodies, will, of necessity, be a protracted process. Given that examinations of governance are core to AGW functions, it would seem more efficient to require AGW to assess the discharge of the duty to make 'good governance' arrangements, whilst requiring 'relevant regulators' to contribute relevant information, and requiring the Auditor General to have regard to such information. The power to undertake such an assessment 'at such intervals as I see fit, would also align with my under section 17 of the Public Audit (Wales) Act 2004 to satisfy myself as to proper arrangements for securing economy, efficiency and effectiveness. I'd be happy to discuss this further.

The process described in the explanatory memorandum goes further than assessing compliance with the 'good governance' duty. By sharing information about our respective work we can identify, so far as the areas of examination and findings permit, risks to good governance. This is not the same as setting out an assessment (presumably including a view/judgement) of compliance with statutory duties.

The process described in the explanatory memorandum lends itself better to a duty to share information in the exercise of the respective functions of AIR bodies than it does to a duty to report jointly. I have outlined above some of the complications that may come with joint reporting.

Any requirements related to assessing the making of governance arrangements need to be coherent and add value to the regime as a whole. I refer below in my response relating to peer assessment to the need to consider coherence.

#### Welsh Government governance reviews

To assist coordination and coherence it would be helpful if the consultation arrangements included consulting with the Auditor General for Wales.

#### Confusing nomenclature

Section 123 defines the Audit General as a "relevant regulator" and the Auditor General's local government functions as "relevant functions". (The other "relevant regulators" defined by the section are Her Majesty's Chief Inspector of Education & Training in Wales (Estyn) and the Welsh Ministers exercising social services inspection functions (CSSIW).) It is misleading to label the Auditor General as a "regulator", as audit is not regulation. This leads to confusion as to the Auditor General's functions and independence. I think this could be easily addressed by a small change in nomenclature, such as by using the term "relevant review body".

### Conflict with audit independence

Several aspects of Part 5 are not compatible with audit independence, which is a fundamental audit principle and essential for overall credibility of reporting on the stewardship of public resources, both at the local government level and the Welsh Government level. The greatest problem is in section 143, which sets out to empower the Welsh Ministers to make regulations for co-ordinating work of the Auditor General with work of Her Majesty's Chief Inspector of Education and Training in Wales (Estyn) and work of the Welsh Ministers in terms of their social services inspection functions (CSSIW). Using these powers, the Welsh Ministers would apparently be able to set timetables for when audit work is done and require the sharing of information.

These regulation-making provisions are at odds with section 8(1) of the Public Audit (Wales) Act 2013, which says:

“The Auditor General has complete discretion as to the manner in which the functions of that office are exercised and is not subject to the discretion or control of the National Assembly or the Welsh Government.”

The regulation-making provision therefore appears to provide the Welsh Ministers with the means in effect to amend section 8(1) of the 2013 Act. As we understand it, section 8(1) of the 2013 Act is protected from amendment by the Assembly by virtue of paragraphs 2 to 4 of Part II of Schedule 7 to the Government of Wales Act 2006. In particular, it appears to me that regulation-making provisions powers ought to be limited to the oversight or supervision of the Auditor General of his functions, which are properly matters for the Wales Audit Office and the National Assembly, rather than the Welsh Ministers, and any regulations that purported to have an effect that compromised the Auditor General's discretion would be invalid. (I am in the process of obtaining independent advice on this point and should be happy to update you on the outcome when that is available.) Even if that analysis is not correct (and in any event there is scope for considerable confusion and expense), and such regulations were valid, then audit independence would be compromised.

I understand that the provision for Welsh Ministers' regulations may have been intended to help achieve the first part of the section, which is that Estyn, CSSIW and the Auditor General should have regard to the need for co-ordinating their work. That first part of the section is reasonable, but the provision for regulations is not appropriate. Apart from being harmful to audit independence and, by extension, audit bodies' (including Ministers') financial credibility, the provision for regulations is unnecessary, as co-ordination is already being pursued through the Inspection Wales voluntary co-ordination group.

A similar problem arises in section 132, which places the Auditor General, along with Estyn and others, under an obligation to provide Welsh Government appointed “reviewers” (appointed under section 128) with “whatever facilities and assistance” the reviewers require. There is a danger that the obligations under section 132 will divert resources from independent

audit work.

I can see that if the Welsh Government is to create its own local government governance review arrangements that it will want to ensure that those arrangements are co-ordinated with the work of other review bodies, such as the Auditor General, and do not lead to unnecessary duplication. It would, however, seem more appropriate to seek such co-ordination through the existing Inspection Wales arrangements (at no significant additional cost), rather than by providing for the requisition of independent resources, which have been voted by the National Assembly for other purposes.

The capturing of the Auditor General by a duty in section 144 to have regard to Welsh Ministers' guidance in relation to functions under Part 5 is also at odds with overall audit independence.

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

I welcome the replacement of the duty to make improvement arrangements, under the Local Government (Wales) Measure 2009, with the proposed duty to make good governance arrangements. My view is that the improvement duty was seen by many councils as an additional burden rather than an integral part of the business. The new proposed 'good governance' duty goes deeper to the heart of what makes organisations successful in the delivery of their priorities, and should encourage councils to critically examine their full range of arrangements whilst also improving transparency and democracy. I also welcome the focus on economy, efficiency and effectiveness and the alignment that this provides to my duties under the Public Audit (Wales) Act 2004, to satisfy myself that proper arrangements are in place to secure economy, efficiency and effectiveness.

As I understand it the rationale for not applying this duty to National Park Authorities and Fire and Rescue Authorities, and continuing with the existing arrangements, is that the Welsh Government is giving further consideration as to appropriate arrangements for those bodies, rather than because it intends to maintain the existing arrangements in the long term. In my view, the latter would not be the best course in terms of economy, efficiency and effectiveness.

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

Any proposed peer assessments should add value to, rather than duplicate, the other proposed assessments of the discharge of the 'good governance' duty (i.e. self-assessments, the proposed Combined Assessment, Welsh

Government governance reviews).

Moreover my own assessments of arrangements under the Public Audit (Wales) Act 2004, and my assessments of the extent to which bodies have acted in accordance with the sustainable development principle when setting and pursuing well-being objectives, will also examine governance arrangements.

Care must be taken that a regime is created that has coherence, reduces duplication and leads to improvement. An over-emphasis on diagnosis rather than cure will lead to nugatory activity. The use of peers to support improvement where issues have been identified by other contributors in 'the system' may be a more fruitful exercise.

The wide-ranging ability of Ministers to make regulations about the conduct of self- and peer assessments runs the risk of dis-empowering councils in what should be sector-led improvement. If there is a need for provision for making regulations, it would seem more appropriate for there to be provision for Ministers to make regulations about the conduct of assessments only in the event that there are reasonable grounds to believe that assessments have either not been conducted or have been conducted inadequately.

With regard to the model approach to peer assessments, my view is that the available pool of potential peers that meet the requirements set out in the annex is currently very small. Considerable effort will need to be made in developing such a pool and building capacity in the sector as well as quality assuring potential reviewers.

The example refers to a peer assessment taking several months and ongoing engagement. It then refers to it as a 'short, sharp process'. This appears contradictory. I also believe that the process described is unrealistic in the speed at which it is proposed to be carried out. In order to ensure that evidence is robust and that findings are adequately quality assured a more measured approach may be necessary.

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

The requirement for Corporate Governance and Audit Committees to consider assessments of governance, and the council's response to them, reinforces and provides more direction to Audit Committees' current remit under existing regulations, and is therefore helpful. My experience is that Audit Committees currently struggle with this, and provided that the requirement is supported by adequate guidance, it should help to improve internal challenge.

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

I recognise the argument that the cost of establishing local PACs with their own resources may not add sufficient value to be justifiable. There would seem to be a risk of duplication with the work of local authority scrutiny committees. I would, however, note that there is great merit in looking retrospectively at what has been done and how money has been spent, as a means, among other things, of informing future policy choices that might lead to more cost-effectiveness and better outcomes.

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

I have some reservations about whether Public Service Boards are the right bodies to examine the policy choices facing local public services as they are not democratically elected to do so. The consultation question does not make it clear as to whether “examine” means to scrutinise or to determine policy choices.

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

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

## **PART 6**

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

Overall, the proposals do not seem unreasonable, but some issues may arise on practical implementation.

As noted in the consultation document, I (or in some individual cases, appointed auditors) have made reports in recent years highlighting the need to improve financial management and governance across the sector. In order to enhance the capability of the sector, it seems that generally larger community councils need to be created, as it is in the smaller councils that we have found more significant issues during audit. Larger councils can offer higher remuneration to attract full time and qualified staff. Also there are many community areas without community councils. Therefore a review of the sector covering all communities would be appropriate.

See also below.

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

This would seem to be appropriate. If communities are to be grouped, it would seem sensible for groupings to be considered across the new rather than just the extant counties.

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

It would seem sensible to share the burden of implementing recommendations concerning significant numbers of community councils. Furthermore, the counties already provide administration for elections etc for the community councils. There is a question as to whether the Boundary Commission has capacity to undertake this work itself in anything other than a protracted period.

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

Community councillors often demonstrate a lack of understanding of their responsibilities (see, for example, the Mawr report in the public interest January 2015), particularly in relation to the fairly complex legal framework, finance and governance. A typical view is that “it’s the clerk’s responsibility”. Training therefore seems to be a good idea.

I am in favour of the proposal mentioned in the consultation document (but not in the draft Bill) that community councils should be required to consider and plan for the training needs of their own members and employees. I think it is important for community councils to take ownership of their training needs both because this should enhance and maintain their independent abilities, and it should make it more likely that members undertake training. However, at present I doubt that many councils would be well-positioned to identify training needs and gaps, so I do see county councils as having a role, as provided for in section 167, in considering the training needs of community councillors. Furthermore, Welsh Government guidance, as provided for by section 167(2), should help ensure consistency in standards across Wales.

There will no doubt be practical issues arising from ensuring that mandated training is undertaken. I am not sure that the notification procedure in section 170 will be effective, and, as the consultation document notes, there is scope for strained relationships given that the clerk is an employee of the council. However, a requirement for clerks to compile records of training requirements and attendance is sensible, and it would, for example, facilitate audit review of training across community councils if resources and priorities make that appropriate.

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

It would seem to be a sensible administrative arrangement to fit around local government reorganisation and to tie into the dates for the new authorities. Note however that many community council members are co-opted rather than elected due to a lack of interest.

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

As mentioned above, it is important for community councils to take ownership of their training needs as this is more likely to lead them to engage in training. However, at present I am not sure that many councils would be able to

identify training needs and gaps.

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

In many councils, the clerks are left to get on with the job with minimal input from the council. In some cases they run the whole show. Setting and monitoring objectives and performance are therefore important. However, in some the clerks may work closely with the chair or a small group of members to the exclusion of others (see public interest reports on Mawr and Clydach). Therefore in my view, setting and monitoring objectives should be the responsibility of the council as a whole

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

## **PART 7**

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

Overall, the provisions of Part 7 appear reasonable.

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

**PART 8**

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

If the Bill to be introduced includes provisions for Welsh Ministers to make regulations for combined assessments and for setting the timetable for the exercise of review body functions and sharing of review information (sections 127 and 143 in the current draft, which, as noted in covering letter, are not appropriate), then there should be reference to them in section 182(3), so that such regulations are at least subject to a resolution of the National Assembly.

**ADDITIONAL QUESTIONS**

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

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

By and large, and taken as a whole, the cost and savings estimates do not seem unreasonable, though it is not possible to be certain about this, as the basis for many figures is not clear (see, for example, estimates of savings from consolidation of office space on page 63 of the Regulatory Impact Assessment, Part 1). While the overall costs and savings seem to me to be somewhat optimistic, this optimism does not seem so great as to undermine the overall picture that the costs should “pay back” in about 4 years, assuming the upper estimates of costs and the lower estimates of savings.

Some individual estimates do, however, seem rather optimistic, such as the lower total for pay harmonisation of £3.5 million (table 15 of page 69 of the Regulatory Impact Assessment, Part 1). This estimate appears to be based on staff in new authorities moving to the weighted averages of salaries in the

existing authorities.

With some justification, the costs of transition committees are not included in the assessment for the draft Bill, as these were given coverage in the assessment for the Local Government (Wales) Act 2015 (some £2 million 2016-20). However, to get a complete picture of the re-organisation costs, this cost needs to be kept in view, even though it is not likely to make a material difference to the overall pattern of cost and savings.

The presentation of the Regulatory Impact Assessment is not user-friendly. There is no immediately apparent and explicitly labelled summary of the gross cost of the Bill. It is necessary to turn to page 71 to identify the “preferred option” and then refer back to pages 68 and 69 for summaries of estimated savings and costs. The presentation does not seem tailored to meeting the requirements of Assembly Standing Orders.

One point that is apparent on consideration of the summary cost table on page 69 is that 2019-20 is to be a critical year for local government in terms of funding requirements. In that year authorities (and their pension funds) will need to find some £60 million to £100 million to fund redundancies, early retirement packages and other costs. The Welsh Government’s consideration of this requirement is not clear from the consultation materials.

It is not possible to offer definitive views as to costs shown in Part 2 of the Regulatory Impact Assessment, as it is not apparent quite what lies behind the figures given. There do, however, seem to be indications that the costs are incomplete. For example, pages 83 to 85 of the Regulatory Impact Assessment, Part 2, concerns self-assessments and peer assessments, but costs are only identified for peer assessments (£45,000 to £50,000 a year, which seems low, even on the basis of one assessment in each electoral cycle). It therefore seems that the cost of self-assessments has been omitted.

The RIA refers to various options for Combined Assessments with associated Welsh Government costs. The difference between the two main options appears to be frequency of assessment (biennial or annual), and whether a State of Local Government Report is produced. However it is not clear why the difference in annual cost is so great (circa £181,000 and £55,000).

The RIA also refers to Welsh Government (Inspection Wales) costs. Inspection Wales is an informal partnership group not a formally constituted body. It appears that the costs attributed to Inspection Wales represent a proposal to provide secretariat support, but only such costs. The costs of the activities of Inspection Wales members appear to be omitted.

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

There are also some matters raised on page 14 of the consultation document (but not in the draft bill) on which I should welcome engagement at the earliest opportunity:

- a) proposals (including for further legislation) regarding distributing, raising, managing and accounting for the funding of local authorities;
- b) that the Bill for introduction will contain updated accounts and audit provisions;
- c) regulations governing the funding, accounts and audit of shadow authorities—it will be necessary to have sufficient examination of the expenditure of shadow authorities.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -154 : Councillor Gail Giles**

**Tref / Town : Newport**

**Sefydliad / Organisation : N/A**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

Whilst I am not against re-organisation, however, I do not disagree with the proposal for the reduction of Local Authorities down to eight which I believe will result in making the larger ones less accessible to constituents , reducing democracy and potentially less accountable.

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

The proposed merged authorities are smaller than the existing authority of Carmarthenshire which appears to contradict the proposals to combine larger Authorities.

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

Merging Local Authority areas like the whole of Gwent can only accessible democratic representation. The Welsh Assembly has always maintained its support for ensuring people have a local voice and yet the proposals appear to be risk making representations more distant.  
In addition, new authorities should respect the integrity of city, valley and rural communities wherever possible to support and protect the culture and diversity of these communities, which has always been recognised by the Assembly

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

N/A

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

N/A

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

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

## **PART 2**

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

N/A

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

N/A

### **PART 3**

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

As previously stated the proposed authorities could be too remote and that and result in reduced turnout and participation.

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

I agree with both these proposals

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

Through the election process

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

N/A

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

Any transitional arrangements should be agreed as reasonable, well planned and timely

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

Reform of service improvement is needed especially the role of WAO

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

Support

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

Support

#### **PART 4**

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

These could be difficult to enforce and possibly increase complaints .  
In my experience 'street surgeries' are far more effective than traditional static surgeries

.  
14 days for responses may not allow sufficient time for annual leave or sickness etc ..Councillors, unlike AMs and MPs, do not have staff / others to cover for them. Reasonableness should be applied.  
Provision of training / updating is good but acquired prior learning and / or relevant experience should also be taken into account. Reasonableness should be applied.  
.

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

Agreed

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

The existing arrangements work satisfactorily.

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

I do not agree as an independent panel should be independent.

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

In certain circumstances such as geographical distance, access etc..

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

Not if Returning Officers are already in post

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

No

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

Yes

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

The responsible disposal and transfer of Local Authority assets is already a well-established practise, which includes supporting community groups where appropriate in a sustainable manner which benefits local communities.

## **PART 5**

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

I support improved governance.

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

As above

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

I am not necessarily against peer assessment , however, the guidelines should be clear.

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

Agree

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

No comment

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

Yes

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

No.

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

N/A

## **PART 6**

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

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

Yes

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

The Boundary Commission

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

Provision of training is good but its demands should be considered and reasonable

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

No

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

As above

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

No

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

No

## **PART 7**

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

Accepted

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

## **PART 8**

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

## **ADDITIONAL QUESTIONS**

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

No

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

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

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -155 : Alan Bermingham**

**Tref / Town : N/A**

**Sefydliad / Organisation : CIPFA**

Welsh Government Consultation on the Draft Local Government  
(Wales) Bill

A Submission by:

The Chartered Institute of Public Finance and Accountancy

February 2016

CIPFA, the Chartered Institute of Public Finance and Accountancy, is the professional body for people in public finance. CIPFA shows the way in public finance globally, standing up for sound public financial management and good governance around the world as the leading commentator on managing and accounting for public money.

Further information about CIPFA can be obtained at [www.cipfa.org](http://www.cipfa.org)  
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1. Executive Summary

1.1 CIPFA recognises the efforts that have gone into the draft bills supporting regulatory impact assessment (part 1) in terms of identifying the costs associated with reform and merger options. However, there are omissions and exclusion of costs such as council tax harmonisation and transition committee costs that could total up to £73.5m<sup>1</sup> based on CIPFA's previous research. As a result, we believe that a full and complete presentation of the transitional costs to be incurred through the reform process is now required.

1.2 A clear presentation of the full costs involved is essential to enable councils to plan for the costs of merger in advance of anticipated savings, set the appropriate levels of council tax and ensure adequate reserves to maintain financial sustainability. Considering the timeframe's laid out in the consultation, we believe councils will need to start planning for the costs in the 2016 calendar year.

1.3 CIPFA's assessment of the financial impact of reform is that the initial costs will place significant, and in some cases, unsustainable additional financial pressures on councils. Our research shows that councils had £196.3m of freely available reserves as at 31st March 2015 to support funding reform and merger costs without raising additional council tax. The Regulatory Impact Assessment supporting the draft bill identifies a maximum cost of £253.7m (excluding council tax harmonisation and transition committee costs) for the Welsh Government's preferred council configuration. This level of costs will require support, either through central government direct support or by allowing flexibilities in the mechanisms to fund these costs, in order to minimise the impact on the council tax payer.

1.4 CIPFA notes the introduction of a general power of competence within the draft legislation. However, we believe that in order to enhance the ability of local government to use these powers, the nature of some of the limitations on the use of the powers should be reviewed. This will be important in enabling councils to cope with the continued financial pressures of restricted funding.

1.5 The draft legislation makes provision for assessment of governance arrangements in county councils. CIPFA believes that there is potential for duplication and overlap with existing responsibilities of the Auditor General for Wales in ensuring economy, efficiency and effectiveness in the discharge

1 CIPFA Report for the Welsh Local Government Association, November 2014 (Total of estimates for Tax Harmonisation costs £56.7m plus Change Programme Teams £16.8m) of a councils duties. We would recommend that the Auditor General's responsibilities and independence in forming a view on these matters is clarified within the draft bill or any supporting regulations.

## 2. Transitional Costs of Reform

2.1 In 2014 CIPFA completed a report for the Welsh Local Government Association<sup>2</sup> which contained an assessment of the transitional costs of reform of Local Government in Wales. This report, based on a 12 council model proposed in the White Paper,<sup>3</sup> suggested a cost range of between £159.7m at the lower end of estimates to £267.9m at the upper end of estimates.

2.2 The current consultation document on the draft local government (Wales) Bill and explanatory memorandum supports the Welsh Government stated preference for a future configuration for local government in Wales based on 8 or 9 new principal authorities. The Regulatory Impact Assessment (RIA)<sup>4</sup> provides a cost assessment for this model of between a minimum of £104.4m and a maximum of £253.7m total cost. This includes both Welsh Government and Local Government total costs.

2.3 While the two assessments above (CIPFA and the Welsh Government's preferred option) are based on two different council configurations, it is worth noting some fundamental differences within the two estimates:

- The most notable difference is the omission of any cost estimates for council tax harmonisation within the RIA.
- Secondly, the costs associated with the set-up and on-going work of the transition committees is also excluded from this RIA.

2.4 CIPFA's view on Council Tax Harmonisation is that this is possible under a number of scenarios, i.e. councils may level down to the lowest, they may equalise around the weighted average or they may level up to the highest. In terms of ensuring local financial stability the third option is the most prudent. However, even under this scenario there is a significant amount of income foregone. CIPFA's previous research shows:<sup>1</sup>

- For two of the mergers rates harmonise in year 1

2 CIPFA Report for the Welsh Local Government Association: Report on the Transitional Costs, Benefits and Risks of Local Government Reorganisation, November 2014

3 Welsh Government White Paper – Devolution, Democracy and Delivery, Reforming Local Government: 8 July 2014

4 Draft Local Government (Wales) Bill – Regulatory Impact Assessment, Part 1 Table 15: Option 3b summary of estimated costs.

5

- For another merger it takes 6 years and;
- For a third merger harmonisation does not occur until after year 6.

2.5 The potential income foregone could be just under £57m over 5 years based on holding higher rates constant while the lower rates catch up. This is a significant cost element within our overall costs stated in 2.1 above and represents a significant omission from the RIA assessment. This estimate would need to be reviewed depending on the final selection for council configurations.

2.6 The regulatory impact assessment that was previously completed in support of the Local Government (Wales) Act 20155 indicated that the costs of transition committees would be in the region of £2.0m. This was based on two options of either one voluntary merger and eight main mergers or two voluntary mergers and seven main mergers. This cost was spread over a period of four years from 2016/17 to 2019/20 and includes only limited administrative staff support and allowances for up to 5 councillors.<sup>6</sup>

2.7 CIPFA's assessment of programme change costs which includes programme management, transition management, workforce remodelling and organisational development amount to £16.8m based on approximately up to 10 people per council being involved for a period of 2 years.

2.8 The impact of the costs of transition committees has also been excluded from the RIA for the current consultation. This and the omission of Council Tax Harmonisation assessments means that there is an ability to proceed with a process of mergers without a consideration of the full cost implications being understood. We believe that this limits the ability of councils to adequately plan and manage the financial implications of the transition process.

2.9 There is a further issue to consider concerning the timeframes within which the financial planning for transitional costs should take place. If elections are held on 4th May 2017 for the existing authorities,<sup>7</sup> transition committees could be in place for the financial year 2017/18. This would mean that any costs to be

borne by councils for transition committees in that year (2017/18) would need to be planned for and understood during the budget 5 Local Government (Wales) Act 2015 – makes provision for certain preparatory work to enable a programme of local government mergers and reform. This includes the setting up of transition committees.

6 Tables 7, 8 and appendix A of the Local Government (Wales) Bill Explanatory Memorandum incorporating the Regulatory Impact Assessment and Explanatory Notes, January 2015

<http://www.senedd.assembly.wales/documents/s35990/Local%20Government%20Wales%20Bill%20Explanatory%20Memorandum.pdf>

7 Chapter 2, Welsh Government Consultation Document – Draft Local Government (Wales) Bill and Explanatory Memorandum – proposed transitional arrangements for election cycles. November 2015

6

and planning cycle taking place in the autumn of 2016. This cycle results in the setting of council tax in early 2017 for the 2017/18 financial year.

2.10 The National Assembly for Wales Finance Committee recommended in its report on the 2015 Act<sup>8</sup> that further details on the costs and benefits of mergers should be provided. It also recommended that the Welsh Government works with local government to prepare a clear plan for how it will estimate the costs of mergers. CIPFA believes that while the estimates contained in the current RIA for this consultation go a long way to addressing these concerns, significant costs are not included and there is now a pressing need to fully identify these costs for local government financial planning needs.

### 3. Financing Transition

3.1 The RIA clearly identifies that, taking the preferred option 3b, costs will be included between 2016/17 and out to potentially 2023/24. Anticipated savings on the other hand start occurring post 1 April 2020 and have been assessed over a ten year period.<sup>9</sup> The timing of costs versus savings will mean that local government will need to consider how it finances the significant initial costs before and anticipated savings occur.

3.2 The bulk of costs anticipated within the RIA are by their nature revenue expenditure and therefore are accounted for within the year in which they occur. This means that in the absence of any alternative sources of income or financing to cover this additional

expense, the council will need to make use of its reserves or increase either its council tax charge or any other fees and charges it has the ability to raise.

3.3 Our review of the impact of these costs on council reserves suggests that there would be financial sustainability issues for some councils in the short-term. The Welsh Government has reported on the level of reserves within local government.<sup>10</sup> This shows that overall usable reserves within local government have seen small increases in recent years (£1,404.0m at 31 March 2014 to £1,427.4m at 31 March 2015). However, identifying the nature of those usable reserves shows the following position:

Usable Reserves in Local Government in Wales:

Usable Reserves

2015 £m

2014 £m

8 National Assembly for Wales Finance Committee - Report on the Local Government (Wales) Bill, May 2015

9 Tables 14 and 15 of the Regulatory Impact Assessment – Draft Local Government (Wales) Bill, Part 1.

10 Welsh Government – Whole of Government Accounts 2014-15 – Local Authority Reserves (LG/WGA/02) October 2015

7

Earmarked Reserves

832.3

823.6

Capital Receipts Reserve

189.3

158.4

Capital Grants Unapplied

64.6

68.1

Schools Reserve

64.2

61.4

Housing Revenue Account Balance

80.7

85.2

General or Unallocated Reserves

196.3

207.3

Total Usable Reserves at 31 March

1,427.4

1,404.0

3.4 The above figures identify that out of the reserves classified as usable in local government, only a small proportion (13.7% or £196.3m at 31 March 2015) are in fact available to potentially finance additional revenue spending on transition costs. The level of unallocated reserves have fallen by £11.0m in 2015 (£207.3m down to £196.3m).

3.5 CIPFA have also reviewed the financial statements of individual councils and concluded that while there are significant levels of earmarked reserves, their purpose is clearly identified and this would mean that there is limited scope for councils to re-classify earmarked reserves to support transitional or merger costs as they are incurred. In summary, if the maximum level of spending was reached as identified in the RIA, the currently available unallocated reserves of councils across Wales would be more than fully exhausted. It should be noted that this estimate does not include council tax harmonisation costs or transition committee spending as noted in section 2 above.

3.6 Our review of the recent Welsh Government draft budget 2016/17 announcement showed that local government is facing a 2.0% reduction in its allocation for 2016-17.<sup>11</sup> The key areas of reduction in the budget come from reduction to funding support from the Welsh Government to local government of £55m and reductions to the allocations for local government service improvement, collaboration and democracy of £32m. The latter reduction comes at a time when local government is entering a period of reform and reorganisation and where there will be financial pressure to fund the reform and deliver on potential efficiencies and savings in the future.

3.7 We believe that there is a financial case to be made that additional support for council spending on transition committees and/or merger costs should be made available. This could take the form of direct revenue support from the Welsh Government or through other flexibilities allowed to local government in order to mitigate the short-term impact on reserve levels and overall financial sustainability.

11 Welsh Government – Draft Budget 2016/17, Draft Budget Action Tables December 2015.

<http://gov.wales/funding/budget/draft-budget-2016-17/?lang=en>

8

3.8 Using the recent local government reorganisation in Northern Ireland as an example. The Department of the Environment provided a package of support agreed by the Northern Ireland Assembly. In February 2013 a funding package from the Northern

Ireland Assembly amounting to £47.9m was agreed. This covered key areas such as system convergence and rates harmonisation measures.<sup>12</sup> The Department of the Environment in Northern Ireland have also enabled, through regulation, the ability for councils to capitalise certain revenue costs for funding purposes, mitigating the impact on rate payers.

#### 4. General Power of Competence

4.1 CIPFA supports the aim of providing a structure for local government that allows services to be provided more effectively and that decisions on funding are taken at the right level.<sup>13</sup> The provision of a general power of competence within the bill is supportive of providing additional powers and enables councils to extend their services and support for the benefit of their communities.

4.2 In summary, the general power of competence, as contained in part 2 of the Bill, enables councils to do things:

- An individual may generally do
- Anywhere in the UK or elsewhere
- For a commercial purpose or otherwise, for a charge or without a charge
- Without the need to demonstrate that it will benefit the authority, its area or person's resident or present in its area

Evidence does exist however that these powers do come with limitations which, given the current financial pressures facing local government, are likely to limit their effectiveness.

4.3 The Local Government Association in its report<sup>14</sup> on this power noted that the constraints on the use of the general power of competence fall into three areas:

12 Northern Ireland Assembly, Research and Information Service – Bill paper on the Local Government Bill in Northern Ireland, September 2013

<http://www.niassembly.gov.uk/globalassets/Documents/RaISe/Publications/2013/environment/12013.pdf>

13 CIPFA Manifesto 2015 – A call for sustainable public finance

14 Local Government Association: The General Power of Competence – Empowering councils to make a difference, July 2013

9

- Trading restrictions
- Charges and;
- Legal restrictions

4.4 The draft bill does not specifically identify the use of Community Interest Companies (CIC) or similar as legal entities for

the purpose of commercial activity. The draft bill limits the number of company structures to companies limited by guarantee or shares and industrial and provident societies.<sup>15</sup> The availability of CIC's as a structure provides the ability to set up an organisation specifically designed for community benefit and not for private advantage. This is achieved by a community interest test and asset lock, which ensure that the CIC is established for community purposes and profits are dedicated to those purposes.<sup>16</sup>

4.5 Limits on charges in the draft bill mean that only discretionary services can be charged for. Further, the level of charges should be set so as the costs of providing the service are recovered without generating any profit or surplus.<sup>17</sup> This limits the ability of the council to raise any additional revenue or to influence or incentivise behaviours within the community.

4.6 Legal restrictions occur in that the draft bill does not extend the powers of council to create new byelaws or undertake enforcement. The Local Government Association report<sup>13</sup> suggests that there is a common misunderstanding in this area that the general power of competence does allow this. The legislation as drafted merely extends power to the council to do what 'individuals' normally do, which does not extend to creating new byelaws or enforcement. There also needs to be some clarity in support of these powers on undertaking activities in supporting local businesses and employment where this may come into conflict with limitations on the use of state aid under EU rules. This might include, for example, creating a fund to provide support loans where banks do not.<sup>18</sup>

## 5. Assessments of Governance Arrangements

5.1 Under the provisions contained in the draft bill, assessments of governance arrangements can be made in three ways.<sup>19</sup> This can be achieved through a system of self-review, through peer reviews and through the relevant regulators completing a combined assessment.

15 Local Government (Wales) Bill – Draft for Consultation – Chapter 2 section 26.

16 The Regulator of Community Interest Companies website: <https://www.gov.uk/government/organisations/office-of-the-regulator-of-community-interest-companies>

17 Local Government (Wales) Bill – Draft for Consultation – Chapter 2 section 25.

18 Department of Business Innovation and Skills – State Aid: The Basics Guide, July 2015

19 Local Government (Wales) Bill – Draft for Consultation – sections 116 to 127.

10

5.2 Relevant regulators under the draft bill include Her Majesty's Chief Inspector of Education and Training in Wales, Welsh Ministers exercising their functions under the Social Services and Wellbeing (Wales) Act 2014 and the Auditor General for Wales. While these regulators all have specific areas of responsibility, they are required in the draft legislation to produce a combined assessment in relation to each council. The assessment will look at how each council has performed its duties under the act in regard to securing:

- a) good governance,
- b) accountability and;
- c) economy, efficiency and effectiveness in the use of its resources.<sup>20</sup>

5.3 Clear responsibilities already exist under the Public Audit (Wales) Act 2004 for the Auditor General for Wales to undertake or promote studies designed to enable recommendations to be made for improving economy, efficiency and effectiveness in the discharge of the functions of local government bodies in Wales.<sup>21</sup> We would therefore see some duplication and/or overlap of responsibilities here in regard to ensuring economy, efficiency and effectiveness. Further, we believe that there needs to be clarity that the Auditor General for Wales should have overall responsibility for concluding whether or not a local government body in Wales has established proper arrangements for economy, efficiency and effectiveness.

5.4 Clarity on this topic is important to assist in addressing any potential areas for disagreement between the regulators in their findings on combined assessments. This will also help to ensure the complete independence of the Auditor General for Wales.

<sup>20</sup> Section 111 (1) of the Local Government (Wales) Bill – Draft for Consultation.

<sup>21</sup> Public Audit (Wales) Act 2004 – Section 41 (1)

**26897 -156 : Huw Jones**

**Tref / Town : N/A**

**Sefydliad / Organisation : Cyngor Sir Ynys Mon County Council**

**BIL DRAFFT LLYWODRAETH LEOL [CYMRU] – Ymateb Cyngor Sir Ynys Môn**

**Rhan 1 – Ardaloedd Llywodraeth Leol a Chynghorau Sir**

Mae Rhan 1 ac Atodlenni 1 i 5 y Bil Drafft yn cynnwys darpariaethau ar gyfer ad-drefnu cynghorau sir a chynghorau bwrdeistref sirol yng Nghymru, a sefydlu siroedd a chynghorau newydd o 1 Ebrill, 2020. Mae Rhan 1 hefyd yn gwneud darpariaeth ynghylch cyfansoddiad y cynghorau newydd ac ethol eu haelodau.

**Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 1 y Bil Drafft?**

Mae cydnabyddiaeth gyffredinol bod angen diwygio gwasanaethau cyhoeddus mewn rhyw fodd i wynebu heriau'r dyfodol. Fodd bynnag, mae'r Cyngor yn anghytuno'n gryf mai sefydlu llai o Gynghorau, mwy o faint yw'r ateb gan nad oedd y model cyn 1996 yn cwrdd ag anghenion y Dywysogaeth nac anghenion lleol. Mae sicrhau democratiaeth leol yn her wirioneddol os sefydlir cynghorau mwy - ni fydd sefydlu pwyllgorau ardal cymunedol o reidrwydd yn mynd i'r afael â'r mater democratiaeth leol, gallai greu aneglurder a tansellio atebolrwydd a chreu biwrocraeth. Bydd Pwyllgorau Ardal yn cynnwys aelodau sydd ddim wedi'i hethol yn ddemocrataidd. Mae diogelu atebolrwydd lleol mewn perthynas â darparu gwasanaethau yn hanfodol. Mae'r Cyngor yn parhau i fod o'r farn na roddwyd digon o sylw i'r posibilrwydd o ddull gweithredu sy'n seiliedig ar gomisiynu a fyddai'n caniatáu darparu gwasanaethau pwysig ar lefel ranbarthol gan adael i benderfyniadau gael eu gwneud yn lleol.

Nid yw'r Cyngor yn cytuno bod yr achos dros ad-drefnu wedi cael ei wneud yn glir.

Nid yw'r rhesymeg ar gyfer pennu'r map arfaethedig o 8 neu 9 awdurdod yn gyson – y meini prawf hanfodol yn wreiddiol oedd maint [amrediad poblogaeth rhwng 192,000 i 580,000] a rhannu'r un ffiniau â'r byrddau iechyd lleol.

Mae'r dadansoddiad cost-budd a gyflwynwyd yn ddiffygiol – bydd cyfran sylweddol o'r arbedion arfaethedig (yn bennaf rhesymoli swyddi uwch reolwyr a swyddogaethau cefn swyddfa) wedi'u gwireddu. Yn ogystal, nid yw cysoni'r Dreth Gyngor wedi cael ei ystyried – mae'n risg bosib i'r diwygiadau arfaethedig. Nid yw cost deddfwriaeth flaengar a newydd wedi cael ei chymryd i ystyriaeth. Tynnir sylw hefyd at y ffaith bod yr arbedion arfaethedig, os yw'r cyfrifiadau a ddarparwyd yn gywir, yn gymharol fach – tua £3m i bob sir bresennol. Bydd angen eglurhad ar gostau paratoi ad-drefnu.

**Cwestiwn 1.2: Beth yw eich barn ar yr opsiynau ar gyfer 2 neu 3 Sir yn y Gogledd, fel y nodwyd yn Atodlen 1 i'r Bil Drafft?**

Fel y nodir uchod, mae'r Cyngor yn bryderus nad yw Llywodraeth Cymru wedi cymhwyso'r meini prawf yn gyson ar draws Cymru gyfan wrth bennu ffiniau cynghorau newydd arfaethedig.

Fel y nodir uchod, nid yw'r Cyngor wedi'i argyhoeddi mai Cynghorau mwy yw'r ateb gorau i Gymru, yn enwedig felly'r ardaloedd gwledig. Mae nifer o wahanol strwythurau cyflawni effeithiol a llwyddiannus wedi cael eu datblygu ar draws

Gogledd Cymru [e.e. GwE, Bwrdd Uchelgais Economaidd Gogledd Cymru] – nid yw'r rhain wedi cael ystyriaeth briodol yn y strwythur arfaethedig.  
Nid ydym yn derbyn y ddadl mewn perthynas â chyllid cydgyfeirio yr UE.

**Cwestiwn 1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd llywodraeth leol yng Nghymru?**

Yr opsiwn a ffeirir gan y Cyngor yw parhad Cyngor Sir Ynys Môn a chadw sofraniaeth Ynys Môn – roedd ei ffin unigryw yn darparu hunaniaeth ac uned weinyddol y mae angen ei chadw. Os bydd yr ad-drefnu yn digwydd yna byddai'r Cyngor o blaid dau Gyngor yng ngogledd Cymru. Mae hyn yn seiliedig ar y boblogaeth, yr Iaith Gymraeg, ystyriaethau cyllido [gan gynnwys y dreth gyngor].

**Cwestiwn 1.4: A oes angen i Weinidogion Cymru geisio unrhyw bwerau pellach i gefnogi'r gwaith o integreiddio Bwrdd Iechyd Powys a Chyngor Sir Powys?**

Dim sylwadau

**Cwestiwn 1.5: Beth yw eich barn ar y weithdrefn ar gyfer enwi'r Siroedd newydd?**

Mae'r Bil Drafft yn cyfeirio at 'yr enw a roddwyd yn y golofn gyntaf yn Atodlen 1'. Mae hyn yn awgrymu Sir 1 a Sir 2. Mae'r broses yn un rhesymol.

**Cwestiwn 1.6: Beth yw eich barn ar y newidiadau arfaethedig i amserlen etholiadau Llywodraeth Leol?**

Ymddengys bod y cynigion yn briodol. Gall yr amserlen a amlinellwyd, yn ychwanegol at etholiadau eraill, olygu pwysau sylweddol ar staff etholiadau lleol.

**Cwestiwn 1.7: A oes gennych unrhyw sylwadau cyffredinol am y darpariaethau yn adran 16 ac Atodlen 3 y Bil Drafft sy'n ymwneud â chyllid Llywodraeth Leol?**

Gweler cwestiwn 1.1 uchod. Nid yw'r canllawiau mewn perthynas â chysoni'r Dreth Gyngor yn glir a gallai arwain at anghysonderau ar draws Cymru. Noder bod yr ymrwymiad i "lunio cynlluniau cadarn ar gyfer cysoni" yn angenrheidiol. Roedd y Papur Gwyn yn trafod yr angen i adolygu system gyllid Llywodraeth Leol dros amserlen hwy na'r un a gynlluniwyd ar gyfer uno cynghorau a'r diwygiadau a nodir yn y Bil Drafft. Awgrymir bod angen meintioli'r risgiau sy'n gysylltiedig ag unrhyw newid sylfaenol i'r system gyllid. Ni fydd ymagwedd 'un-dull yn addas i bawb' o reidrwydd yn cwrdd ag anghenion y cymunedau ar Ynys Môn.

**Cwestiwn 1.8: Sut gallai Llywodraeth Cymru fesur y nifer sy'n osgoi talu Ardrethi Annomestig ar hyn o bryd?**

**Cwestiwn 1.9: A oes gennych unrhyw sylwadau neu awgrymiadau ynghylch sut y gallai deddfwriaeth yn y dyfodol helpu i leihau'r nifer sy'n osgoi talu Ardrethi Annomestig?**

**Cwestiwn 1.10: Ym mha ffyrdd eraill y gallai Llywodraeth Cymru alluogi Llywodraeth Leol i leihau'r nifer sy'n osgoi talu ac sy'n twyllo'r system Adrethi Annomestig?**

Derbyn bod angen egluro'r ddyletswydd sydd ar y rheini sy'n talu Ardrethi Annomestig i dynnu sylw at unrhyw newid a allai effeithio ar eu cyfrifoldeb i dalu, neu eu cymhwyster i hawlio rhyddhad, disgownt neu eithriad.

Ar hyn o bryd mae swyddogion CLILC yn archwilio goblygiadau ariannol y Bil Drafft.

**Cwestiwn 1.11: A ydych chi'n cytuno y dylid diddymu'r siroedd wedi'u cadw a gwneud diwygiadau canlyniadol er mwyn penodi Arglwydd Raglawiad ac Uchel Siryfion mewn perthynas â'r siroedd fydd yn bodoli ar ôl 1 Ebrill 2020?**

Mae'r agweddau hyn yn faterion i Lywodraeth Ganolog fynd i'r afael â nhw.

**Cwestiwn 1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?**

Fel y nodir uchod, mae cysoni'r Dreth Gyngor yn elfen allweddol ac yn risg sylweddol i'r rhaglen uno arfaethedig a dylid ei ystyried fel mater o flaenoriaeth. Nid yw'r ddogfen ymgynghorol yn cyfeirio at feysydd penodol eraill y bydd angen mynd i'r afael â nhw e.e. cysoni gwasanaethau penodol sy'n cael eu darparu mewn gwahanol ffyrdd ar hyn o bryd, e.e. Tai, Gwastraff, Priffyrdd. Mae hwn yn ddiffyg arwyddocaol.

Mae nifer y Cynghorwyr hefyd yn ffactor allweddol y mae angen ei ystyried. Awgrymir bod angen ei ystyried yn fanwl o ran nifer y Cynghorwyr a'r cysyniad o wardiau aml-aelod. Bu gostyngiad yn nifer y Cynghorwyr a gweithredwyd y cysyniad o wardiau aml-aelod ym Môn ers yr etholiadau Llywodraeth Leol diwethaf. Nid yw'n glir a yw gwerthusiad o'r newid hwn wedi siapio ystyriaethau Llywodraeth Cymru. Mae CSYM angen cyfnod o sefydlogrwydd yn dilyn cyflwyno wardiau aml-aelod yn 2013, yn hytrach na chwml y diwygio posib. Mae angen sylw i gostau diswyddo posib, harmoneiddio amodau gwaith staff a.y.y.b.

**Rhan 2 – Grym Cymhwysedd Cyffredinol**

Mae Pennod 1 o'r Rhan hon yn rhoi grym cymhwysedd cyffredinol i gynghorau sir a 'chynghorau cymuned â chymhwysedd', sy'n nodi ffiniau'r grym hwnnw ac i ba raddau y gellir ei ddefnyddio at ddibenion masnachol. Mae'r grym cymhwysedd cyffredinol yn rhoi'r un hawl i weithredu i awdurdod lleol cymwys ag sydd gan unigolyn yn gyffredinol. Mae'n rym sy'n golygu nad oes angen i awdurdod lleol cymwys ddibynnu ar bwerau penodol mewn deddfwriaeth i wneud rhywbeth, ar yr amod nad yw'r hyn y mae'n bwriadu ei wneud yn anghyfreithlon fel arall. Mae'r amodau y mae'n rhaid i gynghorau cymuned eu bodloni, ynghyd â'r drefn y mae'n rhaid iddynt ei dilyn er mwyn dod yn 'gyngor cymuned gyda chymhwysedd' wedi'u nodi ym Mhennod 2 o'r Rhan hon.

**Cwestiwn 2.1: A oes gennych unrhyw sylwadau ar unrhyw un o'r darpariaethau yn Rhan 2 o'r Bil Drafft?**

Croesawir cyflwyno'r grym cymhwysedd cyffredinol. Fodd bynnag, mae ei ddefnydd yn Lloegr wedi'i gyfyngu ac wedi'i reoli i ryw raddau gan yr ystyriaeth 'ultra vires'. Mae'r awgrym y gallai cynghorau wneud gwell defnydd o'r pwerau codi tâl i wireddu incwm ychwanegol (mewn ffordd synhwyrol a sensitif), er enghraifft drwy werthu gwasanaethau i'r cyhoedd neu'r sector preifat, yn faes y mae angen ei ystyried ymhellach ac y mae angen arweiniad penodol yn ei gylch.

**Cwestiwn 2.2: A oes gennych unrhyw sylwadau am ein cynigion yn ymwneud â Chynghorau Cymuned â chymhwysedd?**

Croesawir y cynnig i gysylltu trosiant [£200,000] gyda chymhwysedd ond gallai'r cynigion hyn, fel arall, gael eu gweld fel rhywbeth sy'n anfanteisio cynghorau gwledig.

Fodd bynnag, awgrymir y bydd y defnydd tebygol o'r grym gan gynghorau cymuned yn gyfyngedig. Bydd angen eglurhad ynghylch 'cymhwyster proffesiynol perthnasol' y clerc. e.e. a oes cyswllt gyda lefel aelodaeth. Fodd bynnag gallai hyn gael effaith ar recriwtio a bod yn anfantais i gynghorau cymuned llai. Nodir yr angen i'r cyngor cymuned ymgynghori â'r cyngor sir fel y gall y cyngor sir asesu unrhyw effaith ganlyniadol ar y modd y mae'n bwriadu cyflawni ei ddyletswyddau a'i bwerau ei hun.

### **Rhan 3 – Hyrwyddo Mynediad i Lywodraeth Leol**

Mae Pennod 2 y Rhan hon yn cynnwys darpariaethau sy'n gosod dyletswydd ar gynghorau sir i hyrwyddo mynediad i lywodraeth leol a chyfranogiad y cyhoedd. Mae Pennod 3 yn gosod dyletswydd ar gynghorau sir i sefydlu pwyllgorau ardal cymunedol er mwyn sicrhau eu bod yn cymryd diddordebau a blaenoriaethau cymunedol i ystyriaeth wrth ymarfer eu dyletswyddau, ac mae Pennod 4 yn gosod dyletswyddau ar gynghorau sir mewn perthynas â 'cheisiadau gwella', sy'n dweud bod rhaid i gyngor sir gynnal trafodaethau gyda chyrff cymunedol penodol er mwyn gwella canlyniadau lleol.

Mae Pennod 5 yn gwneud darpariaeth ynghylch gwella mynediad cyhoeddus i gyfarfodydd awdurdodau lleol, ac mae Pennod 6 yn ei gwneud yn ofynnol i gynghorau sir gyhoeddi canllawiau mewn iaith gyffredin i fynd law yn llaw â'u cyfansoddiadau, ynghyd â chyfeiriadau swyddogol i'w haelodau ar gyfer anfon gohebiaeth.

### **Cwestiwn 3.1: A oes gennych sylwadau ar unrhyw un o'r darpariaethau yn Rhan 3 o'r Bil Drafft?**

Cefnogir yr egwyddorion a nodir – ymgysylltu'n rhagweithiol â chymunedau a hyrwyddo ymgysylltiad democrataidd a chyfranogol. Mae'r Cyngor yn cefnogi egwyddorion ymgysylltu â'r cyhoedd ac mae'n darlledu cyfarfodydd y cyngor ac yn cynnal fforymau neu gynghorau ieuenctid. Mae ganddo broses ymgynghori helaeth sydd wedi'i datblygu'n dda ar gyfer gosod y gyllideb. Gwneir pob ymdrech i ymgysylltu â Chynghorau Cymuned a Thref a chynhelir fforymau cyswllt gyda hwy.

Tynnir sylw at y ffaith y bydd angen buddsoddiad ychwanegol ar gyfer rhai o'r dyletswyddau arfaethedig newydd ar ffurf capasiti gweinyddol a chapasiti 'swyddfa gefn' ar adeg pan fo gwasanaethau rheng flaen yn cael eu blaenoriaethu. Yn ogystal, mae rhai cynigion yn anymarferol a chwestiynir felly eu heffeithiolrwydd a'u heffaith debygol.

Mae'r Cyngor hefyd o'r farn y dylid cael cysondeb o ran y disgwyliadau ar draws yr holl wasanaethau cyhoeddus a lefelau llywodraeth; mae rhai o'r cynigion yn berthnasol i Lywodraeth Cymru a'r Cynulliad Cenedlaethol a dylent hwy eu rhoi ar waith i arwain drwy esiamp.

Nid yw cost deddfwriaeth newydd ac ychwanegol megis Deddf Llesiant Cenedlaethau'r dyfodol a'r gofyn i ddarlledu cyfarfodydd wedi cael ei gydnabod – nid yw'r ymgynghoriad yn cyfeirio at gost deddfwriaeth ychwanegol yn y dyfodol yn cael effaith ar lywodraeth leol. Mae hwn yn ddiffyg arwyddocaol.

### **Cwestiwn 3.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ynghylch cyfranogiad y cyhoedd a'r gofyniad i ymgynghori ar y gyllideb flynyddol?**

Fel y nodir uchod, mae'r Cyngor eisoes wedi ymrwymo i hyrwyddo mynediad i lywodraeth leol. Felly, nid yw'n glir pa welliannau y byddai 'dyletswydd cyfranogiad cyhoeddus' newydd ar awdurdodau lleol yn eu cyflawni, ar wahân i greu baich rheoleiddio ychwanegol.

Mae'r Cyngor eisoes yn ymgynghori'n eang â budd-ddeiliaid ar gynigion y gyllideb, felly nid yw'n glir beth yn union fyddai gwerth dyletswydd statudol newydd i ymgymryd â gweithgarwch o'r fath.

Bydd goblygiadau ymarferol a hefyd o ran adnoddau yn sgil rhoi cyfrifoldebau statudol ar y Cyngor i gyflawni dyletswyddau dros neu ar ran 'awdurdodau cysylltiedig' ymreolaethol eraill megis cynghorau cymuned, awdurdodau tân ac achub ac awdurdodau parciau cenedlaethol. Bydd hefyd yn cymylu atebolrwydd a chyflawniad. A ddylai'r pwyslais fod ar yr angen i'r Awdurdodau cysylltiedig baratoi strategaeth cyfranogiad cyhoeddus eu hunain sy'n gysylltiedig â strategaeth y Cyngor?.

### **Cwestiwn 3.3: Sut y dylid ceisio a dewis cynrychiolwyr cymunedol i fod ar bwyllograu ardaloedd cymunedol?**

Roedd yr ymateb i'r ymgynghoriad yn gofyn am ragor o fanylion, yn dangos pryder am y potensial i gynyddu biwrocraetiaeth ac yn tynnu sylw at bwysigrwydd sicrhau cynrychiolaeth briodol, yn enwedig gan Gynghorau Cymuned a'r trydydd sector. Roedd yn nodi hefyd y dylai bod gan gynghorau hyblygrwydd i gynllunio dull sy'n addas i'w hardaloedd unigol. Mae hefyd yn ddiddorol bod y cyhoedd wedi mynegi pryder am y 'cynghorau mwy' yn colli cysylltiad â chymunedau. Nid oes amcangyfrif o'r costau sy'n gysylltiedig â phwyllgorau ardal cymunedol.

Cwestiynir perthnasedd pwyllgorau ardal cymunedol i Gyngor o faint Môn.

Gellir dadlau nad yw'r darpariaethau a gynhwysir yn y Bil Drafft yn mynd i'r afael â'r pryderon hyn. Yn hollbwysig, nid yw'r berthynas gyda chynghorau cymuned a Byrddau Gwasanaethau Cyhoeddus wedi cael ei hegluro. Mae angen egluro'r cynigion a ddrafftwyd ar gyfer Pwyllgorau Ardal Cymunedol (PAC) er mwyn caniatáu hyblygrwydd lleol ac mae'r cynnig y byddai'r ardaloedd a gwmpesir gan PAC yn cael eu pennu gan Fyrdau Gwasanaethau Cyhoeddus yn ddryslyd ac nid yw'n caniatáu digon o ddisgresiwn i'r Cyngor. Nid yw'n briodol bod partneriaeth statudol (y Bwrdd Gwasanaethau Cyhoeddus) yn penderfynu ar yr ardaloedd a gwmpesir a'r sail ar gyfer mecanweithiau llywodraethu cymunedol a democrataidd lleol. Cafodd darpariaethau Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) ynghylch ardaloedd cymunedol eu gosod allan at ddibenion gwahanol iawn.

Byd angen eglurhad ynghylch nifer y PAC ym mhob ardal, maint yr aelodaeth a nifer / amllder y cyfarfodydd.

Bydd PAC hefyd yn faich ychwanegol ar awdurdodau o ran eu gweinyddiaeth. Awgrymir hefyd na ddylid penderfynu pa ardaloedd fydd yn cael eu cynnwys mewn unrhyw 'bwyllgor ardal cymunedol' tan ar ôl yr adolygiad gan Gomisiwn Ffiniau a Democratiaeth Leol Cymru. Mae cydbwysedd gwleidyddol PAC hefyd yn fater nad yw wedi cael sylw. Os daw PAC's i fodolaeth yna dylent fod yn rhan o broses ymgynghori

ac nid proses gwneud penderfyniadau. Mae cyfle i ymestyn rôl Pwyllgor Craffu i gynnwys cyfranogiad o blith y cyhoedd.

**Cwestiwn 3.4: A ydych chi'n cytuno y dylai Cyngorau Sir allu dirprwyo swyddogaethau i bwyllgor ardal cymunedol? Os ydych, a oes unrhyw swyddogaethau y dylid neu na ddylid eu dirprwyo?**

Mae angen hyblygrwydd i ganiatáu i gynghorau ddirprwyo swyddogaethau i fodolau llywodraethu cymunedol mwy lleol. Fodd bynnag, mae angen ystyried yn ofalus y lefel ddirprwyo er mwyn osgoi dryswch rhwng rolau ac i osgoi gwanhau atebolrwydd.

**Cwestiwn 3.5: A oes gennych unrhyw farn ynghylch a oes angen rhoi trefniadau trosiannol ar waith ar gyfer pwyllgorau ardaloedd presennol, neu a yw cyfnod arweiniol da yn ddigonol?**

Dim sylw.

**Cwestiwn 3.6: A oes gennych unrhyw sylwadau am y darpariaethau diwygiedig ar gyfer 'ceisiadau gwella' neu ar y rhyngweithio rhwng y darpariaethau hyn a'r rheini sy'n ymwneud â'r ddyletswydd cyfranogiad y cyhoedd (Rhan 3, Pennod 2) a phwyllgorau ardal cymunedol (Rhan 3, Pennod 3)?**

Gall 'ceisiadau gwella' fod yn gysylltiedig â'r cysyniad o 'gyngor sy'n actifydd'. Mae'r Cyngor yn ymgysylltu â chymunedau a phartneriaid wrth gynllunio a darparu gwasanaethau a bydd yn ceisio ymateb yn gadarnhaol i 'geisiadau gwella'. Mae hefyd yn ymgynghori'n eang ar unrhyw fodolau gwahanol ar gyfer darparu gwasanaethau. Bydd ar grwpiau cymunedol angen digon o gapasiti cynllunio busnes a phrosiect ynghyd â chymorth i adeiladu capasiti er mwyn cefnogi mentrau o'r fath os ydynt am gael eu cymell i gymryd rhan frwd yn y broses ddiwygio. Gallai materion capasiti, er enghraifft, ei gwneud yn amhosib trosglwyddo asedau ac mae angen cydnabod cynaliadwyedd gwasanaethau. Mae'r Cyngor yn cefnogi barn CLILC fod y cynnig am 'geisiadau gwella' yn ei ffurf ddrafft yn gorffurfioli dull gweithredu o'r fath ac y bydd yn creu llawer iawn o fiwrocratiaeth a fyddai'n ychwanegu at y baich ac yn effeithio ar gyflymder y broses gwneud penderfyniadau.

**Cwestiwn 3.7: A oes gennych sylwadau am unrhyw un o'n cynigion pellach sy'n ymwneud â mynediad i gyfarfodydd?**

Mae'r Cyngor wedi bod yn gefnogol o we-ddarlledu.

Byddai dyletswydd i ddarlledu holl gyfarfodydd cyhoeddus y cyngor (gan gynnwys y PAC newydd arfaethedig) yn creu baich gweinyddol ychwanegol ar gynghorau a byddai angen adnoddau ychwanegol ar ei gyfer.

Mae'r dogfennau sy'n cyd-fynd â'r Bil Drafft yn tybio y byddai cost gyfunol gwariant presennol y cynghorau ar we-ddarlledu yn talu'r costau tebygol yn y dyfodol o we-ddarlledu mewn 8 neu 9 o gynghorau. Mae'r costau'n debygol o fod yn uwch gan y byddai dyletswydd i ddarlledu holl gyfarfodydd y cyngor a byddai hynny'n golygu cynnydd o thua 50% yn nifer y cyfarfodydd a ddarlledir.

### **Cwestiwn 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?**

Mae'r Cyngor eisoes yn ymgysylltu'n frwd â phlant a phobl ifanc, ac yn hyrwyddo'r cysyniad o ddemocratiaeth, a rôl y cyngor a chynghorwyr trwy gynghorau ysgolion, cynghorau neu fforymau ieuencid ac ymgysylltu.

Mae yna eisoes ddyletswydd statudol i gael aelod etholedig arweiniol ar gyfer Plant a Phobl Ifanc, ac un rhan benodedig o'r rôl honno yw ymgysylltu â phlant a phobl ifanc i gael eu barn ar bolisiau sy'n effeithio arnynt. Felly, nid yw'n eglur pa fuddion fyddai'n deillio o ddyletswydd statudol newydd.

#### **Rhan 4 – Swyddogaethau Cynghorau Sir a'u Haelodau**

Mae'r darpariaethau ym Mhenodau 2 – 4 Rhan 4 o'r Mesur Drafft yn gosod dyletswyddau ar aelodau'r cynghorau sir mewn perthynas â chyflawni eu swyddogaethau fel aelodau, ac mae'n nodi sut y dylid delio â Chynghorwyr sy'n torri'r dyletswyddau hyn.

Mae Pennod 5 yn mynnu bod rhaid i'r Maer Etholedig neu Arweinydd cyngor sir sy'n gweithredu trefniadau Pwyllgor Gwaith osod amcanion ar gyfer y Pwyllgor Gwaith, a bod rhaid i ymgeiswyr ar gyfer swydd y maer etholedig neu'r arweinydd baratoi maniffesto ysgrifenedig. Mae hefyd yn galluogi penodi aelodau fel cynorthwyr i'r Pwyllgor Gwaith.

Mae Pennod 6 yn ei gwneud yn ofynnol i gynghorau sir gael 'prif weithredwr' yn hytrach na 'phennaeth y gwasanaeth cyflogedig', ac mae'n gwneud darpariaeth bellach ynghylch eu rôl. Mae hefyd yn gwneud darpariaeth ynghylch swydd y pennaeth gwasanaethau democrataidd.

Mae Pennod 7 yn gwneud darpariaeth ynghylch pwyllgorau trosolwg a sgrwtini, gan gynnwys hawliau pleidleisio aelodau cyfetholedig y pwyllgorau hynny. Mae hefyd yn gofyn bod pwyllgorau safonau yn paratoi adroddiadau blynyddol ar weithredu eu swyddogaethau a materion eraill.

O dan Ddeddf Llywodraeth Leol 2000, mae'n ofynnol i gynghorau sir sefydlu pwyllgor trosolwg a sgrwtini sy'n cynnwys cynghorwyr nad ydynt yn aelodau o Bwyllgor Gwaith y cyngor. Mae'r pwyllgor trosolwg a sgrwtini yn gweithredu fel system i wrthbwysu pwerau'r Pwyllgor Gwaith, ac mae'n adolygu polisiau a phenderfyniadau ac yn gwneud argymhellion i'r cyngor. Aelodau cyfetholedig y pwyllgor yw'r aelodau hynny nad ydynt yn aelodau o'r cyngor.

Mae pwyllgorau safonau yn ystyried cwynion bod ymddygiad cynghorydd wedi methu â chydymffurfio â'r côd ymddygiad a fabwysiadwyd gan y cyngor, o dan y fframwaith moesegol a sefydlwyd gan Ddeddf Llywodraeth Leol 2000, ac maent yn penderfynu a ddylid ymchwilio i'r cwynion hynny ai peidio. Mae Rhan 4 yn cynnwys darpariaeth y dylid ymestyn cyfrifoldebau pwyllgorau safonau i gynnwys achosion lle bernir nad yw cynghorwyr wedi cyflawni eu dyletswyddau statudol.

#### **Cwestiwn 4.1: A oes gennych sylwadau ar unrhyw un o'r darpariaethau yn Rhan 4 y Bil Drafft?**

Byddai'r Cyngor yn dadlau y dylai unrhyw gynigion newydd sy'n effeithio ar dâl a safonau ymddygiad cynghorwyr gael eu cymhwysu'n gyson ar draws pob lefel o lywodraeth gynrychioliadol. Ar ben hynny mae Arweinwyr Cynghorau wedi galw am

gysondeb ar draws pob lefel o lywodraeth yng Nghymru ac am adolygiad ehangach o bob lefel o lywodraethu yn hytrach na ffocws ar lywodraeth leol yn unig.

Fel y nodwyd eisoes, dylai Llywodraeth Cymru a'r Cynulliad Cenedlaethol ddangos arweiniad ac arwain trwy esiampl, yn enwedig pan fyddant yn ceisio deddfu i eraill eu dilyn.

Felly, nid ydym yn cefnogi'r 'Dyletswyddau Perfformiad' arfaethedig ar gynghorwyr gan eu bod yn gymesur â'r disgwyliadau a osodir ar Aelodau'r Cynulliad.

Mae'r rhestr o ddyletswyddau perfformiad yn y Bil Drafft, sy'n cynnwys gorfod mynd i gyfarfodydd a chynnal cymorthfeydd, yn cyfleu dehongliad rhy syml o rôl cyngor 'ffurfiol' y cynghorwyr, tra bod llawer yn gweld mai'r rôl bwysicaf a mwyaf gwerthfawr i gynghorwyr yw eu rôl arweiniol yn eu cymunedau, gan hwyluso ymgysylltiad cymunedau gyda gwasanaethau cyhoeddus a darparu rôl eiriolaeth a chefnogaeth i aelodau o'r gymuned sydd ag anghenion penodol. Ni chaiff hyn ei adlewyrchu yn yr adran ar asesu 'perfformiad' cynghorydd.

Yn ogystal, mae'r Bil Drafft yn awgrymu y byddai gan gynghorwyr 14 diwrnod i ymateb i ohebiaeth tra byddai gan Weinidogion Cymru 17 diwrnod gwaith.

Mae Llywodraeth Cymru yn parhau i archwilio opsiynau ar gyfer adalw cynghorwyr. Dylid nodi er bod aelodau CLILC yn gwbl barod i gymryd rhan mewn trafodaeth genedlaethol ar yr hawl i adalw, bod rhaid i hyn fod ar yr amod ei fod yn cwmpasu pob lefel o gynrychiolaeth wleidyddol ledled Cymru.

Mae'r Bil Drafft, fodd bynnag, hefyd yn cynnig bod Arweinwyr yn gosod ac yn adrodd ar amcanion ar gyfer y Prif Weithredwr yn flynyddol, a bod y Cyngor yn ei dro yn gosod ac yn adrodd ar strategaeth gorfforaethol ac amcanion corfforaethol blynyddol bob blwyddyn, ynghyd ag amcanion lles ac amcanion lles y Bwrdd Gwasanaethau Cyhoeddus ar y cyd. Bydd y dyblygu hwn yn creu beichiau biwrocraidd ac o ran rheoleiddio a bydd angen rhoi ystyriaeth bellach i'r mater.

#### **Cwestiwn 4.2: oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ar arweinwyr grwpiau gwleidyddol neu ar rolau monitro ac adrodd y Pwyllgor Safonau?**

Mae'r Cyngor yn cefnogi'r cynigion i gryfhau trefniadau sy'n hyrwyddo ac yn cefnogi safonau da ac yn derbyn y cynnig i roi swyddogaethau newydd i'r Pwyllgor Safonau ymdrin â chwynion bod Cynghorwyr wedi torri'r rheolau ac i fonitro cydymffurfiaeth arweinwyr y grwpiau gwleidyddol. Byddai eglurhad pellach yn fuddiol.

Mae'r Cyngor hefyd yn derbyn yr awgrym bod gwerth mewn darparu trosolwg o waith y Pwyllgor Safonau yn ystod y flwyddyn i'r Cyngor. Mae hyn yn digwydd eisoes yn y Cyngor a dylid dilyn y model hwn.

#### **Cwestiwn 4.3: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud ag Awdurdodau Lleol yn dirprwyo swyddogaethau?**

Mae'r Cyngor yn cefnogi cynigion i ddiwygio rheoliadau sy'n ymwneud â dirprwyo swyddogaethau.

#### **Cwestiwn 4.4: A oes gennych unrhyw sylwadau am ein cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth**

### **Ariannol i ystyried canllawiau wrth adolygu'r fframwaith cydnabyddiaeth ariannol ar gyfer Cynghorwyr?**

Mae Llywodraeth Cymru wedi nodi bod disgwyliad cyfiawnadwy ymhlith y cyhoedd yn gyffredinol na ddylai gwleidyddion etholedig dderbyn mwy o dâl nag y gellir ei gyfiawnhau mewn perthynas â maint eu cyfrifoldebau ac ymrwymiad amser.

Byddai'r Cyngor yn gwrthwynebu'n gryf y cynnig i roi'r pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol (IRPW) i bob pwrpas. Mae pryderon yn parhau mewn perthynas â'r effaith wirioneddol neu ganfyddedig y mae'r llythyr cylch gwaith cyntaf erioed gan y Gweinidogion wedi'i gael ar benderfyniadau'r IRPW yn ei Adroddiad Blynyddol Drafft 2016. Byddai grym Gweinidogol o'r fath yn tansilio hygydedd ac annibyniaeth yr IPRW ac ni fyddai'n fawr mwy na grŵp ymgynghorol ar gyfer fframwaith cydnabyddiaeth ariannol i gynghorwyr a osodwyd gan y Gweinidogion.

### **Cwestiwn 4.5: A ydych chi'n cytuno y dylai'r darpariaethau sy'n ymwneud â mynychu cyfarfodydd o bell ym Mesur 2011 fod yn fwy hyblyg?**

Byddai'r Cyngor yn cefnogi hyn.

### **Cwestiwn 4.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai ei bod yn ofynnol i Awdurdodau Cysgodol benodi Swyddogion Canlyniadau dros dro?**

Mae'r cynnig hwn i'w weld yn briodol.

### **Cwestiwn 4.7: A oes gennych unrhyw sylwadau am ba mor ddymunol y byddai rhoi'r pŵer i Gynghorau ddiswyddo'r Prif Weithredwr, y Prif Swyddog Cyllid, y**

### **Swyddog Monitro a'r Pennaeth Gwasanaethau Democrataidd trwy bleidlais?**

Mae'r Cyngor yn ymwybodol bod rhai uwch swyddogion (y Prif Weithredwr, y Prif Swyddog Cyllid, y Swyddog Monitro a'r Pennaeth Gwasanaethau Democrataidd) yn destun trefniadau sy'n llywodraethu eu cyflogaeth ac sy'n atal Awdurdod rhag eu diswyddo oni bai y bu ymchwiliad gan berson annibynnol yn gyntaf a fyddai'n cyfiawnhau gweithredu yn y fath fodd. Mae hefyd yn ymwybodol bod hyn wedi derbyn sylw yn Lloegr a bod angen pleidlais yn y Cyngor llawn i fedru diswyddo. Mae risg gyda hyn y bydd achosion triwilysoedd cyhoeddus yn hirach ac yn fwy costus.

### **Cwestiwn 4.8: A oes gennych unrhyw sylwadau am ein cynnig i newid y fframwaith a ddefnyddir gan y Cynghorau a'u Pwyllgorau Gwaith i benderfynu sut i ddyrannu eu swyddogaethau?**

Croesewir y cynnig i ddiwygio fframwaith swyddogaethau'r cyngor fel deddfwriaeth olynol i lywodraeth leol, yn enwedig gan fod Deddf Llywodraeth Leol 2000 a gyflwynodd drefniadau Pwyllgor Gwaith, wedi creu fframwaith cymhleth mewn perthynas â'r cyfrifoldebau i gyflawni swyddogaethau, dyletswyddau neu bwerau penodol y cyngor.

### **Cwestiwn 4.9: A oes gennych unrhyw sylwadau am ein cynnig mewn perthynas â gwaredu a throsglwyddo asedau Awdurdodau Lleol?**

Mae'r Cyngor eisoes yn gweithio'n agos gyda chymunedau ynghylch y posibilrwydd o drosglwyddo neu reoli asedau cymunedol. Croesawir y cynnig i wneud y broses trosglwyddo asedau cymunedol yn fwy cymesur. Fodd bynnag, dygir sylw at y ffaith y

bydd rhaglen fwy strategol a chydgyssylltiedig o drosglwyddo asedau cymunedol yn creu goblygiadau o ran adnoddau ar gyfer y Cyngor.

### **Rhan 5 – Cynghorau Sir: Llywodraethu yn Well**

Mae Rhan 5 y Bil Drafft yn nodi trefniadau ar gyfer trefn newydd i wella'r modd y caiff cynghorau sir eu llywodraethu, hynny yw, i sicrhau bod cynghorau'n cael eu rhedeg yn briodol, bod pobl yn atebol am benderfyniadau ac y defnyddir adnoddau yn dda. Mae Pennod 1 yn rhoi dyletswydd gyffredinol ar gynghorau sir i wneud, gweithredu a chydymffurfio â threfniadau llywodraethu ac mae'n rhaid i'r rheini yn eu tro gydymffurfio â'r gofynion a osodir gan ac o dan y Bil Drafft. O dan Bennod 2, mae'n rhaid i gynghorau sir baratoi a chyhoeddi cynllun corfforaethol, ymgynghori arno, ei adolygu'n barhaus ac adrodd ar y cynnydd a wnaed yn erbyn y materion a nodir yn y cynllun.

Mae Pennod 3 yn nodi sut y bydd cydymffurfiaeth cynghorau sir â'u dyletswyddau mewn perthynas â llywodraethu o dan Bennod 1 yn cael ei asesu; trwy 'hunanasesu', 'asesu gan gymheiriaid' ac 'asesu cyfunol' (hynny yw, asesiad ar y cyd a wneir gan reoleiddwyr penodol).

Mae Pennod 4 yn rhoi'r pŵer i Weinidogion Cymru drefnu adolygiad o drefniadau llywodraethu cyngor sir ac i ymyrryd pan fyddant yn ystyried bod hynny'n angenrheidiol neu'n briodol er mwyn sicrhau bod cyngor sir yn cydymffurfio â'i ddyletswyddau mewn perthynas â llywodraethu o dan Bennod 1.

Mae Pennod 5 yn darparu ar gyfer gwell cydlynu rhwng rhai rheoleiddwyr wrth arfer swyddogaethau penodol, tra bod Pennod 7 yn ailenwi'r Pwyllgor Archwilio mewn cynghorau sir yn Bwyllgor Archwilio a Llywodraethu Corfforaethol, ac yn gwneud darpariaeth bellach ynghylch swyddogaethau ac aelodaeth y pwyllgor. Y rheoleiddwyr yw'r cyrff hynny sy'n gyfrifol am adrodd ar drefniadau llywodraethu ac ariannol y cynghorau, a'r ffordd y caiff eu prif wasanaethau eu rhedeg. Maent yn cynnwys Archwilydd Cyffredinol Cymru, Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a Gweinidogion Cymru yn arfer eu pwerau rheoleiddio mewn perthynas â gwasanaethau cymdeithasol.

### **Cwestiwn 5.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 5 o'r Bil Drafft?**

Croesewir yr awgrym yn y Papur Gwyn i leihau rheoleiddio a hyrwyddo hunanasesu ac asesu gan gymheiriaid. Mae'r Cyngor yn croesawu'r egwyddorion ynghylch hunan-wella, hunanasesu a llywodraethu da. Fodd bynnag, mae angen eglurhad o'r manylion yn y Bil Drafft ynglŷn â rheoleiddio allanol.

Byddai'r Cyngor yn tynnu sylw at y ffaith fod y cynigion ynghylch cynllunio corfforaethol yn rhagnodol eu natur ac nad ydynt o reidrwydd yn cyd-fynd â'r dyletswyddau newydd yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 – y posibilrwydd o sefydlu ac adrodd ar nifer o flaenoriaethau corfforaethol. Dylid nodi hefyd bod Deddf Llesiant Cenedlaethau'r Dyfodol yn datgan na ddylai amcanion lles gael eu trin fel rhai ar wahân i amcanion cyffredinol y sefydliad. Byddai'r Cyngor hefyd yn dymuno cwestiynu'r berthynas a fydd gan unrhyw ddangosyddion perfformiad cenedlaethol newydd gyda'r Dangosyddion Lles arfaethedig.

Er bod y pwerau Gweinidogol o ymyrraeth a chefnogaeth yn debyg i'r pwerau presennol (o dan Fesur Llywodraeth Leol (Cymru) 2009), nid oes unrhyw feini prawf sy'n nodi'r

trothwy ar gyfer ymyrraeth. Mae diffyg meini prawf clir yn ddiffyg arwyddocaol os yw'r Cyngor am ymateb yn briodol.

Mae'r papur ymgynghori yn nodi y bydd y Bil terfynol yn cynnwys darpariaethau i gynghorau gyhoeddi data a dogfennau allweddol trwy borth ar-lein – mae diffyg manylder yma. Byddai'r Cyngor hefyd yn croesawu cael trosolwg o'r costau sy'n gysylltiedig â'r datblygiad hwn.

**Cwestiwn 5.2: A oes gennych unrhyw sylwadau am ein cynnig i'w gwneud yn ofynnol i Awdurdodau Lleol ymgymryd â dyletswydd trefniadau llywodraethu?**

Mae'r Cyngor yn croesawu'r ddyletswydd arfaethedig ynghylch trefniadau llywodraethu, ond mae angen cysoni hynny'n well â gofynion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

**Cwestiwn 5.3: A oes gennych unrhyw sylwadau am y dull gweithredu engreiffiol tuag at asesiad gan gymheiriaid a nodir yn Atodiad A?**

Mae'r Cyngor yn cydnabod gwerth posibl adolygiad cymheiriaid ac yn cytuno y dylai barhau, yn y dyfodol, i fod yn elfen allweddol o gyfundrefn ddiwygiedig ar gyfer gwelliant ond byddai am i hyn fod ym mherchenogaeth cynghorau ac nid rhywbeth a fyddai'n cael ei ddeddfu. Byddai deddfu a rhagnodi proses adolygiad cymheiriaid fel y cafodd ei drafftio yn y Bil Drafft, yn ei hanfod, yn creu fframwaith archwilio cymheiriaid gyda chostau cysylltiedig, yn hytrach na fframwaith adolygu cymheiriaid. Mae'r model a awgrymir yn ei droi'n swyddogaeth lled-reoleiddiol a allai dyblygu rôl Swyddfa Archwilio Cymru.

**Cwestiwn 5.4: Cwestiwn 5.4: A oes gennych unrhyw sylwadau am rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio mewn perthynas ag**

**ymateb yr Awdurdod Lleol i'r hunanasesiad, yr asesiad gan gymheiriaid, yr asesiad cyfun a'r adolygiad llywodraethu?**

Yn gyffredinol, mae'r Cyngor yn cefnogi rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio newydd. Fodd bynnag, nid yw'n cefnogi'r newidiadau arfaethedig i aelodaeth pwyllgorau llywodraethu corfforaethol ac archwilio - mae aelodau lleyg yn aelodau gwerthfawr o bwyllgorau archwilio ar hyn o bryd, ond dylai cydbwysedd aelodaeth fod yn fater i ddisgresiwn lleol. CSYM oedd un o'r cynghorau cyntaf i gynnwys aelodau lleyg.

**Cwestiwn 5.5: A oes gennych unrhyw sylwadau am ein cynnig i wrthod pwyllgorau cyfrifon cyhoeddus lleol?**

Mae'r Cyngor yn cytuno nad oes angen sefydlu Pwyllgorau cyfrifon cyhoeddus lleol.

**Cwestiwn 5.6: Ai cyrff gwasanaethau cyhoeddus yw'r cyrff cywir i archwilio'r dewisiadau o ran polisi sy'n wynebu gwasanaethau cyhoeddus lleol?**

Sefydlwyd Byrddau Gwasanaethau Cyhoeddus a'r sefydliadau sy'n aelodau unigol ohonynt i ystyried a siapio (trwy asesiadau lles) y dewisiadau polisi sy'n wynebu

gwasanaethau cyhoeddus. Fodd bynnag, byddai'r Cyngor yn awgrymu bod angen cryfhau sgrïwtini lleol er mwyn caniatáu i aelodau etholedig archwilio penderfyniadau'r BGC lleol.

**Cwestiwn 5.7: Os felly, a fydd pwerau cyfreithiol ychwanegol o fudd iddynt?**

Mae pwerau cyfreithiol Byrddau Gwasanaethau Cyhoeddus fel y'u cyflwynwyd yn Neddf Lles Cenedlaethau'r Dyfodol (Cymru) 2015 yn ymddangos yn briodol.

**Cwestiwn 5.8: Pa fesurau deddfwriaethol allai gael eu hystyried i ganiatáu i Llywodraeth Leol ymgymryd â rôl cydwasanaethau ar draws y sector cyhoeddus?**

Gweler adran 5.6.

**Rhan 6 - Cynghorau Cymuned**

Mae'r darpariaethau yn Rhan 6 y Bil Drafft yn ymwneud â chynghorau cymuned. Yn ôl Pennod 1, rhaid i Gomisiwn Ffiniau a Democratiaeth Leol Cymru gynnal adolygiad o drefniadau'r cynghorau cymuned; hynny yw, adolygiad o'r cymunedau o fewn y siroedd newydd, a sefydlir dan y Bil Drafft ar 1 Ebrill 2020, i bwrpas argymhell newidiadau i'r cynghorau cymuned a'u trefniadau etholiadol. Mae Pennod 2 yn gosod dyletswydd ar gynghorau sir i ystyried anghenion hyfforddi cynghorwyr cymuned, ac i wneud trefniadau i ddiwallu'r anghenion hynny. Mae hefyd yn gosod dyletswydd ar gynghorwyr cymuned i gwblhau hyfforddiant gorfodol a nodwyd gan y cynghorau sir ac yn nodi sut y byddir yn delio gydag achosion o dorri'r ddyletswydd honno.

Mae Pennod 3 yn nodi y bydd etholiadau cyngor cymuned, fel trefn sefydlog, yn cael eu cynnal bob pum mlynedd o 2023 (yn unol â'r newidiadau a wnaed gan y Mesur Drafft mewn perthynas ag etholiadau cyngor sir), ac yn gwneud y newidiadau cysylltiedig i'r ddarpariaeth ynghylch tymor cynghorwyr cymuned yn y swydd.

**Cwestiwn 6.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 6 o'r Bil Drafft?**

Mae'r penderfyniad y dylai'r Comisiwn Ffiniau a Democratiaeth Leol Cymru gynnal adolygiad o drefniadau'r cynghorau cymuned yn gwneud synnwyr oherwydd byddai hynny wedi rhoi pwysau sylweddol ar gynghorau sir a oedd newydd eu sefydlu.

**Cwestiwn 6.2: A ddylai fod yn ofynnol i'r Comisiwn Ffiniau gyflwyno'i adroddiadau drafft i Awdurdodau Cysgodol o fis Mai 2019 ymlaen?**

Byddai'r Cyngor yn cefnogi'r cynnig hwn gan y bydd yn caniatáu iddo roddi ystyriaeth yn gynharach i unrhyw gynigion drafft.

**Cwestiwn 6.3: A ddylai'r Cynghorau Sir newydd roi ar waith argymhellion y Comisiwn Ffiniau neu a ddylai hyn fod yn gyfrifoldeb i'r Comisiwn Ffiniau ei hun?**

Awgrymir y dylai hyn fod yn rhan o gylch gwaith y Comisiwn Ffiniau.

**Cwestiwn 6.4: A oes gennych unrhyw sylwadau am ein cynnig sy'n ymwneud â hyfforddiant gorfodol ar gyfer Cyngorwyr Cymuned?**

Mae'r Cyngor yn annog pob aelod etholedig i ymgymryd â datblygiad a hyfforddiant priodol ar gyfer eu swyddogaethau a byddai'n cefnogi'r cysyniad i ddatblygiad a hyfforddiant gorfodol ar gyfer aelodau gael ei benderfynu'n lleol. Fodd bynnag, mae angen ailystyried y cysyniad o Brif Gyngorau'n penderfynu ar anghenion hyfforddi'r cyngorwyr cymuned a'r disgwyliad i'r clerics fonitro presenoldeb. Gallai hyn roi 'straen ar y berthynas dda rhwng y clerics a'r cyngor', fel y nodir yn y ddogfen ymgynghori ei hun. Mae hyn yn gosod dyletswydd gyfreithiol ar awdurdodau heb y rheolaeth a chwrdd â'r gofyn. Er mwyn xxxx hyn yn effeithio byddai angen i awdurdodau fod a dealltwriaeth lawer o raglen waith a gofynion pob Cyngor Cymuned. Gall hyn amrywio'n fawr rhwng Cyngor Cymuned gweledig bychan a Chyngor Tref mawr. Os nad yw'r gofyn hwn yn cael ei weithredu yna bydd angen nodi'r gofynion hyfforddi a'r hawl i Awdurdodau gyfeirio'r costau ymlaen i'r Gyngorau Cymuned.

**Cwestiwn 6.5: A oes gennych unrhyw sylwadau am ein cynnig i ymestyn tymor Cyngorwyr Cymuned sy'n cael eu hethol yn 2017 i chwe blynedd?**

Byddai tymor chwe blynedd yn gyfnod dinesig hir iawn gyda goblygiadau o ran atebolrwydd lleol, fodd bynnag, mae'n drefniant dros dro angenrheidiol yn ystod cyfnod o ddiwygio sylweddol a fydd yn arwain at fwy o eglurder ynghylch atebolrwydd a rheolaeth etholiadol yn y dyfodol.

**Cwestiwn 6.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Gyngorau Cymuned ystyried a chynllunio ar gyfer anghenion hyfforddi eu haelodau a'u gweithwyr eu hunain??**

Fel y nodwyd uchod, nid yw'r Cyngor yn cefnogi'r ddyletswydd arfaethedig y dylai cyngorau sir ystyried anghenion hyfforddi cyngorwyr cymuned a 'sicrhau y darperir' hyfforddiant ar eu cyfer. Byddai hyn yn faich ychwanegol, a bydd â goblygiadau o ran adnoddau i awdurdodau lleol. Y cyngorau cymuned eu hunain ddylai fod yn gyfrifol am hyn. Nid yw'n briodol y dylai'r Cyngor fod â dyletswydd i gyflawni dros gyrff eraill annibynnol sy'n atebol yn ddemocrataidd.

**Cwestiwn 6.7: A oes gennych unrhyw sylwadau sy'n ymwneud â gosod amcanion ar gyfer clerics Cyngor Cymuned?**

Mae hwn yn fater ar gyfer cyngorau cymuned.

**Cwestiwn 6.8: A oes gennych unrhyw sylwadau am ein cynnig i ddiddymu'r ddeddfwriaeth sy'n ymwneud â phleidleisiau cymunedol ac yn hytrach ei gwneud yn ofynnol i Awdurdodau Lleol weithredu system e-ddeisebau?**

Mae'r cynnig yn cael ei groesawu gan y bydd yn lleihau'r baich a'r costau i'r Cyngor ac yn ogystal, bydd yn annog mecanwaith mwy hwylus ac uniongyrchol i gymunedau fynegi eu barn. Er nad oes defnydd eang yn cael ei wneud o bolau cymunedol yn gyffredinol, mae risg y cânt eu camddechongli gan y gymuned fel refferenda lleol

ymrwymol a all achosi tensiwn rhwng cymunedau, eu cynrychiolwyr etholedig a'r cyngor.

### **Rhan 7 - Materion y Gweithlu**

Mae Rhan 7 y Mesur Drafft yn ymdrin â 'materion gweithlu', a ddiffinnir yn y Rhan honno. Mae'n ofynnol i gyrff cyhoeddus penodol roi sylw i unrhyw ganllawiau ar faterion gweithlu a gyhoeddir gan Weinidogion Cymru, ac mae'n darparu ar gyfer sefydlu a diddymu Comisiwn Staff Gwasanaethau Cyhoeddus, a fydd yn cynghori Gweinidogion Cymru ar faterion gweithlu yn ystod ei fodolaeth.

#### **Cwestiwn 7.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 7 o'r Bil Drafft?**

Mae Rhan 7 o'r Bil yn cynnig pwerau gweinidogol ar faterion gweithlu. Mae'r pwerau a ddisgrifir ym Mhennod 1 yn bellgyrhaeddol iawn ac o bosibl yn caniatáu i Weinidogion Cymru wneud rheoliadau a all effeithio ar weithlu cyfan corff cyhoeddus ac ar ystod eang o faterion. Mae'r rhwydwaith Datblygu Adnoddau Dynol wedi gweld ymateb y Gymdeithas Llywodraeth Leol Cymru ac yn cefnogi'r farn a fynegwyd gan Arweinwyr y Cyngor trwy Gymdeithas Llywodraeth Leol Cymru mewn perthynas â Rhan 7. Mae hwn ynghlwm er gwybodaeth.

Gallai'r pwerau mewn nifer o amgylchiadau 'dorri ar draws' ac effeithio'r berthynas gytundebol gyfreithiol rhwng Cynghorau a'i weithwyr a gallai godi amheuan ynghylch atebolrwydd democrataidd y 22 o gyflogwr annibynnol unigol i'r gymuned. Mae'r Cyfarwyddwyr Adnoddau Dynol yn mynegi pryder y gallai'r pwerau hyn gael effaith o safbwynt ymarferol ar y berthynas gyflogaeth rhwng y cyflogwyr cyfreithiol a'u gweithwyr ac y gallai hynny fod yn fater i'r llysoedd sifil drwy'r system tribiwnlys cyflogaeth. Mae'r rhwydwaith Datblygu Adnoddau Dynol hefyd yn credu na fydd unrhyw gydymffurfiaeth â rheoliad Llywodraeth Cymru yn amddiffyniad rhesymol yn llygaid y system tribiwnlysoedd.

Mae CLILC a Chynghorau unigol yn glir o safbwynt hyrwyddo lleoliaeth wrth ddarparu gwasanaethau cyhoeddus. Mae'r Cyfarwyddwyr Adnoddau Dynol hefyd yn dadlau bod penderfynu ar faint y gweithlu a'i gyfansoddiad â chyswllt uniongyrchol â dyrannu cyllideb ac â blaenoriaethau'r Cyngor penodol. Mae hon yn rôl sylfaenol i'r proffesiwn AD wrth gefnogi anghenion busnesau lleol pob cyngor, ac o ystyried natur amrywiol gwasanaethau llywodraeth leol, mae angen i hyn yn aml fod ar lefel gwasanaethau unigol i fod yn wirioneddol effeithiol. Dylai fod yn fater i'r Cyngor ei hun i benderfynu arno fel rhan o'i atebolrwydd democrataidd i'w gymuned. Dylai'r egwyddor o 'ddad-glustnodi' fod yn berthnasol i'r holl adnoddau. Ni ddylai Gweinidogion Cymru feddu ar y gallu i 'gyfarwyddo' neu glustnodi adnoddau trwy bennu maint, cyfansoddiad a chyflog gweithlu Cynghorau. Mae profiad wedi dangos mai atebion lleol yw'r ffordd orau o ddelio gyda materion lleol.

Mae llywodraeth leol yn dibynnu'n drwm ar weithlu amrywiol a medrus i ddarparu'r ystod o wasanaethau hygyrch a ddisgwylir gan y gymuned. Mae'r angen i gynghorau fedru ymarfer annibyniaeth a rheolaeth dros y gweithlu yn eu hardal eu hunain yn mynd at wraidd yr egwyddor ddemocrataidd. Dylai cynghorau, fel cyflogwyr annibynnol sofran unigol, ddisgwyl cael yr hawl hon oherwydd y berthynas gyfreithiol, cytundebol, seicolegol a chilyddol gyda'u gweithlu. Mae hyn yn wrth wraidd rheoli pobl yn dda a'r

hyn sy'n gwneud perthynas cyflogaeth dda. Y berthynas uniongyrchol rhwng y cyflogwr a'r gweithiwr. Mae hyn yn arbennig o bwysig ar gyfer y swyddi uchaf lle mae'r berthynas rhwng uwch swyddogion ac aelodau etholedig yn hanfodol wrth ddarparu gwasanaethau. Mae angen ymddiriedaeth a hyder rhyngddynt ac ni all hynny ond deillio o atebolrwydd y broses recriwtio a dewis. Ni fydd gorfodi ymgeiswyr ar gyfer uwch swyddi yn meithrin yr ymddiriedolaeth honno'n otomatig. Nid yw ymagwedd ganoliaethol tuag at benodi uwch swyddogion yn hwyluso datblygu a chynnal perthynas waith da rhwng swyddogion ac aelodau. Yn yr un modd, ni ddylai cynghorau fod yn destun cyfyngiadau a osodir yn ganolog a allai geisio pennu tâl a gostwng cyflogau mewn modd artiffisial a fydd yn gwneud llywodraeth leol yn llai deniadol i ddarparu weithwyr. Mae'r ymateb gan CLILC yn ymhelaethu ar faterion marchnadoedd cyflogaeth sy'n newid yn gyson ac mae'r Cynghorau a'r timau adnoddau dynol sy'n eu cefnogi angen hyblygrwydd i helpu'r busnes drwy brosesau recriwtio sydd wedi'u teilwra'n effeithiol. Nid yw un-maint yn addas i bawb ac mae cynghorau angen rhyddid a hyblygrwydd i wneud a gweithredu penderfyniadau ar recriwtio ac ailstrwythuro ar yr holl faterion gweithlu, gan gynnwys penderfyniadau ar gyflogau, sydd wedi'u cynllunio'n lleol ar sail egwyddorion tegwch, tryloywder ac atebolrwydd sy'n cwrdd orau ag anghenion eu cymunedau.

Mae CLILC yn iawn yn credu mai cynghorwyr a etholwyd yn ddemocrataidd sydd yn y sefyllfa orau i benderfynu sut i lunio'r gweithlu i ddarparu gwasanaethau yn y ffordd fwyaf cost effeithiol. Gan fod Adnoddau Dynol yn arwain ym maes llywodraeth leol rydym yn fwy nag ymwybodol y bydd gwahanol gynghorau yn wynebu heriau gwahanol ac nad ydynt yn dechrau o'r un pwynt a bod eu hamcanion yn amrywio. Mae awdurdodau lleol eisoes wedi dangos eu bod yn gallu datblygu a gwella gwasanaethau'n llwyddiannus mewn amgylchiadau na welwyd mo'u tebyg o'r blaen. Rydym eisoes yn gweithio mewn partneriaeth i rannu a datblygu polisiau a dulliau gweithredu cyson ar faterion gweithlu sydd hefyd yn caniatáu ar gyfer yr hyblygrwydd lleol hwnnw sydd mor bwysig ac angenrheidiol.

Y gymuned AD a fydd yn gweithredu unrhyw bolisi neu gyfarwyddiadau sy'n deillio o rheoliadau hyn. Byddai'n esgeulus ohonom i beidio nodi bod rheoliadau a chyfarwyddyd mwy diweddar ar faterion sy'n ymwneud â chyflog uwch swyddogion ac uwch benodiadau mewn llywodraeth leol wedi cyflwyno materion ymarferol sylweddol ac wedi cynyddu biwrocratiaeth yn eu sgil, weithiau yn ddiangen. Mae rôl y Panel Annibynnol ar Gydabyddiaeth Ariannol yn y maes cyflogau uwch swyddogion yn enghraifft o hyn.

Fel cynghorau a'r gymuned AD mae gennym drefniadau aeddfed ac effeithiol ar gyfer ymgysylltu â'n gweithluoedd ac Undebau Llafur ar lefel leol a chenedlaethol. Rydym yn ymgysylltu'n weithredol gyda'n gilydd a chyda phartneriaid a grwpiau proffesiynol o fewn a thu allan i lywodraeth leol. Y rhwydwaith Cyfarwyddwyr AD mewn llywodraeth leol, gyda chefnogaeth aelodau etholedig, oedd y cyntaf i gytuno cytundeb rheoli newid mewn partneriaeth gyda'r undebau llafur; datblygodd Femorandwm Cyd-ddealltwriaeth ar faterion gweithlu i ddelio â materion llymder; mae eisoes wedi cynhyrchu canllawiau cytunedig ar Gontractau Oriau Zero ac mae Academi Cymru Gyfan ar gyfer llywodraeth leol yn dod yn ei flaen yn effeithiol. Rydym hefyd yn gweithio gyda Swyddfa Archwilio Cymru i ddatblygu dull y cytunwyd arno at elfennau o gynllunio'r gweithlu sy'n effeithiol ond eto'n cwrdd â gofynion lleol. Rydym hefyd yn awyddus i ymgysylltu ynghylch effaith

y Bil Menter ar aelodaeth o undebau llafur a gweithgarwch undebau a'r cap o £95k ar daliadau ymadael.

**Cwestiwn 7.2: A oes gennych unrhyw sylwadau am a fyddai'n parhau'n ddymunol i sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol os byddai'n fwy cyfyngedig na Chomisiwn anstatudol o ran y materion y gallai roi canllawiau arnynt?**

Mae cefnogaeth gyffredinol i sefydlu Comisiwn Staff Gwasanaethau Cyhoeddus (PSSC) i gynorthwyo yn benodol â datblygu canllawiau i helpu cynghorau i reoli eu gweithluoedd fel rhan o unrhyw ad-drefnu llywodraeth leol. Fodd bynnag, dylid sefydlu'r PSSC fod yn gysylltiedig ag ad-drefnu llywodraeth leol.

**Rhan 8 - Cyffredinol**

Mae Rhan 8 yn cynnwys darpariaethau cyffredinol ynglŷn â rheoliadau a gorchmynion a wneir o dan y Mesur Drafft, a theitl byr y Mesur Drafft. Mae Rhan 8 hefyd yn cynnwys darpariaeth (a drafodwyd uchod) ynghylch gweithredu'r Bil drafft i'r siroedd a'r bwrdeistrefi sirol a oedd yn bodoli cyn i'r newidiadau a wnaed gan Ran 1 ddod i rym.

**Cwestiwn 8.1: A oes gennych unrhyw sylwadau am unrhyw un o'r darpariaethau yn Rhan 8 o'r Bil Drafft neu unrhyw un o'r Atodlenni?**

Mae darpariaethau ac amserlenni Rhan 8, gan gymryd i ystyriaeth y sylwadau uchod, yn ymddangos yn briodol.

**CWESTIYNAU YCHWANEGOL**

**Cwestiwn 9.1: A ydych chi'n ymwybodol o unrhyw ddiwygiadau canlyniadol i**

**ddeddfwriaeth y bydd angen eu gwneud?**

Nac oes

**Cwestiwn 9.2: Rhowch adborth a fydd yn ddefnyddiol yn eich barn chi mewn**

**perthynas â'r dogfennau ategol a gyhoeddir ochr yn ochr â'r Bil Drafft h.y. Memorandwm Esboniadol Drafft (gan gynnwys yr Asesiad Effaith Rheoleiddiol) ac Asesiadau Effaith penodol.**

**Cwestiwn 9.3: Rydym wedi gofyn nifer o gwestiynau penodol. Os hoffech godi**

**unrhyw faterion cysylltiedig nad ydym ni wedi mynd i'r afael â nhw yn benodol, defnyddiwch y lle isod i'w nodi.**

Mae disgwyl i Awdurdodau gyhoeddi crynodeb o'r cyfansoddiad ar gyfer y cyhoedd. Mae hyn yn rhesymol, ond yn ystod y cyfnod ad-drefnu, mae'n gwneud synnwyr i gyhoeddi Côt Model Cenedlaethol gan na wnaed hyn ers 2001. Rhwng 2001 ac unrhyw ad-drefnu mae Awdurdodau wedi bod yn addasu/diwygio'r cyfansoddiad – byddai 'n her ceisio uno cyfansoddiad dau neu fwy o Gynghorau. Byddai'n llawer symlach i gychwyn gyda model o gyfansoddiad.

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DRAFT LOCAL GOVERNMENT [WALES] BILL – Response of Isle of Anglesey County Council

Part 1 – Local Government Areas and County Councils

Part 1 of, and Schedules 1 to 5 to the Draft Bill contain provisions for the reorganisation of county and county borough councils in Wales, and the establishment of new counties and councils from 1

April 2020. Part 1 also makes provision about the constitution of the new councils and the election of their members.

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

There is a general recognition that there is a need for some sort of public service reform to meet future challenges. The Council however strongly disagrees that establishing fewer, larger Councils is the answer as the delivery model pre-1996 did not meet the needs of the Principality and local needs. Ensuring local democracy is a real challenge if larger Councils are established – the establishment of community area committees will not necessarily address the issue of local democracy, could blur and undermine democratic accountability and create bureaucracy. Community Area Committees will include those who are not democratically elected. Safeguarding local accountability in relation to service delivery is essential. The Council remains of the view that insufficient attention has been given to the possibility of a commissioning based approach that would allow delivery of major services at regional level allowing decision making to remain at local level.

The Council does not agree that the case for reorganisation has been made clearly.

The rationale for the determination of the proposed map of 8 or 9 authorities is not consistent - scale [population range of between 192,000 to 580,000] and coterminous with LHBs – these, originally, were essential criteria.

The cost-benefit analysis presented is flawed - a substantial proportion of the proposed savings (largely senior-management and back-office rationalisation) will have been realised. In addition, Council tax harmonisation has not been considered – it is a potential risk to the proposed reforms. The cost of progressive and new legislation has not been taken into account. Attention is also drawn that the proposed savings, if the calculations provided are accurate, are relatively small – around £3m per present County. Clarification is also sought on the upfront costs of re-organisation.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill? As noted above the Council is concerned that Welsh Government has not applied the criteria consistently across the whole of Wales in determining proposed new council boundaries.

As noted above the Council remains to be convinced that larger Councils is the best solution for Wales, especially rural areas. A number of effective and successful but different delivery structures

have been developed across North Wales [e.g. GwE, North Wales Economic Ambition Board] – these have not been given due consideration in the proposed structure.

The argument in relation to EU convergence funding is not accepted.

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

The Council's preferred option is for IOACC to continue and preserve the sovereignty of Anglesey – its unique boundary provided an identity and administrative unit that needs to be preserved. If reorganisation does proceed then the Council would be in favour of two Councils across the whole of North Wales. This is based on population, the Welsh Language, funding considerations [including council tax],

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

No comment

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

Draft Bill refers to 'the name given in the first column of Schedule 1'. This suggests County1 and County 2. The process is reasonable.

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

Proposals appear appropriate. The timetable outlined, in addition to other elections, could lead to significant expectations on local elections staff.

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

See question 1.1 above. The guidance in relation the harmonisation of Council Tax is not clear and could lead to anomalies across Wales. The commitment to "draw up firm plans for harmonisation" is noted as being a necessity.

The White Paper discussed the need to review the Local Government finance system over a longer timetable than that planned for mergers and the reforms set out in the Draft Bill. It is suggested that the risks associated with any fundamental change to the finance system need to be quantified. A 'one-size fits all' approach will not necessarily meet the needs of the communities on Anglesey.

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

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

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

Accepted that the duty on Non-Domestic Rates-payers to draw attention to any change which may affect their liability, or eligibility to claim a relief, discount or exemption requires clarification.

WLGA officials are currently examining financial implications of the Draft Bill.

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

. These aspects are issues for Central Government to address.

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

As noted above, council tax harmonisation is a key component and a significant risk to the proposed merger programme which should be considered as a matter of priority.

The consultation document makes no reference to other specific areas that will need to be addressed e.g. harmonisation of specific services which are currently delivered in different ways e.g.

Housing, Waste, and Highways. This is a significant omission.

The number of Councillors is also a key factor that needs to be considered. Suggested that this needs detailed consideration both in term of number of Councillors and the concept of multi-member wards. A reduction in the number of Councillors and the concept of multi-member wards has been operated in Anglesey since the last Local Government elections. It is not clear whether an evaluation of this change has informed Welsh Government considerations. IOACC requires a period of stability following the introduction of multi member wards in 2013, rather than the cloud of possible reform. Costs associated with potential redundancy costs need addressing, harmonisation of staff terms and conditions, etc.

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Part 2 – General Power of Competence

Chapter 1 of this Part provides county councils and 'community councils with competence' with a general power of competence, setting out the boundaries of the power and degree to which it may

be used for commercial purposes. The general power of competence gives a qualifying local authority the same power to act that an individual generally has. It is a power of first resort which means that a qualifying local authority does not need to rely on specific powers in legislation to do something, so long as what they intend to do is not otherwise illegal.

The conditions which community councils must meet, together with the procedure they must follow, in order to become a 'community council with competence' are set out in Chapter 2 of this Part.

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

The introduction of the power of general competence is welcomed. However, its use in England has been limited and to some extent has been governed by the 'ultra vires' consideration. The suggestion that councils could make better use of charging powers to realise additional income (in a sensible and sensitive way) for example through selling services to the public or private sector is an area that needs further consideration and specific guidance.

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

The proposal to link turnover [£200,000] with competency is welcomed but this could be viewed as disadvantaging rural Councils. However, it is suggested that the likely use of the power by community councils will be limited. Clarification regarding the clerk's 'relevant professional qualification' will be required. e.g. could this be linked to Membership level. However, this could affect recruitment and disadvantage smaller community councils. The need for the community council to consult with the county council is noted in order for the latter to assess any consequential impact on the county council's planned discharge of its own duties or powers.

### Part 3 – Promoting Access to Local Government

Chapter 2 of this Part contains provisions requiring county councils to promote access to, and public participation in, local government. Chapter 3 requires the establishment by county councils of community area committees for the purpose of ensuring that community interests and priorities are taken into account by county councils in exercising their functions, and Chapter 4 places county councils under duties in respect of 'improvement requests', which require a county council to enter into discussions with certain community bodies for the purpose of improving local outcomes. Chapter 5 makes provision about improving public access to local authority meetings, and Chapter 6 requires county councils to

publish a guide in ordinary language to accompany their constitutions, together with official addresses for their members to which correspondence may be sent.

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

The principles noted are supported - active engagement with communities and promoting democratic and participative engagement. The Council currently supports the principles of public engagement, broadcast council meetings, hold youth forums or councils and has a well-developed and extensive consultation process in relation to budget setting. Every effort is made to engage with Community and Town councils and liaison forums are held.

Attention is drawn to the fact that some of the proposed new duties will require additional investment in administrative and 'back-office' capacity at a time when front-line services are being

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prioritised. In addition, some proposals are impractical and their likely effectiveness and impact are therefore questioned.

The Council is also of the view that that there should be consistency of expectations across all public services and levels of government; some of the proposals are relevant to Welsh Government and National Assembly and should be implemented to lead by example.

The cost of new and additional legislation such as the Well-being of Future Generations and requirement to broadcast meetings have not been acknowledged – the consultation makes no reference to the cost of future additional legislation impacting on local government. This is a significant omission.

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

As noted above, the Council is already committed to promoting access to local government. It is therefore not clear what improvements a new 'public participation duty' on local authorities would achieve, apart from creating an additional regulatory burden. The Council already consults widely with stakeholders on budget proposals, so it is unclear what value a new statutory duty to undertake such activity would achieve.

Placing statutory responsibilities on the Council to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities will have resource and practical implications. It will

also cloud accountability and delivery. Should the emphasis be on “connected authorities” to produce their own public participation strategy linked to the Council’s strategy?

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

The response to the consultation asked for more detail, showed concern about the potential for increasing bureaucracy, and the importance of ensuring appropriate representation, especially from the third sector and Community Councils and that councils should have flexibility to design a suitable approach for their area. It is also interesting that the public have expressed concern about the ‘bigger councils’ losing touch with communities. The costs associated with community area committees have not been estimated. The relevance of Community area committees is questioned for a Council the size of Anglesey.

It can be argued that the provisions included in the Draft Bill do not address these concerns. Critically, the relationship with community councils and Public Service Boards has not been clarified. The proposals for Community Area Committees (CACs) as drafted need clarification to allow local flexibility and the proposal that the areas covered by CACs would be established by Public Service Boards is confusing and does not allow sufficient discretion for the Council. It is not appropriate that a statutory partnership (the PSB), should determine the area coverage and the basis for local democratic and community governance mechanisms. The provisions of the Wellbeing of Future Generations (Wales) Act regarding community areas were set out for very different purposes.

The number of CACs in each council area, the size of membership and number/regularity of meetings needs to be clarified.

CACs will also present an additional burden on authorities in terms of administration.

It is also suggested that the areas of any ‘community area committee’ should be undertaken after the Local Democracy and Boundary Commission review. Political balance of CACs is also an issue that has not been addressed. If CAC’s are to be established – these should be part of consultation process and not decision making process. The role of Scrutiny Committees could be enhanced to include public participation.

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

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Flexibility to allow councils to delegate functions to more localised community governance models is required. However, the level of delegation needs to be carefully considered in order to avoid confusion of roles and weaken accountability.

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

No comment.

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

'Improvement requests' can be linked to the concept of an 'activist council'. The Council engages with communities and partners in the design and delivery of services and will try to respond positively to 'improvement requests'. It also consults widely on any alternative delivery models for services. Community groups will require adequate business and project planning capacity and capacity-building support to support such initiatives if they are to be motivated to actively participate in the reform process. Capacity for example invalidates the transfer of assets and sustainability of services need acknowledging.

The Council supports WLGA's view that the 'improvement requests' proposal as drafted over-formalises such an approach and will create a significant amount of bureaucracy which would add burden and could impact on the speed of decision making.

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

The Council has been supportive of webcasting.

A duty to broadcast all public council meetings (including proposed new CACs) will create an additional administrative burden on councils and require additional resources.

The Draft Bill's accompanying documentation assumes that the combined cost of current councils' expenditure on webcasting would cover the likely future costs of webcasting in 8 or 9 councils. The costs are likely to be higher as there would be a duty to broadcast all council meetings broadcasting which would see around a 50% increase in the number of meetings broadcast.

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

The Council already actively engage with children and young people, and promote the concept of democracy, and the role of council and councillors through school councils, youth councils or forums and engagement.

There is already a statutory duty to have a lead elected member for Children and Young People, and a specified part of that role is to engage with children and young people to gain their views on policies that impact on them. It is therefore unclear what benefits a new statutory duty would achieve.

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

The provisions within Chapters 2 to 4 of Part 4 of the Draft Bill impose duties upon the members of county councils relating to the performance of their functions as members, and sets out how breaches of these duties are to be dealt with.

Chapter 5 requires the elected mayor or executive leader of a county council operating executive arrangements to set objectives for the executive, and requires candidates who wish to stand for elected mayor or executive leader to prepare a written manifesto. It also enables the appointment of members as assistants to the executive.

Chapter 6 requires county councils to have a 'chief executive' instead of a 'head of paid service', and makes further provision about their role. It also makes provision about the position of the head of democratic services.

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Chapter 7 makes provision about overview and scrutiny committees, including the voting rights of co-opted members of those committees. It also requires standards committees to prepare annual reports on the exercise of their functions and other matters.

County councils are required, under the Local Government Act 2000, to establish an overview and scrutiny committee composed of councillors who are not members of the council's executive.

Overview and scrutiny committee act as a counterweight to the executive's powers, reviewing policy and decisions and making recommendations to the council. The co-opted members of a committee are those members who are not members of the council.

Standards committees consider complaints that the conduct of a councillor has failed to comply with the code of conduct adopted by the council, under the ethical framework established by the Local Government Act 2000, and to determine whether or not those

complaints should be investigated. Part 4 provides that the responsibility of standards committees be extended to include councillors deemed not to have carried out their statutory duties. Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

The Council would argue that any new proposals affecting councillors' remuneration and standards of conduct should be applied consistently across all levels of representative government. Furthermore Council Leaders have called for consistency across all levels of government in Wales and a wider review of all levels of governance rather than the focus on local government only. As noted previously, Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

The proposed 'Performance Duties' on councillors are therefore not supported as they are not consistent with expectations placed on Assembly Members.

The list of performance duties in the Draft Bill, including compulsory meeting attendance and the holding of surgeries, presents a simplistic interpretation of the 'formal' council role of councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities, facilitating community engagement with public services and providing an advocacy and support role to members of the community with particular needs. This is not reflected in the section on assessing a councillor's 'performance'. In addition, the Draft Bill suggests that councillors would have 14 days to respond to correspondence whilst Welsh Ministers have 17 working days.

Welsh Government is continuing to explore options for the recall of councillors. It should be noted that whilst WLGA members are fully prepared to engage in a national debate on the right to recall then this must be on the condition that it covers all levels of political representation across Wales.

The Draft Bill however also proposes that Leaders set and report on objectives for the Chief Executive on an annual basis, and the council in turn sets and reports on a corporate strategy and annual corporate objectives annually, as well as wellbeing objectives and joint PSB wellbeing objectives. This duplication will create bureaucratic and regulatory burdens and will need further consideration.

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

The Council supports the proposals to strengthen arrangements which promote and support good standards and accepts the proposal to give the Standards Committees new functions to handle complaints that Councillors have breached the rules and to monitor compliance of leaders of political groups. Further guidance would be helpful.

The Council also accepts the suggestion that there is merit in providing the Council with an overview of the work of the Standards

Committee during the year. This is standard practice in the Council and this model should be applied.

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

The Council is supportive of proposals to reform regulations around delegation of functions.

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

Welsh Government has noted that there is a justifiable expectation amongst the general public that elected politicians should receive no greater remuneration than can be justified in relation to the scale of their responsibilities and time commitment.

The Council would strongly object to the proposal to give Welsh Ministers the power to effectively direct the Independent Remuneration Panel for Wales (IRPW). Concerns persist in relation to the actual or perceived effect that the first ever Ministerial remit letter has had on the IRPW's determinations in its Draft Annual Report 2016. A Ministerial power of this nature would fundamentally undermine the credibility of the independence of the IPRW and it would be little more than an advisor group for a Ministerially set remuneration framework for councillors.

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

This would be supported by the Council.

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

This proposal seems appropriate.

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

The Council is aware that certain senior officers (the Chief Executive, Chief Finance Officer, Monitoring Officer and the Head of Democratic Services) are subject to arrangements governing their employment which prevent an Authority dismissing them unless there has first been an investigation by an independent person which would justify this course of action. It is also aware that this has been addressed in England in that a vote in full Council is required to bring about a dismissal. The proposal risks more protracted public and costly tribunal cases.

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

The proposal to reform the framework of council functions is welcomed as successive local government legislation, particularly since the Local Government Act 2000 which introduced executive arrangements, has created a complex framework relating to the responsibilities for the discharge of certain council functions, duties or powers.

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

The Council already works closely with communities regarding the possible transfer or management of community assets. The proposal to make the community asset transfer process more proportionate is welcomed. Attention is however drawn to the fact that a more strategic and coordinated programme of community asset transfers will create resource implications for the Council.

Part 5 – County Councils: Improvement of Governance

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Part 5 of the Draft Bill sets out arrangements for a new regime to improve the governance of county councils, that is, to ensure councils are run properly, people are accountable for decisions and resources are used well. Chapter 1 places a general duty on county councils to make, implement and comply with governance arrangements which must in turn comply with the requirements imposed by and under the Draft Bill. Under Chapter 2, county councils must prepare and publish a corporate plan, consult on it, keep it under review and report on progress made against the matters set out in the plan.

Chapter 3 sets out how county councils' compliance with their duties in relation to governance under Chapter 1 is to be assessed; through 'self-assessment', 'peer assessment' and 'combined assessment' (that is, a joint assessment carried out by certain regulators).

Chapter 4 provides the Welsh Ministers with a power to arrange a review of a county council's governance arrangements and to intervene when they consider it necessary or appropriate in order to ensure that a county council complies with its duties in relation to governance under Chapter 1.

Chapter 5 provides for better co-ordination between certain regulators in the exercise of certain functions, whilst Chapter 7 renames the Audit Committee of county councils as the Corporate Governance and Audit Committee, and makes further provision about the committee's functions and membership. The regulators are those bodies responsible for reporting on councils' governance and financial arrangements, and the way their major services are run. They are the Auditor General for Wales, Her Majesty's Chief Inspector of Education and Training in Wales, and the Welsh Ministers exercising their regulatory powers in respect of social services.

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

The reduction of regulation and promoting self-assessment and peer assessment suggested in the White Paper was welcomed. The principles around self-improvement, self-assessment and good governance are welcomed by the Council. However, the detail in the Draft Bill around external regulation needs to be explained.

The Council would draw attention to the fact that the proposals around corporate planning is prescriptive in nature and not necessarily aligned with new duties in the Wellbeing of Future Generations (Wales) Act 2015 – possibility of setting and reporting on a number of corporate priorities. It should also be noted that the Wellbeing of Future Generations Act states that well-being objectives should not be treated as being separate from the organisation's overall objectives.

The Council would also wish to question the relationship of any new national performance indicators will have with the proposed Wellbeing Indicators.

Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria before the triggering

of an intervention. The absence of clear criteria is a significant omission if the Council is to respond appropriately.

The consultation paper states that a final Bill will include provisions for councils to publish key data and documents through an online portal – this lacks detail. The Council would also welcome an overview of the costs associated with this development.

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

The Council welcomes the proposed governance arrangements duty, but that better alignment is needed with requirements of the Wellbeing of Future Generations (Wales) Act 2015.

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

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The Council recognises the possible value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future but would want this to be in the ownership of councils and not be legislated. Legislating and prescribing a peer review process as drafted in the Draft Bill essentially creates a peer inspection framework with associated costs, rather than a peer review framework. The suggested model turns it into a quasi-regulatory role which potentially duplicates the role of the Wales Audit Office.

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

The Council generally supports the proposed role of new Corporate Governance and Audit Committees. It does not however support the proposed changes to the membership of corporate governance and audit committees - lay members are valued members of audit committees currently, but the balance of membership should be left to local discretion. IOACC was one of the first councils to involve lay members.

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

The Council agrees that it is not necessary to establish local public accounts Committees.

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

Public Service Boards and their individual member organisations were established to consider and inform (through wellbeing assessments) the policy choices facing public services. The

Council would however suggest that local scrutiny needs to be strengthened to allow elected members to examine decisions of PSB.

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

The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

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

See section 5.6.

## Part 6 – Community Councils

The provisions in Part 6 of the Draft Bill relate to community councils.

Chapter 1 requires the LDBCW to undertake a review of community council arrangements; that is, a review of the communities within the new counties, to be established under the Draft Bill on 1 April 2020, for the purpose of recommending changes to the community councils and their electoral arrangements.

Chapter 2 places a duty on county councils to consider the training needs of community councillors, and to make arrangements to meet those needs. It also places a duty on community councillors to complete compulsory training identified by the county councils and sets out how breaches of this duty are to be dealt with.

Chapter 3 provides that community council elections will be fixed at every five years from 2023 (in line with changes made by the Draft Bill in relation to county council elections), and makes related changes to provision about community councillors' term of office.

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

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The decision that a review of community council arrangements should be conducted by the Local Democracy and Boundary Commission makes sense as this would have placed a significant expectation on newly established county councils.

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

The Council would support this proposal as it will allow earlier consideration of any draft proposals.

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

It is suggested that this should be part of the Boundary Commission's remit.

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

The Council encourages all elected members to undergo appropriate development and training for their roles and would support the concept of locally determined compulsory member development and training. However, the concept of Principal Councils determining the training needs of community councillors and the expectation on the clerk to monitor attendance needs to be reconsidered. This creates a legal duty on principal authorities without the level of control or access required to discharge that duty. To be done effectively the Principal Council would need a comprehensive understanding of the work programme and needs of each Community Council. This might vary considerably between, say, a small rural Council and a large Town Council. Unless this concept is abandoned, then the training required needs to be prescribed and the Principal Council must be able to pass on the cost to the Community Councils. This could place a 'strain on the good relations between the clerk and the council', as the consultation document itself notes.

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

A six year term would be a very long municipal term with implications in terms of local accountability; however, it is a necessary transitory arrangement during a period of significant reform which will lead to greater clarity around accountability and electoral management in the future.

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

As noted above, the Council does not support the proposed duty that county councils should consider the training needs and 'secure the provision' of training for community councillors. This would be an additional burden and will have resource implications for local authorities and should be the responsibility of community councils themselves. It is not appropriate that the Council should have a duty to discharge over other autonomous and democratically accountable bodies.

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

This is a matter for community councils.

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

The proposal is welcomed as it will reduce burden and costs for the Council, as well as encouraging a more accessible and immediate mechanism for communities to express their views. Although community polls have generally not been widely used, there is a risk that they can be

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misinterpreted by the community as binding local referendums which can cause tension between communities, their elected representatives and the council.

Part 7 – Workforce Matters

Part 7 of the Draft Bill deals with 'workforce matters', which is defined in that Part. It requires certain public bodies to have regard to any guidance on workforce matters issued by the Welsh Ministers, and provides for the establishment and abolition of a Public Services Staff Commission, which will advise the Welsh Ministers on workforce matters during its existence.

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

Part 7 of the Bill proposes ministerial powers on workforce issues. The powers described in Chapter 1 are very far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the workforce of a public body and on a wide range of issues. The HRD network has seen the response of the WLGA and supports the views expressed of the Leaders of the Council through the WLGA in respect of Part 7. This is attached for reference.

The powers could in many circumstances 'cut across' and affect the legal contractual relationship between Councils as the employer and its employees and could call into question democratic accountability of the 22 individual sovereign employers to the community. The HR Directors express concern that these powers could impact in practical terms on the employment relationship between the legal employers and their employees that could be a matter for the civil courts through the employment tribunal system. The HRD network also believe that any

compliance with Welsh Government regulation will not form a reasonable defence in the eyes of the tribunal system. The WLGA and individual Councils are clear in its advocacy of localism in the delivery of public services. The HR Directors also argue that the determination of the size of the workforce and its composition links directly to the allocation of budget and the priorities of the particular Council. This is a fundamental role for the HR profession in supporting the local business needs of each council, and given the diverse nature of local government services this often needs to be at an individual service level to be truly effective. It should be a matter for the Council itself to determine as part of its democratic accountability to its community. The principle of 'non-hypothecation' should extend to all resources. Welsh Ministers should not be able to 'direct' or hypothecate resources through the direction on size, composition and remuneration of a Council's workforce. Experience has shown that local solutions are best to deal with local issues.

Local government is heavily reliant on a diverse and skilled workforce to deliver the range of accessible services expected of the community. The need for councils to be able to exercise autonomy and control over the workforce in their own locality goes to the heart of the democratic principle. Councils as individual sovereign employers should be entitled to and expect this because of the legal, contractual, psychological and mutual relationship they have with their workforce. This is at the core of good people management and what makes a good employment relationship. The direct relationship between the employer and employee. This is especially important for the most senior roles where the relationship between senior officers and elected members is crucial in the delivery of services. There needs to be a mutual trust and confidence which can only come from the accountability of the recruitment and selection process. Imposing candidates for senior appointments will not automatically bring about that trust. A centralist approach to the appointment of senior officers is not conducive to developing and maintaining good working relationship between officers and members.

Equally, Councils should not be subjected to centrally imposed restrictions that may seek to dictate remuneration and artificially drive down pay that will make local government a less attractive proposition to prospective employees. The WLGA response expands on the issues of employment markets which constantly change and Councils and the HR teams that support them need the flexibility to help support the business through effective tailored

recruitment processes. One-size does not fit all and councils need the freedoms and flexibility to make and implement

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decisions on recruiting and restructuring on all workforce matters including decisions on pay, that are designed locally within the principles of fairness, transparency and accountability that best meet the needs of their communities.

The WLGA rightly believes that democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively. As the HR leads in local government we are more than aware that different councils will face different challenges and have varied starting points and goals. Local authorities have already demonstrated that they can successfully develop and improve services in unprecedented circumstances. We are already working in partnership to share and develop consistent policies and approaches to workforce issues that also allows for the important and necessary local flexibility. It will be the HR community who will need to implement any policy or directions emanating from these regulations. It would be remiss of us not to point out that more recent regulations and direction on matters relating to senior pay and senior appointments in local government have introduced considerable practical issues into the processes and thereby increasing bureaucracy, sometimes needlessly. The role of the Independent Remuneration Panel in senior pay is an example of this.

As Councils and a HR community we have mature and effective arrangements for engaging with our workforces and Trades Unions at a local and national level. We actively engage with the each other, partners and professional groups both within and outside of local government. The HR Directors network in local government, supported by its elected members were the first to agree with the trades unions a managing change in partnership agreement; it developed a Memorandum of Understanding on workforce matters to deal with austerity issues; it has already produced agreed guidance on Zero Hours Contracts and the All Wales Academy for local government is progressing effectively. We are also currently working with the Wales Audit Office to develop an agreed approach to elements of workforce planning that context local requirements. We are also keen to engage on the impact of the Enterprise Bill on trades union membership and activity and the £95k exit payments cap.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission

if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

There is general support for the establishment of a Public Service Staff Commission (PSSC) to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. However, the establishment of the PSSC should be linked to local government re-organisation.

#### Part 8 – General

Part 8 contains general provisions regarding regulations and orders made under the Draft Bill, interpretation and commencement and provides for the short title of the Draft Bill.

Part 8 also contains provision (discussed above) about the application of the Draft Bill to the counties and county boroughs in existence before the changes to be made by Part 1 come into force.

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

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

#### ADDITIONAL QUESTIONS

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

No

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

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

It is proposed that Principal Councils will be required to publish a summary constitution for the benefit of the public. It would make sense to issue a new National Model Code as this has not been done since 2001. In the time between 2001 and any reorganisation which occurs every Principal Council will have made numerous changes to their local choice options and it will be a significant challenge to try and merge two, or three, or more existing constitutions. It would be far simpler and more productive to start from a new model constitution.

**26897 -157 : Cllr Neil Moore**

**Tref / Town : Barry**

**Sefydliad / Organisation : N/A**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

I believe that this consultation document is superfluous and very presumptuous in its nature as this is a paving Bill for legislation that may never see the light of day. I consider it to be provocative and irresponsible. I also consider it to be politically naive in that it will do nothing to enhance the reputation of the current Welsh Government Cabinet or the Party they represent.

You are well aware of my personal stance in relation to Local Government Reform, in that, wholesale destruction is neither necessary nor required. There has been no 'real' or meaningful consultation with those involved in Local Government, particularly with Elected Members.

Comments from the Minister have been less than helpful and his latest tirade that people should 'grow up' is at best unhelpful and disparaging to say the least.

The Ministers recent comment "We have given every opportunity to local government to agree on a map, they cannot agree so we as a national assembly are going to have to make those decisions and legislate on those decisions in the next assembly." It is abundantly clear that Local Government has not had "every opportunity" to agree on a new map and Local Government has not failed to do so.

This is a plainly inaccurate and totally misleading statement.

Some council's came forward with suggested alternatives but these were flatly refused by the Minister. I am convinced that had they been approved then others would most certainly have come forward. It is ridiculous for the proposed merger with Denbigh and Conway to have been rejected, when some months later **'the same council merger'** it is one of the options put forward by the Minister. This simply adds insult to injury.

Similarly the proposed merger with the Vale of Glamorgan and Bridgend were rejected because that would cross a health boundary, but now the Minister has proposed a merger with Bridgend, Rhondda Cynon Taf and Merthyr and in doing so '**crosses a health boundary**'. Again this is bizarre and an insult to the work that was genuinely undertaken in preparing the bids.

I would like to clarify the reasons why this proposal for a voluntary merger with Bridgend Council was put forward.

This was in recognition of the fact that **if** Council mergers became inevitable then in our estimation that merger would be the "best fit" in terms of comparative size, population and demography.

I argued strongly against the enforced merger of the Vale of Glamorgan and Cardiff on the grounds of a disparity between comparative sizes and character. In short, Cardiff is a densely populated urban conurbation and capital city with all that entails, while the Vale of Glamorgan consists of a significant rural area complemented by small towns and villages and coastal towns (similar to Bridgend).

Despite its comprehensiveness and the force of its arguments, that expression of interest was rejected by the Minister. That is why I find it ironic in retrospect that the main reason given for the rejection was that a Vale of Glamorgan/Bridgend merger would cross a Health Board boundary. The published map now features a merger of Bridgend, Rhondda Cynon Taf and Merthyr Councils, an arrangement that similarly crosses a Health Board boundary but which seems to find Welsh Government favour.

However, and despite this 'olive branch approach' it is well documented that the Vale of Glamorgan Council has made its stance on local government reorganisation. The Council believes that the creation of eight or nine "super Councils" will be to the detriment of local democracy in Wales and to the people who depend on the services provided by their local Council.

I have argued that the Vale of Glamorgan Council, as a high performer responsive to the needs and wishes of local people, should continue as a Council in its own right and this remains our strongly held view.

I have also argued that by merging the Vale of Glamorgan Council with Cardiff (the lowest performing council) [sorry to say it but its true] will not enhance Local Government in this region and to base it on a health boundary is absurd. Politically it is also inept as I am sure that there is a very, very strong likelihood that the new super county would not be of the same political persuasion than that of the current Welsh Government, thereby creating a Capital County oppose to the current Welsh Government Cabinet.

I have also argued that the establishment of very large Councils will necessitate setting up additional bodies as a compensatory mechanism to address local concerns, thereby creating an unnecessary two-tier system which throws up its own problems. This two-tier system is precisely what the

Draft Bill proposes in its provisions for community area committees. (See the response to Question 3.3)

My firm view remains that the current number of Councils is largely correct, but that collaboration between Councils should become the norm. I believe that such collaborations are now becoming widespread, whether it be in such areas as, for example, in the education consortia or waste management (Prosiect Gwyrdd) or in respect of regulatory services (Shared Regulatory Services between the Vale of Glamorgan, Cardiff and Bridgend) or the health/social services interface (Vale of Glamorgan and Cardiff Councils and Cardiff and the Vale UHB). In the current financial climate such collaborations are likely to become increasingly common as Councils seek to find the most cost-effective solutions to delivering services, but the uncertainty of LGR has stifled such collaborations expanding as I am convinced they would have, albeit voluntarily.

In short, I am convinced of the Vale of Glamorgan Council's viability to continue as a stand-alone Council, working in collaboration with others where necessary, but should the creation of bigger Councils become inevitability [which I hope will not be the case] then then the "best fit" merger would be between the Vale of Glamorgan and Bridgend Councils rather than between the Vale of Glamorgan and Cardiff.

I would take issue with the estimation of the Regulatory Assessment accompanying the Draft Bill of the costs and savings associated with local government reorganisation. This is biased and selective and ignores the savings already made by Councils and the savings they will continue to make over the coming years. I would draw attention to the WLGA's submission in this regard, which I endorse.

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

**Again I would argue that this is very presumptuous.**

If it is to be considered in the future, I would suggest that this would be a matter for the affected Councils to consider, as they would be directly affected.

As I set out in our responses to Q1.1.above and 1.3 below, there is a presumption in the question which I do not share and I do not believe that the case has been made for the map as constituted.

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

See Q1.1.

**I find it presumptuous of Welsh Government to assume in a large number of the following questions that the matter is settled and there remain only the details to be agreed.**

On the contrary, there is no consensus either in the Assembly or across Welsh Government as to the future structure of Councils, and to assume otherwise is misleading and a cause for disquiet.

I would also add that in a time of increasing collaboration across a range of services, the continuing, protracted debate on reorganisation is an unwelcome distraction, when the focus should be on delivering essential services at a local level.

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

**This is a matter for the two organisations affected to address, whether or not LGR takes place, as it would only makes sense if it is agreed that the integration needs to happen.**

Since the question is based on the unnecessary proposed map of new Councils, I would argue it does not.

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

**Again I would argue that this is very presumptuous.**

In relation to the 'names of the presumptive counties' question, I would argue that if there were new Counties they should decide themselves. Therefore the question is irrelevant.

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

I refer to Q1.1.

I see no need for making changes to the election timetable.

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

There is a need to review the Local Government Finance system; however, this is complex and requires considerable thought and planning.

The proposal to undertake this piece of work over a longer timeframe is supported.

The Vale of Glamorgan Council has provided feedback to the Commission which considers the options for change within the finance system

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

A register could be maintained to support this initiative. This would be an additional burden on a Council as a register of types and amounts would have to be kept. Currently practitioners identify a pattern which then highlights that avoidance may be an issue with some accounts, at which point appropriate action is taken where available. ICT systems are not configured to identify avoidance and so changes would have to be made to the systems if this was to be required.

There is a high cost in taking court proceedings which is prohibitive to a Council without the financial support of the Welsh Government on whose behalf the NDR is collected.

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

The following instances are examples of where owners/agents have avoided payment due :

1. **Charitable status:** An empty property (which may be long term empty or earmarked to be demolished for housing) where the owner arranges an occupation by a registered charity who must be granted 80% Mandatory Rate Relief and who may also be granted the additional 20% due to their charitable activities (food bank, church etc.)
2. **De Minimis Use:** Occupying a part of a large building with a substantial RV with boxes of filing/blue tooth device in a small area of the unit for the statutory 42 days and then gaining 6 months exemption.
3. **Related Companies:** Similar to the above but where a suite of units are occupied moving a related company into occupation again for the statutory 42 days and then gaining 6 months exemption.
4. **S44A Part Occupation:** This is where an agent declares that part only of a building is occupied for a short period and then moves the goods to another area thus changing the divided RV ratio and gaining another period of statutory exemption.
5. **No physical occupation:** An empty property is claimed to have been occupied again for the statutory 42 days and then gaining 6 months exemption, claimed in retrospect, however it has been identified that no physical occupation may have taken place – this may be considered as fraudulent activity, but the onus of proof is exceptionally difficult until a pattern has been established.
6. **Small Business Rate Relief:** This is where a hereditament with an RV greater than £2,600 (exempt from EPR threshold) but below the £6,000/£12,000 claims to be occupied as they gain SBRR rather than pay EPR.

From the instances shown above the following in statute may assist:

- For 1 above: That the charitable use of the property is clearly established; the charity is bona fide; the charity has been established not for rate avoidance but for other worthy causes and the charity has not been given a financial incentive by the landlord/agent to enter into the lease agreement.
- For 2-5 above: That the 42 days occupation period before granting exemption is increased to 6 months for Industrial hereditaments and 3 months for Commercial hereditaments thereby making the annual charge equivalent to the empty property exemption amount.
- For 6 above: That the thresholds for EPR and SBRR are considered together to avoid the practice of claiming SBRR occupation as a “*better*”

*buy*” alternative to the EPR levy.

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

The term “fraud” suggests that avoidance becomes evasion, an example being when the Council has identified where an agent claims to have occupied an empty property for 42 days but no physical occupation has taken place. The difficulty in such circumstances is how to gain sufficient evidence to convince a court that fraud has taken place.

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

**Again I would argue that this is very presumptuous.**

I have seen no reason to retain the prescribed authorities thus far and see no reason why they should remain. I also believe that the appointment of the Lord-Lieutenants and High Sheriff should be reviewed.

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

**Please refer to the WLGA response in relation to costs and my response to Question 1.1.**

## **PART 2**

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

**I welcome the granting of a general power of competence to Councils.**

Given the financial pressures on Councils, all are investigating and progressing different ways of working, and the relaxation of legal constraints to doing this would be a positive development. Indeed, and for that reason, I do not see why a general power of competence should not be awarded to the existing Councils.

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

**I have no objection to Community Councils who prove themselves competent being granted the same general power of competence.**

### PART 3

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

**See Q3.2 - 3.8 below.**

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

**I have no objection to the duty to produce a public participation strategy, which would formalise much of what councils already do.**

I do however find it strange that Councils will have to “encourage local people to participate in the making of decisions by authorities connected with the Council” (viz Community Councils, Fire and Rescue Authorities and National Parks). These bodies are autonomous entities, and while Councils work productively with them, I do not believe they should have the responsibility of encouraging the public to engage with them: that should be the responsibility of these bodies themselves.

In relation to the requirement to consult over budget proposals, this is something council’s already do as a matter of course.

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

**I strongly oppose the setting up of Area Committee’s or similar organisations as a matter of course.**

There is a real risk that Area Boards [*community area committees by another name*] could complicate service delivery, add complexity to governance and dilute accountability due to the lack of clarity on where decisions are being made. The public could become very unclear where decisions and accountability for services lay as this could be with the principal local authority, community council or Area Board. Submission in evidence to the Williams Commission drew attention to the inevitable consequence of establishing larger Councils, namely that compensatory structures would need to be put in place to maintain a “local” dimension. That prediction has now come true.

The Area Boards could become divisive as differing communities compete for increasingly scarce resource. In addition, the political make-up of an individual Area Board may differ significantly from the Council itself, leading to disagreement and dispute over priorities and policy. This could mean the

Council may be hindered in meeting its objectives and/or cynicism from the Area Board over its value and efficacy.

Because of the risks, Area Boards should not be compulsory; there would need to be evidence of local demand. The membership, design and operation of the Boards must be a matter for local decision in consultation with partners. This is because the situation will vary across Councils and even within a Council area.

I note that community area committees (CACs) would be made compulsory in all Council areas, and the risks outlined above will therefore be all the greater.

There is still a danger of over-prescription by statute leading to an unnecessary bureaucratic burden for Councils and a blurring of responsibility and accountability.

The proposals as drafted remain complex and risk creating an extra tier of governance, as I point in response to Question 1.1. Rather than have a single tier of Unitary Councils, we are in effect going back to pre-1996 arrangements and re-creating the Counties and Districts.

While I welcome the fact that it is not Welsh Government who will determine those "community areas, I have concerns that it is the Public Services Boards who will have that role.

I believe that it should be up to Councils rather than PSBs to decide the areas, particularly if Council functions are delegated to CAC's.

The onus should be on Councils to ensure that CACs are representative. If legislation in this regard is too prescriptive then the danger of creating an over-complicated, over-bureaucratic set of arrangements becomes a real one.

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

**While there may be functions that are inappropriate to delegate to community area committees, this matter should be left to Councils' discretion rather than being dictated by legislation.**

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

**There are no current area committees in the Vale of Glamorgan. As a Council which is already of a size to be responsive to local concerns, there is no need of them.**

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

**Councils already have a constant dialogue with a host of bodies and groups on what improvements should be made across the whole gamut of Council services and activities. This is what local democracy is all about.**

Engagement, consultation and complaints mechanisms already exist, and **no useful purpose would be served by introducing formal "improvement requests"**, which seem to us "gimmicky" and would only serve to create additional bureaucracy and slow down decision making.

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

**The Vale of Glamorgan Council already broadcast meetings of the Council's Planning Committee, and has plans to roll that out further. I feel it would be burdensome and over-bureaucratic to have to broadcast all meetings; rather, I would prefer to decide which ones to include on the basis of reasonable cost and as a result of consulting local residents.**

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

**The Vale of Glamorgan Council already has a Youth Cabinet and a lead Cabinet Member in this regard and put a premium on the involvement and participation of young people in a number of initiatives and practices.**

There are also Youth Forum members as observers to the Lifelong learning Scrutiny Meetings. Nevertheless, I do not feel it would be useful to have over-prescription in how it is done, which is what the draft legislation would appear to be proposing. I would not support it for the reason it is over prescriptive.

## PART 4

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

**I note that the White Paper Consultation suggests that the roles and responsibilities of Members should be defined in legislation; however, I am of the view that Part 4 of the Bill does not achieve this objective.**

It **merely** proposes to introduce a number of rudimentary performance targets/duties which are not applicable across the public sector and do not act as a means by which to assess the performance of a member in delivering his/her role.

The mere attendance of a Member at a relevant meeting, holding 4 surgeries per annum and responding to correspondence within 14 days are not regarded to be effective performance measures and compliance and will not necessarily make an effective member.

Councils have established a Protocol of Standards Expected by its Members which has been effective and its breach is addressed through Council's Local Procedures. Should the need arise to extend such an arrangement to performance standards; it would be far more effective and tailored to local circumstances for performance standards to be set by the Council.

In relation to the requirement for Members to undertake compulsory training, this is something Councils are already looking to introduce. However, this should be left to local discretion and should not be a "performance duty" as defined in the Draft Bill.

**I do not believe** that the Monitoring Officer and Standards Committee's time will be effectively utilised in dealing with investigations and hearings relating to the possible breach of the proposed performance duties as set out in the Bill. Instead the continued focus on the existing functions of the Standards Committee in resolving local Complaints relating to alleged breaches of the Members' Code of Conduct.

I **object** to the necessity for an elected mayor or executive leader to set objectives, as the Council's objectives are contained in the Council's Corporate Plan which may be revised from time to time as deemed appropriate.

**I do not agree** that a candidate for election as the executive leader should be required to prepare a written manifesto. This is not a statutory requirement for the Assembly or Parliament and should not be imposed in Local Government.

**I support** the provision relating to the appointment of assistants to the executive. They are not compulsory and if required they should be a local determination.

**I agree** with setting objectives for the Chief Executive and that performance needs to be managed. This is already the case in the Vale of Glamorgan through its appraisal system. As previously noted, it is important to highlight that the Chief Executive serves all Members of the Council and not just the Council's senior executive member.

**I support** the removal of the restriction that the Monitoring Officer cannot hold the position of Head of Democratic Services, thereby allowing local determination by Councils.

**I recognise the value of co-optees, but maintain that they should not have voting rights additional to those already permitted by legislation.**

I continue to be of the view that elected members have a democratic mandate for their actions which would be absent for co-optees.

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

**I accept** the proposed duties of leaders of political groups in relation to standards of conduct and working with the Standards Committee in this regard.

See answer to Q.4.1 above concerning new functions to the Standards Committee to handle complaints of breaches of duty under Sections 82 – 86 of the Bill.

**There may be merit** in the Standards Committee publishing an annual report and if appropriate making recommendations to the Council.

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

**I cannot comment on the proposal and await further consultation.**

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

**I strongly object** to the Welsh Ministers having a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for

Councillors, which would undermine the **independence** of the IRPW.

**Independent should mean independent.**

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

**I do not agree in principle with remote attendance.**

The need for remote attendance arrangements at meetings in the Vale of Glamorgan have not proved necessary.

**I do not believe that a right of recall** will be effective and would require further consultation. It would be far too easy for pressure groups to usurp the democratic process.

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

**Again I would argue that this is very presumptuous.**

However, should it be the case, I agree with the proposal that the Shadow Authorities be given powers to appoint returning officers.

I await further consultation with regard to the cost of senior management in Local Government and the rolling responsibilities of chief executives with regard to returning officer duties as referred to in the consultation paper.

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

**I consider this to be unnecessary**

I am of the view that the existing arrangements which prevent an Authority dismissing the above mentioned chief officers unless there has been an investigation by an independent person which justifies such action, is an important safeguard for the relevant senior officers.

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

**I would support the proposal to streamline the existing arrangements,** this will avoid the current situation whereby the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and the amended regulations 2009 in effect become out of date and fail to keep up with changes in other legislation.

The relaxation of the existing arrangements and wider opportunity for local determination of responsibility of functions being a matter for Council or the Executive (other than those specified in the Consultation Document) are welcomed.

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

**I would welcome further consultation on the issue** of 'Assets of Community Value' and regarding proposals on how a Local Authority should respond if a community body shows an interest in a particular asset, timescales associated with the same, exempt assets and provisions to address urgent situations.

## PART 5

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

**I welcome the repeal of Part 1 of the 2009 Local Government (Wales) Measure, which is no longer fit for purpose.**

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

**I agree** with the overall thrust of the proposed governance arrangements.

**However**, as the WLGA have pointed out, it is unclear how the improvement duties and timescales in this Part of the Bill align with wider wellbeing planning and reporting duties in the Well-Being of Future Generations Act, and similar provisions in the Social Care and Well-Being Act. It is essential for different pieces of Assembly legislation to have proper regard to each other if we are to avoid confusion and wasted effort.

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

**I am not confident** with it as an indication of how peer assessments might be done.

I would warn against over prescription and would not want to see it as fixed process to be applied in all cases. If improvement is to be effective it has to come from within, not imposed.

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

**I have no objection in principle.**

**However, I have serious concerns** that it would be chaired by a lay person. The complexity and specialist nature of the matters to be considered by the Committee would in my view necessitate a chair who is a Member of the Council and who has the necessary experience and expertise. There is the real danger that a lay person, however committed, would not be able to cope with or be able to adequately deal with the task.



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

**I agree.**

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

**Again I would argue that this is very presumptuous.**

It may be as acceptable as it would be for the Local Service Boards.

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

**See 5.6 above.**

**There is no need to set up an additional body locally** to understand the combined impact of public spending on outcomes in a local area if the PSB already exists. Its role would be to bring together those spending organisations. I see no benefit in PSBs obtaining further powers to achieve this, if they are fulfilling their role effectively by taking advantage of the powers they already have.

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

**If the power of competence is to be awarded to Councils this should enable them to overcome most barriers in this regard.**

There are no specific pieces of legislation that I would want to see either introduced or repealed.

I would make the point that it is not legislation that is the barrier but Welsh Government policies: a prime example is the dogmatic insistence by Welsh Government that all collaboration should be carried out according to a predetermined regional "footprint".

Some of the most successful collaborative initiatives involving the Vale of Glamorgan Council have been outside the footprint (e.g. shared internal audit with Bridgend) or on a wider regional basis (e.g. Shared Regulatory Services, Education Consortium & Prosiect Gwyrdd). Potentially, also the Capital City Region City Deal proposals [although still some way to go]

## PART 6

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

**Principal Councils should not have legal responsibilities in relation to Community Councils.**

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

**Again, there is a presumption, one that I do not share, of Shadow Authorities being established.**

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

**Again, there is a presumption, one that I do not share**

I welcome the fact that it is now the Boundary Commission rather than Councils who would be undertaking the review of Community Council arrangements. That being so, I believe that implementation of the recommendations of the review should be a task for the Commission rather than for Councils.

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

**It is not appropriate in our view that a statutory duty should be placed on Councils to ensure that Community Councillors are adequately trained.**

Community Councils are autonomous elected bodies and should have the responsibility to ensure the appropriate training is carried out. That is not to say of course that County Councils should not work, as they currently do, as partners with Community Councils and offer what support they can – but this should be left to local discretion.

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

**This is a matter for Community Councils to address.**

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

**This is a matter for Community Councils to address.**

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

**This is a matter for Community Councils to address.**

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

**This is a matter for Community Councils to address.**

I would have no objection to the introduction of an e-petitions system. It would be an improvement on community polls, which risk giving the impression of being binding on Councils.

## **PART 7**

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

### **Again, there is a presumption, one that I do not share**

See the response to Question 7.2, which makes the point that a Staff Commission is unnecessary if local government reorganisation does not go ahead.

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

### **Again, there is a presumption, one that I do not share**

If applicable I would support for the establishment of a Public Service Staff Commission (PSSC) to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. Section 178 does repeal the role of the PSSC in 2021 to reflect that the PSSC is specifically to assist with local government reorganisation planned for 2020.

I would wish to ensure that that the establishment of the statutory PSSC and its role is predicated on and explicitly linked to local government re-organisation.

### **I would not wish to see a statutory PSSC set up if there is no local government re-organisation**

In accordance with the above it is also felt important that there is clarity and a renewed agreement on the matter of any continuation of a non-statutory PSSC if no local government re-organisation should take place.

## **PART 8**

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

**Again, there is a presumption, one that I do not share**

Again I point to the premature nature of these provisions given that there should be no presumption that they will go ahead.

## **ADDITIONAL QUESTIONS**

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

**See 8.1 above.**

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

**Again, there is a presumption, one that I do not share**

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

**See answer to Q.1.1**

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -158 : Christopher Hope**

**Tref / Town : N/A**

**Sefydliad / Organisation : Vale of Glamorgan Democratic Services**

### **STANDARDS COMMITTEE**

Extract from the minutes of a meeting held on 28<sup>th</sup> January, 2016.

790 LOCAL GOVERNMENT (WALES) BILL - DRAFT FOR CONSULTATION (MO) -

Committee considered that part of the Local Government (Wales) Bill, published by the Welsh Government which related to proposed performance duties of Members and the Standards Committee.

Part 4 of the draft Bill would impose duties on Members of a County Council which relate to their performance and makes provision for the enforcement of those duties.

A copy of the relevant Sections of the draft Bill was attached at Appendix 1 to the report.

In summary, Chapter 2 of Part 4 of the draft Bill required a Member of a County Council

- to attend all relevant meetings (Section 82)
- to hold a surgery at least four times in every relevant 12 month period (Section 83)
- to respond to all correspondence sent to his or her official address within 14 days of receipt (Section 84)
- to complete all compulsory training courses (Section 85)
- to make a report
  - about his or her activities as a Member of the Council during the period of 12 months to which the report relates
  - setting out the result of those activities, if known to the Member (Section 86).

A person may make a complaint about a possible breach by a Member of a County Council of the above requirements to the Monitoring Officer of that Council (Section 87). The Monitoring Officer must refer the matter to the Chairman of the Standards Committee and they must together consider whether the matter should be investigated (Section 88).

Following an investigation, the Monitoring Officer must provide the Standards Committee with a report on the investigation and made recommendations to the Standards Committee that the Monitoring Officer considers appropriate

(Section 91). Investigating obligations also were highlighted in Section 90 in respect of a potential breach of a Section 86.

Section 98 of the draft Bill provides that a Leader of a political group of a Council must take reasonable steps to promote and maintain high standards of conduct by the Members of the Group.

The provisions in Section 109 of the draft Bill place a duty on a Standards Committee to make an annual report which will include the Committee's assessment of the extent to which Leaders of political groups on the Council have complied with their duties.

A copy of an extract from the draft Explanatory Memorandum issued by the Welsh Government was attached at Appendix 2 to the report for the information of the Committee.

Comments on the draft Local Government (Wales) Bill are to be submitted by 15<sup>th</sup> February, 2016 at the latest. The Explanatory Memorandum published with the draft Bill specifically invited (but not exclusively) answers to the following questions:

- Do you have any comments on any of the provisions in Part 4 of the draft Bill?
- Do you have any comments on the proposed duty on Leaders of political groups or the monitoring and reporting roles of the Standards Committee?

To assist in its deliberations, Committee's attention was drawn to the meeting of the Standards Committee held on 26<sup>th</sup> February, 2015 at which a consultation document published by the Welsh Government entitled "Reforming Local Government: Power to Local People" was considered.

The consultation document had included matters relating to Standards Committees and a copy of the minute of the meeting of the Standards Committee held on 26<sup>th</sup> February, 2015 was attached at Appendix 3 to the report for Members' information.

The Monitoring Officer advised that a recent seminar of Welsh Monitoring Officers and WAG officials had discussed Part 4 of the draft Bill and a summary of the debate was provided.

Having considered the report and the contents of Chapter 2 of Part 4 of the draft Bill, Members of the Standards Committee were invited for their comments, and the following points were raised:

- Concerns were expressed about the potentially excessive level of complaints that could arise as a result of the provisions of Section 87 of the draft Bill. The question was asked if it was a proper role of the Standards Committee to deal with such details. The Welsh Government would not be administering the provisions of the draft Bill

– this role would fall on Monitoring Officers, the Standards Committee and in some instances, the Chairman of the Standards Committee and a concern was expressed that the Welsh Government did not fully understand how Councils operated – it was felt that the provisions of the draft Bill were unworkable and did not represent a good use of resources. There were grave concerns that there would be a large amount of work as a result of the provisions of the draft Bill with no additional resources.

Additional points that arose from discussions included:

- The possibility of exception reporting should be considered
- There were currently provisions within the Members' Code of Conduct that would deal with some of the issues in the draft Bill i.e. "lack of respect". Furthermore, the Council had established a Local Dispute Resolution Procedure
- The view was expressed that the provisions of the draft Bill appeared to be a mechanism to divert pressure from the Ombudsman's Office.
- Concern was expressed that individuals may submit complaints about other Members as part of a political agenda.
- In determining whether to pursue a complaint, Section 88 of the draft Bill required a Monitoring Officer to consult with the Chairman of the Standards Committee to determine if a matter was to be investigated – the draft Bill required an investigation to take place if either the Monitoring Officer or the Chair of the Standards Committee considered that a matter should be investigated. A Member expressed the view that either the Chairman of the Standards Committee or the Monitoring Officer could be accused of being biased when making a determination.
- The preparation of an Annual Report by the Standards Committee was welcomed.
- In noting the provisions of Section 82 of the draft Bill and in the absence of regulations defining "good reason" (Members required to attend all relevant meetings), Members spoke of the following:
  - Members can be taken ill and thus be unavailable to attend meetings
  - Not all meetings are diarised well in advance. A Member may not be available for a meeting called at short notice.
  - Members simply cannot attend every meeting, although the majority of Members attend the majority of meetings.
  - The provisions of the draft Bill do not mention how many absences it would take to generate a complaint.
  - Some Members sit on outside bodies, i.e. school governing bodies, which may meet at the same time as Council convened meetings.
  - The provisions of the draft Bill should contain provisions for further "authorised absences".
  - Under the provisions of the draft Bill, it may be possible that a Member would have to rush from the completion of one meeting

to another meeting of which they were a member if the second meeting was still progressing.

Members enquired when the draft Bill was to be enacted and were advised:

- Consultation feedback was to be with the Welsh Government by 15<sup>th</sup> February, 2016.
- Some elements of the Bill would be implemented two months following Royal Assent.
- The Bill would not progress until the National Assembly for Wales elections had been held in May 2016.

Following the conclusion of discussions, it was

RESOLVED – T H A T the Welsh Government be advised of the comments / observations above.

#### Reason for decision

To respond to consultation on the provisions of the draft Local Government (Wales) Bill by the deadline for receipt of comments.

**26897 -159 : Colin Everett**

**Tref / Town : N/A**

**Sefydliad / Organisation : Solace Cymru**

#### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

Solace Wales recognises the need for further reform of the public services. Reform should not be limited to traditional and often unproven structural reform and should apply to the whole of the public service, not solely local government, to meet the aspiration of a single and cohesive public service for Wales. The comments which follow in the more detailed answers further explore these principles.

As Solace Wales set out in its written evidence to the Communities, Equality

and Local Government Committee of the National Assembly for Wales we *“understand Welsh Government’s wish to undertake a reform of local government in Wales from the current model of 22 authorities, particularly given the pressures on capacity in the smaller authorities as a result of austerity. However, we are not in favour of change for change’s sake; and we only welcome such changes as will deliver better services, reduced cost and greater efficiency.”*

*“We do not believe that reorganisation into a fewer number of large authorities is in itself a solution to tackle the current financial restrictions on public service, and we feel that it is imperative that the newly created councils are well led and citizen centric, with a strong organisational culture focusing on performance, innovation and staff engagement.”*

*“We are concerned that the already longstanding uncertainty on how these proposals will be taken forward has made it difficult to maintain morale in the current local authorities and to plan ahead effectively. Even if the timetable currently proposed in the Bill goes ahead exactly as planned, we are looking at another four years before the new local authorities come into being, and those issues will continue to be of concern, particularly as staff take decisions to leave or retire.”*

Any proposal for a re-organisation of local government should have a well evidenced and reliable cost-benefit analysis and should achieve both performance improvements in public services and financial efficiencies through the economies of scale. There is no evidence from comparable restructuring exercises in local government in the United Kingdom, or indeed comparable parts of the public sector e.g. health, that a smaller number of larger administrative and delivery units achieve objectives of either or both of the performance or financial cases.

The risks to governance and performance during a transition period are not sufficiently explored and addressed in the supporting papers to the Bill.

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

The options set out for North Wales should be a question for the existing county councils and stakeholders to advise upon. They are best placed to do so.

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

The general arguments behind a local government reorganisation, and the need to meet the objectives of performance improvement and financial

efficiency in the rationale for any reorganisation which is to proceed are set out in 1.1 above.

As set out in our written evidence *“we represent Chief Executives of Councils from across the Welsh local authorities, and it is therefore difficult for us to comment on the proposed map, and number of councils, as there are many different shades of opinion. We do, however, have concerns about the size of some of the new organisations in terms of their connectedness to citizens and communities, particularly with respect to democratic representation. The advantage of current collaborative arrangements is that, whilst they take advantage of scale in service planning and delivery, they are rooted in being overseen by elected members who have a depth of understanding of local circumstances.”*

Solace Wales would make complementary comments to those of the Welsh Local Government Association on the optimum size of new local authorities and the wide variance of population bases within the proposals of the Bill for a new configuration of authorities.

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

This is a question for the existing Powys County Council and stakeholders to advise upon. They are best placed to do that.

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

No specific comments on the procedure. Any names to be adopted should have some recognisable relevance and tie to place, be publically consulted upon in advance, and be capable of bi-lingual presentation.

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

The timetable appears manageable provided that the elections are fully funded by Welsh Government and that the existing councils are able to retain sufficient electoral registration and elections management capacity under annualised budget reductions.

As set out in our written evidence on the transitional arrangements outlined in the Bill *“the period between the local elections in 2017 and the abolition of the old authorities in 2020 will need to be carefully managed to ensure that strong*

*political and officer leadership and focus is maintained. Once the shadow authorities are established in 2019, it is inevitable that the focus will shift to them; but high quality, day to day services will still need to be delivered by the outgoing organisations until the last day. There will inevitably be a number of members who are elected in 2017 who will not be serving in the new authorities, there are also likely to be a number of officers who will see the transition as a point to retire or move on. Maintaining the morale and energy of the outgoing organisations will therefore be a key task.”*

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

No specific comments.

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

No specific comments. Solace would support the commentary of the Welsh Local Government Association.

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

No specific comments. Solace would support the commentary of the Welsh Local Government Association.

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

No specific comments. Solace would support the commentary of the Welsh Local Government Association.

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

Yes. The imperative of administrative governance with an alignment of administrative, royally appointed and civic roles to administrative territories should over-ride historical tradition.

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

Council Tax Harmonisation will be a major exercise and one with significant risks of public acceptance and co-operation. The Welsh Local Government Association has provided commentary on this issue in its response which we support.

The Regulatory Impact Assessments (RIAs) which underpin a Bill provide the intellectual, technical, legal and financial analysis on which the draft clauses of the Bill are based. In the case of this Bill there are two RIAs. They are similarly presented as draft for comments. The following comments are made on the contents of the first of the two RIAs and thereby the rationale of Part 1 of the Bill itself.

**Cost-Benefit Analysis for a Local Government Reorganisation as outlined in the RIA:**

**Workforce Scale Assumptions:** the reduction in workforce numbers and thereby employment costs the Bill profiles is based principally on reductions in senior management and corporate services headcount. The RIA analysis positively recognises that services and their employment numbers are broadly proportionate in scale to service demands and the geography of the client population served. However, the RIA simply imports the corporate cost figures of the contested KPMG/CIPFA study report without exploring the age of the data and the 'law of diminishing returns' whereby councils will have reduced these costs significantly by 2019/2020. These observations have been set out by Solace repetitively during the fieldwork for this study and since the publication of the study report. The RIA is flawed here. Whilst the reduction in senior management headcount has a more explicable rationale it is not supported by any qualitative assessment of the capacity needed for running new larger councils, noting that all councils are reducing capacity rapidly now and will be at risk of having too little capacity to manage effectively such a major reorganisation exercise at that time.

**Change Management:** the RIA underestimates the change management capacity required for a reorganisation and suggests that the (reducing) current management of the existing councils can manage the exercise with some small additional administrative support. There is no reference in the analysis to the evidence and learning from comparable exercises of this type or scale elsewhere, or indeed other local government reorganisations of recent times in the UK.

**Costs of a Local Government Re-organisation:** Welsh Government has clarified in the past that they do not intend to meet the costs of a reorganisation nationally. The majority of the investment costs for a reorganisation will be in the first 1-3 years with the 'pay-back' period being much longer. If the outgoing and incoming councils have to meet these costs, at a time of financial austerity and depleted reserves, there could be a major 'cash flow' funding gap to do this in the early years. How will these costs be funded? If the projected longer-term efficiencies are not met in full, and have been over estimated in the RIA, it will be the new councils who will carry the costs burdens, and be destabilised by the cost pressures, and not Welsh Government as the architect of the model.

**Omissions:** some costs and risks of a reorganisation such as pension structural reform are not covered in the RIA. For example in North Wales, under a three council model a combined Conwy/Denbighshire could form a new pension fund with new overhead costs and risks to the existing pension funds and their viability. There could also be major employee transfer exercises from one pension fund to another which will be costly and administratively burdensome. The RIA needs to be complete in its coverage and analysis.

**Workforce Costs:** the RIA oversimplifies and under-estimates the costs and risks of a major new workforce convergence and harmonisation exercise work. The learning from local Single Status agreements would suggest that there will be significant workforce transition costs and inflationary impacts on the total pay bill for each new Council for the longer-term.

## PART 2

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

Solace Wales supports councils being empowered to act. Under the principles of localism and subsidiarity councils should have the maximum legal, policy and financial freedoms to act and to govern. The comments which follow in the more detailed answers further explore these principles.

*As set out in our written evidence "we welcome the provision in section 23 to give general power of competence to local authorities. The broad powers in section 23(2) are particularly appropriate as councils will increasingly need to look at innovative models of service delivery and ways of raising revenue, including through the use of arms-length commercial enterprises."*

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

No specific comments. Solace would support the commentary of the Welsh Local Government Association.

We would comment that if the powers of Community Councils are to be expanded, it is important that there are appropriate safeguards and checks and balances to ensure that the calibre of the Community Council, and the support that it receives, is equal to exercising those powers.

A general observation we would make is that whilst the number, size, role and value of town and community councils as the most local form of community representation and engagement has been the subject of a number of studies and legislative provisions, Welsh Government has not published a single and coherent plan for their reform in the same way that it has for principal councils. The proposals within the Bill for Area Committees arguably counter the purpose of town and community councils and could undermine the principles of elected democratic representation.

### **PART 3**

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

Solace Wales recognises the need for the ongoing modernisation of the public services and their governance. Reforms should be proportionate to need and the value of any new requirements which require people and financial capacity to introduce and administer should be considered alongside the other costs pressures on local government. The public will not thank us for reducing service provision to cross-subsidise governance and constitutional initiatives. The comments which follow in the more detailed answers explore these principles further.

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

Solace supports public engagement and consultation as a working principle. As set out in our written evidence *“we support the proposals to require Councils to consult on the annual budget. However, we feel that there should be a wide discretion in terms of how such consultation is carried out. The rapidly increasing use of new forms of social media is likely to mean that by the time the new authorities come into existence there will be ways of communicating with the public which have not yet been thought of.”*

Councils are becoming increasingly innovative and engagement and the best

deployment of engagement methods to draw involvement and meaningful responses. Therefore, the intention to engage is supported, but uniform methods of how to engage would not be supported. We would challenge why a similar duty is not being proposed for other public bodies in Wales.

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

*As set out in our written evidence “if there are to be community area committees, we would be in favour of delegation powers that relate to services delivered specifically to that geographical location; for example, greening and cleaning, parks, community safety. We think that there is potential in this way for not only elected representatives, but also staff delivering the services to be much more closely in touch with local communities and to have a stronger sense of direct accountability to them. We do not think it would be appropriate to delegate functions that relate to individuals, such as social services and education, nor services that have a regulatory aspect.”*

*“The strength of very locally based democracy is that it is very immediately and directly in touch with key local issues of concern; the danger is that it can become dominated by individuals with strong personalities focused on single issue agendas. For this reason we believe that community area committees should be made up only of elected representatives and those who have been nominated by established public bodies and voluntary sector organisations and who have some accountability back to those organisations.”*

Solace would support the complementary commentary of the Welsh Local Government Association.

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

As above commentary.

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

As above commentary.

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

*As set out in our written evidence "we can see the merit in providing a mechanism for an open debate between a council and a community on an issue of specific local importance. We do feel however that there needs to be parameters around this dialogue, as there is a danger of it absorbing a very large amount of officer time in the Council. "Reasonable grounds" for not entering into a dialogue should include the fact that a similar request has been made previously or that the issue has become vexatious. We welcome the fact that the Bill does not heavily prescribe the duty upon local authorities."*

Solace supports the complementary commentary of the Welsh Local Government Association.

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

*As set in our written evidence Solace would advise that we "are in favour of transparent electronic broadcasting of all formal meetings of democratically elected bodies. Having said this, we believe that there must also be space for members and officers to discuss and test out ideas in an informal discussion before formal meetings take place in the public eye."*

*"We note at S77 (2) the power for Ministers to make regulations allowing persons to make their own electronic recordings of council meetings and to publish them on social media. We would urge that Ministers give this very careful consideration before making such regulations. If an electronic broadcast is freely available to all, we question why this would be necessary; and the ability of individuals to cut and paste to distort and misrepresent the facts is a serious consideration."*

Solace supports the commentary of the Welsh Local Government Association.

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

Solace supports the complementary commentary of the Welsh Local Government Association.

## **PART 4**

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

Solace Wales fully recognises and supports the need for ongoing effective and transparent governance of councils. Local leaders, both political and professional, should be entrusted to govern. Therefore, any new requirements to strengthen governance and extend accountability should be proportionate and reasonable. Solace would question whether similar provisions are to be applied to other public bodies in Wales in the interests of consistency and equity. The comments which follow in the more further explore these principles.

As set out in our written evidence Solace makes some detailed comments on the governance of councils.

*“We support the provision to change the senior statutory role in the council from Head of Paid Service to Chief Executive as this more clearly describes the nature of the role and recognises the status of the Chief Executive within the organisation.”*

*“In section 103(6) it is stated that “a county council must provide its Chief Executive with such staff, accommodation and other resources as are, in the Chief Executive’s opinion, sufficient to allow the Chief Executive’s duties under this section to be carried out”. Whilst it of course desirable that councillors should listen to and respect the advice of their Chief Executive, and that Chief Executives should only make requests of the Council that are proportionate and reasonable, we believe that this wording needs more thought. It surely cannot be the intention of the Bill to make it a statutory requirement that elected members must provide whatever resources are required in the opinion of the Chief Executive to discharge its various functions. Members may disagree with the Chief Executive as to where resources should be deployed according to political priorities, and the wording as it is drafted at present would override that.”*

*“Section 104, concerning the setting of objectives for Chief Executives, states at subparagraph (8) that Welsh Ministers may issue guidance, to which the Council must have regard. Is it the intention that Welsh Ministers should have the power to intervene in local arrangements between a Leader and a Chief Executive with regard to the way that the Chief Executive carries out their duties? If so, this seems to be a considerable incursion into the running of a local authority without the Bill putting any parameters around the Minister’s reason for issuing such guidance – for example if the Council is failing to deliver on key performance or governance issues.”*

*“We welcome the decision referred to in the consultation document that issues concerning the appointment of Chief Executives and Chief Officers should be subject to further consideration and advice by the Public Services Staff Commission. Local Government reform will inevitably see the loss of a*

*number of experienced and capable Chief Executives and senior managers, and Wales is not well placed to attract new talent from England or elsewhere. Therefore, whilst the wish for transparency and fairness in senior remuneration is understood, account must be taken as to the levels of remuneration that will recognise and reward the demands of the role and enable Wales to recruit and retain the best.”*

*“We feel that much has been done in recent years to undermine the value and respect that senior local government officers in Wales are held in. We accept that as senior public servants our pay should be open to scrutiny in terms of public value and transparency. However, the salaries of even the best remunerated of us do not compare favourably with our equivalents in the private sector (or of local authority Chief Executives in England or Chief Executives of Health Boards and other public bodies in Wales) and for that we run extremely complex organisations within a challenging political environment in the face of constant public scrutiny and criticism at a time that requires transformational leadership. When looking at the multiplier between the lowest and highest paid person in an organisation, it is considerably higher in most private sector organisations than in local government; and in Welsh local government in particular we are well below the maximum of 20:1 discussed in the Hutton Review of Fair Pay. The combination of increased levels of pension contributions and a lack of percentage increases on salary mean that many of us take home significantly less pay than we have done in previous years for carrying out an increasingly difficult role with fewer people to support us. It is already difficult to find a reasonable pool of high quality candidates for senior roles in Welsh local government or to recruit from outside Wales; this is likely to become an increasing problem as existing senior people leave or retire as a result of local government reform.”*

*“The Bill is not entirely clear on the question of which Returning Officer roles would be regarded as included as being integral to the role of Chief Executive. The reasoning behind this with regard to Local Government Elections is understood, although such elections do add considerably to the Chief Executive’s workload; with regard to other elections (Parliamentary, Welsh Assembly, European, Police Commissioner, referenda etc.) these are not financed by the local authority and do entail additional duties over and above the Chief Executive role.”*

Solace Wales is concerned that the independence of the Local Electoral Registration Officer and the Local Returning Officer is protected in the interests of impartiality and integrity.

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

Solace supports the commentary of the Welsh Local Government Association.

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

Solace supports the commentary of the Welsh Local Government Association.

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

Solace supports the commentary of the Welsh Local Government Association.

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

Solace supports the commentary of the Welsh Local Government Association.

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

Solace recognises and agrees with the need for shadow authorities to appoint interim Returning Officers given the timescales set out in the Bill.

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

As set out in our written evidence Solace views *“the statutory protections afforded to certain senior officers of the Council”* being *“given to statutory officers for a specific reason, which is that they are required to “speak truth to power” for the safety, proper conduct and reputation of the organisation and those leading it, particularly in cases of potential corruption or illegality. We would strongly oppose, and advise extreme caution on, taking any action to remove these protections in Wales.”*

*“Votes in full council concerning the employment of individual officers would inevitably lead to protracted litigation in employment tribunals and courts for unfair dismissal, and could easily lead to reputationally damaging and costly claims of bullying, harassment and discrimination. It is hard to see the justification for carrying out such procedures in public, and easy to see how it*

*could turn into a “witch hunt” playing to the public gallery.”*

The Association of Local Government Chief Executives (ALACE) should be invited to comment and advise as the authoritative representative body.

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

Solace supports the commentary of the Welsh Local Government Association.

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

Solace supports the commentary of the Welsh Local Government Association.

## **PART 5**

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

Councils should be entrusted to self-govern and self-improve. Excessive external regulation, and interference and intervention by national government and national bodies, has had questionable impacts and can be a debilitating force in under-mining local confidence to self-improve. A balance has to be struck between external regulation and accountability, and local and internalised self-regulation.

General observations from Solace’s written evidence:

*“The huge reduction in resources available to local authorities makes it vital to have clear and focused priorities based on clear political choices, and for the Corporate Plan to be closely aligned with the Medium Term Financial Plan and Workforce Plan.”*

*“Section 113 of the Bill requires a County Council to publish its first corporate plan no later than three months after the date of the first ordinary election of councillors. Experience suggests that this timescale is unrealistic. The corporate plan will set out the key strategic direction for the council for years to come. It requires careful thought and wide consultation both within political parties and cross party; in addition the Bill requires consultation with both the Local Health Board and the Public Service Board. In our view a plan that*

*attracts wide consensus and support is much more effective to the good governance of the organisation than one that has to be rushed into existence.”*

*“We very much support provisions that require regulators to work and plan together and to carry out combined assessments, the burden of regulation on local authorities is very heavy and in many cases disproportionate to the benefits that it confers.”*

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

As the general principles set out in 5.1 above.

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

Solace supports the commentary of the Welsh Local Government Association. The model approach is supportable but there should not be a fixed and prescriptive model set at a national level.

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

Solace joins the Welsh Local Government Association in supporting the proposed Corporate Governance and Audit Committees as adding value to local self-governance.

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

*As set out in our written evidence Solace “feel that the creation of local public accounts committees would add unnecessary bureaucracy, complexity and expense to an already crowded landscape without delivering significant benefits that would drive public service improvement.”*

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

As set out in our written evidence *“Public Service Boards do appear to be an appropriate place for the examination of key strategic policy choices. The only caveat to this is that PSBs will be made up of the senior executives of the local public service organisations, and there is therefore a danger that their deliberations will result in a reinforcing of existing attitudes and views, rather than an element of challenge and enquiry. It would certainly be beneficial for PSBs to be able to commission external expertise and for them to be able to introduce independent critical friends to challenge their thinking. It does not seem necessary for them to have powers to summon officers to give evidence, given that they can do so through their seniority within the constituent organisations.”*

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

Legal powers should not be necessary.

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

None required. Co-operation and visionary collaboration thinking cannot be enforced. As set out in our written evidence *“experience suggests that there not as many legislative barriers to the scaling of shared services across not only local authorities but public services generally as may be supposed. There are state aid considerations in terms of commercial trading but these can be accommodated with the appropriate legal advice. The general powers of competence proposed in the Bill should help to iron out any existing wrinkles around legal powers.”*

## **PART 6**

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

Solace has relied upon the Welsh Local Government Association, as the representative body for local authorities in Wales, to provide commentary on Part 6 of the Bill. We support the Association’s commentary and views.

Solace would question whether The Local Democracy and Boundary Commission has the capacity and capability to undertake the roles and duties being proposed to the timescales as set out.

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

Solace would support the commentary of the Welsh Local Government Association.

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

Solace would support the commentary of the Welsh Local Government Association.

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

Solace would support the commentary of the Welsh Local Government Association.

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

Solace would support the commentary of the Welsh Local Government Association.

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

Solace would support the commentary of the Welsh Local Government Association.

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

Solace would support the commentary of the Welsh Local Government Association.

Association.

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

Solace would support the commentary of the Welsh Local Government Association.

## **PART 7**

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

*As set out in our written evidence Solace has “considerable concerns about the proposals in the Bill to issue guidance, to which public bodies must have regard, with respect to workforce matters. The definition of workforce matters in section 173 combined with the ability to issue guidance to particular public body effectively means that a Minister and his or her officials can take on the responsibilities of a Chief Executive in relation to the staff with an organisation. It is of particular concern that there no parameters built into this power, so that there is no need for a local authority to be failing in some respect for these powers to be exercised.”*

Solace supports the complementary commentary of the Welsh Local Government Association and the Human Resources Directors Network.

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

Solace Cymru has supported the establishment of a Public Service Staff Commission (PSSC) to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. Section 178 does repeal the role of the PSSC in 2021 to reflect that the PSSC is specifically to assist with local government reorganisation planned for 2020.

Solace and the Welsh Local Government Association would not wish to see a statutory PSSC set up if there is no local government re-organisation. We

would wish to see that that the establishment of the statutory PSSC and its role is predicated on and explicitly linked to any planned local government re-organisation.

There would need to be clarity and a renewed agreement on the matter of any continuation of a non-statutory PSSC if no local government re-organisation should take place.

## **PART 8**

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

No specific comments.

## **ADDITIONAL QUESTIONS**

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

No specific comments.

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

See commentary under Part 1 of the questionnaire.

Solace Cymru would encourage Welsh Government to be more inclusive in involving representative bodies and associations, and field experts, in the research and construction of supporting documents, such as Regulatory Impact Assessments, in the future. This would lead to better legislation underpinned by more reliable evidence bases.

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

No other comments to make.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -160 : Daniel Hurford**

**Tref / Town : N/A**

**Sefydliad / Organisation : Welsh Local Government Association**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **Introduction**

The Draft Local Government (Wales) Bill is potentially one of the most significant and far-reaching pieces of public service reform legislation since devolution.

A number of the Draft Bill's proposals are supported and welcomed by local government. In terms of the wider policy proposals in the Draft Bill, the Welsh Government has responded to many of the concerns and views expressed by councils during the 'Power to Local People' White Paper consultation. There are therefore a number of proposals that would be welcomed by councils including:

- Rejection of some of the more controversial White Paper proposals such as term limits for councillors, review of members' remuneration and elections by thirds;
- Proposed introduction of a power of general competence (Part 2);
- Flexible and proportionate approach to community asset transfers;
- Proposed clarification and simplification of authorities' executive and full council functions;
- Relaxation of Remote Attendance regulations and reform of community polls; and
- A reformed improvement regime based on self-improvement and proportionate external regulation.

There are other proposals where the underlying principles and aims are supported but the proposed detail is impractical or prescriptive and would benefit from redrafting with input from local government; the WLGA would therefore welcome further dialogue with Welsh Government regarding the refinement of certain proposals.

There are a number of other proposals however that impact on or undermine local democracy, accountability or local flexibility which are not supported by the WLGA.

Furthermore, many of the Draft Bill's proposals would place additional administrative and bureaucratic burdens and resource implications for authorities. This additional bureaucratic burden contradicts the wider assumptions that underpin Part 1 of the Draft Bill that the anticipated savings of reorganisation would be realised through reductions in 'back-office' bureaucracy and capacity.

A wider concern relates to the proposed reforms being applied only to local government; it is not clear why proposed reforms regarding good governance, public engagement and transparency and elected member performance should be applied solely to local government when they could and should equally and consistently apply across all public services and all levels of government in Wales.

## **PART 1**

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

Local authorities and the WLGA have long recognised need for public service reform. There however remain different views within local government, within political parties and across the Assembly itself, whether a compelling case has been made for reorganisation at all, whether reorganisation should occur during a period of austerity or what the future shape of local government should be if reorganisation does occur.

The WLGA does not currently have a formal view from all of the 22 authorities on the proposed merger maps. However, it should be noted that six local authorities submitted an Expression of Interest (EOI) and a further eight were prepared to merge in response to the Welsh Government's original 'preferred' map of 12 in November 2014. Powys is continuing to explore integration with the Local Health Board. The WLGA also explored the concept of combined authorities as alternative option to realise local government reform.

Local government has repeatedly stated that clarity and consistency is a pre-requisite for a successful public service reform programme. The Welsh Government has outlined 3 different 'preferred' options for local government reform in the past 18 months (the current proposed maps of 8 and 9 and the map of 12 put forward in the autumn of 2014). The consultation document accompanying the Draft Bill itself describes the 8 or 9 maps only as the Welsh Government's '...current preferred options'. It is widely anticipated therefore that the Assembly elections will have a significant bearing on the final direction of travel in terms of local government reorganisation.

The Draft Bill's accompanying documentation outlines some rationale for the determination of the proposed map of 8 or 9 authorities. However, the rationale has not been consistently applied across all of the proposed new county councils, notably with regards scale and coterminosity with Local Health Boards.

It is not clear how the proposed map of 8 or 9 address the issue of scale of local authorities in Wales. There appears to be no underpinning rationale regarding optimum size of a local authority in terms of economies of scale, corporate and service capacities, geographical and population coverage and local democratic links to communities.

The variation in population between the proposed 'Anglesey-Gwynedd' and 'Gwent' councils sees units of local government ranging in population from 190,000 to 575,000 (Powys County Council would be smaller at 133,000 however will be a more complex organisation following integration with the Local Health Board).

Furthermore, merging Anglesey and Gwynedd would create an authority with a population of 190,000 and an area of 3,262 sq km; the current Carmarthenshire has similar rural characteristics, a population of 181,000 people and a land area of 2,371 sq km but will merge with Pembrokeshire and Ceredigion to create an authority of 374,000 people and a land mass of 6,158 sq km.

Given these issues, it is unclear why the Minister states that '...the case in North Wales is finely balanced between two and three Local Authorities'<sup>1</sup> whereas the proposals appear to be clear-cut for the rest of Wales.

Similarly, the Welsh Government was previously clear (as was the Williams Commission) that coterminosity with Local Health Board boundaries was a key consideration to ensure consistency, clarity and avoid complexity. It is therefore unclear why coterminosity is being relaxed for one proposed council configuration, but not in others, particularly where it might result in different and more appropriate council areas being proposed. Since the establishment of the Williams Commission, the WLGA's position has been that all public services should be subject to reform and a more holistic approach to structural alignment might lead not only to better consistency and contiguity, but also a more appropriate geographical scale of other public services.

The Regulatory Impact Assessment provides a cost-benefit analysis that was largely absent from the Williams Commission and previous Welsh Government proposals. The cost-benefit analysis is consistent (in parts) with the WLGA commissioned CIPFA analysis, but the financial analysis focuses in places on the more optimistic, lower-end cost estimates, underestimates the likely redundancy costs and implications of pay and terms and conditions harmonisation (see Q1.12 below).

Most significantly, the Regulatory Impact Assessment has not adequately consider the options for or the financial impact of council tax harmonisation. The cost-benefit analysis is also inevitably based on historical employment and expenditure in a climate of austerity; by 2019-20 when reforms are scheduled to take place, a substantial proportion of the proposed savings (largely senior-management and back-office rationalisation) will have already been realised, so the proposed return on

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<sup>1</sup> Ministerial Foreword - P1 Consultation Document - <http://gov.wales/docs/dsijlg/consultation/151124-lg-bill-consultation-en.pdf>

investment of reorganisation is likely to be lower and over a longer period.

The merger of local authorities as outlined in the Draft Bill will have consequential impacts on other authorities, such as Fire and Rescue Authorities. The Draft Bill establishes new councils and abolishes the old councils on 1<sup>st</sup> April 2020, however, this will have consequential impacts on Fire and Rescue Authorities Combination Orders, where the statutory composition, membership, operation and funding, amongst other things, is prescribed in secondary legislation by reference to the current local authority structure. Section 17 will not adequately cover the changes required to the Combination Order as it specifically relates to transfer of functions exercisable by and in relation to local authorities. As a separate legal entity, functions in relation to the provision of a Fire and Rescue Service are conferred on the Fire and Rescue Authority through separate primary and secondary legislation and are not conferred on the local authority.

Similarly, Section 18 of Chapter 3 of Part 1 makes reference to transitional provisions in Schedule 4; Schedule 4 paragraph 3 removes the requirement of the Minister to hold a public inquiry under the Fire and Rescue Services Act 2004 as a consequence of changes made to local government boundaries. It is not clear whether this proposed revision adequately meets the specified situations as outlined in Section 4 of the Fire and Rescue Services Act 2004 (sections 4(6) and (7)) why specify when a public inquiry need not be held.

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

WLGA member authorities in North Wales will provide their respective positions with regards this proposal. As noted above however, it is not clear whether the Welsh Government has applied consistent criteria across the whole of Wales in determining proposed new council boundaries. It is unclear why 'the case in north Wales is finely balanced' whereas the proposals appear firmer for Mid Wales, South West Wales and South East Wales. It is not clear from these proposals what is deemed to be the optimum size for a unit of local government or why different solutions are available in different parts of Wales. Indeed, WLGA would fully support the case for further debate in North Wales but also urge that this extended across Wales.

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

See above.

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

The Welsh Government will need to consider a number of specific issues regarding the integration of Powys County Council and Powys Teaching Health Board; these issues may require further legislative or policy reform. Issues that need to be considered are:

- Power to create an arms-length organisation or a community interest company which could either be controlled or influenced by a local authority and local health board jointly. Powys County Council's Cabinet are keen to explore the options and opportunities and risks of creating a health and social care community interest for Powys, which is a model that is common in England and is used by, for example, Plymouth City Council. The Council is currently seeking legal advice because whilst the power exists for a council or local health board to establish such a vehicle, it is not clear whether the power to jointly run such an enterprise exists in Wales.
- Corporate planning and regulation - Both health and local government have very different improvement and corporate planning and regulatory regimes. The Draft Bill outlines a complex approach for councils (see Q5.1 below) and the highly prescriptive nature of the health board's Integrated Medium Term Plan (IMTP) drives the health board in a unitary direction rather than jointly with the council. In addition to a different regulatory framework, there are two separate performance regimes with different standards and targets.
- Human resources – the two organisations have two distinct workforces operating on different terms and conditions, with different HR policies and strategies. Although the Staff Commission will consider these matters, it is a hugely complex and potentially controversial aspect of the reform programme.
- Elected member roles – at this stage, it remains unclear what role and responsibilities elected members will have with regards health in an integrated model. There would need to be specific consideration to allow democratic engagement in the scrutiny of the health functions, as the Scrutiny of Designated Persons regulations (through the Local Government (Wales) Measure 2011) which would allow scrutiny of health boards have not yet been introduced. The relationship with and future role and membership of the Community Health Council will also need to be reviewed.

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

The proposals outlined in the Draft Bill appear appropriate.

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

The proposals outlined in the Draft Bill appear appropriate, though it should be noted that there is scope for electoral congestion should timetables slip and significant burdens will be placed on local elections staff.

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

The WLGA recognises that local government finance requires reform, and has commissioned an Independent Commission on Local Government Finance in Wales. The Commission is due to report in the Spring of 2016. The WLGA notes a number of fundamental financial considerations that have not been adequately considered within the Regulatory Impact Assessment for the Draft Bill; the consideration of the impact of council tax harmonisation in particular is a significant omission (see 1.12 below).

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

This is difficult to measure and information needed would require definition across the various types of avoidance practices. Information is not currently collated pan Wales and it would probably be best to progress this through a working group including Welsh Government, WLGA and lead practitioners.

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

A fundamental review of NNDR legislation could help provide clarity over which types of property are eligible for reliefs or exemptions.

Regulation that would require ratepayers to notify billing authorities of any changes in circumstances would be welcomed and this could perhaps stipulate a timeframe for this and potentially a penalty regime. The review could consider prescription around qualifying usage rates and extending the “6 week rule”. The use of charities by commercial property owners to gain empty property relief is also worth reviewing.

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

Welsh Government targeted funding looking at specific abuses could encourage compliance and send a message to those seeking to avoid payment.

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

Lord-Lieutenants and High Sheriffs are currently appointed to the 8 preserved counties. Should mergers take place, it would be appropriate for purposes of consistency and clarity that the new counties should be used for the appointment of Lord-Lieutenants and High Sheriffs from 1<sup>st</sup> April 2020.

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

**Options Appraisal** - The Draft Bill's Options Appraisal presents each of the options as if they are mutually exclusive and achievable after almost a decade of austerity. Option 1 seems to be predicated on the assumption that no savings will be made in the future despite the fact that continuing austerity means that cost is being taken out of budgets especially in the areas of corporate support identified in the KPMG review and the work commissioned on the costs and benefits of reorganisation (for example, the KPMG study identified that £33m of savings for 14-15 and 15-16 were already planned).

**Redundancy Costs** - The Regulatory Impact Assessment (RIA) bases redundancy cost estimates on work undertaken by KPMG during the Administrative Services Review. Under the current proposals the cost of redundancy is estimated between £16k and £21k for 'administrative staff'. It is not clear what assumptions are made for pension strain and the RIA (p46) acknowledges that further actuarial work is required and we would support this. However the assumption that each employee has 10 years' service understates length of service that most in corporate support roles have. The CIPFA work showed this to be 15-20 years.

**Change Management:** the RIA underestimates the change management capacity required for a reorganisation and suggests that the (reducing) current management of the existing councils can manage the exercise with some small additional administrative support. There is no reference in the analysis to the evidence and learning from comparable exercises of this type or scale elsewhere, or indeed other local government reorganisations of recent times in the UK.

**Pay Harmonisation** - The approach eventually taken on pay harmonisation, like council tax harmonisation, will have significant implications on the costs and future financial planning. The WLGA notes that the Minister is '...committed to ensuring the terms and conditions of Local Authority staff are protected so no-one will be disadvantaged by transfer to a new Authority'<sup>2</sup>. The RIA (p49) however states that it is possible to be cost neutral if newly formed authorities 'converged to a weighted average' but uses the pay harmonisation estimate from the CIPFA study of £27m. We now think this to be a low estimate.

**Council Tax Harmonisation** - Council tax harmonisation has not been adequately considered as part of the Draft Bill nor the RIA. Council tax harmonisation is a

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<sup>2</sup> Ministerial Foreword - P1 Consultation Document - <http://gov.wales/docs/ds/ig/consultation/151124-ig-bill-consultation-en.pdf>

significant component and a potential risk to the reform proposals not only in terms of potential income forgone and financial volatility, but In terms of political and public acceptability of proposed reforms. It is therefore essential that the Welsh Government urgently considers the implications and plans for transition an early stage. Council Tax payers will need some assurance about the future direction of Council Tax Bills in merged authorities and practitioners will need to make take account of any future constraints on Council Tax to make reasonable estimates of income forgone for financial planning purposes.

The limiting cases are for Council Tax levels to ‘level up’ or ‘level down’ or convergence to a weighted average. The ‘levelling up’ scenario where the highest Council Tax is held constant and the others catch up was described by CIPFA as the ‘most prudent’ in terms of ensuring local financial stability and minimising income forgone. The WLGA is currently modelling the potential income forgone under this method for the Welsh Government’s preferred maps of 8 or 9 authorities, as it could take up to 7 years in the Dyfed area and up to 9 years in the Gwent area to harmonise. The CIPFA study conservatively estimated the income forgone annually at £56.9m for 12 authorities (option 3a) over a shorter period of harmonisation. The council tax damping scheme from the last reorganisation (to manage these council tax changes) was £140m; this figure would be much greater now given the passage of 15 years of inflationary pressures and differential council tax rises across Wales. Whichever approach is taken there needs to be a balance in terms of impact on the council tax payer and income forgone.

## **PART 2**

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

The WLGA welcomes the proposed introduction of the power of general competence. The WLGA has long called for a general power of competence and welcomed its inclusion in the White Paper.

Whilst this new power is welcomed, as drafted, it is constrained by legal provisions which local authority lawyers would have to carefully consider before the power could be used, as has been the case in England where a power of general competence was introduced under the Localism Act 2013.

Despite legal constraints, the Local Government Association has said that it has given authorities the confidence to work in new ways and develop new services and partnerships. Use of the power has been limited, a survey by the magazine Local Government Lawyer and Freeth Cartwright (December 2013) found only 6% of councils said GPC had made ‘a significant positive difference’. 45% said it made a ‘slight’ positive difference, and the remaining 49% said it made no difference.

APSE have argued that “*the power must be seen to be in line with ordinary principles of public law. The doctrine of ‘ultra vires’ remains and local authorities still have a fiduciary duty to local taxpayers not to act in an irresponsible or risky way and therefore, how the new general power is exercised, will be potentially subject to challenge through judicial review. As with previous restrictions on commercial trading through a company APSE would point out that the formation of a company for these specific purposes can be time consuming and cumbersome to set up. Companies should only be considered after a full market assessment, taxation and market analysis. However local authorities could put to great effect better use of charging powers to realise additional income (in a sensible and sensitive way) for example through selling services to the public or private sector to help balance budgets, improve productivity and maximise the use of assets and human resources. The new general power should help to alleviate, for English local authorities, any previous uncertainties about the powers to charge for certain non-statutory services.*”

Bearing in mind these caveats it is vital that Welsh councils are given renewed confidence in their powers to continue this work to improve efficiency, for example through joint arrangements, in particular to provide back office and support services which may be defined as ‘incidental’ in law to their primary functions.

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

The WLGA does not have strong views on the proposal relating to community councils with competence, although notes that given the legal constraints around use of the power as outlined above, likely use of the power by community council will be limited given the limited legal capacity of community councils.

It would be appropriate that should a community council consider exercising this power, it should consult with the county council to assess any consequential impact on the county council’s planned discharge of its own duties or powers.

With regards the criteria for ‘community councils with competence’, guidance will need to clarify the definition of a clerk’s ‘relevant professional qualification’. Should such requirements be too onerous, this could affect recruitment and disadvantage smaller community councils.

**PART 3**

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

Part 3 of the Draft Bill seeks to promote access to local government by placing duties on councils to promote access to, and public participation in, local government

The WLGA is supportive of the underlying principles and ambitions of the Welsh Government; councils active seeking to engage with communities and promote democratic and participative engagement. Many authorities have adopted the nationally developed principles of public engagement, the majority broadcast council meetings, hold youth forums or councils and undertake extensive consultation and engagement over budget and service planning proposals. Many are engaging with communities over local priorities around the delivery of services or provision of assets, some of which may lead to alternative delivery models or community asset transfers.

Although the WLGA is supportive of the underlying principles and ambition, many of the proposed new duties however will create additional burdens on authorities which will require additional investment in administrative and 'back-office' capacity during a period where resources are being focused on front-line services. Some proposals are impractical and their likely effectiveness and impact are therefore questioned.

The WLGA also notes that some provisions in Part 3 and elsewhere in the Draft Bill apply only to local government. The WLGA notes for example that expectations and duties to broadcast do not apply to meetings of the Local Health Board or Welsh Government Sponsored Bodies. Local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

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

As noted above, the WLGA is supportive of the spirit of the Welsh Government's ambitions and councils are committed to promoting access to local government. It is therefore not clear what improvements a new 'public participation duty' on local authorities would achieve, apart from creating an additional regulatory burden; there is already a requirement on local authorities to 'involve' the public through the Wellbeing of Future Generations (Wales) Act 2015.

Councils already consult and engage with communities on budget proposals, so it is unclear what value a new statutory duty to undertake such activity would achieve.

The WLGA does not agree with the proposal to place statutory responsibilities on councils to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities; this will inevitably have resource implications for councils but, critically, clouds accountability and responsibility for delivering on any public participation duties.

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

In response to the White Paper, the WLGA supported the concept of community based models of governance particularly should county councils merge and become more remote from local communities. There were however some concerns from consultees regarding the clarity and complexity of the original proposed models and, critically, the relationship with community councils and Public Service Boards.

The WLGA remains unconvinced of the specific proposals for Community Area Committees (CACs) as drafted and would welcome further dialogue with Welsh Government to allow councils flexibility to establish appropriate local community governance structures and approaches to community engagement in an era of larger county councils.

The Draft Bill proposes that the areas covered by CACs would be established by Public Service Boards under S37(5) of the Wellbeing of Future Generations (Wales) Act 2015. The WLGA does not support this and argues that community governance arrangements should be more flexible and at the local democratic discretion of the county council. It is not appropriate that a statutory partnership (the PSB), should determine the area coverage and the basis for local democratic and community governance mechanisms (which would form the basis of statutory council committees). The provisions of the Wellbeing of Future Generations (Wales) Act 2015 regarding community areas were set out for very different purposes (e.g. the undertaking of wellbeing assessments and planning) and not necessarily for determining identifiable communities for community governance or representative purposes.

CACs will also have a duty to annually 'prepare a statement of priorities and objectives' (S52) and must consult on these priorities and objectives. This will require considerable resources in terms of policy and support staff given there will be numerous CACs in a council area, and that there needs to be consultation and engagement around these priorities and objectives. It remains unclear, as yet, how many CACs there would be in each council area, the size of membership and number/regularity of meetings – however, CACs will further present an additional burden on authorities in terms of administration as well as committee administration, translation and electronic broadcasting requirements.

Furthermore, 'community' statements of priorities and objectives add to a wider annual community and corporate planning regime as outlined elsewhere in the Draft Bill and under the Wellbeing of Future Generations (Wales) Act 2015 which will become complex and burdensome (see Q5.1 below). Although there is no duty on the Committee or the Council to produce annual reports on the achievement or otherwise of the CACs' statements of priorities and objectives, it is inevitable that such committees will request or require the council to report annually on progress

and whether or what priorities have been achieved, and if not, the rationale for either not accepting the objective corporately or the reason for not achieving the objective within the year.

It is not clear how the committee roles relate to the proposed roles or geographical areas of reviewed (and larger) community councils. Furthermore, not all council areas would have community councils and so geographical spread of community representation could be imbalanced as could the balance of democratically elected members with community and public body 'co-optees'. It is critical that the areas of any 'community area committee' should be undertaken after the Local Democracy and Boundary Commission has prepared its reviews of community council arrangements in each county area (from 2019 as per Part 6 of the Draft Bill) to ensure adequate alignment.

Although the Draft Bill allows councils to delegate functions to CACs, there are implications around delegations of powers and functions given the broad membership of the committee which could include executive and scrutiny members, and, potentially, members of the community with particular interests; this therefore could affect good governance and cause confusion around the separation of executive and scrutiny functions.

Depending on the membership of public bodies on CACs, there could be implications in terms of burden of representation on multiple bodies which the current PSB reforms are seeking to address. Larger public bodies such as fire and rescue authorities, local health boards and police representatives have found it challenging to sit on numerous LSBs within their area, whilst there will be fewer PSBs (8 or 9) with the proposed local government reforms, these bodies could be invited to attend numerous CACs, for example, South Wales Fire and Rescue Service currently sits on 10 LSBs and would sit on 3 PSBs under the new reforms, but could feasibly be invited to attend at least 30 CACs (assuming 10 per authority as noted in the Draft Bill documentation). Should community safety planning functions be devolved to CAC areas, fire and rescue authorities would be required to attend as statutory members.

It should be noted that CACs may be affected by political balance requirements, given it is feasible in some areas that the majority of members of a CAC would be from one political group.

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

Notwithstanding the above concerns with the committee model as outlined, the WLGA would support flexibility to allow councils to delegate functions to more localised community governance models. It should be noted however, that the political balance implications as outlined above may have an impact and levels of

delegation need to be carefully considered in order to avoid any confusion of roles and responsibilities around quasi-judicial, executive or scrutiny functions.

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

There are no significant implications in terms of transition from existing areas committee arrangements.

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

The proposal for 'improvement requests' builds on the Welsh Government's 'activist council' ambitions as outlined in the Power to Local People White Paper. Councils and the WLGA were broadly supportive of the 'activist' concept as councils are pro-actively (and increasingly) engaging with communities and partners in the design and delivery of services. Many councils have led the way in terms of developing alternative delivery models for services.

Councils already initiate and respond to informal 'improvement requests' on an ongoing deliberative basis in terms of service design and delivery, both through formal community consultation and engagement and ongoing user and service feedback or complaints. Councils are increasingly devolving services or transferring assets to community councils and to community groups through alternative delivery models.

This proposed 'improvement request' power is similar to that of 'participation requests' introduced in Scotland through the Community Participation and Renewal Act 2015. It is not clear whether any analysis or evaluation of the Scottish experience has been completed since enactment, however, during the passage of the Bill, COSLA expressed the following concerns:

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

The WLGA would echo those concerns. As noted above, councils already initiate and respond to 'improvement requests' on an ongoing basis through formal consultation or service user and community feedback. The 'improvement requests' proposal as drafted over-formalises such an approach and will create a significant amount of bureaucracy which would add burden and could impact on the speed of decision-making; it is likely that councils will have to formally consider and report (either through executive or scrutiny or both) any such requests from the community received. Concerns have been expressed regarding 'counter' improvement requests where a different community group or body submits an alternative request in response to a request from another body. There should therefore be proportionate criteria to indicate levels of wider community support for any proposal and proportionate accountability and governance arrangements should be built into any alternative delivery model that may arise as a result.

The Welsh Government is currently consulting on a draft Action Plan to support the development of Alternative Delivery Models in Welsh public services. It should be noted that community groups will require adequate business and project planning capacity and capacity-building support for community groups may be necessary.

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

The WLGA has been supportive of the roll-out of webcasting across authorities and most councils are already webcasting some council meetings.

It should be noted however that a duty to broadcast all public council meetings (including proposed new CACs) will create an additional administrative burden on councils and require additional resources that have not been adequately factored into the RIA. The Draft Bill's accompanying documentation assumes that the combined cost of current councils' expenditure on webcasting would cover the likely future costs of webcasting in 8 or 9 councils. The costs are likely to be higher as there would be a duty to broadcast all council meetings which would see around a 50% increase in the number of meetings being broadcast compared to present (most currently broadcast only council and planning meetings and some broadcast cabinet, scrutiny and other meetings of interest to the public). This increase would mean more meetings being broadcast in a wider number of committee rooms or other community venues – there would be additional cost implications in terms of investment in hardware, maintenance costs (due to likely degradation due to transportation and regular set up/break-down) as well as ongoing administrative support to manage the broadcasting of meetings.

Any legislative duty to broadcast all meetings would need appropriate caveats to allow for instances where the public broadcast is either interrupted or not possible due to technological issues, for example.

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

Councils already actively engage with children and young people, and promote the concept of democracy, and the role of council and councillors through school councils, youth councils or forums and engagement and participation initiatives during Local Democracy Week. There is already a statutory duty on local authorities through the Children Act 2004 to have a lead elected member for Children and Young People, and a specified part of that role is to engage with children and young people to gain their views on policies that impact on them. It is therefore unclear what benefits a new statutory duty would achieve.

**PART 4**

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

Part 4 of the Draft Bill outlines proposed new Functions of County Councils and their Members, including 'Performance Duties' for councillors.

In its response to the White Paper consultation, the WLGA argued that any new proposals affecting councillors' remuneration and standards of conduct should be applied consistently across all levels of representative government. Furthermore in response to the recent Welsh Government consultation on Draft Directions to the Local Democracy and Boundary Commission, leaders called for consistency across all levels of government in Wales and a wider review of all levels of governance. This stems from a wider frustration that the Welsh Government response to the Williams Commission, which proposed wholesale public service reform, has focused on local government structural reform and new duties and standards applying only to local government rather than all public services.

As noted previously, local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should lead by example, particularly when they are seeking to legislate for others to follow.

The proposed 'Performance Duties' on councillors are therefore not supported by the WLGA as they are not only inconsistent with expectations placed on Assembly Members for example, but also appear to be based on an outdated understanding of the role of a local councillor which is at odds with the community activist concept outlined elsewhere in the Draft Bill.

Similarly, the implicitly critical undertone of an excessive and prescriptive 'performance' and standards regime for councillors is at odds with the wider narrative of trust between devolved and local government and enhanced local accountability. The prescriptive and burdensome implications of the proposed 'performance duties' are excessive in that there is not a wide-spread problem with regards councillor

attendance or ‘performance’.

The list of performance duties in the Draft Bill, including compulsory meeting attendance and the holding of surgeries, presents a simplistic interpretation of the ‘formal’ council role of councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities, facilitating community engagement with public services and providing an advocacy and support role to members of the community with particular needs.

Similarly, the above list does not adequately equate to assessing a councillor’s ‘performance’, for example, a councillor may attend every council meeting and therefore be deemed to be performing well by the above criteria, but he or she may not contribute effectively or at all to those meetings. Similarly, a member may decide only to be appointed to council and attend all 8 meetings in the year, but a more committed, ambitious councillor sitting on various committees may miss a few of his or her 50 meetings a year and be deemed underperforming in comparison. Likewise, the proposal that councillors must reply to correspondence within 14 calendar days is inconsistent with the Welsh Minister’s ‘aim to reply within 17 working days’.<sup>3</sup>

Notwithstanding the above, the conflation of ‘performance duties’ with the current standards regime is problematic, as the comparable seriousness of breaches is questionable. Indeed, the Assembly’s Standards Commissioner whilst recognising perceptions of Assembly Member ‘performance’ are increasingly important is “...clear that “performance” issues were not matters for standards [and] I am clear that it would be very difficult to set down prescriptive time scales for letter answering or phone call replies – even if it were desirable, which I do not accept”<sup>4</sup>.

The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

The prescriptive and far-reaching implications of the proposed ‘performance duties’ are excessive in that there is not a wide-spread problem with regards councillor attendance or ‘performance’. Whilst there are some individual councillors whose attendance, whilst lawful (under the terms of the ‘6 month rule’ (Section 85 of the Local Government Act 1972), is not satisfactory given the current expectations placed on councillors, they are in the minority and wholesale reform with the consequent burdens of bureaucracy is not a proportionate response. Many councils already operate local ‘customer service’ standards or council-agreed expectations of attendance and conduct, for example where councillors’ attendance at training and meetings is published and considered by Standards Committees or Group Leaders if

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<sup>3</sup> <http://gov.wales/about/cabinet/writingtoministers/?lang=en>

<sup>4</sup> P1 Standards Commissioner: Annual Report 2014-15  
<http://standardscommissionerwales.org/wp-content/uploads/2015/07/Annual-Report-Final-2014-15-English.pdf>

particular members' attendance rates are a concern.

In order to address its concerns about councillor 'performance', the Welsh Government should instead therefore consider the effectiveness of the current '6 month rule' and empower councils to set and 'enforce' their own attendance and/or performance standard regimes, as is the case in the Assembly.

The WLGA notes from the consultation document that the Welsh Government is continuing to explore options for the recall of councillors. In response to the White Paper when this was originally proposed, the WLGA stated that it does not support the concept of the right to recall. While WLGA members are fully prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation across Wales.

The Draft Bill proposes that leaders should produce a manifesto before seeking election as leader. It is however not clear why a leader of a majority group elected on an electoral manifesto should also need to set out a further manifesto prior to their election as leader, a process which is not replicated in the National Assembly or Parliament.

The WLGA agrees that councils need clear political leadership and accountability and notes that the Draft Bill proposes that leaders publish and report annually on 'political' objectives for the executive. The Draft Bill however also proposes that leaders separately set and report on objectives for the Chief Executive on an annual basis, and the council in turn sets and reports on a corporate strategy and annual corporate objectives annually, as well as wellbeing objectives and joint PSB wellbeing objectives. This duplication will create bureaucratic and regulatory burdens and will be of little value to the authority or in terms of contributing to enhanced public accountability, engagement or understanding. These proposals therefore need further consideration. See response to question 5.1 below.

S104(8), concerning the leader setting of objectives for a chief executive, states that Welsh Ministers may issue guidance, to which the Council must have regard. The WLGA and SOLACE has concerns about the potential risks of Welsh Ministerial intervention in local relations and arrangements between a leader and a chief executive. This risks considerable incursion into the running of a local authority without any parameters around the Minister's reason for issuing such guidance.

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

The WLGA supports the proposals to strengthen arrangements which promote and support good standards.

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

The WLGA is supportive of proposals to reform regulations around delegation of functions and looks forward to future consultation on proposals as they are developed.

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

The WLGA would strongly object to the proposal to give Welsh Ministers the power to effectively direct the Independent Remuneration Panel for Wales (IRPW).

There have been widespread concerns in the recent period over the influence, actual or perceived, that the first ever Ministerial remit letter has had on the IRPW's determinations in its Draft Annual Report 2016. The IRPW has provided assurances to the WLGA that it remains independent and its determinations are based on evidence and engagement with stakeholders. A Ministerial power of this nature would fundamentally undermine the credibility of the independence of the IRPW and it would be little more than an advisor group for a Ministerially set remuneration framework for councillors.

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

The WLGA would support proposals to make remote attendance more flexible.

The WLGA was supportive of the original policy intentions behind remote attendance as introduced in the 2011 Measure, however, both the WLGA and the (then) Association of County Clerks and Solicitors (now Lawyers in Local Government) advised the Welsh Government (and Assembly during pre-legislative scrutiny) that the provisions as drafted were too restrictive and impractical.

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

This proposal seems appropriate.

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

In its response to the Welsh Government consultation on the Local Authorities (Standing Orders) (Wales) Regulations 2006 (Amendment) Regulations 2013, the WLGA expressed support for a reformed Designated Independent Person (DIP) process.

Regulations have created a process which is often overly bureaucratic, time consuming and costly, depending on the type of issue under investigation. The LGA's view at the time of the UK Government's removal of the DIP process was:  
*"...while we welcome the removal of the requirement to follow the rather bureaucratic statutory process we believe that a streamlined alternative that still incorporates a role for an independent third party is necessary to ensure the process is legally robust, fair and protect the interests of both sides."*

The WLGA would therefore welcome a decision by the Welsh Government to review the existing statutory process with a view to replacing it with a streamlined alternative that still incorporates a role for an independent third party to ensure the process is legally robust, fair and protect the interests of both sides.

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

The WLGA welcomes the proposal to reform the framework of council functions; successive local government legislation, particularly since the Local Government Act 2000 which introduced executive arrangements, has created a complex framework relating to the responsibilities for the discharge of certain council functions, duties or powers.

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

The WLGA was broadly supportive of the principles around community asset transfer as outlined in the White Paper, and many authorities already work closely with communities regarding the transfer or management of community assets. The WLGA welcomes the proposal in the consultation document to make the community asset transfer process more proportionate and looks forward to considering the detail when published in due course. A more strategic and coordinated programme of community asset transfers however will create resource implications for authorities

**PART 5**

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

The WLGA welcomed the White Paper proposals regarding the reduction of regulation and promoting self-assessment and peer assessment. The WLGA, with local government, had developed a programme of self-assessment and peer assessment which has largely been translated onto the face of the Draft Bill.

The underpinning principles around self-improvement, self-assessment and good governance are therefore generally welcomed and shared by local government. Although the detail and likely burdens around external regulation needs to be explored further, it appears on the face of the Draft Bill that external regulation is likely to be more timely and proportionate than the current regime (under the Local Government (Wales) Measure 2009).

The proposals around corporate planning (S112) largely build on the processes that councils already follow, albeit prescribe a list of specified documents or policies (or links to such documents) that should be included in a council corporate strategy.

The good governance, corporate planning and reporting proposals, as outlined in the Draft Bill should be better aligned with the new duties of the Wellbeing of Future Generations (Wales) Act 2015. The specific corporate planning proposals (and other objective setting proposals elsewhere in the Draft Bill) duplicate new Wellbeing duties and therefore will increase internal bureaucracy and do little to aid public understanding or accountability.

The Wellbeing of Future Generations (Wales) Act 2015 already sets out duties that local authorities must:

- Set and publish well-being objectives (s.3(2)(a))
- Take all reasonable steps to meet those objectives (s.3(2)(b))
- Publish a statement about well-being objectives (s.7(1))
- Publish an annual report of progress (s.13(1) and Sch.1)

In ‘taking all reasonable steps’, councils must comply with the sustainable development duty, which includes taking into account the statutory sustainable development principle (S5) which broadly refers to governance arrangements in the form of: long term decision-making, integration, involving other persons with an interest, collaboration with other persons and prevention.

Furthermore, governance arrangements, corporate planning and objective setting is further articulated in the duty to prepare a ‘wellbeing statement’ which must explain<sup>5</sup>:

- Why the well-being objectives will contribute to the achievement of the well-

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<sup>5</sup> P4-5 Welsh Government Guidance for the Well-being of Future Generations (Wales) Act 2015SPSF2 – Individual role (Public Bodies) <http://gov.wales/docs/desh/consultation/150907-spsf-2.0-individual-role-public-bodies-en.pdf>

being goals;

- Explain how and why the well-being objectives have been set in accordance with the sustainable development principle.
- The steps to be taken to meet well-being objectives in accordance with the sustainable development principle
- How the council will govern itself to meet its well-being objectives
- How council will keep the steps it takes to meet its well-being objectives under review;
- How the council will ensure that resources, including financial, are allocated annually for the purpose of taking steps to meet its objectives
- When the council expects to meet its well-being objectives;
- Any other relevant information about their well-being objectives that councils consider relevant.

Corporate objective setting, annual reporting and decision-making and governance duties for local authorities are therefore already outlined in some detail in recent legislation, so it is unclear what additional value the governance, objective setting and reporting requirements in Part 5 of the Draft Bill add. Indeed, the requirements of the Draft Bill will create complexity, administrative burdens and resource implications.

For example, when the proposed annual objective setting and reporting duties in the Draft Bill are combined with the new duties of the Wellbeing of Future Generations (Wales) Act 2015, councils will have to set (or at least participate in the setting of) and report on six sets of similar corporate priorities:

1. **Councils must set and report annually ‘Wellbeing Objectives’** (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
2. **PSBs must set and report annually ‘Wellbeing Objectives’** (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
3. **Leaders must set and report annually ‘objectives to be met by the Executive’** (S99 of the Draft Bill)
4. **Leaders must set and report annually ‘objectives to be met by the chief executive’** (S104 of the Draft Bill)
5. **Councils set and report annually on corporate plan priorities** (‘council’s priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term) (S112 of the Draft Bill)
6. (A number of) **Community Area Committees must set an annual ‘statement of priorities and objectives’** in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill). As noted previously, councils will inevitably have to annually report back to each of the many CACs on the progress or otherwise of their chosen priorities and objectives.

The Draft Guidance accompanying the Wellbeing of Future Generations (Wales) Act states that public bodies ‘...should not treat well-being objectives as separate from

the objectives that guide and steer the actions and decisions of the organisation...'. It is therefore unclear why there needs to be numerous sets of separate statutory duties to produce what are, in essence, the same set of priorities.

The proposals will therefore create administrative burden and complexity and do little to aid public engagement or understanding.

Statutory Performance Indicators do not feature on the face of the Bill (unlike the predecessor 2009 Measure) but it is understood that they may feature in a final Bill. At this stage, it is not clear what the relationship of any new national local government performance indicators will have with the proposed new National Wellbeing Indicators, nor why any local government review is being undertaken separately from the wider consultation on the national Wellbeing Indicators, many of which cover local government performance.

Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria (such as evidence which might be considered) before the triggering of an intervention.

The WLGA agrees with the Welsh Government on the need to better align the work and conclusions of 'relevant regulators'. The WLGA notes (from the evidence to the Assembly's Communities, Equality and Local Government Committee in February) that the Auditor General for Wales is not convinced of the practicability of the proposed 'combined regulators' assessments' (S123-127). The WLGA also notes that S143 seeks to ensure the 'coordination of relevant functions of relevant regulators, however, it is not too dissimilar to the existing 'Co-ordination of audit etc.' duty under S23 of the Local Government (Wales) Measure 2009, which has had mixed impact in terms of achieving a consistent approach to coordination of activities across all 22 authorities. This proposed duty to coordinate might therefore need to be further strengthened to ensure consistent collective compliance by external regulators.

The WLGA notes that the consultation paper states that a final Bill will include provisions for councils to publish key data and documents through an online portal. As noted in the WLGA's response to the White Paper, such a portal already exists in the form of My Local Council <http://mylocalcouncil.info/>. This includes comparative performance information (across authorities and across time) of statutory and national indicators, local summaries of the National Survey of Wales, links to councils' statutory improvement plans, objectives and performance reports as well as links to external inspection or regulatory reports. My Local Council also includes a contact form should members of the public wish to address any performance queries to a council.

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

The WLGA broadly welcomes the proposed governance arrangements duty, but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).

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

The WLGA welcomes the Welsh Government's recognition of the value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future.

The WLGA stated in its White Paper response however that Peer review should remain a sector-led, sector-owned and sector-commissioned model and should not be legislated for. This is the model that applies in England and currently in Wales, which operates with some success and credibility. The WLGA therefore does not agree that there should be legislative requirement for peer reviews.

Legislating and prescribing a peer review process as drafted in the Draft Bill essentially creates a peer inspection framework, rather than a peer review framework; although the membership and process might remain largely the same, the purpose, dynamics, ownership and outcomes of a review will significantly change.

At present, peer review is an effective improvement process owned by, designed and timed to meet the needs of authorities. The suggested model turns it into a quasi-regulatory role which potentially duplicates the role of the Wales Audit Office. Formalizing the process will affect the dynamics and flexibility of the review process and the openness and ownership of the authority.

The current approach in Wales is not broken and does not require fixing and has delivered a credible, robust and respected mechanism for providing critical-friend challenge which has supported improvement in services and corporate governance arrangements.

Notwithstanding the above, the Draft Bill includes some prescription around proposed peer review processes which is excessive and has unintended consequences, for example, councils would only be allowed to choose Welsh peers from a non-neighbouring authority; given Powys County Council borders all but one of the proposed new county councils, the only Welsh peers that the council would be permitted to use would be from the new Cardiff-Vale of Glamorgan council.

Prior to changes in the WLGA's improvement role, the WLGA Council committed in 2013 that every council would receive a peer review once during a rolling four year period (as is the case in England) and seven authorities have received a peer review

between 2013 and early 2015. The WLGA agrees that peer review reports should be published, but that this is a matter for local discretion and does not need legislation. To date, all WLGA peer reviews have been published by authorities.

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

The WLGA supports the proposed role of new Corporate Governance and Audit Committees.

The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in the new constitutional arrangements to avoid confusion and duplication of roles.

The WLGA does not support the proposed changes to the membership of corporate governance and audit committees. Lay members are valued members of audit committees currently, but the balance of membership should be left to local discretion. The proposed prescription regarding the increased proportion of lay membership and that the chair must be a lay member fetters local discretion and undermines local democracy, particularly as the reformed committees will have an enhanced role in terms of overseeing the governance and service performance of councils.

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

The WLGA agrees that it is not necessary to establish local public accounts committees as the original proposal largely duplicated the role of existing scrutiny committees and the duty to scrutinise designated persons (regulations for which are yet to be introduced).

That said, the scrutiny arrangements as introduced under the Wellbeing of Future Generations (Wales) Act 2015 curtail scrutiny committees' 'public service scrutiny' powers as it only allows scrutiny of the joint functions of the 'corporate body' of the PSB (not the individual members). The public service scrutiny powers over 'designated persons' under the Local Government (Wales) Measure 2011 (if introduced through regulations) would be more flexible and allow the concept of 'local public accounts committees' through enhanced democratic oversight over public bodies and their outcomes for communities. The scrutiny of a PSB's joint functions is limited as the PSB will not undertake a significant range of joint functions (other than exercising its duties to prepare a wellbeing assessment, publish (and review) a well-being plan and publish annual reports; it will be the constituent bodies' individual and joint actions and duties under the Act where all the impact

and outcomes will be achieved.

Although scrutiny committees could continue to exercise the power under S21 (2)(e) of the Local Government Act 2000 'to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area', the WLGA would favour an amendment to S169 of the Wellbeing of Future Generations (Wales) Act 2015 or implementation of the scrutiny of designated persons regulations to give local authority scrutiny (and therefore local democratic representatives) greater remit over the scrutiny of public services in their areas.

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

Public Service Boards and their individual member organisations were established to consider and inform (through wellbeing assessments) the policy choices facing public services.

As noted above, local authority scrutiny needs to be strengthened to allow locally elected members a broader remit in examining policy choices facing all public services (either individually or collectively) in their area.

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

The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

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

The proposed general power of competence should provide legal 'confidence' around public sector-wide shared services, but it should be noted that other non-local government legislation may be restrictive in terms of other public service functions being discharged by a local government body. In addition, there are state aid considerations in terms of commercial trading but these can be accommodated with the appropriate legal advice.

**PART 6**

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

The WLGA welcomes the Welsh Government decision that a review of community council arrangements will be conducted by the Local Democracy and Boundary Commission. Such a duty on newly established county councils would have been a significant burden during a period of significant organisational transition.

It is important that the process for the establishment of any area based model of county council governance (as per the Draft Bill proposals for Community Area Committees) need to be aligned with any reforms of community council arrangements (as noted above).

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

The WLGA is supportive of this proposal as it will allow earlier and more timely consideration of any draft proposals.

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

The new County Councils will have a large amount of work to do following their establishment, and implementing the recommendations of the Local Democracy and Boundary Commission reviews will be one of a large number of competing priorities. Given reduced corporate capacity and other competing priorities, on balance, the WLGA would support the proposal that the Commission should implement its recommendations, following consultation and engagement with the new County Councils.

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

The WLGA supports and encourages all elected members to undergo appropriate development and training for their roles. Generally, the WLGA supports the concept of locally determined compulsory member development and training, as outlined in the Draft Bill.

The Draft Bill proposals around compulsory training for community councillors should be refined however, as they place a burden and responsibility on clerks as well as risking a 'strain on the good relations between the clerk and the council' (as the consultation document itself notes).

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

A six year term would be a very long municipal term with implications in terms of local accountability, however, it is a necessary transitory arrangement during a period of significant reform which will lead to greater clarity around accountability and electoral management in the future.

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

The WLGA does not support the proposed duty (under S167) that county councils should consider the training needs and ‘secure the provision’ of training for community councillors. This would be an additional burden and will have resource implications for local authorities and should be the responsibility of community councils themselves; it is not appropriate that local authorities should have a duty to discharge over other autonomous and democratically accountable bodies.

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

This is a matter for community councils.

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

The WLGA welcomes this proposal as it will reduce burden and costs for the local authority, as well as encouraging a more accessible and immediate mechanism for communities to express their views. Although community polls have generally not been widely used, there is a risk that they can be misinterpreted by the community as binding local referendums which can cause tension between communities, their elected representatives and the council.

## **PART 7**

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

The Ministerial powers over workforce matters as outlined in Part 7 of the Draft Bill are far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the local authority workforce (and of other public bodies) on a wide range of workforce matters as fundamental as: the planning by public bodies in relation to the size and composition of their workforce; recruitment and retention of staff; the

management, organisation and remuneration of staff; and the training and development of staff of public bodies.

These powers could potentially ‘cut across’ and affect the legal contractual relationship between that public body as the employer and its employees, as well as undermine local democracy and local planning. This is particularly relevant in local government where there are 22 individual sovereign employers.

Democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively. Different councils face different challenges and demands from their electorate. A ‘one-size fits all’ approach will not enable local needs to be met and councils need the freedom and flexibility to make and implement decisions on recruiting and restructuring (including decisions on pay) that are designed locally to best meet the needs of the communities they serve.

Local authorities have demonstrated that they can successfully develop and improve services working in partnership with others, and engaging with their workforce and their representatives to improve services. A managed approach to workforce reduction has also been successful whilst maintaining as best as possible the local services the community want. However there are some areas that the WLGA could work in partnership with Welsh Government to develop and agree guidance that could help support Councils on workforce issues.

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

The WLGA has previously supported the establishment of a Public Service Staff Commission (PSSC) to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. Section 178 does repeal the role of the PSSC in 2021 to reflect that the PSSC is specifically to assist with local government reorganisation planned for 2020.

The WLGA would not wish to see a statutory PSSC set up if there is no local government re-organisation. Therefore the WLGA would wish to see that the establishment of the statutory PSSC and its role is predicated on and explicitly linked to local government re-organisation.

There would need to be clarity and a renewed agreement on the matter of any continuation of a non-statutory PSSC if no local government re-organisation should take place.

## **PART 8**

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

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

#### **ADDITIONAL QUESTIONS**

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

No

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

N/A

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

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -161 : E Peter Lloyd Jones**

**Tref / Town : Cwmllynfell, Ammanford**

**Sefydliad / Organisation : Cwmllynfell Community Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

Cwmllynfell Community Council supports the suggestion made by One Voice Wales that the establishment of transition arrangements for community and town councils should be contained within any future Bill in order to rectify the anomaly that exists and so as to place the first tier of local government on an equal footing with the second tier. It would be patently inequitable if resources were made available to enable Unitary Authorities to enable their transition into new structures if this was not offered to the local council sector level on a proportionate basis.

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

Cwmllynfell Community Council supports the proposal for eight Unitary Authorities.

Key to the new configuration will be the need to ensure local representation structures are in place to enable communities to engage effectively in the new democratic structures. In the interests of parity and democratic representation local councils should also be established in areas where they do not currently exist.

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

Cwmllynfell Community Council supports the proposal for the shadow principal authorities to determine their own names following public consultation and it supports the making of regulation powers by Welsh Ministers to give effect to this.

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

Cwmllynfell Community Council supports local government elections being moved to fixed five year terms from 2023 and does not object to the proposed transitional arrangements for a six year term between 2017 and 2023. The Council is however firmly of the view that the ordinary elections for Community and Town Councils should always coincide with the ordinary elections of Unitary Authorities. Furthermore it is the view of Cwmllynfell Community Council that where there are combined contested elections that it is only the costs that are over and above the costs of the Unitary Authority Elections that should be borne by the Community and Town Councils rather than an equal share of the election costs.

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

Cwmllynfell Community Council does not agree that the Preserved Counties should be changed since they form part of the modern history of Wales.

## **PART 2**

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

Cwmllynfell Community Council notes the provisions with regard to the general powers of competence but would question whether the three competency requirements identified are a true measure of a Community Council being able to act in their community's best interests, generate efficiencies and secure value for money outcomes. An unqualified auditor's opinion is an obvious measure of competence but the requirement for at least two-thirds of Councillors on a Community Council to have been elected should be reviewed as many councils are having difficulty in attracting people to stand for election which inevitably results in the provisions for c-option being invoked. It is entirely a matter for the electorate to decide on the competence of their Community or Town Council and it is for those Councils as employers to determine whether the Clerk of the Council is competent.

Many Councils employ Clerks with considerable local government experience with former employment at a senior level, therefore the imposition of a recently devised qualification as the only measure of competence is an insult. As such the “Democracy” and “Capability” criteria in the Bill should be reviewed.

### **PART 3**

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

Cwmllynfell Community Council notes that the Welsh Government intends to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales. There are already many instances of service and asset transfer to community and town councils whilst Principal Councils continue to raise the level of Council Tax to offset reductions in the level of revenue support from the Welsh Government. This is resulting in a doubling of the charge on the Council Tax payer coupled with a diminution in the level of service that is being delivered. The Welsh Government should therefore include in its proposals a provision whereby Community and Town Councils receive the same level of Revenue Support Grant from the Welsh Government as Principal Councils for the provision of services which are delivered under powers that are held concurrently with Principal Councils.

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

Cwmllynfell Community Council is of the view that the proposals for Community Area Committee would create an unnecessary new layer of bureaucracy and introduce even more complexity into the local government system for local electors. If they are however created it is essential that every community council has its own seat on the area committee.

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

Cwmllynfell Community Council is not in favour of the establishment of such bodies, a view that is held generally amongst member Councils of One Voice Wales.

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

It is understood that One Voice Wales members have raised concerns about

the introduction of section 77 – filming, photography and sound recording of meetings – at each of the two Welsh Government consultation events at the beginning of February 2016 with specific concerns in relation to issues relating to the Data Protection Act and that information could be used inappropriately to peoples detriment, including the potential of cyber bullying. Cwmllynfell Community Council is currently engaged in attracting Youth Representatives to attend and participate in meetings on a non-voting basis and therefore shares the concerns that have been expressed by others.

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

As indicated in the response to 3.7 above Cwmllynfell Community Council is currently inviting applications from Youth representatives who wish to attend and participate at meetings of the Council in a non-voting capacity.

#### **PART 4**

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

Cwmllynfell Community Council is opposed to the provisions which require Principal Councils to consider if there are matters on which it should be compulsory for Community Councillors to complete appropriate training. It is essential that the autonomy of Community and Town Councils is maintained and as such the Council is opposed to the notion that the Principal Councils oversee the manner in which Community and Town Councils conduct their business. The exception of course is the role that is carried out by the Monitoring Officer which the Council acknowledges is necessary in maintaining the ethical framework.

Review of Community Council Arrangements – Cwmllynfell Community Council is wholly opposed to the enforced amalgamation of smaller councils, resulting in more remote community representation and cohesion. The Council is however not opposed to groups of adjacent councils being encouraged to work together in clusters in order to accommodate economies and efficiencies of scale. The Council is firmly of the opinion that established communities must continue to form the "building blocks" that form Community and Town Councils and as such that there should not be a merger of councils merely in order to form larger Councils. There is however scope for boundary reviews as there are many examples in Wales of communities that are divided by an artificial boundary both at Community Council and Principal Authority level. An adjustment of such boundaries away from valley floors to the watershed of hills and mountains would improve community identity and governance.

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

Cwmllynfell Community Council is aware of and supportive of the fact that the IRPW is already engaging closely with One Voice Wales and its member councils on matters affecting the local councils sector and amending allowances and introducing new allowances inline with Unitary Authority members for community and town councillors to take account of increased and increasing workloads and responsibilities.

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

Cwmllynfell Community Council is of the view that the provisions relating to remote attendance are irrelevant for small Community Councils and would detract from the debate and exchanges that can be achieved at a conventional meeting.

## **PART 6**

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

Review of Community Council Arrangements – Cwmllynfell Community Council is totally opposed to the enforced amalgamation of smaller councils or the inappropriate fragmentation of smaller councils which would result in more remote community representation. The Council would not however be opposed to reasonable boundary changes especially where communities are divided by inappropriate boundaries. There are numerous examples in Wales of communities that are divided by such artificial boundaries both at Community Council and Principal Authority level. An adjustment of such boundaries away from valley floors to the watershed of hills and mountains would improve community identity and governance. The Council is also of the view that groups of adjacent councils should be encouraged to work together in order to deliver economies and efficiencies of scale.

Community Council Precept: Cwmllynfell Community Council welcomes the fact that this will be dealt with on a longer time basis. The Welsh Government should however establish arrangements for the development of resources to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged. Currently there is a trend of service and asset transfer from Principal Councils to community and town councils. Nevertheless, Principal Councils continue to raise the level of Council Tax to offset reductions in the levels of revenue and capital support from the Welsh Government which is resulting in a doubling of the charge on the Council Tax payer coupled with a diminution in the level of service that is being delivered

by Principal Councils. The Welsh Government should therefore include in its proposals a provision whereby Community and Town Councils receive the same level of financial settlement from the Welsh Government as Principal Councils in respect of services and schemes which are delivered under powers that are held concurrently with Principal Councils.

Transition arrangements: Cwmlllynfell Community Council urges the Welsh Government to place local councils on an equal footing with Unitary Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets and the delegation of services from the new county councils. Such transition arrangements should permit the earmarking of balances and reserves of existing councils for future allocation and spending in the relevant area of the new common council (i.e. the area of the former community or town council where the balances or reserves were accumulated) in order to prevent the appropriation of the funds unfairly by the new common council.

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

Cwmlllynfell Community Council is opposed to the proposal for the Boundary Commission to submit draft reports to Shadow Authorities from May 2019. This would place a limited timeframe for the completion of a critical exercise for the future of local democracy. The Boundary Commission must not be rushed to complete its work programme without full consideration and consultation as this could result in unintended consequences. The Welsh Government must explain its reasoning for merging local councils as it has already demonstrated inconsistencies in this matter by suggesting a minimum turnover in its White Paper, which was a notion that the Welsh Government had to abandon.

It is imperative that the merging of councils does not result in a significant reduction in the number of local councillors as this would undermine democracy and limit the ability of the sector to act on behalf of its electorates.

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

The Boundary Commission should hold this responsibility to avoid the possibility of Ministers or local authorities attempting to use this power to unduly influence outcomes of such reviews. However, the development of robust transition arrangements for community and town councils must ensue so that due consideration is given to local geography, demographics, and the Welsh Language in order to overcome any perceived lack of knowledge on the part of the Local Government Democracy and Boundary Commission.

Regrettably, the Commission has demonstrated such lack of knowledge previously in 2009 when Draft Proposals for the Review of Electoral Arrangements for the County Borough of Neath Port Talbot revealed major flaws. Subsequently, the Welsh Government made reforms to the structure and functions of the Commission

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

Cwmllynfell Community Council is opposed to Unitary Authorities determining compulsory training and believes this should be a matter for the sector itself to determine in collaboration with its representative body One Voice Wales.

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

Cwmllynfell Community Council does not object to the proposed transitional arrangements for a six year term between 2017 and 2023.

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

Cwmllynfell Community Council is of the view that community and town councils can determine their own training regime and should not be directed in such matters by county councils. The representative body of community and town councils, One Voice Wales is ideally placed to support and monitor such developments with appropriate support from Welsh Government.

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

Cwmllynfell Community Council accepts the premise of a performance management framework as a matter of good employment practice but the resources dedicated to the matter must be proportional to the needs and appropriate for the requirements of individual councils.

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

Cwmllynfell Community Council is of the view that the legislation relating to community polls should be retained and that a system of e-petitions should also be implemented so that both options are available and able to be selected according to the individual requirements and nature of the subject

matter.

## **PART 7**

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

Cwmllynfell Community Council supports the creation of the Staff Commission with appropriate representation thereon by the local council sector.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -162 : Lowri Edwards**

**Tref / Town : N/A**

**Sefydliad / Organisation : Ceredigion County Council**

Annwyl Syr / Fadam

Bil Llywodraeth Leol (Cymru) Drafft

Amgaeaf ymateb Cyngor Sir Ceredigion i'r Ymgynghoriad Bil Llywodraeth Leol (Cymru) Drafft. Diolch am roi'r cyfle inni ymateb ac i gyfrannu at drafodaethau pellach.

Os oes gennych chi unrhyw gwestiynau ynghylch yr ymateb, cysylltwch â Lowri Edwards gan ddefnyddio'r manylion cyswllt uchod.

Dear Sir / Madam

Draft Local Government (Wales) Bill

Please find enclosed Ceredigion County Council's submission to the Draft Local Government (Wales) Bill Consultation. Many thanks for giving us the opportunity to respond and to inform future discussion.

If you have any queries in relation to the response, please contact Lowri Edwards using the contact details above.

Yn gywir / Yours sincerely

Y Cynghorydd / Councillor Ellen ap Gwynn

Arweinydd y Cyngor / Leader of the Council  
Miss Bronwen Morgan  
Prif Weithredwr / Chief Executive  
Amg. / Enc.  
Dyddiad Date  
15/02/2016  
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Ymgynghoriad ar y Bil drafft Llywodraeth Leol (Cymru)  
Ffurflen ymateb i'r ymgynghoriad  
Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r  
ymatebion i'r ddogfen hon. Fel arfer, cyhoeddir enw a chyfeiriad  
(neu ran o gyfeiriad) yr awdur yn ogystal â'r ymateb, am fod  
hynny'n rhoi hygrededd i'r ymarfer ymgynghori.  
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Cwestiynau Ymgynghori  
Dylai'r cwestiynau hyn gael eu darllen ar y cyd â'r Bil Drafft, y  
Memorandwm Esboniadol Drafft a'r Asesiad Effaith Rheoleiddiol  
Drafft  
RHAN 1  
Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r  
darpariaethau yn Rhan 1 o'r Bil Drafft?

Mae Cyngor Sir Ceredigion ynghyd ag awdurdodau lleol eraill a Chymdeithas Llywodraeth Leol Cymru (CLILC) wedi cydnabod ers amser yr angen i ddiwygio gwasanaethau cyhoeddus. Fodd bynnag, nid yw Cyngor Sir Ceredigion yn credu bod achos wedi cael ei wneud dros ad-drefnu llywodraeth leol. Yr hyn sydd ei angen arnom yw integreiddio gwasanaethau yn well yn gyffredinol. Mae dogfennau ategol y Bil Drafft yn amlinellu'r rhesymeg ar gyfer penderfynu ar y map arfaethedig o 8 neu 9 awdurdod. Fodd bynnag, nid yw'r rhesymeg wedi cael ei chymhwysu'n gyson ar draws pob un o'r cynghorau sir newydd arfaethedig, yn benodol felly o ran graddfa a chydffinio â'r Byrddau Iechyd Lleol, sef un o'r meini prawf allweddol yn wreiddiol a lywiodd gynigion cyntaf Comisiwn Williams a Llywodraeth Cymru ar gyfer 12 awdurdod. Nid yw'n glir, 1

er enghraifft, pam mae'r map o 9 opsiwn yn cynnig awdurdodau gydag ystod poblogaeth rhwng 192,000 i 580,000. Yn yr un modd, os yw'r mater o gydffinio â ffiniau'r Byrddau Iechyd Lleol yn gallu cael ei ymlacio mewn un cyngor arfaethedig, pam na ellir ei ymlacio mewn cynghorau eraill, a allai olygu ardaloedd cyngor arfaethedig mwy perthnasol yn cael eu cynnig. Ers sefydlu Comisiwn Williams, yr un fu safle CLILC, sef y dylai pob gwasanaeth cyhoeddus gael ei ddiwygio ac y gallai dull gweithredu mwy cyfannol at alinio strwythurol arwain nid yn unig at gysondeb a chyffinioldeb gwell, ond hefyd graddfa ddaearyddol fwy priodol o wasanaethau cyhoeddus. Mae Cyngor Sir Ceredigion yn cefnogi barn CLILC.

Mae'r Asesiad Effaith Rheoleiddiol yn rhoi dadansoddiad cost a budd oedd yn absennol i raddau helaeth yng nghynigion Comisiwn Williams a chynigion blaenorol Llywodraeth Cymru. Ymddengys fod y dadansoddiad cost a budd yn darparu asesiad realistig ar y cyfan o'r costau a'r buddiannau posibl, ac mae'n cyd-fynd (mewn rhannau) â dadansoddiad CIPFA a gomisiynwyd gan CLILC. Fodd bynnag, mae'r dadansoddiad ariannol yn canolbwyntio mewn mannau ar yr amcangyfrifon cost mwy ceidwadol, pen isaf (fel effaith cysoni cyflogau), mae'n tanamcangyfrif costau tebygol dileu swyddi ac yn hollbwysig, nid yw'n cynnwys effaith cysoni'r dreth gyngor (gweler Cwestiwn 1.12 isod). Mae'r dadansoddiad cost a budd hefyd wedi'i seilio yn anochel ar gyflogaeth a gwariant hanesyddol mewn hinsawdd o gynt ariannol; erbyn 2019-2020 pan ddisgwylir i'r diwygiadau ddigwydd, bydd cyfran sylweddol o'r arbedion arfaethedig (rhesymoli uwch reolwyr a chefn swyddfa yn bennaf) wedi cael eu gwireddu eisoes, felly mae enillion ar

fuddsoddiad arfaethedig yr ad-drefnu yn debygol o fod yn llawer is a thros gyfnod hwy.

Nid yw cysoni'r dreth gyngor wedi cael ei ystyried yn ddigonol ychwaith fel rhan o'r Bil Drafft na'r Asesiad Effaith Rheoleiddiol. Mae cysoni'r dreth gyngor yn gydran arwyddocaol ac yn risg bosibl i unrhyw gynigion diwygio nid yn unig o ran yr incwm posibl a gollir ac anwadalrwydd ariannol, ond hefyd o ran cael y cyhoedd i dderbyn y diwygiadau arfaethedig. Felly mae'n hollbwysig bod Llywodraeth Cymru yn ystyried y goblygiadau hyn ar frys.

Byddai uno'r awdurdodau lleol fel yr amlinellir yn y Bil Drafft yn cael effeithiau canlyniadol ar awdurdodau eraill, fel yr Awdurdodau Tân ac Achub. Mae'r Bil Drafft yn sefydlu cynghorau newydd ac yn diddymu'r hen gynghorau ar 1 Ebrill 2020, fodd bynnag, bydd hyn yn cael effeithiau canlyniadol ar Orchmynion Cyfuno'r Awdurdodau Tân ac Achub, lle mae'r cyfansoddiad, aelodaeth, gweithrediad a chyllid statudol, ymysg pethau eraill, wedi'u rhagnodi mewn is-ddeddfwriaeth trwy gyfeirio at strwythur presennol yr awdurdod lleol. Ni fyddai Adran 17 yn ddigonol i gwmpasu'r newidiadau sy'n ofynnol i'r Gorchymyn Cyfuno gan ei fod yn cyfeirio'n benodol at drosglwyddo swyddogaethau y gellir eu hymarfer gan ac mewn perthynas ag awdurdodau lleol. Fel endid cyfreithiol ar wahân, mae swyddogaethau yn ymwneud â darparu Gwasanaeth Tân ac Achub yn cael eu rhoi i'r Awdurdod Tân ac Achub trwy ddeddfwriaeth sylfaenol ac is-ddeddfwriaeth ar wahân, ac ni chânt eu rhoi i'r awdurdod lleol.

Yn yr un modd, mae Adran 18 o Bennod 3 o Ran 1 yn cyfeirio at 2 ddarpariaethau trosiannol yn Atodlen 4; mae Atodlen 4 paragraff 3 yn dileu'r gofyniad i'r Gweinidog gynnal ymchwiliad cyhoeddus o dan Ddeddf Gwasanaethau Tân ac Achub 2004 o ganlyniad i'r newidiadau sy'n cael eu gwneud i ffiniau llywodraeth leol. Nid yw'n glir a yw'r diwygiad arfaethedig hwn yn bodloni'n ddigonol y sefyllfaoedd penodol a amlinellir yn Adran 4 o Ddeddf Gwasanaethau Tân ac Achub 2004 (adrannau 4(6) a (7)) sy'n pennu pryd na fydd angen cynnal ymchwiliad cyhoeddus.

Cwestiwn 1.2: Beth yw eich barn ar yr opsiynau ar gyfer cael 2 neu 3 Sir yn y Gogledd, fel y nodwyd yn Atodlen 1 i'r Bil Drafft?

Amherthnasol.

Cwestiwn 1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd Llywodraeth Leol yng Nghymru?

Mae Cyngor Sir Ceredigion eisoes wedi mynegi ei wrthwynebiad i'r ad-drefnu ac uno â Chyngor Sir Caerfyrddin a Chyngor Sir Penfro ar y sail y byddai'r ardal yn rhy fawr ac felly'n rhy bell o gymunedau a heb fod lleol. Mae gwahaniaethau diwylliannol rhwng y gwahanol

ardaloedd ac mae'r ffocws economaidd yn wahanol - gyda Cheredigion yn gweithio gyda Phowys fel rhan o'r fenter Tyfu Canolbarth Cymru, a Chyngor Sir Caerfyrddin a Chyngor Sir Penfro fel rhan o Ranbarth Dinas Bae Abertawe (cyfeiriwch at ein hymateb blaenorol i'r ymgynghoriad).

Dylai Llywodraeth Cymru fod yn canolbwyntio ar gynnal democratiaeth leol sy'n gydlynol ac yn hygyrch i gymunedau. Nid yw'r achos y byddai ad-drefnu yn arwain at fwy o gymryd rhan mewn democratiaeth a phrosesau gwneud penderfyniadau mwy agored a thryloyw wedi cael ei wneud; yn wir, mae'n debygol o gael yr effaith groes i hynny.

Cyfeiriwch hefyd at yr ymateb i Gwestiwn 1.1

Cwestiwn 1.4: A oes angen i Weinidogion Cymru geisio unrhyw bwerau pellach i gefnogi'r gwaith o integreiddio Bwrdd Iechyd Powys a Chyngor Sir Powys?

- Amherthnasol

Cwestiwn 1.5: Beth yw eich barn ar y weithdrefn ar gyfer enwi'r Siroedd newydd?

Dylid cadw hunaniaethau presennol y Cynghorau ac maent yn hollol dderbyniol. Byddai newidiadau pellach yn creu dryswch o ran hunaniaeth a materion fel cronfeydd data.

Cwestiwn 1.6: Beth yw eich barn ar y newidiadau arfaethedig i amserlen etholiadau Llywodraeth Leol?

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Nid oes angen ad-drefnu llywodraeth leol felly ni ddylai fod unrhyw newidiadau i'r amserlen etholiadau.

Cwestiwn 1.7: A oes gennych unrhyw sylwadau cyffredinol am y darpariaethau yn adran 16 ac Atodlen 3 y Bil Drafft sy'n ymwneud â chyllid Llywodraeth Leol?

Fel y cyfeirir ato uchod, nid yw cysoni'r dreth gyngor ac effeithiau hyn wedi cael eu hystyried yn ddigonol fel rhan o'r Bil Drafft na'r Aseiad Effaith Rheoleiddiol. Mae cysoni'r dreth gyngor yn gydran arwyddocaol ac yn risg bosibl i'r cynigion diwygio nid yn unig o ran y posibilrwydd o golli incwm ac anwadalrwydd ariannol, ond hefyd o ran cael y cyhoedd i dderbyn y diwygiadau arfaethedig. Felly mae'n hollbwysig bod Llywodraeth Cymru yn ystyried y goblygiadau ar frys ac yn cynllunio ar gyfer y cyfnod pontio yn gynnar yn y broses, gan lunio amserlen glir, os yw'r uno yn mynd rhagddo.

Cwestiwn 1.8: Sut y gallai Llywodraeth Cymru fesur y nifer sy'n osgoi talu Ardrethi Annomestig ar hyn o bryd?

Cyfeiriwch at ymateb CLILC.

Cwestiwn 1.9: A oes gennych unrhyw sylwadau neu awgrymiadau ynghylch sut y gallai deddfwriaeth yn y dyfodol helpu i leihau'r nifer sy'n osgoi talu Ardrethi Annomestig?

Cyfeiriwch at ymateb CLILC.

Cwestiwn 1.10: Ym mha ffyrdd eraill y gallai Llywodraeth Cymru alluogi Llywodraeth Leol i leihau'r nifer sy'n osgoi talu ac sy'n twyllo'r system Ardrethu Annomestig?

Cyfeiriwch at ymateb CLILC.

Cwestiwn 1.11: A ydych chi'n cytuno y dylid diddymu'r siroedd wedi eu cadw a gwneud diwygiadau canlyniadol er mwyn penodi arglwydd raglawiaid ac uchel siryfion mewn perthynas â'r siroedd fydd yn bodoli ar ôl 1 Ebrill 2020?

Os yw'r uno yn mynd rhagddo ni fyddai hyn yn effeithio ar Gyngor Sir Ceredigion oherwydd mae'r Arglwydd Raglaw a'r Uchel Siryf yn gwasanaethu hen 'ardal Dyfed'.

Cwestiwn 1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?

Arfarnu'r opsiynau - Mae pob un o'r opsiynau ar gyfer diwygio yn cael eu cyflwyno fel pe baent yn annibynnol ar ei gilydd ac y gellir eu cyflawni ar ôl 4

bron degawd o gynt ariannol. Mae Opsiwn 1 i'w weld wedi'i seilio ar y dybiaeth na chaiff unrhyw arbedion eu gwneud yn y dyfodol er gwaetha'r ffaith bod cyni ariannol parhaus yn golygu bod cost yn cael ei chymryd o gyllidebau, yn enwedig ym meysydd cymorth corfforaethol a nodir yn adolygiad KPMG a'r gwaith a gomisiynwyd ar gostau a manteision ad-drefnu. Er enghraifft, roedd astudiaeth KPMG wedi nodi £33m allan o'r £151m oedd wedi'i gynllunio [bydd gan yr awdurdodau lleol eu hamcangyfrifon o arbedion eu hunain yn eu cynlluniau ariannol tymor canolig]. O 2012/13 i 2019, bydd Cyngor Sir Ceredigion wedi cymryd £50m allan o'i gyllideb sylfaenol. Mae hyn yn doriad o 39% yn y gyllideb sylfaenol dros y cyfnod hwnnw.

Costau dileu swyddi - Mae'r Asesiad Effaith Rheoleiddiol yn seilio amcangyfrifon ar y gwaith a wnaed gan KPMG yn ystod yr Adolygiad o Wasanaethau Gweinyddol. O dan y cynigion presennol amcangyfrifir bod cost dileu swyddi rhwng £16k a £21k ar gyfer 'staff gweinyddol'. Nid yw'n glir pa dybiaethau sy'n cael eu gwneud ar gyfer straen pensiwn ac mae'r Asesiad Effaith Rheoleiddiol (td 46) yn cydnabod bod angen gwneud gwaith actiwaraid pellach, a byddem yn cefnogi hyn. Fodd bynnag, mae'r dybiaeth fod gan bob gweithiwr 10 mlynedd o wasanaeth yn tanddatgan yr hyd gwasanaeth sydd gan y rhan fwyaf o bobl mewn swyddi cymorth corfforaethol. Yn ôl gwaith CIPFA mae hyn yn 15-

20 mlynedd. Costau dileu swyddi Cyngor Sir Ceredigion o 2012/13 hyd yma yw £3.3m.

Cysoni cyflogau - Mae CLILC yn nodi bod y Gweinidog '...wedi ymrwymo i sicrhau y caiff telerau ac amodau staff Awdurdodau Lleol eu hamddiffyn fel na fydd unrhyw un dan anfantais oherwydd eu bod yn cael eu trosglwyddo i Awdurdod

newydd' (td 1 o'r ddogfen ymgynghori). Bydd gan yr ymagwedd sy'n cael ei mabwysiadu yn y pen draw ar gysoni cyflogau, yn yr un modd â chysoni'r dreth gyngor, oblygiadau arwyddocaol ar gyfer costau a chynllunio ariannol yn y dyfodol. Mae'r Aseiad Effaith Rheoleiddiol (td 49) yn defnyddio'r amcangyfrifiad isaf o astudiaeth CIPFA gan nodi y gellir bod yn gost-niwtral os yw'r awdurdodau sydd newydd eu ffurfio yn 'cydgyfeirio at gyfartaledd wedi'i bwysoli'. Amcangyfrifiad isaf CIPFA ar gyfer cysoni cyflogau yw £27m ond yr amcangyfrifiad pen uchaf yw £8.1m Mae Cyngor Sir Ceredigion yn cefnogi barn CLILC. Byddai cysoni cyflogau yn cynyddu costau Ceredigion yn sylweddol fel un o'r Awdurdodau â'r cyflogau isaf.

Cysoni'r dreth gyngor - Fel y nodwyd uchod, mae'r ymagwedd at gysoni'r dreth gyngor yn bwnc allweddol ac yn risg sylweddol i'r rhaglen uno arfaethedig a dylid ei ystyried fel mater o flaenoriaeth. Bydd rhaid rhoi rhyw sicrwydd i dalwyr y dreth gyngor ynghylch cyfeiriad biliau'r dreth gyngor yn y dyfodol yn yr awdurdodau unedig, a bydd rhaid i ymarferwyr ystyried unrhyw gyfyngiadau ar y dreth gyngor yn y dyfodol er mwyn gwneud amcangyfrifon rhesymol o'r incwm a gollir at ddibenion cynllunio ariannol. Yr achosion cyfyngu yw i lefelau'r dreth gyngor 'lefelu i fyny' neu 'lefelu i lawr'. Rhwng y ddau opsiwn yma mae'r opsiwn y cyfeirir ato o dan gysoni cyflogau lle y ceir cydgyfeirio at gyfartaledd wedi'i bwysoli. Mae astudiaeth CIPFA yn amcangyfrif colli incwm blyneddol o £56.9m a fyddai ar yr un pryd wedi 5 cyfeirio at opsiwn 3a sef cael 12 awdurdod. Seilir hyn ar y senario 'lefelu i fyny' lle mae'r dreth gyngor uchaf yn cael ei dal yn gyson ac mae'r eraill yn dal i fyny. Pa bynnag ymagwedd sy'n cael ei mabwysiadu, rhaid cael cydbwysedd o ran effaith ar dalwyr y dreth gyngor a'r incwm sy'n cael ei gollu.

Ceir mater cyfreithiol heb ei benderfynu a hollol ar wahân, sef a oes modd i'r cynghorau treth gwahaniaethol gydfodoli o fewn awdurdod newydd yn ystod cyfnod trosiannol o gysoni. Hyd yn oed os yw'r darpariaethau deddfwriaethol presennol yn ddigon cryf i gefnogi hyn, mae'n debygol bod modd herio hyn yn y llysoedd o safbwynt talwr y dreth gyngor.

## RHAN 2

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 2 o'r Bil Drafft?

Mae Cyngor Sir Ceredigion yn croesawu'r cynnig i gyflwyno'r pŵer cymhwysedd cyffredinol. Mae CLILC, gyda chefnogaeth yr Awdurdodau Lleol, wedi bod yn galw ers amser am bŵer cymhwysedd cyffredinol a chroesewir ei gynnwys yn y Papur Gwyn.

Cwestiwn 2.2: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â Chynghorau Cymuned â chymhwysedd?

Nid yw hwn yn fater i'r Cynghorau oherwydd mae Cynghorau Cymuned yn gyrrff statudol ynddynt eu hunain.

## RHAN 3

Cwestiwn 3.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 3 o'r Bil Drafft?

Mae Rhan 3 o'r Bil Drafft yn ceisio hybu mynediad i lywodraeth leol drwy roi dyletswyddau ar gynghorau i hyrwyddo mynediad i lywodraeth leol a chyfranogiad y cyhoedd mewn llywodraeth leol. Mae Cyngor Sir Ceredigion yn cefnogi egwyddorion sylfaenol ac uchelgeisiau Llywodraeth Cymru; mae cynghorau yn mynd ati i geisio ymgysylltu â chymunedau a hyrwyddo ymgysylltiad democrataidd a chyfranogol.

Mae Cyngor Sir Ceredigion wedi mabwysiadu'r egwyddorion a ddatblygwyd yn genedlaethol o ymgysylltu â'r cyhoedd. Mae'n darlledu cyfarfodydd y Cyngor, mae ganddo Gyngor Ieuenctid a Fforwm 50+ ac mae'n ymgynghori ac yn ymgysylltu'n helaeth ar gynigion i'r gyllideb a chynllunio gwasanaeth. Mae'r Cyngor hefyd wedi ymgysylltu â chymunedau ar flaenoriaethau lleol ynghylch cyflenwi gwasanaethau neu ddarparu asedau a all arwain at fodolau cyflenwi amgen neu drosglwyddo asedau cymunedol.

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Er bod Cyngor Sir Ceredigion yn cefnogi'r egwyddorion a'r uchelgais sylfaenol, bydd nifer o'r dyletswyddau newydd arfaethedig yn creu baich ychwanegol ar awdurdodau a fydd yn gofyn am fuddsoddiad ychwanegol mewn capasiti gweinyddol a 'chefn-swyddfa' yn ystod cyfnod o gyfeirio adnoddau at wasanaethau rheng-flaen. Mae rhai o'r cynigion yn anymarferol ac felly rhaid cwestiynu eu heffeithiolrwydd a'u heffaith debygol. Er enghraifft, bydd podledu pob cyfarfod yn gofyn am adnoddau ychwanegol er mwyn ei weithredu mewn modd cynaliadwy.

Mae Cyngor Sir Ceredigion hefyd yn nodi bod rhai o'r darpariaethau yn Rhan 3 ac mewn manau eraill yn y Bil Drafft yn gymwys i lywodraeth leol yn unig. Mae CLILC yn nodi, er

enghraifft, nad yw'r disgwyliadau a'r dyletswyddau podledu yn gymwys i gyfarfodydd y Bwrdd Iechyd Lleol na Chyrff a Noddir gan Lywodraeth Cymru. Mae arweinwyr awdurdod lleol yn credu y dylai fod cysondeb o ran disgwyliadau a phrosesau llywodraethu da ar draws yr holl wasanaethau cyhoeddus a lefelau llywodraeth; dylai Llywodraeth Cymru a'r Cynulliad Cenedlaethol ddangos arweinyddiaeth ac arwain drwy esiampl, yn enwedig pan fyddant yn ceisio deddfu er mwyn i eraill ddilyn.

Cwestiwn 3.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ynghylch cyfranogiad y cyhoedd a'r gofyniad i ymgynghori ar y gyllideb flynyddol?

Fel y nodwyd uchod, mae Cyngor Sir Ceredigion yn cefnogi ysbryd uchelgeisiau Llywodraeth Cymru ac rydym wedi ymrwymo i hyrwyddo mynediad i lywodraeth leol. Felly nid yw'n glir pa welliannau y byddai 'dyletswydd cyfranogiad y cyhoedd' newydd ar awdurdodau lleol yn ei gyflawni, ar wahân i greu baich rheoleiddiol ychwanegol. Dylai dyletswydd o'r fath gael ei gwmpasu eisoes oherwydd byddai ymgysylltu â'r cyhoedd yn agwedd allweddol ar y ddyletswydd 'llywodraethu da' gyffredinol newydd arfaethedig a amlinellir yn Rhan 5 y Bil Drafft.

Mae cynghorau, gan gynnwys Cyngor Sir Ceredigion, eisoes yn ymgynghori ac yn ymgysylltu â chymunedau ar gynigion cyllideb, felly nid yw'n glir pa werth y byddai dyletswydd statudol newydd i gyflawni gweithgaredd o'r fath yn ei gael.

Mae Cyngor Sir Ceredigion yn gwrthwynebu'n gryf y Strategaeth Cyfranogiad y Cyhoedd statudol arfaethedig, yn arbennig y cynnig i roi cyfrifoldebau statudol i gynghorau gyflawni dyletswyddau dros neu ar ran 'awdurdodau cysylltiedig' ymreolaethol eraill, fel cynghorau cymuned, awdurdodau tân ac achub; bydd hyn yn sicr o greu goblygiadau o ran adnoddau i gynghorau ac yn cymylu atebolrwydd a chyfrifoldeb ar gyfer cyflawni unrhyw ddyletswyddau cyfranogiad y cyhoedd.

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Cwestiwn 3.3: Sut y dylid ceisio a dewis cynrychiolwyr cymunedol i fod ar bwyllgorau ardaloedd cymunedol?

Mewn ymateb i'r Papur Gwyn, cododd Cyngor Sir Ceredigion bryderon am eglurder a chymhlethdod y modelau arfaethedig gwreiddiol ac, yn hollbwysig, y berthynas â'r cynghorau cymuned a'r Byrddau Gwasanaethau Cyhoeddus.

Mae Cyngor Sir Ceredigion yn parhau heb ei ddarbwylllo ynghylch y cynigion ar gyfer Pwyllgorau Ardaloedd Cymunedol, ac mae angen cael trafodaethau pellach â Llywodraeth Cymru.

Cwestiwn 3.4: A ydych chi'n cytuno y dylai Cyngorau Sir allu dirprwyo swyddogaethau i bwyllgor ardal gymunedol? Os ydych, a oes unrhyw swyddogaethau y dylid neu na ddylid eu dirprwyo? Byddai Cyngor Sir Ceredigion yn cefnogi hyblygrwydd i ganiatáu i gynghorau ddirprwyo swyddogaethau i fodolau llywodraethu cymunedol mwy lleol pe byddai hynny'n fuddiol ac yn gwella cyflenwi gwasanaeth.

Cwestiwn 3.5: A oes gennych unrhyw farn ynghylch a oes angen rhoi trefniadau trosiannol ar waith ar gyfer pwyllgorau ardaloedd presennol, neu a yw cyfnod arweiniol da yn ddigonol? Nid oes gan Gyngor Sir Ceredigion bwyllgorau ardaloedd presennol.

Cwestiwn 3.6: A oes gennych unrhyw sylwadau am y darpariaethau diwygiedig ar gyfer 'ceisiadau ar gyfer gwella' neu ar y rhyngweithio rhwng y darpariaethau hyn a'r rheini sy'n ymwneud â'r ddyletswydd cyfranogiad y cyhoedd (Rhan 3, Pennod 2) a phwyllgorau ardaloedd cymunedol (Rhan 3, Pennod 3)?

Mae'r cynnig ar gyfer 'ceisiadau ar gyfer gwella' yn adeiladu ar uchelgeisiau 'cyngor gweithredol' Llywodraeth Cymru fel yr amlinellir yn y Papur Gwyn Grym i Bobl Leol. Roedd Cyngor Sir Ceredigion, yn unol â CLILC, yn gefnogol ar y cyfan o'r cysyniad hwn o 'weithredydd' oherwydd mae cynghorau yn ymgysylltu'n rhagweithiol (ac yn gynyddol) â chymunedau a phartneriaid i lunio a chyflenwi gwasanaethau. Mae nifer o gynghorau wedi arwain y ffordd o ran datblygu modelau cyflenwi amgen ar gyfer gwasanaethau.

Pan fydd cyllidebau'n caniatáu, mae Cyngor Sir Ceredigion eisoes yn cychwyn ac yn ymateb i 'geisiadau ar gyfer gwella' anffurfiol ar sail trafod parhaus o ran llunio a chyflenwi gwasanaeth drwy ymgynghori ac ymgysylltu'n ffurfiol â chymunedau ac adborth neu gwynion parhaus gan ddefnyddwyr a gwasanaethau.

Mae Cyngor Sir Ceredigion yn cefnogi CLILC gan adleisio'r pryderon hyn.

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Cwestiwn 3.7: A oes gennych sylwadau am unrhyw un o'n cynigion pellach sy'n ymwneud â mynediad i gyfarfodydd?

Mae Cyngor Sir Ceredigion yn cefnogi cyflwyno podledu ar draws awdurdodau, fodd bynnag, rhaid i'r baich gweinyddol ychwanegol a'r goblygiadau o ran adnoddau gael eu hystyried.

Bydd dyletswydd i ddarlledu pob cyfarfod cyhoeddus y cyngor (gan gynnwys y pwyllgorau ardaloedd cymunedol newydd arfaethedig) yn creu baich gweinyddol ychwanegol enfawr ar gynghorau a bydd gofyn am adnoddau ychwanegol sylweddol.

Cwestiwn 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?

Mae Cyngor Sir Ceredigion eisoes yn ymgysylltu'n weithgar â phlant a phobl ifanc ac yn hyrwyddo'r cysyniad o ddemocratiaeth a rôl y cyngor a chynghorwyr trwy gynghorau ysgol, cynghorau ieuencid a mentrau ymgysylltu a chyfranogiad yn ystod Wythnos Democratiaeth Leol. Mae dyletswydd statudol ar awdurdodau lleol eisoes trwy Ddeddf Plant 2004 i gael aelod etholedig arweiniol ar gyfer Plant a Phobl Ifanc, a rhan benodol o'r rôl honno yw ymgysylltu â phlant a phobl ifanc i geisio eu barn ar bolisïau sy'n effeithio arnynt. Felly nid yw'n glir pa fanteision a ddaw o gael dyletswydd statudol newydd.

#### RHAN 4

Cwestiwn 4.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 4 o'r Bil Drafft?

Mae Rhan 4 y Bil Drafft yn amlinellu swyddogaethau newydd arfaethedig y Cynghorau Sir a'u haelodau, gan gynnwys 'Dyletswyddau Perfformiad' i gynghorwyr.

Yn ei ymateb i ymgynghoriad y Papur Gwyn, dadleuodd CLILC y dylai unrhyw gynigion newydd sy'n effeithio ar dâl a safonau ymddygiad cynghorwyr gael eu cymhwyso'n gyson ar draws pob lefel o lywodraeth gynrychioliadol. Yn ogystal, mewn ymateb i ymgynghoriad diweddar Llywodraeth Cymru ar Gyfarwyddiadau Drafft i Gomisiwn Ffiniau a Democratiaeth Leol Cymru, bu galwad gan arweinwyr am gysondeb ar draws pob lefel o lywodraeth yng Nghymru ac adolygiad ehangach o bob lefel o lywodraethu. Mae hyn yn deillio o rwystredigaeth ehangach bod ymateb Llywodraeth Cymru i Gomisiwn Williams, a gynigiodd ddiwygio gwasanaethau cyhoeddus ar raddfa eang, wedi canolbwyntio ar ddiwygio strwythurol llywodraeth leol a dyletswyddau a safonau newydd sy'n gymwys i lywodraeth leol yn unig yn hytrach na phob gwasanaeth cyhoeddus. Mae Cyngor Sir Ceredigion yn cefnogi'r farn hon.

Fel y nodwyd yn flaenorol, mae arweinwyr awdurdod lleol yn credu y dylai fod cysondeb o ran disgwyliadau a phrosesau llywodraethu da ar draws pob 9

gwasanaeth cyhoeddus a lefel o lywodraeth; dylai Llywodraeth Cymru a'r Cynulliad Cenedlaethol ddangos arweinyddiaeth ac arwain drwy esiampl, yn enwedig pan fyddant yn ceisio deddfu er mwyn i eraill ddilyn.

Felly nid yw Cyngor Sir Ceredigion yn cefnogi'r 'Dyletswyddau Perfformiad' arfaethedig ar gynghorwyr oherwydd nid ydynt yn cydfynd â'r disgwyliadau a roddir ar Aelodau'r Cynulliad, er enghraifft,

Ile nad yw unrhyw 'ddyletswyddau perfformiad' neu safonau o'r fath yn eu lle, ac mae hefyd yn ymddangos eu bod yn seiliedig ar y ddealltwriaeth hen ffasiwn o rôl y cynghorydd lleol sy'n groes i'r cysyniad o weithredydd cymunedol a amlinellir mewn man arall yn y Bil Drafft. Yn yr un modd, mae islais difriol ymhlyg y drefn 'perfformiad' a safonau gormodol a rhagnodol i gynghorwyr yn groes i'r naratif ehangach o ymddiriedaeth rhwng llywodraeth ddatganoledig a lleol a gwell atebolrwydd lleol.

Mae'r rhestr o ddyletswyddau perfformiad yn y Bil Drafft, gan gynnwys presenoldeb gorfodol mewn cyfarfodydd a chynnal cymorthfeydd, yn cyflwyno dehongliad rhy syml o rôl 'ffurfiol' cynghorwyr yn y cyngor, tra bo nifer yn ystyried mai rôl fwyaf arwyddocaol a gwerthfawr cynghorwyr yw eu rôl fel arweinwyr cymunedol sy'n edrych tuag at allan yn eu cymunedau, gan hwyluso ymgysylltiad cymunedol â gwasanaethau cyhoeddus a darparu rôl eiriolaeth a chymorth i aelodau'r gymuned sydd ag anghenion arbennig.

Yn yr un modd, nid yw'r rhestr uchod yn cyfateb yn ddigonol i asesu 'perfformiad' cynghorydd, er enghraifft, gall cynghorydd fynychu pob cyfarfod o'r cyngor ac felly cael ei asesu fel un sy'n perfformio'n dda yn ôl y meini prawf uchod, ond efallai nad yw ef neu hi yn cyfrannu'n effeithiol neu o gwbl at y cyfarfodydd hynny. Er bod cymorthfeydd yn fforymau defnyddiol i nifer, mae cynghorwyr yn defnyddio dulliau amrywiol o ymgysylltu â'u cymunedau a bod ar gael i'w cymunedau, drwy gymorthfeydd stryd, y cyfryngau cymdeithasol a bod ar gael ac yn hawdd cysylltu â nhw 365 diwrnod y flwyddyn. Dylai pob cynghorydd fod yn rhydd i benderfynu ar yr ymagwedd orau iddyn nhw a beth sy'n gweddu orau mewn lleoliad trefol neu wledig - ni ddylai fod yn rhagnodol. O ran delio â gohebiaeth, dylid nodi er enghraifft bod y Bil Drafft yn awgrymu y byddai 14 diwrnod gan gynghorwyr i ymateb i ohebiaeth. Mae Gweinidogion Cymru yn cael 17 diwrnod gwaith i ymateb i ohebiaeth (yn ôl gwefan Llywodraeth Cymru). Ni ddylai fod unrhyw wahaniaeth mewn safonau. Felly mae'n bosibl y bydd angen cymorth 'etholaethol' neu weinyddol ychwanegol ar gynghorwyr na'r hyn sydd ar gael ar hyn o bryd.

Er gwaetha'r uchod, mae cyfuno 'dyletswyddau perfformiad' â'r drefn safonau bresennol yn broblematig oherwydd mae difrifoldeb cymharol tor-rheol yn amheus.

Mae'r cynigion fel y maent wedi'u drafftio yn peryglu cynhyrchu nifer sylweddol o gwynion blinderus a fydd yn effeithio ar enw da cynghorwyr a chynghorau ac yn creu llwyth gwaith ychwanegol i Swyddogion Monitro a Phwyllgorau Safonau.

Nodir o'r ddogfen ymgynghori bod Llywodraeth Cymru yn parhau i ystyried opsiynau ar gyfer adalw cynghorwyr. Mewn ymateb i'r Papur Gwyn pan gafodd hyn ei gynnig yn wreiddiol, nid oedd Cyngor Sir Ceredigion yn cefnogi'r cysyniad o'r hawl i adalw. Mae goblygiadau rhagnodol a phellgyrhaeddol y 'dyletswyddau perfformiad' arfaethedig yn ormodol gan nad ydym yn gweld problem gyffredinol â phresenoldeb neu 'berfformiad cynghorwyr'. Er nad yw presenoldeb rhai cynghorwyr unigol, er ei bod yn gyfreithlon (o dan delerau'r 'rheol 6 mis' (Adran 85 o Ddeddf Llywodraeth Leol 1972) yn foddhaol yn wyneb y disgwyliadau presennol sydd ar gynghorwyr, maent yn y lleiafrif ac nid yw diwygio ar raddfa eang gyda beichiau biwrocratiaeth canlyniadol yn ymateb cymesur.

Er mwyn rhoi sylw i'r pryderon am 'berfformiad' cynghorwyr, dylai Llywodraeth Cymru ystyried yn lle hynny effeithiolrwydd y 'rheol 6 mis' bresennol a rhoi'r grym i gynghorau osod a 'gorfodi' eu trefn safonau presenoldeb a/neu berfformiad eu hunain, fel sy'n digwydd yn y Cynulliad.

Mae'r Bil Drafft yn cynnig y dylai arweinwyr baratoi maniffesto cyn ceisio cael eu hethol fel arweinydd. Fodd bynnag, nid yw'n glir pam y dylai fod angen i arweinydd grŵp mwyafrifol a etholwyd ar fanifesto etholiadol lunio maniffesto arall hefyd cyn cael ei ethol fel arweinydd, proses sydd heb ei hefelychu yn y Cynulliad Cenedlaethol na'r Senedd.

Mae Cyngor Sir Ceredigion yn cytuno bod angen arweinyddiaeth ac atebolrwydd gwleidyddol clir ar gynghorau ac mae'n nodi bod y Bil Drafft yn cynnig bod arweinwyr yn cyhoeddi ac yn adrodd yn flynyddol ar amcanion 'gwleidyddol' ar gyfer y weithrediaeth. Fodd bynnag, mae'r Bil Drafft hefyd yn cynnig bod arweinwyr yn gosod ac yn adrodd ar wahân ar amcanion ar gyfer y Prif Weithredwr yn flynyddol, a bod y cyngor yn ei dro yn gosod ac yn adrodd ar strategaeth gorfforaethol ac amcanion corfforaethol blynyddol bob blwyddyn, yn ogystal ag amcanion llesiant ac amcanion llesiant Bwrdd Gwasanaethau Cyhoeddus ar y cyd. Bydd y dyblygu hwn yn creu beichiau biwrocraidd a rheoleiddiol ac ni fydd o lawer o werth i'r awdurdod neu o ran cyfrannu at well atebolrwydd, ymgysylltu neu ddealltwriaeth gyhoeddus. Felly mae angen ystyried y cynigion hyn ymhellach. Gweler yr ymateb i gwestiwn 5.1 isod.

Cwestiwn 4.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ar arweinwyr grwpiau gwleidyddol neu ar rolau monitro ac adrodd y Pwyllgor Safonau?

Mae Cyngor Sir Ceredigion yn cefnogi'r cynigion i gryfhau'r trefniadau sy'n hybu ac yn cefnogi safonau da.

Cwestiwn 4.3: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud ag Awdurdodau Lleol yn dirprwyo swyddogaethau? Mae Cyngor Sir Ceredigion yn cefnogi'r cynigion i ddiwygio rheoliadau ynghylch dirprwyo swyddogaethau ac yn edrych ymlaen at yr ymgynghoriad a

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ddaw ar y cynigion wrth iddynt gael eu datblygu.

Cwestiwn 4.4: A oes gennych unrhyw sylwadau am ein cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol i ystyried canllawiau wrth adolygu'r fframwaith cydnabyddiaeth ariannol ar gyfer Cynghorwyr?

Byddai Cyngor Sir Ceredigion yn gwrthwynebu'n gryf y cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol.

Bu pryderon eang yn y cyfnod diweddar ynghylch y dylanwad, boed yn wirioneddol neu'n ganfyddedig, y mae'r llythyr cylch gwaith Gweinidogol cyntaf erioed wedi'i chael ar benderfyniadau'r Panel yn ei Adroddiad Blynyddol Drafft 2016. Mae'r Panel wedi rhoi sicrwydd i CLILC ei fod yn parhau'n annibynnol a bod ei benderfyniadau yn seiliedig ar dystiolaeth ac ymgysylltu â rhanddeiliaid. Byddai pŵer Gweinidogol o'r fath yn tansellio hygredd annibyniaeth y Panel a byddai'n ddim llai na grŵp cynghori ar gyfer fframwaith tâl a osodwyd gan Weinidogion i gynghorwyr.

Cwestiwn 4.5: A ydych chi'n cytuno y dylai'r darpariaethau sy'n ymwneud â mynychu cyfarfodydd o bell yn Bil 2011 fod yn fwy hyblyg?

Mewn egwyddor, byddai Cyngor Sir Ceredigion yn cefnogi cynigion i wneud presenoldeb o bell yn fwy hyblyg. Roedd CLILC yn cefnogi amcanion y polisi gwreiddiol oedd yn sail i bresenoldeb o bell fel y'u cyflwynwyd yn Bil 2011, fodd bynnag, roedd CLILC a'r Gymdeithas Clercod Sir a Chyfreithwyr (ar y pryd) (Cyfreithwyr mewn Llywodraeth Leol bellach) wedi cynghori Llywodraeth Leol (a'r Cynulliad yn ystod craffu cyn-ddeddfwriaethol) fod y darpariaethau fel y'u cawsant eu drafftio yn rhy gyfyngol ac anymarferol.

Yn ogystal, tynnodd Cyngor Sir Ceredigion sylw Llywodraeth Cymru at y materion ymarferol y mae angen eu datrys fel cyfieithu, cworwm, eitemau esempt ac ati.

Cwestiwn 4.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Awdurdodau Cysgodol benodi Swyddogion Canlyniadau dros dro?

Amherthnasol oherwydd nid yw Cyngor Sir Ceredigion yn cefnogi ad-drefnu llywodraeth leol.

Cwestiwn 4.7: A oes gennych unrhyw sylwadau am fuddioldeb rhoi'r pŵer i Gynghorau ddileu swyddi'r Prif Weithredwr, y Prif Swyddog Cyllid, y Swyddog Monitro a'r Pennaeth Gwasanaethau Democraidd trwy bleidlais?

Yn ei ymateb i ymgynghoriad Llywodraeth Cymru ar Reoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2008 (Diwygio) 2013, mynegodd CLILC ei

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gefnogaeth i'r broses Person Annibynnol Dynodedig. Cefnogir hyn gan Gyngor Sir Ceredigion.

Mae rheoliadau wedi creu proses sydd yn aml yn rhy fiwrocraidd, sy'n cymryd llawer o amser ac yn gostus, yn dibynnu ar y math o bwnc sy'n cael ei ymchwilio. Barn Cymdeithas Llywodraeth Leol Cymru adeg dileu proses Person Annibynnol Dynodedig gan Lywodraeth y DU oedd:

"...er ein bod yn croesawu dileu'r gofyniad i ddilyn y broses statudol fiwocratig, credwn fod dewis arall symlach sydd dal yn cynnwys rôl ar gyfer trydydd parti annibynnol yn angenrheidiol er mwyn sicrhau bod y broses yn gyfreithiol gadarn, yn deg ac yn gwarchod buddiannau'r ddwy ochr."

Mae Cyngor Sir Ceredigion yn cefnogi cais CLILC ar gyfer penderfyniad gan Lywodraeth Cymru i adolygu'r broses statudol bresennol gyda'r nod o gael dewis arall symlach yn ei lle sydd dal yn cynnwys rôl ar gyfer trydydd parti annibynnol i sicrhau bod y broses yn gyfreithiol gadarn, yn deg ac yn gwarchod buddiannau'r ddwy ochr.

Cwestiwn 4.8: A oes gennych unrhyw sylwadau am ein cynigion i newid y fframwaith a ddefnyddir gan Gynghorau a'u

Gweithrediaeth i benderfynu sut i ddyrannu eu swyddogaethau?

Mae Cyngor Sir Ceredigion yn croesawu'r cynnig i ddiwygio fframwaith swyddogaethau'r cyngor. Mae deddfwriaeth llywodraeth leol olynol, yn enwedig ers Deddf Llywodraeth Leol 2000 a gyflwynodd drefniadau gweithrediaeth, wedi creu fframwaith cymhleth yn ymwneud â chyfrifoldebau ar gyfer cyflawni rhai o swyddogaethau, dyletswyddau neu bwerau'r cyngor.

Cwestiwn 4.9: A oes gennych unrhyw sylwadau am ein cynigion mewn perthynas â gwaredu a throsglwyddo asedau Awdurdodau Lleol?

Roedd Cyngor Sir Ceredigion yn gefnogol ar y cyfan o'r egwyddorion ynghylch trosglwyddo asedau cymunedol fel y'u hamlinellwyd yn y Papur Gwyn, ac mae nifer o awdurdodau eisoes yn cydweithio'n agos â chymunedau ynghylch trosglwyddo neu reoli asedau cymunedol. Croesawn y cynnig yn y ddogfen ymgynghori i wneud y broses trosglwyddo asedau cymunedol yn fwy cymesur ac edrychwn ymlaen at ystyried y manylion pan gânt eu cyhoeddi maes o law. Fodd bynnag bydd rhaglen fwy strategol a chydlynol o drosglwyddo asedau cymunedol yn creu goblygiadau o ran adnoddau i'r awdurdodau.

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## RHAN 5

Cwestiwn 5.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 5 o'r Bil Drafft?

Croesawodd Cyngor Sir Ceredigion gynigion y Papur Gwyn ar leihau rheoleiddio a hyrwyddo hunanasesu ac asesu gan gymheiriaid. Roedd CLILC, ar y cyd â llywodraeth leol, wedi datblygu rhaglen o hunanasesu ac asesu gan gymheiriaid sydd wedi cael ei drosi i raddau helaeth ar glawr y Bil Drafft.

Felly, yn gyffredinol, croesewir a rhennir yr egwyddorion sylfaenol yn ymwneud â hunanwella, hunanasesu a llywodraethu da gan lywodraeth leol. Er bod angen ymchwilio ymhellach i'r manylion a'r beichiau tebygol ynghylch rheoleiddio allanol, mae'n ymddangos ar glawr y Bil Drafft fod rheoleiddio allanol yn debygol o fod yn fwy amserol a chymesur na'r drefn bresennol (o dan Fesur Llywodraeth Leol (Cymru) 2009).

Mae'r cynigion yn ymwneud â chynllunio corfforaethol (Adran 112) yn adeiladu i raddau helaeth ar y prosesau y mae cynghorau eisoes yn eu dilyn, er eu bod yn rhagnodi rhestr o ddogfennau neu bolisiâu penodedig (neu gysylltiadau i ddogfennau o'r fath) a ddylai gael eu cynnwys mewn strategaeth gorfforaethol y cyngor.

Dylai'r cynigion cynllunio corfforaethol ac adrodd, fel y'u hamlinellir yn y Bil Drafft, gyfateb yn well â dyletswyddau newydd Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Mae'r cynigion cynllunio corfforaethol penodol (a'r cynigion gosod amcanion eraill mewn manau eraill yn y Bil Drafft) yn dyblygu'r dyletswyddau Llesiant newydd ac felly byddant yn cynyddu biwrocratiaeth fewnol ac ni fyddant yn gwneud llawer i helpu dealltwriaeth neu atebolrwydd cyhoeddus.

Pan gaiff y dyletswyddau gosod amcanion arfaethedig yn y Bil Drafft eu cyfuno â dyletswyddau newydd Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, bydd rhaid i gynghorau

osod bob blwyddyn (neu o leiaf cymryd rhan yn y broses o osod) ac adrodd ar chwe set o flaenoriaethau corfforaethol tebyg:

1. Rhaid i gynghorau osod ac adrodd ar 'Amcanion Llesiant' yn flynyddol (Adran 7 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015).
2. Rhaid i Fyrddau Gwasanaethau Cyhoeddus osod ac adrodd ar 'Amcanion Llesiant' yn flynyddol (Adran 39 o Ddeddf Llesiant a Chenedlaethau'r Dyfodol (Cymru) 2015).
3. Rhaid i arweinwyr osod ac adrodd yn flynyddol ar 'yr amcanion i'w cyflawni gan y Weithrediaeth' (Adran 99 o'r Bil Drafft).
4. Rhaid i arweinwyr osod ac adrodd yn flynyddol ar yr 'amcanion i'w cyflawni gan y prif weithredwr' (Adran 104 o'r Bil Drafft).
5. Bydd cynghorau yn gosod ac yn adrodd yn flynyddol ar flaenoriaethau cynlluniau corfforaethol (blaenoriaethau'r cyngor 14 mewn perthynas ag ymarfer ei swyddogaethau (gan gynnwys ei flaenoriaethau mewn perthynas â'i berfformiad yn y tymor byr, y tymor canolig a'r tymor hir) (Adran 112 o'r Bil Drafft).
6. Rhaid i (nifer) o Bwyllgorau Ardal Cymunedol Iunio 'datganiad o flaenoriaethau ac amcanion' blynyddol mewn perthynas ag ymarfer swyddogaethau'r cyngor yn ardal y pwyllgor (Adran 52 o'r Bil Drafft). Dylid nodi hefyd nad oes gan Bwyllgorau Ardal Cymunedol gyllidi i gyflenwi.

Nid yw'r ymagwedd hon yn ymarferol.

Mae'r Canllawiau Drafft sy'n ategu Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) yn datgan na ddylai cyrff cyhoeddus '....drin amcanion llesiant ar wahân i'r amcanion sy'n arwain ac yn llywio gweithredoedd a phenderfyniadau'r sefydliad...'. Felly nid yw'n glir pam mae'n rhaid cael dwy ddyletswydd statudol ar wahân i gynhyrchu yr un hyn sydd, yn ei hanfod, yr un set o flaenoriaethau. At hynny, er bod Cyngor Sir Ceredigion yn cefnogi'r egwyddorion yn ymwneud â 'llywodraethu da' fel y'u hamlinellir yn y Bil Drafft, mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn amlinellu'n fras fframwaith llywodraethu statudol ar gyfer pob corff cyhoeddus ynghylch cyflawni'r ddyletswydd datblygu cynaliadwy sy'n cynnwys: 'cymryd pob cam rhesymol (wrth ymarfer ei swyddogaethau) i gyflawni'r amcanion [llesiant] hynny' ac ystyried yr egwyddor datblygu cynaliadwy (Adran 5) sy'n cyfeirio'n fras at drefniadau llywodraeth ar ffurf: gwneud penderfyniadau hirdymor, integreiddio, cynnwys pobl eraill sydd â diddordeb, cydweithredu â phobl eraill ac atal.

Nid yw Dangosyddion Perfformiad Statudol i'w gweld ar glawr y Bil (yn wahanol i'r Bil 2009 a'i ragflaenodd), ond deallir y byddant efallai'n cael eu cynnwys yn y Bil terfynol. Ar y cam hwn, nid yw'n

glir beth fydd y berthynas rhwng unrhyw ddangosyddion perfformiad llywodraeth leol cenedlaethol newydd â'r Dangosyddion Llesiant Cenedlaethol newydd arfaethedig, nac ychwaith pam y mae unrhyw adolygiad llywodraeth leol yn cael ei gynnal ar wahân i'r ymgynghoriad ehangach ar y Dangosyddion Llesiant Cenedlaethol, y mae nifer ohonynt yn cwmpasu perfformiad llywodraeth leol.

Er bod y pwerau Gweinidogol o ymyrraeth a chymorth yn debyg i'r pwerau presennol (o dan Bil Llywodraeth Leol (Cymru) 2009), nid oes unrhyw feini prawf (megis tystiolaeth y gellid ei hystyried) cyn ysgogi ymyrraeth.

Nid yw Cyngor Sir Ceredigion yn credu bod angen creu porthol newydd i gynghorau gyhoeddi data a dogfennau allweddol oherwydd mae un eisoes yn bodoli ar ffurf Fy Nghyngor Lleol <http://mylocalcouncil.info/>. Mae hyn yn cynnwys gwybodaeth cymharu perfformiad (ar draws awdurdodau ac amser) o ddangosyddion statudol a chenedlaethol, crynodebau lleol o Arolwg Cenedlaethol Cymru, cysylltiadau â chynlluniau gwella statudol cynghorau, amcanion ac adroddiadau perfformiad yn ogystal â chysylltiadau ag adroddiadau arolygu neu reoleiddio allanol. Mae Fy Nghyngor Lleol hefyd yn

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cynnwys ffurflen gyswllt os yw aelodau o'r cyhoedd am gyfeirio unrhyw ymholiadau perfformiad at y cyngor.

Cwestiwn 5.2: A oes gennych unrhyw sylwadau am ein cynnig i'w gwneud yn ofynnol i Awdurdodau Lleol ymgymryd â dyletswydd trefniadau llywodraethu?

Mae Cyngor Sir Ceredigion yn croesawu'n gyffredinol y ddyletswydd trefniadau llywodraethu arfaethedig, ond mae angen cyfatebiaeth well â dyletswyddau 'llywodraethu' egwyddor datblygu cynaliadwy statudol Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (gweler isod).

Cwestiwn 5.3: A oes gennych unrhyw sylwadau am y dull gweithredu enghreifftiol tuag at asesiad gan gymheiriaid a nodir yn Atodiad A?

Mae Cyngor Sir Ceredigion yn croesawu cydnabyddiaeth Llywodraeth Cymru o werth adolygu gan gymheiriaid ac yn cytuno y dylai barhau i fod yn gydran allweddol o drefn wella yn y dyfodol. Mae'r Cyngor yn cefnogi'r sylwadau a wnaed gan CLILC yn ei ymateb i'r Papur Gwyn, gan ddatgan y dylai adolygu gan gymheiriaid barhau i fod yn fodel o dan arweiniad y sector, a berchenogir gan y sector ac a gomisiynir gan y sector, ac ni ddylid deddfu ar ei gyfer. Dyma'r model sy'n gymwys yn Lloegr. Felly nid

yw Cyngor Sir Ceredigion yn cytuno y dylai fod gofyniad deddfwriaethol ar gyfer adolygiadau gan gymheiriaid. Mae deddfu a rhagnodi proses adolygu gan gymheiriaid fel y'i hamlinellir yn y Bil Drafft yn creu fframwaith arolygu gan gymheiriaid yn y bôn, yn hytrach na fframwaith adolygu gan gymheiriaid; er y byddai'r aelodaeth a'r broses yn parhau'r un fath i raddau helaeth, bydd pwrpas, perchnogaeth a goblygiadau adolygiad yn newid yn sylweddol.

Ar hyn o bryd, mae adolygu gan gymheiriaid yn broses wella effeithiol a berchenogir gan awdurdodau ac wedi'i llunio a'i hamseru i ateb anghenion awdurdodau. Mae'r model a awgrymir yn ei droi'n rôl led-reoleiddiol a allai ddyblygu rôl Swyddfa Archwilio Cymru. Bydd ffurfioli'r broses yn effeithio ar ddeinameg a hyblygrwydd y broses adolygu a natur agored a pherchnogaeth o'r awdurdod.

Yr ymagwedd bresennol yng Nghymru yw 'os nad yw wedi torri does dim angen ei drwsio' ac mae wedi cynnig dull credadwy, cadarn, uchel ei barch ar gyfer darparu her ffrind beirniadol sydd wedi cefnogi gwella gwasanaethau a threfniadau llywodraethu corfforaethol.

Cyn y newidiadau yn rôl wella CLILC, roedd Cyngor CLILC wedi ymrwymo yn 2013 y byddai pob cyngor yn cael adolygiad gan gymheiriaid unwaith yn ystod cyfnod treigl o bedair blynedd (fel sy'n digwydd yn Lloegr), ac mae saith awdurdod wedi cael adolygiad gan gymheiriaid rhwng 2013 a dechrau 2015. Mae Cyngor Sir Ceredigion yn cytuno y dylai adroddiadau adolygiadau gan gymheiriaid gael eu cyhoeddi, ond bod hyn yn fater i ddisgresiwn lleol ac nid

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oes angen deddfwriaeth. Hyd yma, mae pob adolygiad gan gymheiriaid CLILC wedi cael ei gyhoeddi gan yr awdurdodau. Cwestiwn 5.4: A oes gennych unrhyw sylwadau am rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio mewn perthynas ag ymateb yr Awdurdod Lleol i'r hunanasesiad, yr asesiad gan gymheiriaid, yr asesiad cyfun a'r adolygiad llywodraethu?

Mae Cyngor Sir Ceredigion yn cefnogi rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio newydd. Fodd bynnag bydd rhaid i'r berthynas â phwyllgorau trosolwg a chraffu'r cynghorau a'u rôl nhw gael ei hadolygu mewn trefniadau cyfansoddiadol newydd.

Nid yw Cyngor Sir Ceredigion yn cefnogi'r newidiadau arfaethedig i aelodaeth pwyllgorau llywodraethu corfforaethol ac archwilio. Mae

aelodau lleyg yn aelodau gwerthfawr o bwyllgorau archwilio ar hyn o bryd, ond dylai cydbwysedd yr aelodaeth gael ei adael i ddisgresiwn lleol. Mae'r rhagnodi arfaethedig ynghylch cynyddu cyfran yr aelodau lleyg a bod rhaid i'r cadeirydd fod yn aelod lleyg yn llesteirio disgresiwn lleol ac yn tanseilio democratiaeth leol, yn arbennig oherwydd bydd rôl well gan y pwyllgorau diwygiedig o ran goruchwyllo llywodraethu a pherfformiad gwasanaeth cynghorau. Cwestiwn 5.5: A oes gennych unrhyw sylwadau am ein cynnig i wrthod pwyllgorau cyfrifon cyhoeddus lleol?

Mae Cyngor Sir Ceredigion yn cytuno nad oes angen sefydlu pwyllgorau cyfrifon cyhoeddus lleol gan fod y cynnig gwreiddiol yn dyblygu i raddau helaeth rôl y pwyllgorau craffu presennol a'r ddyletswydd i graffu pobl ddynodedig (rheoliadau heb eu cyflwyno ar gyfer hyn eto).

Wedi dweud hynny, mae'r trefniadau craffu, fel y'u cyflwynir o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn cwtdogi pwerau 'craffu gwasanaethau cyhoeddus' pwyllgorau craffu oherwydd dim ond craffu swyddogaethau ar y cyd 'corff corfforaethol' y Bwrdd Gwasanaethau Cyhoeddus a ganiateir (nid aelodau unigol). Byddai'n rhaid i'r pwerau craffu gwasanaethau cyhoeddus dros 'bersonau dynodedig' o dan Bil Llywodraeth Leol (Cymru) 2011 (os caiff ei gyflwyno drwy reoliadau) fod yn fwy hyblyg a chaniatáu'r cysyniad o bwyllgorau cyfrifon cyhoeddus lleol trwy wella goruchwyllo democrataidd dros gyrrff cyhoeddus. Mae craffu swyddogaethau ar y cyd Bwrdd Gwasanaethau Cyhoeddus yn gyfyngedig oherwydd ni fydd y Bwrdd Gwasanaethau Cyhoeddus yn ymgymryd ag ystod sylweddol o swyddogaethau ar y cyd (heblaw ymarfer ei ddyletswyddau) i baratoi asesiad llesiant, cyhoeddi (ac adolygu) cynllun llesiant a chyhoeddi adroddiadau blynyddol; gweithredoedd a dyletswyddau unigol ac ar y cyd y cyrrff cyfansoddol o dan y Ddeddf fydd yn creu'r holl effaith a chanlyniadau.

Er y gallai'r pwyllgorau craffi barhau i ymarfer y pŵer o dan Adran 21 (2)(e) o Ddeddf Llywodraeth Leol 2000 'i lunio adroddiadau neu argymhellion i'r 17

awdurdod neu'r weithrediaeth ar faterion sy'n effeithio ar ardal yr awdurdod neu drigolion yr ardal', byddai'r CLILC yn ffafrio diwygiad i Adran 169 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 i roi gylch gorchwyl ehangach i graffu awdurdod lleol (ac felly cynrychiolwyr democrataidd lleol) dros graffu gwasanaethau cyhoeddus yn eu hardaloedd.

Cwestiwn 5.6: Ai cyrff gwasanaethau cyhoeddus yw'r cyrff cywir i archwilio'r dewisiadau o ran polisi sy'n wynebu gwasanaethau cyhoeddus lleol?

Sefydlwyd Byrddau Gwasanaethau Cyhoeddus a'u haelod-sefydliadau unigol i ystyried a llywio (drwy asesiadau llesiant) y dewisiadau polisi sy'n wynebu gwasanaethau cyhoeddus. Fel y nodwyd uchod, mae angen cryfhau craffu awdurdod lleol er mwyn i aelodau a etholir yn lleol gael cylch gwaith ehangach o ran archwilio'r dewisiadau polisi sy'n wynebu pob gwasanaeth cyhoeddus (naill ai'n unigol neu ar y cyd) yn eu hardal.

Cwestiwn 5.7: Os felly, a fydd pwerau cyfreithiol ychwanegol o fudd iddynt?

Mae pwerau cyfreithiol y Byrddau Gwasanaethau Cyhoeddus fel y'u cyflwynwyd yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 i'w gweld yn briodol.

Cwestiwn 5.8: Pa fesurau deddfwriaethol allai gael eu hystyried i ganiatáu i Llywodraeth Leol ymgymryd â rôl cydwasanaethau ar draws y sector cyhoeddus?

Mae rôl cydwasanaethau ar draws y sector cyhoeddus eisoes yn digwydd gydag lechyd a'r Heddlu yn arbennig trwy'r Byrddau Gwasanaethau Lleol / Byrddau Gwasanaethau Cyhoeddus.

RHAN 6

Cwestiwn 6.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 6 o'r Bil Drafft?

Mae Cyngor Sir Ceredigion yn croesawu penderfyniad Llywodraeth Cymru y bydd adolygiad o drefniadau cynghorau cymuned yn cael ei gynnal gan y Comisiwn Ffiniau a Democratiaeth Leol.

Mae'n bwysig bod y broses ar gyfer sefydlu unrhyw fodel seiliedig ar ardal o lywodraethu cynghorau cymuned (yn ôl cynigion y Bil Drafft ar gyfer Pwyllgorau Ardal Cymunedol) yn cyfateb ag unrhyw ddiwygiadau i drefniadau cynghorau cymuned (fel y nodir uchod).

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Cwestiwn 6.2: A ddylai fod yn ofynnol i'r Comisiwn Ffiniau gyflwyno'i adroddiadau drafft i Awdurdodau Cysgodol o fis Mai 2019 ymlaen?

Amherthnasol oherwydd nid yw Cyngor Sir Ceredigion yn cefnogi uno cynghorau.

Cwestiwn 6.3: A ddylai'r Cynghorau Sir newydd roi ar waith argymhellion y Comisiwn Ffiniau neu a ddylai hyn fod yn gyfrifoldeb i'r Comisiwn Ffiniau ei hun?

Dylai'r Comisiwn Ffiniau fod yn gyfrifol am weithredu ei argymhellion ei hun.

Cwestiwn 6.4: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â hyfforddiant gorfodol ar gyfer Cynghorwyr Cymuned?

Mae Cyngor Sir Ceredigion yn cefnogi ac yn annog pob aelod etholedig i ddilyn y datblygiad a'r hyfforddiant priodol ar gyfer eu rôl. Yn gyffredinol, mae CLILC yn cefnogi'r cysyniad o ddatblygiad a hyfforddiant gorfodol i aelodau wedi'i benderfynu'n lleol, fel yr amlinellir yn y Bil Drafft.

Fodd bynnag, dylai cynigion y Bil Drafft ynghylch hyfforddiant gorfodol i gynghorau cymuned gael eu mireinio oherwydd maent yn rhoi baich a chyfrifoldeb ar glercod yn ogystal â 'niweidio'r berthynas dda rhwng y clerc a'r cyngor' (fel y noda'r ddogfen ymgynghori ei hun).

Cwestiwn 6.5: A oes gennych unrhyw sylwadau am ein cynnig i ymestyn tymor Cynghorwyr Cymuned sy'n cael eu hethol yn 2017 i chwe blynedd?

Byddai tymor o chwe blynedd yn dymor hir iawn yn y cyngor gyda goblygiadau o ran atebolrwydd lleol.

Cwestiwn 6.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Gynghorau Cymuned ystyried a chynllunio ar gyfer anghenion hyfforddi eu haelodau a'u gweithwyr eu hunain? Nid yw Cyngor Sir Ceredigion yn cefnogi'r ddyletswydd arfaethedig (o dan Adran 167) y dylai cynghorau cymuned ystyried anghenion hyfforddi a 'sicrhau y darperir' hyfforddiant i gynghorau cymuned. Byddai hyn yn faich ychwanegol gyda goblygiadau o ran adnoddau i'r awdurdodau lleol, a dylai fod yn gyfrifoldeb y cynghorau cymuned eu hunain; nid yw'n briodol i awdurdodau lleol gael dyletswydd i gyflawni dros gyrff ymreolaethol a democrataidd atebol eraill. Mae gan Un Llais Cymru rôl i'w chwarae o ran cefnogi anghenion hyfforddi cynghorau cymuned.

Cwestiwn 6.7: A oes gennych unrhyw sylwadau sy'n ymwneud â gosod amcanion ar gyfer clerc Cyngor Cymuned?

Mae hwn yn fater i'r cynghorau cymuned.

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Cwestiwn 6.8: A oes gennych unrhyw sylwadau am ein cynnig i ddiddymu'r ddeddfwriaeth sy'n ymwneud â phleidleisiau cymunedol ac yn hytrach ei gwneud yn ofynnol i Awdurdodau Lleol weithredu system e-ddeisebau?

Mae Cyngor Sir Ceredigion yn croesawu'r cynnig hwn oherwydd bydd yn lleihau'r baich a'r costau i'r awdurdod lleol, yn ogystal â hybu dull mwy hygyrch ac uniongyrchol i gymunedau fynegi eu barn. Er bod pleidleisiau cymunedol heb gael eu defnyddio'n eang, mae perygl y gellir eu camddehongli gan y gymuned fel refferenda

lleol rhwymol sy'n gallu achosi tensiwn rhwng cymunedau, eu cynrychiolwyr etholedig a'r cyngor.

## RHAN 7

Cwestiwn 7.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 7 o'r Bil Drafft?

Mae'r pwerau Gweinidogol dros faterion y gweithlu fel yr amlinellir yn Rhan 7 y Bil Drafft yn bellgyrhaeddol gyda'r posibilrwydd o alluogi Gweinidogion Cymru i lunio rheoliadau a all effeithio ar holl weithlu'r awdurdod lleol (a chyrrff cyhoeddus eraill) ar ystod eang o faterion y gweithlu mor sylfaenol â: chynllunio gan gyrff cyhoeddus mewn perthynas â maint a chyfansoddiad eu gweithlu, recriwtio a chadw staff; rheoli, trefnu a thalu staff, a hyfforddi a datblygu staff cyrrff cyhoeddus.

Gallai'r pwerau hyn 'dorri ar draws' ac effeithio ar y berthynas gytundebol gyfreithiol rhwng y corff cyhoeddus fel y cyflogwr a'i weithwyr, yn ogystal â thanseilio democratiaeth leol a chynllunio lleol. Mae hyn yn arbennig o berthnasol mewn llywodraethol lle y ceir 22 o gyflogwyr sofran unigol.

Cynghorau wedi'u hethol yn ddemocrataidd sydd yn y sefyllfa orau i benderfynu sut i lunio'r gweithlu er mwyn darparu gwasanaethau yn y modd mwyaf cost-effeithiol. Mae cynghorau gwahanol yn wynebu heriau a gofynion gwahanol gan etholwyr. Ni fydd un dull 'sy'n addas i bawb' yn cynnig modd ateb anghenion lleol ac mae'n rhaid i gynghorau gael y rhyddid a'r hyblygrwydd i wneud a gweithredu penderfyniadau ar recriwtio ac ad-drefnu (gan gynnwys penderfyniadau ynghylch tâl) sydd wedi'u llunio'n lleol i ateb anghenion y cymunedau a wasanaethant yn y ffordd orau bosibl. Mae awdurdodau lleol wedi dangos y gallant ddatblygu a gwella gwasanaethau yn llwyddiannus trwy weithio mewn partneriaeth ag eraill ac ymgysylltu â'u gweithlu a'u cynrychiolwyr i wella gwasanaethau. Mae ymagwedd reoledig at leihau'r gweithlu hefyd wedi bod yn llwyddiannus gan gynnal hyd orau posibl y gwasanaethau lleol y mae'r gymuned am eu cael. Fodd bynnag, mae rhai meysydd lle y gallai CLILC weithio mewn partneriaeth â Llywodraeth Cymru i ddatblygu a chytuno ar ganllawiau a allai helpu i gefnogi Cynghorau ar faterion y gweithlu.

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Cwestiwn 7.2: A oes gennych unrhyw sylwadau am a fyddai'n parhau'n ddymunol i sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol os byddai'n fwy cyfyngedig na Chomisiwn anstatudol o ran y materion y gallai roi canllawiau arnynt?

Mae CLILC wedi cefnogi sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus yn flaenorol i roi cymorth penodol gyda datblygu

canllawiau i helpu Cyngorau i reoli eu gweithluoedd fel rhan o unrhyw ad-drefnu llywodraeth leol. Mae Adran 178 yn diddymu rôl y Comisiwn yn 2021 er mwyn adlewyrchu'r ffaith mai rôl benodol y Comisiwn yw helpu gydag ad-drefnu llywodraeth leol fel y'i cynlluniwyd ar gyfer 2020.

Ni fyddai CLILC am weld Comisiwn statudol yn cael ei sefydlu os nad oes ad-drefnu llywodraeth leol ac mae Cyngor Sir Ceredigion yn derbyn y farn hon. Felly hoffem weld bod sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol a'i rôl yn seiliedig ar ad-drefnu llywodraeth leol ac wedi'i gysylltu'n benodol ag ad-drefnu llywodraeth leol.

Byddai angen eglurder a chytundeb o'r newydd ar y mater o barhau â Chomisiwn anstatudol os nad yw ad-drefnu llywodraeth leol yn mynd rhagddo.

## RHAN 8

Cwestiwn 8.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 8 o'r Bil Drafft neu am unrhyw un o'r Atodlenni?

Mae darpariaethau Rhan 8 a'r Atodlenni, yn wyneb y sylwadau uchod, i'w gweld yn briodol.

## CWESTIYNAU YCHWANEGOL

Cwestiwn 9.1: A ydych chi'n ymwybodol o unrhyw ddiwygiadau canlyniadol i ddeddfwriaeth y bydd angen eu gwneud?

Na

Cwestiwn 9.2: Rhowch adborth a fydd yn ddefnyddiol yn eich barn chi mewn perthynas â'r dogfennau ategol a gyhoeddir ochr yn ochr â'r Bil Drafft h.y. Memorandwm Esboniadol Drafft (gan gynnwys yr Aseiad Effaith Rheoleiddiol) ac Aseidiadau Effaith penodol.

Amherthnasol

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Cwestiwn 9.3: Rydym wedi gofyn nifer o gwestiynau penodol. Os hoffech godi unrhyw faterion cysylltiedig nad ydym ni wedi mynd i'r afael â nhw yn benodol, defnyddiwch y lle isod i'w nodi.

Mae ymatebion i ymgynghoriadau weithiau yn cael eu cyhoeddi – ar y rhyngwyd neu mewn adroddiad. Ticiwch y blwch yma pe bai'n well gennych gadw eich ymateb yn gyfrinachol:

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Consultation on the Draft Local Government (Wales) Bill

Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

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Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum  
PART 1

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

Ceredigion County Council along with other Local authorities and the WLGA have long recognised need for public service reform. However, Ceredigion CC does not believe that the case has been made for local government reorganisation. What we need is better integration of services across the board.

The Draft Bill's accompanying documentation outlines some rationale for the determination of the proposed map of 8 or 9 authorities. However, the rationale has not been consistently applied across all of the proposed new county councils, notably with regards scale and coterminosity with LHBs, which was originally a key criteria which shaped both the Williams Commission and Welsh Government's first proposals for 12 authorities. It is unclear for example why the map of 9 option proposes authorities with a population range of between 192,000 to 580,000. Similarly, if the issue of 1 coterminosity of LHB boundaries can be relaxed in one proposed council, why not in others which might mean more relevant proposed council areas being proposed. Since the establishment of the Williams Commission, the WLGA's position has been that all public services should be subject to reform and a more holistic approach to structural alignment might lead not only to better consistency and contiguity, but also a more appropriate geographical scale of other public services. Ceredigion County Council supports the WLGA's view.

The Regulatory Impact Assessment provides a cost-benefit analysis that was largely absent from the Williams Commission proposals and the Welsh Government's previous proposals. The

cost-benefit analysis appears to provide a generally realistic assessment of potential costs and benefits and is consistent (in parts) with the WLGA commissioned CIPFA analysis. The financial analysis however focuses in places on the more conservative, lower-end cost estimates (such as the impact of pay harmonisation), underestimates likely redundancy costs and significantly omits the impact of council tax harmonisation (see Q1.12 below). The cost-benefit analysis is also inevitably based on historical employment and expenditure in a climate of austerity; by 2019-20 when reforms are scheduled to take place, a substantial proportion of the proposed savings (largely senior-management and back-office rationalisation) will have already been realised, so the proposed return on investment of reorganisation is likely to be much lower and over a longer period.

Council tax harmonisation has also not been adequately considered as part of the Draft Bill nor the RIA. Council tax harmonisation is a significant component and a potential risk to any reform proposals not only in terms of potential income forgone and financial volatility, but also in terms of public acceptability of proposed reforms. It is therefore essential that the Welsh Government urgently considers the implications.

The merger of local authorities as outlined in the Draft Bill would have consequential impacts on other authorities, such as Fire and Rescue Authorities. The Draft Bill establishes new councils and abolishes the old councils on 1st April 2020, however, this will have consequential impacts on Fire and Rescue Authorities Combination Orders, where the statutory composition, membership, operation and funding, amongst other things, is prescribed in secondary legislation by reference to the current local authority structure. Section 17 would not adequately cover the changes required to the Combination Order as it specifically relates to transfer of functions exercisable by and in relation to local authorities. As a separate legal entity, functions in relation to the provision of a Fire and Rescue Service are conferred on the Fire and Rescue Authority through separate primary and secondary legislation and are not conferred on the local authority. Similarly, Section 18 of Chapter 3 of Part 1 makes reference to transitional provisions in Schedule 4; Schedule 4 paragraph 3 removes the requirement of the Minister to hold a public inquiry under the Fire and Rescue Services Act 2004 as a consequence of changes made to local government boundaries. It is not clear whether this proposed revision adequately meets the specified

situations as outlined in Section 4 of the Fire and Rescue Services Act 2004 (sections 4(6) and (7)) why specify when a public inquiry need not be held.

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

Not applicable.

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

Ceredigion County Council has previously expressed its objection to re-organisation and merger with Carmarthenshire CC and Pembrokeshire CC on the basis that the area would be too big and therefore remote from communities and not local. There are cultural differences between the different areas and the economic focus is different – with Ceredigion working with Powys as part of Growing Mid Wales; and Carmarthenshire CC and Pembrokeshire CC as part of Swansea City Region (refer to our previous consultation response).

The Welsh Government should be focussing on sustaining local democracy which is coherent and accessible to communities. The case that re-organisation would enable greater participation in democracy and that there would be more open and transparent decision making has not been made; in fact, it is likely to have the opposite effect.

Also refer to the response to Question 1.1

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

• Not applicable.

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

Present Council identities should be retained and are perfectly acceptable. Further changes would only create confusion to identity and issues such as databases.

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

Local government re-organisation is not required therefore there should not be any changes to the election timetable. 3

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

As referred to above, Council Tax harmonisation and its effects have not been adequately considered as part of the Draft Bill nor the RIA. Council Tax harmonisation is a significant component and

a potential risk to the reform proposals not only in terms of potential income forgone and financial volatility, but in terms of public acceptability of proposed reforms. It is therefore essential that the Welsh Government urgently considers the implications and plans for transition an early stage and sets out a clear timetable, should mergers go ahead.

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

Please refer to the WLGA response.

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

Please refer to the WLGA response.

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

Please refer to the WLGA response.

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

Should the mergers go ahead, this would not affect Ceredigion County Council as the High Sheriff and Lord-Lieutenants cover the old 'Dyfed area'.

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

Options appraisal - Each of the options for reform are presented as if they are mutually exclusive and achievable after almost a decade of austerity. Option 1 seems to be predicated on the assumption that no savings will be

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made in the future despite the fact that continuing austerity means that cost is being taken out of budgets especially in the areas of corporate support identified in the KPMG review and the work commissioned on the costs and benefits of reorganisation. For example, the KPMG study identified £33m out of the £151m that were planned [local authorities will have their own estimates of savings in their medium-term financial plans]. From 2012/13 to 2019 Ceredigion CC will have taken £50m out of its base budget. This is a 39% cut in the base budget over that period.

Redundancy costs -The Regulatory Impact Assessment (RIA) bases estimates on work done by KPMG during the Administrative Services Review. Under the current proposals the cost of

redundancy is estimated between £16k and £21k for 'administrative staff'. It is not clear what assumptions are made for pension strain and the RIA (p46) acknowledges that further actuarial work is required and we would support this. However the assumption that each employee has 10 years' service understates length of service that most in corporate support roles have. The CIPFA work showed this to be 15-20 years. Ceredigion CC's redundancy costs from 2012/13 to date has been £3.3m.

Pay harmonisation – The WLGA notes that the Minister is '...committed to ensuring the terms and conditions of Local Authority staff are protected so no-one will be disadvantaged by transfer to a new Authority' (P1 of the consultation document). The approach eventually taken on pay harmonisation, like council tax harmonisation, will have significant implications on the costs and future financial planning. The RIA (p49) uses the lower estimate of from the CIPFA study and notes that it is possible to be cost neutral if newly formed authorities 'converged to a weighted average'. The CIPFA lower estimate for pay harmonisation is £27m but the higher-end estimate is £81m. Ceredigion County Council supports the views of the WLGA. Pay harmonisation would increase Ceredigion costs significantly as one of the lowest paying Authorities.

Council tax harmonisation - As noted above, the approach to council tax harmonisation is a key issue and a significant risk to the proposed merger programme which should be considered as a matter of priority. Council Tax payers will need some assurance about the future direction of Council Tax Bills in merged authorities and practitioners will need to take account of any future constraints on Council Tax to make reasonable estimates of income forgone for financial planning purposes. The limiting cases are for Council Tax levels to 'level up' or 'level down'. Between these two options is the option referred to under the pay harmonisation where there is convergence to a weighted average. The CIPFA study estimated the income forgone annually at £56.9m which at the time would have referred to the option 3a of 12 authorities. This is based on 'levelling up' scenario where the highest Council Tax Is held constant the others catch up. Whichever approach is taken there needs to be a balance in terms of impact on the council tax payer and income forgone. 5

There is an outstanding and quite separate legal issue as to whether differential council taxes can co-exist within a new authority during a transitional period of harmonisation. Even if the current legislative provisions are strong enough to support this, it is

likely that this is challengeable in the courts from the perspective of the Council Tax payer.

## PART 2

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

Ceredigion County Council welcomes the proposed introduction of the power of general competence. The WLGA, with support from Local Authorities has long called for a general power of competence and welcomed its inclusion in the White Paper.

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

This is not a matter for Councils as Community Councils are statutory bodies in their own right.

## PART 3

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

Part 3 of the Draft Bill seeks to promote access to local government by placing duties on councils to promote access to, and public participation in, local government.

Ceredigion County Council is supportive of the underlying principles and ambitions of the Welsh Government; councils active seeking to engage with communities and promote democratic and participative engagement. Ceredigion CC has adopted the nationally developed principles of public engagement, and broadcasts Council meetings, has a Youth Council and a 50+ Forum and undertakes extensive consultation and engagement over budget and service planning proposals. Engagement has also taken place with communities over local priorities around the delivery of services or provision of assets, some of which may lead to alternative delivery models or community asset transfers.

Although Ceredigion CC is supportive of the underlying principles and ambition, many of the proposed new duties however will create additional burdens on authorities which will require additional investment in administrative and 'back-office' capacity during a period where resources are

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being focused on front-line services. Some proposals are impractical and their likely effectiveness and impact are therefore questioned. For example, the webcasting of all meetings will require additional resource to implement in a sustainable manner. Ceredigion CC also notes that some provisions in Part 3 and elsewhere in the Draft Bill apply only to local government. The WLGA notes for example that expectations and duties to

broadcast do not apply to meetings of the Local Health Board or Welsh Government Sponsored Bodies. Local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

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

As noted above, the Ceredigion CC is supportive of the spirit of the Welsh Government's ambitions and we are committed to promoting access to local government. It is therefore not clear what improvements a new 'public participation duty' on local authorities would achieve, apart from creating an additional regulatory burden. Such a duty should already be covered as public engagement would be a key aspect of the proposed new general 'good governance' duty outlined in Part 5 of the Draft Bill. Councils, including Ceredigion CC already consult and engage with communities on budget proposals, so it is unclear what value a new statutory duty to undertake such activity would achieve. Ceredigion CC strongly opposes the proposed statutory Public Participation Strategy, in particular the proposal to place statutory responsibilities on councils to discharge duties over or on behalf of other autonomous 'connected authorities' such as community councils, fire and rescue authorities and national park authorities; this will inevitably have resource implications for councils and clouds accountability and responsibility for delivering on any public participation duties.

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

In response to the White Paper, Ceredigion County Council raised concerns regarding the clarity and complexity of the original proposed models and, critically, the relationship with community councils and Public Service Boards.

Ceredigion County Council remains unconvinced of the proposals for Community Area Committees (CACs) and there needs to be further discussion with the Welsh Government. 7

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

Ceredigion CC would support flexibility to allow councils to delegate functions to more localised community governance models should it prove beneficial and improve service delivery.

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

Ceredigion CC does not have existing area committees.

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

The proposal for 'improvement requests' builds on the Welsh Government's 'activist council' ambitions as outlined in the Power to Local People White Paper. Councils and Ceredigion CC, in line with the WLGA was broadly supportive of the 'activist' concept as councils are pro-actively (and increasingly) engaging with communities and partners in the design and delivery of services. Many councils have led the way in terms of developing alternative delivery models for services.

When budgets permit, Ceredigion CC already initiates and responds to informal 'improvement requests' on an ongoing deliberative basis in terms of service design and delivery, both through formal community consultation and engagement and ongoing user and service feedback or complaints.

Ceredigion CC supports the WLGA in echoing those concerns.

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

Ceredigion CC is supportive of the roll-out of webcasting across authorities, however, the additional administrative burden and resource implications need to be considered.

A duty to broadcast all public council meetings (including proposed new CACs) will create a huge additional administrative burden on councils and will require significant additional resources. 8

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

Ceredigion CC already actively engages with children and young people, and promotes the concept of democracy, and the role of council and councillors through school councils, youth councils and engagement and participation initiatives during Local Democracy Week. There is already a statutory duty on local authorities through the Children Act 2004 to have a lead elected member for

Children and Young People, and a specified part of that role is to engage with children and young people to gain their views on policies that impact on them. It is therefore unclear what benefits a new statutory duty would achieve.

#### PART 4

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

Part 4 of the Draft Bill outlines proposed new Functions of County Councils and their Members, including 'Performance Duties' for councillors.

In its response to the White Paper consultation, the WLGA argued that any new proposals affecting councillors' remuneration and standards of conduct should be applied consistently across all levels of representative government. Furthermore in response to the recent Welsh Government consultation on Draft Directions to the Local Democracy and Boundary Commission, leaders called for consistency across all levels of government in Wales and a wider review of all levels of governance. This stems from a wider frustration that the Welsh Government response to the Williams Commission, which proposed wholesale public service reform, has focused on local government structural reform and new duties and standards applying only to local government rather than all public services. Ceredigion CC supports this view.

As noted previously, local authority leaders believe that there should be consistency of expectations and processes of good governance across all public services and levels of government; the Welsh Government and National Assembly should show leadership and lead by example, particularly when they are seeking to legislate for others to follow.

The proposed 'Performance Duties' on councillors are therefore not supported by Ceredigion CC as they are not only inconsistent with expectations placed on Assembly Members for example, where no such 'performance duties' or standards are in place, but appear to be based on an outdated understanding of the role of a local councillor which is at odds with the community activist concept outlined elsewhere in the Draft Bill. Similarly, the implicitly pejorative undertone of an excessive and prescriptive 'performance' and standards regime for councillors is at odds with the wider narrative of trust between devolved and local government and enhanced local accountability. 9

The list of performance duties in the Draft Bill, including compulsory meeting attendance and the holding of surgeries, presents a simplistic interpretation of the 'formal' council role of

councillors, whereas many see the most significant and valued role of councillors being their outward facing community leadership role in their communities, facilitating community engagement with public services and providing an advocacy and support role to members of the community with particular needs.

Similarly, the above list does not adequately equate to assessing a councillor's 'performance', for example, a councillor may attend every council meeting and therefore be deemed to be performing well by the above criteria, but he or she may not contribute effectively or at all to those meetings. Whilst surgeries are useful forums for many, councillors use varied methods of engaging with and being available to their communities, through street surgeries, social media and being available and readily contactable 365 days of the year. Each councillor should be free to determine the best approach for them and what best suits an urban or rural setting – it should not be prescriptive.

With regards the handling of correspondence, it should be noted for example that the Draft Bill suggests that councillors would have 14 days to respond to correspondence, Welsh Ministers have 17 working days to respond to correspondence (according to the Welsh Government's website). There should not be a difference in standards. Councillors therefore may need additional 'constituency' or administrative support than is currently available. Notwithstanding the above, the conflation of 'performance duties' with the current standards regime is problematic, as the comparable seriousness of breaches is questionable.

The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

It is noted from the consultation document that the Welsh Government is continuing to explore options for the recall of councillors. In response to the White Paper when this was originally proposed, Ceredigion CC stated that it does not support the concept of the right to recall.

The prescriptive and far-reaching implications of the proposed 'performance duties' are excessive in that we do not see a widespread problem with regards councillor attendance or 'performance'. Whilst there are some individual councillors whose attendance, whilst lawful (under the terms of the '6 month rule' (Section 85 of the Local Government Act 1972), is not satisfactory given the current expectations placed on councillors, they are in

the minority and wholesale reform with the consequent burdens of bureaucracy is not a proportionate response.

In order to address its concerns about councillor 'performance', the Welsh Government should instead therefore consider the effectiveness of the current 10

'6 month rule' and empower councils to set and 'enforce' their own attendance and/or performance standard regimes, as is the case in the Assembly.

The Draft Bill proposes that leaders should produce a manifesto before seeking election as leader. It is however not clear why a leader of a majority group elected on an electoral manifesto should also need to set out a further manifesto prior to their election as leader, a process which is not replicated in the National Assembly or Parliament.

Ceredigion CC agrees that councils need clear political leadership and accountability and notes that the Draft Bill proposes that leaders publish and report annually on 'political' objectives for the executive. The Draft Bill however also proposes that leaders separately set and report on objectives for the Chief Executive on an annual basis, and the council in turn sets and reports on a corporate strategy and annual corporate objectives annually, as well as wellbeing objectives and joint PSB wellbeing objectives. This duplication will create bureaucratic and regulatory burdens and will be of little value to the authority or in terms of contributing to enhanced public accountability, engagement or understanding. These proposals therefore need further consideration. See response to question 5.1 below.

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

Ceredigion CC supports the proposals to strengthen arrangements which promote and support good standards.

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

Ceredigion CC is supportive of proposals to reform regulations around delegation of functions and looks forward to future consultation on proposals as they are developed.

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

Ceredigion CC would strongly object to the proposal to give Welsh Ministers the power to effectively direct the Independent Remuneration Panel for Wales (IRPW).

There have been widespread concerns in the recent period over the influence, actual or perceived, that the first ever Ministerial remit letter has had on the IRPW's determinations in its Draft Annual Report 2016. The IRPW has provided assurances to the WLGA that it remains independent and its 11 determinations are based on evidence and engagement with stakeholders. A Ministerial power of this nature would fundamentally undermine the credibility of the independence of the IPRW and it would be little more than an advisor group for a Ministerially set remuneration framework for councillors.

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

In principle, Ceredigion CC would support proposals to make remote attendance more flexible. The WLGA was supportive of the original policy intentions behind remote attendance as introduced in the 2011 Measure, however, both the WLGA and the (then) Association of County Clerks and Solicitors (now Lawyers in Local Government) advised the Welsh Government (and Assembly during pre-legislative scrutiny) that the provisions as drafted were too restrictive and impractical.

In addition, Ceredigion CC highlighted to the Welsh Government practical issues that need to be resolved such as translation, quorate, exempt items etc.

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

Not applicable as Ceredigion CC does not support local government re-organisation.

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

In its response to the Welsh Government consultation on the Local Authorities (Standing Orders) (Wales) Regulations 2006 (Amendment) Regulations 2013, the WLGA expressed support for a reformed Designated Independent Person (DIP) process. This is supported by Ceredigion CC.

Regulations have created a process which is often overly bureaucratic, time consuming and costly, depending on the type of

issue under investigation. The LGA's view at the time of the UK Government's removal of the DIP process was:

"...while we welcome the removal of the requirement to follow the rather bureaucratic statutory process we believe that a streamlined alternative that still incorporates a role for an independent third party is necessary to ensure the process is legally robust, fair and protect the interests of both sides."

Ceredigion CC supports the WLGA's request for a decision by the Welsh Government to review the existing statutory process with a view to replacing it 12

with a streamlined alternative that still incorporates a role for an independent third party to ensure the process is legally robust, fair and protect the interests of both sides.

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

Ceredigion CC welcomes the proposal to reform the framework of council functions; successive local government legislation, particularly since the Local Government Act 2000 which introduced executive arrangements, has created a complex framework relating to the responsibilities for the discharge of certain council functions, duties or powers.

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

Ceredigion CC was broadly supportive of the principles around community asset transfer as outlined in the White Paper, and many authorities already work closely with communities regarding the transfer or management of community assets. We welcome the proposal in the consultation document to make the community asset transfer process more proportionate and looks forward to considering the detail when published in due course. A more strategic and coordinated programme of community asset transfers however will create resource implications for authorities

## PART 5

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

Ceredigion CC welcomed the White Paper proposals regarding the reduction of regulation and promoting self-assessment and peer assessment. The WLGA, with local government, had developed a programme of self-assessment and peer assessment which has largely been translated onto the face of the Draft Bill.

The underpinning principles around self-improvement, self-assessment and good governance are therefore generally

welcomed and shared by local government. Although the detail and likely burdens around external regulation needs to be explored further, it appears on the face of the Draft Bill that external regulation is likely to be more timely and proportionate than the current regime (under the Local Government (Wales) Measure 2009).

The proposals around corporate planning (S112) largely build on the processes that councils already follow, albeit prescribe a list of specified

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documents or policies (or links to such documents) that should be included in a council corporate strategy.

The corporate planning and reporting proposals, as outlined in the Draft Bill should be better aligned with the new duties of the Wellbeing of Future Generations (Wales) Act 2015. The specific corporate planning proposals (and other objective setting proposals elsewhere in the Draft Bill) duplicate new Wellbeing duties and therefore will increase internal bureaucracy and do little to aid public understanding or accountability.

When the proposed objective-setting duties in the Draft Bill are combined with the new duties of the Wellbeing of Future Generations (Wales) Act 2015, councils will have to annually set (or at least participate in the setting of) and report on six sets of similar corporate priorities:

1. Councils must set and report annually 'Wellbeing Objectives' (S7 of the Wellbeing and Future Generations (Wales) Act 2015)
2. PSBs must set and report annually 'Wellbeing Objectives' (S39 of the Wellbeing and Future Generations (Wales) Act 2015)
3. Leaders must set and report annually 'objectives to be met by the Executive' (S99 of the Draft Bill)
4. Leaders must set and report annually 'objectives to be met by the chief executive (S104 of the Draft Bill)
5. Councils set and report annually on corporate plan priorities ('council's priorities in relation to the exercise of its functions (including its priorities in relation to its performance in the short-term, medium term and long-term) (S112 of the Draft Bill)
6. (A number of) Community Area Committees must set an annual 'statement of priorities and objectives' in relation to the exercising of council functions in relation to the area of the committee (S52 of the Draft Bill). It should also be noted that Community Area Committees do not have funding in order to deliver.

This approach is not feasible.

The Draft Guidance accompanying the Wellbeing of Future Generations (Wales) Act states that public bodies ‘...should not treat well-being objectives as separate from the objectives that guide and steer the actions and decisions of the organisation...’. It is therefore unclear why there needs to be two separate statutory duties to produce what are, in essence, the same set of priorities. Furthermore, although Ceredigion CC supports the principles around ‘good governance’ as outlined in the Draft Bill, the Wellbeing of Future Generations (Wales) Act 2015 broadly sets out a statutory governance framework for all public bodies with regards the discharge of the sustainable development duty, which includes: ‘taking all reasonable steps (in exercising its functions) to meet those [wellbeing] objectives’ and taking into account the statutory sustainable development principle (S5) which broadly refers to governance arrangements in the form of: long term decision-making, integration, involving

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other persons with an interest, collaboration with other persons and prevention.

Statutory Performance Indicators do not feature on the face of the Bill (unlike the predecessor 2009 Measure) but it is understood that they are may feature in a final Bill. At this stage, it is not clear what the relationship of any new national local government performance indicators will have with the proposed new National Wellbeing Indicators, nor why any local government review is being undertaken separately from the wider consultation on the national Wellbeing Indicators, many of which cover local government performance.

Whilst the Ministerial powers of intervention and support are similar to the present powers (under the Local Government (Wales) Measure 2009), there are no criteria (such as evidence which might be considered) before the triggering of an intervention. Ceredigion CC does not believe that there is a requirement to create a new portal for councils to publish key data and documents as one already exists in the form of My Local Council <http://mylocalcouncil.info/>. This includes comparative performance information (across authorities and across time) of statutory and national indicators, local summaries of the National Survey of Wales, links to councils’ statutory improvement plans, objectives and performance reports as well as links to external inspection or regulatory reports. My Local Council also includes a contact form should members of the public wish to address any performance queries to a council.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty? Ceredigion CC broadly welcomes the proposed governance arrangements duty, but better alignment is needed with the 'governance' duties of the statutory sustainable development principle of the Wellbeing of Future Generations (Wales) Act 2015 (see above).

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

Ceredigion CC welcomes the Welsh Government's recognition of the value of peer review and agrees that it should remain a key component of a reformed improvement regime in the future. The Council supports the comments made by the WLGA in its White Paper response, stating that Peer review should remain a sector-led, sector-owned and sector-commissioned model and should not be legislated for. This is the model that applies in England. Ceredigion CC therefore does not agree that there should be legislative requirement for peer reviews.

Legislating and prescribing a peer review process as drafted in the Draft Bill essentially creates a peer inspection framework, rather than a peer review

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framework; although the membership and process would remain largely the same, the purpose, ownership and implications of a review will significantly change.

At present, peer review is an effective improvement process owned by, designed and timed to meet the needs of authorities. The suggested model turns it into a quasi-regulatory role which potentially duplicates the role of the Wales Audit Office.

Formalizing the process will affect the dynamics and flexibility of the review process and the openness and ownership of the authority.

The current approach in Wales is 'not broken and does not require fixing' and has delivered a credible, robust and respected mechanism for providing critical-friend challenge which has supported improvement in services and corporate governance arrangements.

Prior to changes in the WLGA's improvement role, the WLGA Council committed in 2013 that every council would receive a peer review once during a rolling four year period (as is the case in England) and seven authorities have received a peer review between 2013 and early 2015. Ceredigion CC agrees that peer review reports should be published, but that this is a matter for

local discretion and does not need legislation. To date, all WLGA peer reviews have been published by authorities.

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

Ceredigion CC supports the proposed role of new Corporate Governance and Audit Committees. The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in new constitutional arrangements.

Ceredigion CC does not support the proposed changes to the membership of corporate governance and audit committees. Lay members are valued members of audit committees currently, but the balance of membership should be left to local discretion. The proposed prescription regarding the increased proportion of lay membership and that the chair must be a lay member fetters local discretion and undermines local democracy, particularly as the reformed committees will have an enhanced role in terms of overseeing the governance and service performance of councils.

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

Ceredigion CC agrees that it is not necessary to establish local public accounts committees as the original proposal largely duplicated the role of existing scrutiny committees and the duty to scrutinise designated persons (regulations for which are yet to be introduced).

That said, the scrutiny arrangements as introduced under the Wellbeing of Future Generations (Wales) Act 2015 curtails scrutiny committees' 'public service scrutiny' powers as it only allows scrutiny of the joint functions of the 'corporate body' of the PSB (not the individual members). The public service scrutiny powers over 'designated persons' under the Local Government (Wales) Measure 2011 (if introduced through regulations) would have been more flexible and allow the concept of 'local public accounts committees' through enhanced democratic oversight over public bodies. The scrutiny of a PSB's joint functions is limited as the PSB will not undertake a significant range of joint functions (other than exercising its duties to prepare a wellbeing assessment, publish (and review) a well-being plan and publish annual reports; it will be the constituent bodies' individual and joint actions and duties under the Act where all the impact and outcomes will be achieved.

Although scrutiny committees could continue to exercise the power under S21 (2)(e) of the Local Government Act 2000 'to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area', the WLGA would favour an amendment to S169 of the Wellbeing of Future Generations (Wales) Act 2015 to give local authority scrutiny (and therefore local democratic representatives) greater remit over the scrutiny of public services in their areas.

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

Public Service Boards and their individual member organisations were established to consider and inform (through wellbeing assessments) the policy choices facing public services. As noted above, local authority scrutiny needs to be strengthened to allow locally elected members a broader remit in examining policy choices facing all public services (either individually or collectively) in their area.

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

The legal powers of Public Service Boards as introduced in the Wellbeing of Future Generations (Wales) Act 2015 appear appropriate.

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

A public sector-wide shared services role already happens with Health and the Police in particular through the LSBs / PSBs.

PART 6

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

Ceredigion CC welcomes the Welsh Government decision that a review of community council arrangements will be conducted by the Local Democracy and Boundary Commission.

It is important that the process for the establishment of any area based model of county council governance (as per the Draft Bill proposals for Community Area Committees) need to be aligned with any reforms of community council arrangements (as noted above).

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?  
Not applicable as Ceredigion CC does not support mergers.

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

The Boundary Commission should be responsible for implementing its own recommendations.

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

Ceredigion CC supports and encourages all elected members to undergo appropriate development and training for their roles. Generally, the WLGA supports the concept of locally determined compulsory member development and training, as outlined in the Draft Bill.

The Draft Bill proposals around compulsory training for community councillors should be refined however, as they place a burden and responsibility on clerks as well as risking a 'strain on the good relations between the clerk and the council' (as the consultation document itself notes).

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

A six year term would be a very long municipal term with implications in terms of local accountability.

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

Ceredigion CC does not support the proposed duty (under S167) that county councils should consider the training needs and 'secure the provision' of training for community councillors. This would be an additional burden and will have resource implications for local authorities and should be the responsibility of community councils themselves; it is not appropriate that local authorities should have a duty to discharge over other autonomous and democratically accountable bodies. One Voice Wales has a role to play in relation to supporting the training needs of community councillors.

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

This is a matter for community councils.

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

Ceredigion CC welcomes this proposal as it will reduce burden and costs for the local authority, as well as encouraging a more accessible and immediate mechanism for communities to express their views. Although community polls have generally not been widely used, there is a risk that they can be misinterpreted by the community as binding local referendums which can cause tension between communities, their elected representatives and the council.

## PART 7

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

The Ministerial powers over workforce matters as outlined in Part 7 of the Draft Bill are far reaching and potentially allow Welsh Ministers to make regulations that can affect all of the local authority workforce (and of other public bodies) on a wide range of workforce matters as fundamental as: the planning by public bodies in relation to the size and composition of their workforce; recruitment and retention of staff; the management, organisation

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and remuneration of staff; and the training and development of staff of public bodies.

These powers could potentially 'cut across' and affect the legal contractual relationship between that public body as the employer and its employees, as well as undermine local democracy and local planning. This is particularly relevant in local government where there are 22 individual sovereign employers.

Democratically elected councillors are best placed to determine how to shape the workforce to deliver services most cost effectively. Different councils face different challenges and demands from their electorate. A 'one-size fits all' approach will not enable local needs to be met and councils need the freedom and flexibility to make and implement decisions on recruiting and restructuring (including decisions on pay) that are designed locally to best meet the needs of the communities they serve.

Local authorities have demonstrated that they can successfully develop and improve services working in partnership with others, and engaging with their workforce and their representatives to improve services. A managed approach to workforce reduction has also been successful whilst maintaining as best as possible the local services the community want. However there are some areas that the WLGA could work in partnership with Welsh Government to develop and agree guidance that could help support Councils on workforce issues.

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

The WLGA has previously supported the establishment of a Public Service Staff Commission (PSSC) to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. Section 178 does repeal the role of the PSSC in 2021 to reflect that the PSSC is specifically to assist with local government reorganisation planned for 2020.

The WLGA would not wish to see a statutory PSSC set up if there is no local government re-organisation and Ceredigion CC support this view. Therefore we would wish to see that the establishment of the statutory PSSC and its role is predicated on and explicitly linked to local government re-organisation.

There would need to be clarity and a renewed agreement on the matter of any continuation of a non-statutory PSSC if no local government re-organisation should take place.

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## PART 8

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

The Part 8 provisions and schedules, taking into account the above comments, appear appropriate.

## ADDITIONAL QUESTIONS

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

No

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

N/A

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

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

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**26897 -163 : Colin Everett**

**Tref / Town : N/A**

**Sefydliad / Organisation : Flintshire County Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

Flintshire County Council is a progressive and high performing local authority which has both led and contributed to public sector and social reform. Whilst Flintshire recognises the need for further reform of the public services, such reform should not be limited to traditional and often unproven structural reform and should apply to the whole of the public service, not solely local government, to meet the aspiration of a single and cohesive public service for Wales.

The Welsh Local Government Association (WLGA) is the representative body for local government in Wales. The WLGA has commented in depth on this Part of the Bill and reflects the diversity of opinion across the local government family on the contested subject of the justification for and the benefits of a local government reorganisation.

Flintshire expressed an open mind in its response to the preceding White Paper. Provided that there was a compelling vision for local government, assurances over an empowerment of local government to have freedoms, powers and resources to act, and a proven cost-benefit analysis to underpin a local government reorganisation, Flintshire was willing to explore a voluntary merger. Flintshire has long extolled the principles of localism and subsidiarity. Other than advancing the Power of General Competence, which is welcomed, the Bill is largely silent on the vision for local government freedoms, powers and resources sought by the Council. Whilst it is appreciated that parallel work is being undertaken on the reform of local government finance, it is difficult to support the proposals of the Bill for any local government reorganisation in the absence of further commitments from Welsh Government.

Welsh Government is yet to set out a convincing business case for local government structural reform. The public are largely apathetic about the debate on local government reform and are far more concerned about public funding levels and the continuation and sustainability of local services. Beyond the media obsession with the topic, the public of Flintshire and North

Wales are not clamouring for reform,

There appear to be three parts of the case for local government reorganisation in the thinking of Welsh Government: the need to simplify and streamline the central-local governance system and arrangements (*the political case*); the need for performance improvement in public services (*the performance case*); the need to achieve financial efficiencies in the unit costs of local authorities through the economies of scale (*the financial case*). The Welsh Government seems to be confident in making the political case for reform but is yet to reach agreement with other national political parties represented within the Assembly or indeed the local government community on this case. On the performance and the financial cases there is no overwhelming evidence from comparable restructuring exercises in local government in the United Kingdom, or indeed comparable parts of the public sector e.g. health, that a smaller number of larger administrative and delivery units achieve the objectives of either or both of the performance and financial cases. Any proposal for a re-organisation of local government should have a well evidenced and reliable cost-benefit analysis. The cost-benefit analysis as presented in the Regulatory Impact Assessment is neither complete nor robust. Therefore, whether the benefits of a reorganisation will outweigh the cost, remains an open and unproven question.

The Bill poses two options for North Wales – a three council model and a two council model. The Council could not support a two council model for the region as the new councils would be too large geographically and would have difficulty in maintaining community ties. North Wales is marked by the failure of governance and performance of a new combined health board on a regional scale. This experience is very relevant as it disproves the argument of the economies of scale under the ‘bigger is better’ philosophy. We are anxious to avoid a repeat experience with local government reform. Direct comparisons with the eight county local government structure prior to 1996 are not possible as the counties were underpinned by district councils (37 in number) which ensured strong community ties and accountability on the most local services such as housing, planning and environmental management.

The above statement should not be read as a statement of support for a three council model as the Bill is deficient in providing a vision for local government as explained above. In the absence of a convincing business case Flintshire cannot openly support this three council model for the region.

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

Flintshire would not support a two council model for local government in North Wales as set out in 1.1 above.

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

The general arguments behind a local government reorganisation, and the need to meet the objectives of a justifiable performance case and a financial case in the rationale for any reorganisation which is to proceed are set out on 1.1 above.

Flintshire would add weight to the comments made by the Welsh Local Government Association on the optimum size of new local authorities and the wide variance of population bases within the proposals of the Bill for a new configuration of authorities. This wide variance undermines the argument for reform based on the critical mass of size.

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

Not appropriate for Flintshire to comment on a local/regional issue elsewhere.

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

No specific comments on the procedure. Any names to be adopted should have some recognisable relevance and tie to place, be publically consulted upon in advance, and be capable of bi-lingual presentation.

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

The timetable appears manageable provided that the elections are fully funded by Welsh Government and that the existing councils are able to retain sufficient electoral registration and elections management capacity under annualised budget reductions.

The potential dual loss of significant elected member and professional experience and expertise over a condensed period, and its impacts on council governance and leadership, would concern us.

The costs of successive local authority elections as set out in the Regulatory Impact Assessment are considerable. These costs will be hard to justify to the public during a period of financial austerity. The costs of any additional elections should be met in full by the Welsh Government.

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

No specific comments.

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

No specific comments. Flintshire would support the commentary of the Welsh Local Government Association.

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

No specific comments. Flintshire would support the commentary of the Welsh Local Government Association.

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

No specific comments. Flintshire would support the commentary of the Welsh Local Government Association.

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

Yes. The imperative of administrative governance with an alignment of administrative, royally appointed and civic roles to administrative territories should over-ride historical tradition.

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

Council Tax Harmonisation will be a major exercise and one with significant risks of public acceptance and co-operation. The Welsh Local Government Association has provided commentary on this issue in its response which we support.

The Regulatory Impact Assessments (RIAs) which underpin a Bill provide the intellectual, technical, legal and financial analysis on which the draft clauses of the Bill are based. In the case of this Bill there are two RIAs. They are similarly presented as draft for comments. The following selective comments - drawn from professional advice and similarly covered in the consultation responses of some professional associations - are made on the contents of the first of the two RIAs and thereby the rationale of Part 1 of the Bill itself.

**Cost-Benefit Analysis for a Local Government Reorganisation as outlined in the RIA:**

**Workforce Scale Assumptions:** the reduction in workforce numbers and thereby employment costs the Bill profiles is based principally on reductions in senior management and corporate services headcount. The RIA analysis positively recognises that services and their employment numbers are broadly proportionate in scale to service demands and the geography of the client population served. However, the RIA simply imports the corporate cost figures of the contested KPMG/CIPFA study report without exploring the age of the data and the 'law of diminishing returns' whereby councils will have reduced these costs significantly by 2019/2020. These observations have been set out repetitively during the fieldwork for this study and since the publication of the study report. The RIA is flawed here. Whilst the reduction in senior management headcount has a more explicable rationale it is not supported by any qualitative assessment of the capacity needed for running new larger councils, noting that all councils are reducing capacity rapidly now and will be at risk of having too little capacity to manage effectively such a major reorganisation exercise at that time.

**Change Management:** the RIA underestimates the change management capacity required for a reorganisation and suggests that the (reducing) current management of the existing councils can manage the exercise with some small additional administrative support. There is no reference in the analysis to the evidence and learning from comparable exercises of this type or scale elsewhere, or indeed other local government reorganisations of recent times in the UK. Neither is there any assessment of the risks of a transition from the current councils to the new.

**Costs of a Local Government Re-organisation:** Welsh Government has clarified in the past that they do not intend to meet the costs of a reorganisation nationally. The majority of the investment costs for a reorganisation will be in the first 1-3 years with the 'pay-back' period being

much longer. If the outgoing and incoming councils have to meet these costs, at a time of financial austerity and depleted reserves, there could be a major 'cash flow' funding gap to do this in the early years. How will these costs be met? If the projected longer-term efficiencies are not met in full, and have been over estimated in the RIA, it will be the new councils who will carry the costs burdens, and be destabilised by the cost pressures, and not Welsh Government as the architect of the model.

**Omissions:** some costs and risks of a reorganisation such as pension structural reform are not covered in the RIA. For example in North Wales, under a three council model a combined Conwy/Denbighshire could form a new pension fund with new overhead costs and risks to the existing pension funds and their viability. There could also be major employee transfer exercises from one pension fund to another which will be costly and administratively burdensome. The RIA needs to be complete in its coverage and analysis.

**Workforce Costs:** the RIA oversimplifies and under-estimates the costs and risks of a major new workforce convergence and harmonisation exercise work. The learning from local Single Status agreements (including our own in Flintshire) would suggest that there will be significant workforce transition costs and inflationary impacts on the total pay bill for each new Council for the longer-term.

## PART 2

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

Flintshire supports councils being empowered to act. Under the principles of localism and subsidiarity councils should have the maximum legal, policy and financial freedoms to act and to govern. The comments which follow in the more detailed answers further explore these principles.

The general power of competence is not matched by an equal power of competence for other parts of the public sector (such as PSB partners) with whom local government seeks to work in partnership. So if a council wished to exercise its general power in partnership with another part of the public sector then its powers will be limited to the narrower scope of powers available to its partner. This could limit ambition and practical co-operation.

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

No specific comments. Flintshire would support the commentary of the Welsh Local Government Association.

Flintshire has complete geographical coverage by town and community councils (34 in number). We would comment that whilst the number, size, role and value of town and community councils as the most local form of community representation and engagement has been the subject of a number of studies and legislative provisions, Welsh Government has not published a single and coherent plan for their reform in the same way that it has for principal councils. The proposals within the Bill for Area Committees arguably counter the purpose and value of town and community and could undermine the very principles of elected democratic representation themselves.

### **PART 3**

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

Flintshire recognises the need for the ongoing modernisation of the public services and their governance. Reforms should be proportionate to need and the value of any new requirements which require people and financial capacity to introduce and administer should be considered alongside the other costs pressures on local government. The public will not thank us for reducing service provision to cross-subsidise governance and constitutional initiatives. The comments which follow in the more detailed more answers prompted by the next set of questions further explore these principles.

Flintshire rejects the concept of area committees. If the proposed new councils are so large so as it require underpinning by area committees – with the purpose of maintaining community ties and community representations - then the model for reorganisation is flawed from the outset.

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

Flintshire supports public engagement and consultation as a working principle.

Flintshire has become increasingly innovative around engagement on budget planning and choices with our *Big Budget Conversation* (2014) followed by the *This is Your Moment* campaign (2015). The duty to engage should not undermine the sovereign right of a Council to make objective decisions on its budget which may not accord with an apparent majority view of the public where one seems to have been expressed. Therefore, the intention to engage is supported, but uniform methods of how to engage would not be supported. We would challenge why a similar duty is not being proposed for other public bodies in Wales.

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

Flintshire is not in favour of the concept of statutorily based Area Committees. Their existence could add complexity to local governance and confuse accountabilities. New principal councils should not be so large that area committees are required to maintain community ties and working arrangements between principal councils and communities. For counties such as Flintshire, with complete geographical coverage through town and community councils, the more workable and publicly accountable solution is joint working with individual town and community councils and clusters of town and community councils.

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

As 3.3 above.

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

As 3.3 above.

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

The concept of improvement requests is an idea worthy of further development. The role of the local councillor as a community leader should not be diluted by the introduction of such methods for the public to access their council.

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

Flintshire supports the commentary of the Welsh Local Government

Association.

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

Flintshire supports the complementary commentary of the Welsh Local Government Association. As a Council Flintshire has a successful track record of engaging children and young people and would support the evolution of effective practice over the imposition of new duties in this field.

#### **PART 4**

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

Flintshire fully recognises and supports the need for ongoing effective and transparent governance of councils. Local leaders, both political and professional, should be entrusted to govern. Therefore, any new requirements to strengthen governance and extend accountability should be proportionate and reasonable. Flintshire would question whether similar provisions are to be applied to other public bodies in Wales in the interests of consistency and equity.

Flintshire otherwise supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

## **PART 5**

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

Councils should be entrusted to self-govern and self-improve. Excessive external regulation, and interference and intervention by national government and national bodies, has had questionable impacts and can be a debilitating force in under-mining local confidence to self-improve. A balance has to be struck between external regulation and accountability, and local and internalised self-regulation.

Flintshire otherwise supports the commentary of the Welsh Local Government Association.

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

As the general principles set out in 5.1 above.

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

Flintshire supports the commentary of the Welsh Local Government Association. The model approach is supportable but there should not be a fixed and prescriptive model set at a national level.

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

Flintshire joins the Welsh Local Government Association in supporting the proposed Corporate Governance and Audit Committees as adding value to local self-governance.

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

Flintshire rejects the concept of local public accounts committees.

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

Yes, as advisory bodies, subject to local democratic and public accountability. Public Services Boards will not though have executive functions and there has to be realism over their capacity and powers to achieve change without the full cooperation of their public sector partners.

Flintshire supports the commentary of the Welsh Local Government Association.

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

Legal powers should not be necessary.

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

None required. Co-operation and visionary collaborative thinking and working cannot be enforced through prescription and legislation. Flintshire is a progressive local authority which has both led and contributed to successful local government collaborations and cross-sector collaborations, and makes this comment with the benefit of experience. North Wales is a homogenous region with the best track record of collaboration across the regions of Wales.

## **PART 6**

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

Flintshire has relied upon the Welsh Local Government Association, as the representative body for local authorities in Wales, to provide commentary on Part 6 of the Bill. We support the Association's commentary and views.

Flintshire would question whether The Local Democracy and Boundary Commission has the capacity and capability to undertake the roles and duties

being proposed to the timescales set out from our own experience. Flintshire has not been impressed with the quality and timeliness of the work of the Commission in the past.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

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

Flintshire supports the commentary of the Welsh Local Government Association.

## **PART 7**

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

Flintshire has considerable concerns over the provisions in this part of the Bill and the wide-ranging power to be given to Welsh Government and Ministers to supplant of local management and resolution of workforce issues through national guidance and instruction. The provisions of the Bill are too centralist in places and conflict with the principles of localism and good local governance.

Flintshire supports the complementary commentary of the Welsh Local Government Association and the specialist professional membership and advisory bodies such as Solace and the Human Resources Directors Network.

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

Flintshire supports the formation of a Public Service Staff Commission to specifically assist with the development of guidance to help Councils manage their workforces as part of any local government re-organisation. Section 178 does repeal the role of the Commission in 2021 to reflect that the Commission is specifically to assist with local government reorganisation to be planned for 2020.

Flintshire and the Welsh Local Government Association would not wish to see a statutory Commission set up if there is no intended local government re-organisation.

## **PART 8**

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

No specific comments.

## **ADDITIONAL QUESTIONS**

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

No specific comments.

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

See commentary under Part 1 of the questionnaire.

Flintshire would encourage Welsh Government to be more inclusive in involving representative bodies and associations, and field experts, in the research and construction of supporting documents, such as Regulatory Impact Assessments, in the future. This would lead to better legislation underpinned by more reliable evidence bases.

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

No other comments to make.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -164 : Lowri Jones**

**Tref / Town : Machynlleth**

**Sefydliad / Organisation : Ceulanamaesmawr Community Council**

**Ceulanamaesmawr Community Council in favour of safeguarding local accountability when offering public services, but we cannot see how the interests of the citizens of our community can be better served by creating a larger authority.**

**The Council is in favour of keeping as a unit of Ceredigion County Council local authority without combining it with another local authority, because the Council's method of action for his size effectively enough as it is. There is no certainty at all if we were to merge with another local authority that more money would be available to carry out our services, and there is no evidence that the service would be more efficient than it is now. Indeed, the concern of the Council in getting a larger unit is that the services more ineffective and distancing us with a tendency to centralise in distant centres, and would not the accountability that we have now will continue.**

**Having a larger authority by combining with the Pembroke Council would mean that local democracy is going further away from the communities of Ceredigion County Council serves at present. We believe in keeping a small effective unit that is more local and able to respond more effectively to the requirements of the nature of our rural communities. Keeping contact with countryside voice is crucial.**

**We feel strongly that the plans here are a step backwards to the old way of action – old way did not work.**

## **Cwestiynau Ymgynghori**

Dylai'r cwestiynau hyn gael eu darllen ar y cyd â'r Bil Drafft, y Memorandwm Esboniadol Drafft a'r Asesiad Effaith Rheoleiddiol Drafft

### **RHAN 1**

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 1 o'r Bil Drafft?

**Y mae Cyngor Cymuned Ceulanamaesmawr yn gadarn o blaid diogelu atebolrwydd lleol wrth gynnig gwasanaethau cyhoeddus, ond ni allwn weld sut**

**y byddai buddiannau dinasyddion ein cymuned ni yn gallu cael eu gwasanaethu'n well drwy greu awdurdod mwy o faint.**

**Y mae'r Cyngor o blaid cadw Cyngor Sir Ceredigion fel uned awdurdod lleol heb ei chyfuno ag awdurdod lleol arall, gan fod dull y Cyngor o weithredu am ei faint yn ddigon effeithiol fel y mae. Nid oes sicrwydd o gwbl pe baem yn uno ag awdurdod lleol arall y byddai mwy o arian ar gael i gynnal ein gwasanaethau, ac nid oes dim tystiolaeth y byddai'r gwasanaeth yn fwy effeithlon nag y mae yn awr. Yn wir, pryder y Cyngor wrth gael uned fwy yw y byddai'r gwasanaethau yn fwy aneffeithiol ac yn pellhau oddi wrthym gyda thuedd i ganoli mewn canolfannau pell i ffwrdd, ac na fyddai'r atebolrwydd sydd gennym yn awr yn parhau.**

**Byddai cael awdurdod mwy o faint trwy gyfuno â Chyngor Penfro yn golygu y byddai democratiaeth leol yn mynd ymhellach oddi wrth y cymunedau y mae Cyngor Sir Ceredigion yn eu gwasanaethu ar hyn o bryd. Yr ydym yn credu mewn cadw uned fechan effeithiol sy'n fwy lleol ac sy'n gallu ymateb yn fwy effeithiol i ofynion natur ein cymunedau gwledig ni. Mae cadw gysylltiad â llais cefngwlad yn hollbwysig.**

**Teimlwn yn gryf fod y cynlluniau yma yn gam am yn ôl i'r hen ffordd o weithredu – hen ffordd na weithiodd.**

Cwestiwn 1.2: Beth yw eich barn ar yr opsiynau ar gyfer cael 2 neu 3 Sir yn y Gogledd, fel y nodwyd yn Atodlen 1 i'r Bil Drafft?

Cwestiwn 1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd Llywodraeth Leol yng Nghymru?

Cwestiwn 1.4: A oes angen i Weinidogion Cymru geisio unrhyw bwerau pellach i gefnogi'r gwaith o integreiddio Bwrdd Iechyd Powys a Chyngor Sir Powys?

Cwestiwn 1.5: Beth yw eich barn ar y weithdrefn ar gyfer enwi'r Siroedd newydd?

Cwestiwn 1.6: Beth yw eich barn ar y newidiadau arfaethedig i amserlen etholiadau Llywodraeth Leol?

Cwestiwn 1.7: A oes gennych unrhyw sylwadau cyffredinol am y darpariaethau yn adran 16 ac Atodlen 3 y Bil Drafft sy'n ymwneud â chyllid Llywodraeth Leol?

Cwestiwn 1.8: Sut y gallai Llywodraeth Cymru fesur y nifer sy'n osgoi talu Ardrethi Annomestig ar hyn o bryd?

Cwestiwn 1.9: A oes gennych unrhyw sylwadau neu awgrymiadau ynghylch sut y gallai deddfwriaeth yn y dyfodol helpu i leihau'r nifer sy'n osgoi talu Ardrethi Annomestig?

Cwestiwn 1.10: Ym mha ffyrdd eraill y gallai Llywodraeth Cymru alluogi Llywodraeth Leol i leihau'r nifer sy'n osgoi talu ac sy'n twyllo'r system Ardrethu Annomestig?

Cwestiwn 1.11: A ydych chi'n cytuno y dylid diddymu'r siroedd wedi eu cadw a gwneud diwygiadau canlyniadol er mwyn penodi arglwydd raglawiaid ac uchel siryfion mewn perthynas â'r siroedd fydd yn bodoli ar ôl 1 Ebrill 2020?

Cwestiwn 1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?

## **RHAN 2**

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 2 o'r Bil Drafft?

Cwestiwn 2.2: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â Chynghorau Cymuned â chymhwysedd?

### **RHAN 3**

Cwestiwn 3.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 3 o'r Bil Drafft?

**Nid yw'r Cyngor yn gweld y pwrpas o greu pwyllgorau ardaloedd cymunedol. Teimplant eu bod yn creu haen biwrocraidd di-angen, gan wastwreiddio llais y cynhorau cymuned.**

Cwestiwn 3.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ynghylch cyfranogiad y cyhoedd a'r gofyniad i ymgynghori ar y gyllideb flynyddol?

Cwestiwn 3.3: Sut y dylid ceisio a dewis cynrychiolwyr cymunedol i fod ar bwllgorau ardaloedd cymunedol?

**Nid yw'r Cyngor yn gweld y pwrpas o greu pwyllgorau ardaloedd cymunedol. Teimplant eu bod yn creu haen biwrocraidd di-angen, gan wastwreiddio llais y cynhorau cymuned. Ni welai'r Cyngor unrhyw fantais i'r pwyllgor ychwanegol yma.**

Cwestiwn 3.4: A ydych chi'n cytuno y dylai Cynghorau Sir allu dirprwyo swyddogaethau i bwllgor ardal gymunedol? Os ydych, a oes unrhyw swyddogaethau y dylid neu na ddylid eu dirprwyo?

**Fel y nodwyd uchod, nid yw'r Cyngor yn gweld y pwrpas o greu pwyllgorau ardaloedd cymunedol. Teimplant eu bod yn creu haen biwrocraidd di-angen, gan wastwreiddio llais y cynhorau cymuned. Ni welai'r Cyngor unrhyw fantais i'r pwyllgor ychwanegol yma.**

Cwestiwn 3.5: A oes gennych unrhyw farn ynghylch a oes angen rhoi trefniadau trosiannol ar waith ar gyfer pwyllgorau ardaloedd presennol, neu a yw cyfnod arweiniol da yn ddigonol?

Cwestiwn 3.6: A oes gennych unrhyw sylwadau am y darpariaethau diwygiedig ar gyfer 'ceisiadau ar gyfer gwella' neu ar y rhyngweithio rhwng y darpariaethau hyn a'r rheini sy'n ymwneud â'r ddyletswydd cyfranogiad y cyhoedd (Rhan 3, Pennod 2) a phwyllgorau ardaloedd cymunedol (Rhan 3, Pennod 3)?

Cwestiwn 3.7: A oes gennych sylwadau am unrhyw un o'n cynigion pellach sy'n ymwneud â mynediad i gyfarfodydd?

**Nid oedd y Cyngor yn llwyr deall y broblem o fyndediad i gyfarfodydd, nac felly yr angen i ehangu'r mynediad yma. Teimlai'r Cyngorwyr mai nhw yw cynrychiolwyr yr etholwyr, ac os oes gan etholwr achos i'w drafod gerbron y Cyngor gellir wneud hyn, unai drwy:**

- a) gysylltu â Chynhorydd/ y Clerc, neu;
- b) gyflwyno ar yr achos ar gychwyn cyfarfod, trwy wahoddiad y Cyngor, fel yr arfer.

**Teimlai'r Cyngor fod y system yma yn gweithio yn yr ardal yma, ac iddynt erioed gwrthod unrhyw etholwr i gyflwyno ei achos gerbron y Cyngor, pe dymument wneud hynny.**

**Parthed ffotograffiaeth/ sain/ ffilmio, teimlai'r Cyngor ei fod yn gam hollol ddi-angen: i ba bwrpas oes angen gwneud hyn? Teimlai'r Cyngor y byddai'n wastraff arian ag amser.**

Cwestiwn 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?

**RHAN 4**

Cwestiwn 4.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 4 o'r Bil Drafft?

Cwestiwn 4.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ar arweinwyr grwpiau gwleidyddol neu ar rolau monitro ac adrodd y Pwyllgor Safonau?

Cwestiwn 4.3: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud ag Awdurdodau Lleol yn dirprwyo swyddogaethau?

Cwestiwn 4.4: A oes gennych unrhyw sylwadau am ein cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol i ystyried canllawiau wrth adolygu'r fframwaith cydnabyddiaeth ariannol ar gyfer Cyngorwyr?

Cwestiwn 4.5: A ydych chi'n cytuno y dylai'r darpariaethau sy'n ymwneud â mynychu cyfarfodydd o bell ym Mesur 2011 fod yn fwy hyblyg?

Cwestiwn 4.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Awdurdodau Cysgodol benodi Swyddogion Canlyniadau dros dro?

Cwestiwn 4.7: A oes gennych unrhyw sylwadau am fuddioldeb rhoi'r pŵer i Gyngorau ddiswyddo'r Prif Weithredwr, y Prif Swyddog Cyllid, y Swyddog Monitro a'r Pennaeth Gwasanaethau Democrataidd trwy bleidlais?

Cwestiwn 4.8: A oes gennych unrhyw sylwadau am ein cynigion i newid y fframwaith a ddefnyddi gan Gyngorau a'u Gweithrediaeth i benderfynu sut i ddyrannu eu swyddogaethau?

Cwestiwn 4.9: A oes gennych unrhyw sylwadau am ein cynigion mewn perthynas â gwaredu a throsglwyddo asedau Awdurdodau Lleol?

## **RHAN 5**

Cwestiwn 5.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 5 o'r Bil Drafft?

Cwestiwn 5.2: A oes gennych unrhyw sylwadau am ein cynnig i'w gwneud yn ofynnol i Awdurdodau Lleol ymgymryd â dyletswydd trefniadau llywodraethu?

Cwestiwn 5.3: A oes gennych unrhyw sylwadau am y dull gweithredu enghreiffiol tuag at asesiad gan gymheiriaid a nodir yn Atodiad A?

Cwestiwn 5.4: A oes gennych unrhyw sylwadau am rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio mewn perthynas ag ymateb yr Awdurdod Lleol i'r hunanasesiad, yr asesiad gan gymheiriaid, yr asesiad cyfun a'r adolygiad llywodraethu?

Cwestiwn 5.5: A oes gennych unrhyw sylwadau am ein cynnig i wrthod pwyllgorau cyfrifon cyhoeddus lleol?

Cwestiwn 5.6: Ai cyrff gwasanaethau cyhoeddus yw'r cyrff cywir i archwilio'r dewisiadau o ran polisi sy'n wynebu gwasanaethau cyhoeddus lleol?

Cwestiwn 5.7: Os felly, a fydd pwerau cyfreithiol ychwanegol o fudd iddynt?

Cwestiwn 5.8: Pa fesurau deddfwriaethol allai gael eu hystyried i ganiatáu i Llywodraeth Leol ymgymryd â rôl cydwasanaethau ar draws y sector cyhoeddus?

## **RHAN 6**

Cwestiwn 6.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 6 o'r Bil Drafft?

### **Uno Cynghorau Cymuned**

**Mae'r Cyngor yn gwrthwynebu cynllunion i uno cynghorau cymuned. Nid yw'r Cyngor yn credu y byddai gorfodi i gynghorau bro a thref gyfuno yn gam iach i ddemocratiaeth, gan fod pobl yn ein cymuned ni yn uniaethu cymaint â'r fro hon a wasanaethwn. Gogoniant y drefn ar hyn o bryd yw fod y cynghorwyr yn adnabod eu hardal a'u pobl mor dda, ac yn gwneud y gwaith yn gymwynas i'w gymdogion: er lles eu cymunedau lleol.**

**Trwy uno cynghorau cymuned, mae peryg go iawn y byddai llai o fobl am fod yn gynghorwyr: byddai llai o ddiddordeb ganddynt drafod materion ardaloedd tu hwnt i'w milltir sgwâr. Rhaid cofio mai gwirfoddolwyr yw'r cynghorwyr cymuned, yn wahanol i gynrychiolwyr etholedig eraill sy'n gynghorwyr sir ac aelodau Cynulliad a Seneddol. Y mae'n anochel y bydd anfodlonrwydd ar nifer gynghorwyr petai'r cynlluniau i uno yn mynd yn ei flaen.**

**Pryderai'r Cyngor fod potensial i'r uno greu tensiwn rhwng gynghorwyr y cynghorau mawr newydd, yn enwedig wrth sôn am wariant y praesept. A fydd**

**rhai ardaloedd yn cael fwy o ffafriaeth na'i gilydd o ran gwariant? A fydd elusenau a chymdeithasau lleol ar eu colled?**

**Nid yw macro reolaeth yn arwain at fwy o effeithiolrwydd lle mae ystyriaethau cymunedol a chymdeithasol yn bod. Rhaid gwarchod yr elfen o gynghorau cymuned a bro sy'n gwasanaethu ar lefel bentrefol mewn ardaloedd gwledig.**

**At hyn, pryderai'r Cyngor am ddywilliant a hanes Cyngor Ceulanamaesmawr o fod yn Gyngor Cymraeg ei hiaith. Ers creuadigaeth y Cyngor, dros canrif yn ôl, Cymraeg fu iaith y Cyngor ym mhob agwedd o'i gwaith. A fydd hi'n bosib parhau'r traddodiad yma os unai'r cyngor a chyngor arall?**

**Teimlai'r Cyngor yn gryf os eith y Llywordraeth yn ei flaen i uno'r cynghorau y byddai gymunedau led led Cymru yn colli eu hunaniaeth a'i llais lleol.**

**Adroddiadau Blynyddol:**

**'Roedd y Cyngor am wybod at ba bwrpas fod angen creu dogfen newydd: mae cofnodion y Cyngor ar gael yn ogsytâl â chyfrifon blynyddol: oni fyddai'r ddogfennau a baratowir ar gyfer archwiliad allanol y BDO yn ddigonol? At hyn, mae'r cadeirydd yn paratoi adroddiad byr o prif faterion y flwyddyn ar gyfer y cyfarfod flynyddol – a fyddai hyn yn ddigonol? Teimlai'r Cyngor fod hyn yn ychwanegiad di-angen at waith papur.**

**Trefniadau Trosiadol**

**Mae'r Cyngor yn gwrthwynebu'r cynlluniau i uno cynhorau bro llai gyda'i gilydd. Wedi dweud hyn, os yw'r trefniadau yn mynd yn ei flaen, hoffai'r Cyngor llais yn y trefniadau, yn arbennig ar faterion megis dewis cler.**

Cwestiwn 6.2: A ddylai fod yn ofynnol i'r Comisiwn Ffiniau gyflwyno'i adroddiadau drafft i Awdurdodau Cysgodol o fis Mai 2019 ymlaen?

Cwestiwn 6.3: A ddylai'r Cynghorau Sir newydd roi ar waith argymhellion y Comisiwn Ffiniau neu a ddylai hyn fod yn gyfrifoldeb i'r Comisiwn Ffiniau ei hun?

Cwestiwn 6.4: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â hyfforddiant gorfodol ar gyfer Cynghorwyr Cymuned?

**Teimlai'r Cyngor ei fod yn anheg gorfodi gwirfoddolwyr i wneud llawer iawn o hyfforddiant, ac y byddai'n anodd i bobl gyda swyddi a phlant i fynychu nifer o ddiwrnodau hyfforddiant. Dylai unrhyw hyfforddiant fod yn ddewisol. Oni fyddai'n well petai'r Clerc yn mynychu'r hyfforddiant gan ddod â'r wybodaeth anghenrheidiol yn ôl at y Cyngor?**

**Gan hyn, gofidiau'r Cyngor y byddai hyfforddiant gorfodol yn gwneud hi'n anoddach i gael pobl i sefyll i fod yn Gynghorwyr: yr unig pobl gydag amser i fod yn gynghorwyr fyddai pobl sydd wedi ymddeuol – a fyddai diddordeb gyda phobl ifanc yn y gweithlu fod yn aelod wirfoddol o lywodraeth leol?**

**At hyn, hoffai'r Cyngor rhagor o wybodaeth ynglŷn â o le ddaw'r arian ar gyfer yr hyfforddiant ychwanegol – ai o'r Llywodraeth y daw'r arian?**

**Parthed hyfforddiant Cynghorwyr, teimlai'r Cyngor yn anghyfforddus y byddai dyletswydd ar y Clerc i ymchwilio i gwynion yn erbyn Cynghorwyr sydd heb cwblhau hyfforddiant. Gan fod y clerch yn gweithio i'r Cyngor, yn sicr gall hyn niweidio'r berthynas dda rhwng y clerch a'r Cyngor. Yn wir, y byddai'n gyfystyr ag aelod staff yn archwilio ei gyflogwr: dylai hyn gael ei wneud gan gorff tu hwnt i'r cyngor cymuned.**

Cwestiwn 6.5: A oes gennych unrhyw sylwadau am ein cynnig i ymestyn tymor Cynghorwyr Cymuned sy'n cael eu hethol yn 2017 i chwe blynedd?

Cwestiwn 6.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Gynghorau Cymuned ystyried a chynllunio ar gyfer anghenion hyfforddi eu haelodau a'u gweithwyr eu hunain?

Cwestiwn 6.7: A oes gennych unrhyw sylwadau sy'n ymwneud â gosod amcanion ar gyfer clerc Cyngor Cymuned?

**Nid oedd y Cyngor yn sicr o beth yn union oedd yr 'amacanion' yn yr adran yma. Yn y cyngor cymuned yma, mae gan y Clerc rhestr o ddyletswyddi ynghyd â chyfarwyddid ag amserlen manwl, a luniwyd gan y clercod blaenorol, i'w gyfarwyddo. Pa fath o amcanion eraill y byddai angen gosod?**

Cwestiwn 6.8: A oes gennych unrhyw sylwadau am ein cynnig i ddiddymu'r ddeddfwriaeth sy'n ymwneud â phleidleisiau cymunedol ac yn hytrach ei gwneud yn ofynnol i Awdurdodau Lleol weithredu system e-ddeisebau?

## **RHAN 7**

Cwestiwn 7.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 7 o'r Bil Drafft?

Cwestiwn 7.2: A oes gennych unrhyw sylwadau am a fyddai'n parhau'n ddymunol i sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol os byddai'n fwy cyfyngedig na Chomisiwn anstatudol o ran y materion y gallai roi canllawiau arnynt?

## **RHAN 8**

Cwestiwn 8.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 8 o'r Bil Drafft neu am unrhyw un o'r Atodlenni?

### **CWESTIYNAU YCHWANEGOL**

Cwestiwn 9.1: A ydych chi'n ymwybodol o unrhyw ddiwygiadau canlyniadol i ddeddfwriaeth y bydd angen eu gwneud?

Cwestiwn 9.2: Rhowch adborth a fydd yn ddefnyddiol yn eich barn chi mewn perthynas â'r dogfennau ategol a gyhoeddir ochr yn ochr â'r Bil Drafft h.y. Memorandwm Esboniadol Drafft (gan gynnwys yr Asesiad Effaith Rheoleiddiol) ac Asesiadau Effaith penodol.

Cwestiwn 9.3: Rydym wedi gofyn nifer o gwestiynau penodol. Os hoffech godi unrhyw faterion cysylltiedig nad ydym ni wedi mynd i'r afael â nhw yn benodol, defnyddiwch y lle isod i'w nodi.

Mae ymatebion i ymgynghoriadau weithiau yn cael eu cyhoeddi – ar y rhyngwrwyd neu mewn adroddiad. Ticiwch y blwch yma pe bai'n well gennych gadw eich ymateb yn gyfrinachol:

**26897 -165 : R Phillip Parry**

**Tref / Town : Caerwys**

**Sefydliad / Organisation : Trelawnyd & Gwaenysgor  
Community Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

No provision seems to have been made for the financial costs of transition arrangements for community and town councils. There are few councils that will have a contingency in their budgets to cover any transition costs; e.g. redundancy for employees; changes in web sites; legal fees in transferring assets – particularly those previously gifted to the community with covenants. It would be wrong if resources were made available to enable Unitary Authorities to enable their transition into new structures and this was not offered to the local council sector level on a proportionate basis.

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

As per One Voice Wales reply. This Council agrees that there should be a reduction of local authorities in Wales. One Voice Wales in its previous submission on the White Paper Power to the People and response to the Williams Commission has stated that there should be no more than eight county councils in Wales and feed back to One Voice Wales during the consultation period has indicated that eight authorities should be the absolute maximum number to serve the population of Wales. On this basis One Voice Wales considers two authorities for North Wales to be appropriate. There are previously used successful models for this structure.

On the matter of European Funding, we also do not think that it should override a strategic, long-term case for mergers. There should be minimal impact on the delivery and related eligibility during the current 2014-2020 EU funding period. The majority of regions in the West Wales and the Valleys 'convergence' area remain in that area.

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

This council agrees with the reply from One Voice Wales as stated above considers eight Unitary Authorities to be the maximum numbered required.

This council fundamentally disagrees with the proposal for Area Committees, this would be an unnecessary middle tier the purpose, accountability and make up of which would be undemocratic.

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

This council has no view on this matter

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

Councils should be able to choose their own name which has meaning to the local population

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

This council would prefer two three year terms, councillors may already have been in post for a number of years and a six-year term might put off potential candidates from standing which would not be good for democracy and new ideas.

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

'Transition Arrangements' need to be set in place for all local councils in Wales as were being established for Unitary Authorities – decisions taken through the transition committees of Unitary Authorities will no doubt have significant impacts on local government and resources need to be made available to deal with issues such as asset merging, service merging, taking on/delegation of services and or assets from current authorities.

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

Delegate the responsibility to the new Unitary authorities

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

With the delegated responsibility should come a power to enforce and recover as a debt – seizing and realising assets

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

Empower Unitary authorities to deal with this and make recovery part of any inspections/audit of effectiveness

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

This council has no view on this

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

This council agrees with the response of One Voice Wales and considers that section 18 and schedule 4 of the draft Bill – transfer of staff, property and liabilities, and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils.

## **PART 2**

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

The principle of cost saving is supported provided services are protected

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

In principle this council agrees with the reply of One Voice Wales, generally we support the three competency requirements and the general requirements set out regarding the use of the new power. One Voice Wales supports the notion of competence for councils that show clear initiative and capability. Any system to regulate the issue and retention of competence by individual councils needs to be consistent, transparent and fair. Competent councils deserve the right to access more extensive and far-reaching powers to enhance their respective communities.

During the north Wales consultation event an important point was raised relating the introduction of the General Power of Competence (GPoC) for newly formed common councils in 2023 – unless amendments to the Bill were made these new councils would not be able to use GPoC as they would not have had two prior years of unqualified accounts. One Voice Wales welcomes the potential for GPoC to be implemented from 2017 however some concerns were raised that the requirement to have two thirds of members elected

needed to be revisited as it was already proving difficult to attract people to stand for election. Additionally, One Voice Wales welcomes the fact there is nothing in the draft Bill regarding the capping of GPoC – the retention of Section 137 on the statute books after the introduction of the Power of Well-Being was certainly a factor in discouraging local councils using the new power – and will encourage councils to seek this new status.

### **PART 3**

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

This council feels that further consultation is needed on these proposals, and on any separate suggested support legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales. We have concerns over possible asset stripping and use of any reserves a council may have accumulated for community projects. In light of the current pressures for service and asset transfer that Community Councils are committing themselves to it is vital that there is opportunity for Councils to contribute opinion on the design of a future system that should both take into account any wider proposed changes to the powers and fiscal responsibilities of the Assembly, and the need for the devolvement of greater financial independence and responsibility to Local Authorities.

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

This council supports public participation and the new duty to consult on the budget however further detailed guidance on how community and town councils will be engaged in this process would be welcomed.

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

This Council is totally against the proposal for Area Committees. Our view is in line with the response of Submitted by One Voice Wales. North Wales member councils and feedback from the two consultation events held by Welsh Government in early February there is almost (one Community Council in the North Wales consultation event thought Community Area Committee's had the potential to be more inclusive decision making bodies) universal condemnation of the proposals for Community Area Committee's – largely seen as an unnecessary new layer of bureaucracy and introducing even more complexity into the local government system for local electors. Our Council members have concerns over the potential governance arrangements including unelected representatives and concern that if they were to go ahead that community and town councils would be significantly under-represented in terms of the membership of these bodies. This Council's members strongly feel that better use of public resources should be invested in the creation of new common councils for

community areas across Wales where there is currently no coverage and that this is done as quickly as possible. The creation of new local councils in areas where they currently don't exist will strengthen local working arrangements and could be used to help promote new democratic models of neighbourhood participation. This idea should be shelved, it is not good value and will be undemocratic and unrepresentative of local needs.

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

This council supports the response of One Voice Wales on this matter we are not in favour of the establishment of such bodies. Rather One Voice Wales would welcome a Welsh Government commissioned piece of research that undertakes a comprehensive review of the potential non-statutory functions of existing Local Authorities to be undertaken by the community and town council sector in future in partnership with other bodies.

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

See above

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

This should be subject of additional consultation with more detail on their proposed use.

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

This council is in favour of public meetings and representation at normal meetings but is against filming and recording meetings. Such recordings can be digitally altered and can be misused on social media.

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

Links should be encouraged at all tiers of government with schools. Locally this could be achieved by encouraging school councils and the education of civics

## **PART 4**

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

This council supports appropriate compulsory training for members. In particular, the Chair of Councils on leadership and regulations of governance.

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

No view

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

This council is supportive of a new regime that will allow for the delegation of local authority functions to third parties and Welsh Government's intention to create a new power of delegation with the power being extended to include the community and town council sector. The proviso being that there is no compulsion to use the power, and no method by which it can be required to be used.

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

Our Council has no strong view on this, with the delegation of responsibility and an increase in trained councillors there should be a reasonable level of remuneration that reflects the work done – this is best set independently and transparently but councillors should be able to refuse any increases on political grounds

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

This council agrees with the reply from One Voice Wales and recognises there is already provision within the Draft Bill to allow electronic summons (emails) and remote attendance recognising the difficulties arising from work, travel or other commitments. For larger Councils the latter might involve sophisticated video conference links so for the smaller community councils One Voice Wales would want to see Skype, FaceTime, Messenger and other social media video links included. The use of modern communications media should enable the members of the smaller councils to be able to participate in meetings remotely to ensure that there is the fullest consideration of all issues by the council members either directly present or via an electronic link.

The document states for the Principal authorities that: "The provisions enabling remote attendance at Council meetings, introduced in the Local Government (Wales) Measure 2011 ("the 2011 Measure"), have not been widely adopted. Feedback from Local Government has indicated either a lack of demand for the facility or a view that the technical challenges required to

abide by the detailed provisions of the Measure has led to the reform not being implemented at Local Authority level. The Welsh Government believes that enabling remote attendance has particular attractions for Members who may, for employment, travel or domestic reasons, find it difficult to attend some meetings. This may increase with the move to new Authorities, given their larger size and if the age, gender and employment profile of Councillors improves, as intended. Although no provision is made in the Draft Bill, it is our intention to include in the Bill for introduction provisions which would amend the 2011 Measure in order to further facilitate the operation of remote attendance by Councillors at Council meetings.”

One Voice Wales believes that this should also be introduced for Town and Community Councils but use of electronic attendance and conferencing should be supported by a central IT grant to modernise business process.

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

no particular view to express about this.

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

no particular view to express about this.

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

no particular view to express about this.

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

The intended approach for Local Authorities seem fair and reasonable, we do however have concerns over the possible seizure/diversion of bank balances accrued over time for already agreed projects

## **PART 5**

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

This part of the Bill is largely irrelevant to the local council sector – One Voice Wales does not have specific responses to make.

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

Please refer to 5.1 above.

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

Please refer to 5.1 above.

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

Please refer to 5.1 above.

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

Please refer to 5.1 above.

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

Please refer to 5.1 above.

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

Please refer to 5.1 above.

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

Please refer to 5.1 above.

## **PART 6**

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

This Council agrees with the response of One Voice Wales on the Review of Community Council Arrangements – One Voice Wales repeats its stance that the way forward should not be based on enforced amalgamation of smaller councils, resulting in more remote community representation and cohesion, but rather that groups of adjacent councils should be encouraged to work together in clusters in order to accommodate economies and efficiencies of scale.

Community Council Precept: One Voice Wales welcomes the fact that this will

be dealt with on a longer time basis however urges Welsh Government to establish arrangements for the development of resources e.g. guidance documents/ good practice models to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged.

Annual reports: One Voice Wales supports the development of Annual Reports however these requirements should be proportionate to the size of council and functions undertaken. Annual reports should enable greater local accountability and encourage democratic engagement with the first tier of local government.

Transition arrangements: One Voice Wales urges Welsh Government to place the local council sector on an equal footing as Unitary Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

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

This council is in agreement with the below 6.2. and 6.3  
One Voice Wales does not agree with the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. To do so would place a limited timeframe for the completion of a critical exercise for the future of local democracy. The timeframe of April 2020 is more realistic however this may still pose capacity problems given the number of local councils. The Commission must not be rushed to complete its work programme – it will be better to get it right than push through changes without full consideration of their consequences. At the two consultation events local council representatives raised several matters in relation to this work. Before reviews are commenced Welsh Government needs to articulate the purpose of merging local councils – for example, what will be the future functions of the local councils' sector as this has been absent from both the White Paper and this latest consultation. One Voice Wales is concerned that one of the potential unintended consequences of merged councils is a significant reduction in the number of local councillors which will only undermine the ability of the sector to act on behalf of its electorates as the capacity of the sector will be significantly reduced. Additionally, One Voice Wales members want Welsh Government to provide directions to the LDBCW to have due regard to the safeguarding of the Welsh Language when making its recommendations.

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

One Voice Wales is of the view that the Boundary Commission should hold this responsibility to avoid the possibility of Ministers or local authorities attempting to use this power to unduly influence outcomes of such reviews. As one of our member councils expressed "...the opportunity to "Gerrymander" should be prevented at all costs". The development of robust transition arrangements for the community and town councils sector will allow for consideration of local geography, demographics, and Welsh Language matters by local councils and can support the work of the Local Government Boundary and Democracy Commission and overcome any perceived lack of knowledge of local areas on the LGBDC part.

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

All sector councillors should receive compulsory **accredited** training. This would be an appropriate and reasonable element of general training relating to the running of local councils and how to be an effective councillor. We would also strongly support a framework where there was ample encouragement and support for further training within and across numerous specialist fields of council work – again accredited. We would want and expect sufficient resources to be made available by Government in order for this to be possible. One Voice Wales members are opposed to Unitary Authorities determining compulsory training and believes this should be a matter for the sector itself to determine and obtain from any suitable provider.

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

Already expressed its view on this earlier in the consultation response.

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

Local small community authorities would probably welcome some guidance on training from large county councils, provided that a national framework existed in a modular form that would allow Councillors to supplement existing skills. One Voice Wales should not be given a monopoly on delivering or determining training needs. Local colleges could also provide accredited course in governance.

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

The duty to set and work to achieve objectives should be owned by the

Council. The Clerk should then have a work performance monitoring system to support and contribute to those objectives

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

We support this development in principle but point out that the elderly, and residents in rural areas, may not have sufficient access to IT to complete an e-petition

## **PART 7**

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

This Council agrees in principle with the response of One Voice Wales and SLCC and considers the introduction of Transition Arrangements and the development of transition committee's important in supporting the vision of government for the local council's sector.

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

We have no view on this

## **PART 8**

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

no view to express about this part of the draft Bill.

## **ADDITIONAL QUESTIONS**

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

Where will the responsibility and resources for Emergency Planning lie?

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

No other observations or feedback.

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

One voice Wales represents a number of Councils in Wales but not all. Provision should be made to consult other bodies – such as North Wales Group of Community Councils – mentioned at the North wales Consultation meeting.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous, please tick the box:

**26897 -166 : R Phillips Parry**

**Tref / Town : Dyserth**

**Sefydliad / Organisation : Dyserth Community Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

No provision seems to have been made for the financial costs of transition arrangements for community and town councils. There are few councils that will have a contingency in their budgets to cover any transition costs; e.g. redundancy for employees; changes in web sites; legal fees in transferring assets – particularly those previously gifted to the community with covenants. It would be wrong if resources were made available to enable Unitary Authorities to enable their transition into new structures and this was not offered to the local council sector level on a proportionate basis.

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

The council's preference is there should be three county councils for north Wales.

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

This council fundamentally disagrees with the proposal for Area Committees, this would be an unnecessary middle tier the purpose, accountability and make up of which would be undemocratic.

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

This council has no view on this matter

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

Councils should be able to choose their own name which has meaning to the local population

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

This council would prefer two three year terms, councillors may already have been in post for a number of years and a six-year term might put off potential candidates from standing which would not be good for democracy and new ideas.

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

The council would like to flag up one issue about council tax. Page 15 of the consultation document states “we will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for council tax”. This statement equally applies to the local precepting authorities - the community council sector. The council advocates that the community council sector should be treated in the same way as principal authorities with a local transition committee being appointed to oversee changes following the community council review process. Precept equalisation or harmonisation will be a key consideration especially in areas where a number of small communities are brought together to form new common community councils.

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

Delegate the responsibility to the new Unitary authorities

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

With the delegated responsibility should come a power to enforce and recover as a debt – seizing and realising assets

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

Empower Unitary authorities to deal with this and make recovery part of any inspections/audit of effectiveness

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

The council agrees with this proposal.

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

The council would like parity for the community council sector so that section 18 and schedule 4 of the draft Bill – transfer of staff, property and liabilities, and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils.

## **PART 2**

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

Section 29 of the draft Bill - the council supports the proposal that community councils with competence will no longer be able to utilise section 137 of the LG Act 1972. This is entirely sensible.

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

The council supports the three competency requirements and the general requirements set out regarding the use of the new power. However, when it comes to issuing guidance to the community council sector, the council hopes Welsh Ministers will not be tempted to introduce restrictions which might discourage councils from using the power as a power of first resort. Lessons need to be learned from the restriction imposed on the use of the power of Well-Being where spending limits were restricted to section 137 spending limits. This discouraged use of that particular power.

### **PART 3**

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

See below.

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

This council supports public participation and the new duty to consult on the budget however further detailed guidance on how community and town councils will be engaged in this process would be welcomed.

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

The process for selecting community councillors seems fair but it is important that the new county councils are not permitted to appoint one joint representative for an area and that appointments are made on a one to one basis so that every community council has its own seat on the area committee. Given the size of the new county councils it is important to promote subsidiarity to ensure decisions affecting local communities are made at the local level. This will encourage local people to engage in decisions affecting them and will not dilute democratic representation and accountability.

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

The Council are not in favour of the establishment of such bodies. The Council would welcome a Welsh Government commissioned piece of

research that undertakes a comprehensive review of the potential non-statutory functions of existing Local Authorities to be undertaken by the community and town council sector in future in partnership with other bodies.

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

See above

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

This should be subject of additional consultation with more detail on their proposed use.

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

The proposals relating to community councils need to be proportionate to the scale and functions of particular community councils as some of the provisions could be perceived as overkill for smaller communities. The council refers to section 77 of the draft Bill whereby Welsh Ministers may make regulations allowing the filming, photography or sound recording of meetings (this includes community council meetings) and questions the impact this might have on proceedings. Community councillors are volunteers and may be discouraged from active participation in general council business if this was introduced generally across the sector. Cyber bullying could also be an issue where a member of the public might have a personal agenda with individual councillors and if the filming of proceedings is permitted the recordings could easily be edited to portray decision making arrangements in a different context.

The council supports the other proposals identified for encouraging public participation at community council meetings.

On a general note it is noted that on page 24 of the consultation document it states principal councils should be able to choose to send out the summons and notices only by electronic means if they so wish. This would be very desirable for the community council sector and so the council requests that the application of this proposal is also extended to give community councils the same choice.

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

The council supports the suggested approach in the consultation document and the production of guidance to be issued under the Bill.

#### **PART 4**

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

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the questions

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

## **PART 5**

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

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the proposals.

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

## **PART 6**

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

The council would like to comment on “Other matters” identified on page 44 of the consultation document.

Community Council Precept: Precept equalisation/harmonisation has been referred to earlier in this response. However, it is important to assess the impact the community council review process will have on community council precepts. In the majority of instances council tax will rise (considerably perhaps in some areas) where smaller communities are merged to create new common councils. The local electorate will have a strong opinion about this issue and are likely to object to bearing the brunt of any likely increase. Local support mechanisms will need to be created to help guide the new councils and the communities through transition as it is unlikely that financial support in the form of a subsidy will be offered to the sector from the new county councils or Welsh Government. If precepts increase, there will be significant community pressure to start delivering value for money services from inception of the new councils. Building the capacity and capability of the sector will take time to take effect and will create public accountability issues during the transition period because of the time lag and not meeting public expectation immediately.

Annual reports: The council fully supports Welsh Government’s intention to

require every community council to publish an annual report so that local people can understand what the council has achieved during the previous year with provision being made for this requirement in the Bill for introduction.

Transition arrangements: The draft explanatory memorandum published to support the draft Bill states that section 163 gives Welsh Ministers powers to make transitional provision by regulation in relation to matters such as charter trustees and the transfer of staff, property, rights and liabilities. It also states that the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to staff being transferred under implementation orders made under these provisions subject to two exceptions in relation to criminal liability and pensions. It goes on to state that the new county councils will be required to implement the changes by the local elections in 2023. However, the draft Bill refers to the creation of Transition Committees to oversee the transfer of staff and assets to the new county councils. The council would like to see the remit of these committees extended to provide support for the community council sector. It is important to manage and oversee community council mergers so that this is done consistently and fairly throughout Wales. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

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

The council supports the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. However, the Commission must not be rushed to complete its work programme. There are 735 community councils in Wales so the review programme will be a very significant task for the Commission to take on and deliver. If smaller councils are to be merged into larger common council's, it is important to demonstrate a fair and considered approach and to allow sufficient time to do a thorough job in order to deliver the right outcome the first time around. The general time constraints are a concern.

Another concern surrounds the directions issued by Welsh Government to the Boundary Commission on how to conduct the community council reviews. The parameters need to be published to avoid the suspicion that the final number of community councils surviving the review process are not centred around and arithmetic exercise to drastically reduce numbers. This observation refers to the Commission undertaking purposeful reviews of community council arrangements in all parts of Wales to secure effective and convenient local government. The council would welcome a clearer definition of what is actually intended because securing effective and convenient local government is far too general and vague.

The council fully supports the modification of section 30 of the Local Government Act 1972 to prevent a community application being made once the proposed implementation orders come into force. This will allow common councils to become established without the threat of being abolished as a result of general public dissatisfaction with any element of the community council review programme.

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

The council supports the new county councils implementing the Boundary Commission's recommendations in the interests of subsidiarity. The new county councils whilst being much larger entities than their predecessors will hopefully retain some degree of local affinity with community areas and will be more in touch with the practical working arrangements surrounding mergers taking into consideration local geography, demographics and other such like considerations including Welsh language implications across local communities within their own administrative areas. The Boundary Commission won't possess this important local knowledge.

A further consideration is the council would like to see a correlation to the Boundary Commission's work and the Public Services Boards' work when the Board's create community area committee boundaries so that the boundaries of community councils are wholly coterminous within the boundaries of these area committees. This is important to avoid local ties being broken by the setting of any particular boundaries.

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

The council generally supports this proposal but feels placing the onus on the council clerks to look into complaints where a community councillor has not completed compulsory training is unfair. This has the potential to create division and conflict between the clerk, member and the council. The council would prefer for the training organiser to control and investigate such complaints or alternatively is there a role for external audit to manage this? The council also feels compulsory training should be proportionate to the scale and functions of a community council and therefore this proposal for compulsory training should not apply to smaller community councils.

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

The council understands the reason for extending the term limits but believes being elected for a six-year term is too long and is not in the interests of

healthy local democracy. Is there an option for integrating the election timetable so that it matches that of the new county councils resulting in ordinary elections in 2017, 2020 and 2023? From 2023 the timetable could then run over the proposed five-year term to 2028.

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

The council supports the general proposal but again feels this requirement should be proportionate to the scale and functions of the community council with smaller community councils being excluded. Alternatively, this proposal could apply to only those community councils with competence.

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

The duty to set and work to achieve objectives should be owned by the Council. The Clerk should then have a work performance monitoring system to support and contribute to those objectives

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

We support this development in principle but point out that the elderly, and residents in rural areas, may not have sufficient access to IT to complete an e-petition

## **PART 7**

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

The council would like to see formal transition arrangements put in place to support the community council review programme. The issues are identical to those highlighted for the principal authority mergers and therefore should be dealt with in the same way to ensure a fair and consistent outcome across Wales.

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

The council does not support the creation of the Staff Commission if it means it will be more constrained in the matters on which it could issue guidance than a non-statutory Commission.

## **PART 8**

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

The council has no view to express about this part of the draft Bill.

## **ADDITIONAL QUESTIONS**

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

None the council is aware of that relate to the community council sector.

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

The entire document bundle proved to be very useful and provided important explanations and general supporting commentary and background information. The bundle has enabled the council to have a fuller understanding of the draft Bill and led to a more meaningful debate of the issues surrounding the proposals contained in the draft Bill.

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

One voice Wales represents a number of Councils in Wales, but not all. Provision should be made to consult other bodies – such as North Wales Group of Community Councils / Larger Town Council, as mentioned at the North wales Consultation meeting.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous, please tick the box:

**26897 -167 : Ceri Mortimer**

**Tref / Town : Croesyceiliog, Cwmbran**

**Sefydliad / Organisation : Croesyceiliog & Llanyrafon  
Community Council**

Dear Sir/Madam

Croesyceiliog & Llanyrafon Community Council have commented on the following items in relation to the consultation:

### **2.1 Community Councils with Competence**

We strongly believe that to become a “competent council”, councils must demonstrate that they have the following in place, to set themselves apart from other councils:

- (i) 2/3 of the council are elected members, including unopposed elected members.
- (ii) a CiLCA qualified clerk or other professional qualification
- (iii) two years unqualified accounts

However we would recommend that a council tests its competency annually and resolve their eligibility for “competence” status at their annual meeting and not automatically remain competent for 5 years. If they have previously undertaken a project using the General Power of Competence in one year, then fail to qualify as a competent council in the second year, they should be permitted to continue with that project until completion, under the terms of the General Power of Competence.

### **3.1 Community Area Committees**

We strongly disagree with the initiative of introducing another layer of local government between principal authorities and Community Councils in the form of Community Area Committees due cost and also creating another layer of bureaucracy would be even more confusing for local people. In their place, we strongly recommend the strengthening of current committees that exists, between community councils and principal authorities. It would make better sense to ensure the existing committees work as opposed to introducing new committees..

### **6.1 Review of Community Council Arrangements**

We strongly believe that principal authorities have no input in relation to implementing the Boundary Commission’s recommendations. It could become very political if this were allowed to happen and not necessarily in the best interest of the community councils and local people. The Boundary Commission should have complete control over implementing the recommendations.

6.2 No, the Boundary Commission should not be required to submit their draft reports to Shadow Authorities from May 2019

6.3 It should be the Boundary Commission’s responsibility to implement recommendations

## **6.4 Training**

Training should not be mandatory. Members should be encouraged to undertake training.

We think that mandatory training could potentially put people off from standing for election.

Many members “learn on the job” whilst others are mentored by their more experienced and sometimes “twin hatted” members, that serve on county and community councils. We strongly believe that a mentoring process be encouraged.

Whether councillors are trained or not they are considered as invaluable members of the community council.

Community Councillors are unpaid and therefore the majority of which work full time, with families, and merely cannot afford the time.

We do believe that PA’s should be involved in delivering specific training.

One Voice Wales should not have the monopoly on training. Community councils should assess their own training needs and choose which body to deliver their training.

WG should consider funding a training programme for all community councils, as opposed to community council’s having to fund training from their precept.

## **6.5 Community Council Election Dates**

We agree to extending the term of office to six years in 2017 with a five year term to follow in 2023, to coincide with PA’s elections.

### **Other matters:**

#### **Capping the Community Council Precept**

Non-competent councils should not necessarily have their precept capped.

#### **Annual Reports**

We support the view of all community councils producing and publishing annual reports, to demonstrate the services and activities of the community council over the previous year.

## **6.6 Training**

Councillor training should not be compulsory. There should be mandatory training for clerks in obtaining a CiLCA qualification so that the council can exercise the General Power of Competence, if other criterion has been met. Councillors should be encouraged to receive training. Each community council should manage and plan their own training needs.

## **6.7 Performance Management**

We believe that all community council clerks, whether serving large or small councils, should be set objectives by their council and their performance managed. Members appointed to undertake the appraisal should receive appraisal training. Objectives must be realistic and achievable.

## **6.8 Community Polls**

We strongly disagree in supporting principal authorities implementing a system of e-petitions. Ward members are closer to the public and should be responsible for their own wards. E-petitions can have an adverse effect.

### **3.6 Improvement Requests**

No comment.

### **3.7 Access to Community Council Meetings**

We support recommendations that provide community councils with the option of issuing electronic summons' to members to attend meetings, similar to the proposals allowing principal authorities to do so.

We do not support the provision of the LGA 1972 being repealed to allow meetings to be convened in premises where alcohol is being served.

We support the view that members of the public attending a community council meeting are given a reasonable opportunity to make representations about any items of business due to be discussed at the meeting, unless the person chairing the meeting considers that doing so would prejudice the effective conduct of the meeting.

We generally have no objections to WG making regulations allowing the filming, photography or sound recording of community council meetings at the discretion of each community council.

### **Transitional Arrangements**

We support that an unbiased and independent community council commission be created to oversee:

Recruitment & selection processes; assimilation of staff to new common councils and negotiating staff contract variations; the processing of potential redundancies; the transfer of assets; the delegation of services from principal authorities; the freezing of balances/reserves to prevent inappropriate spending decisions being made in the run up.

This should NOT be undertaken by One Voice Wales nor SLCC but undertaken by a completely unbiased and independent commission.

Cofion cynnes / Warm regards  
Ceri

**Ms Ceri Mortimer**

**26897 -168 : Lisa Turnbull**

**Tref / Town : Cardiff**

**Sefydliad / Organisation : Royal College of Nursing**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

## PART 1

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

The more coterminous that the Local Authority boundaries are with the Local Health Board boundaries the better. This will allow for better health and social service planning and delivery. It will strengthen the ability of service commissioners, planners and providers to deliver services that based on the real needs of local populations.

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

Following on from our response above, the less local authority areas servicing North Wales the better. Consequently, we would be more supportive of the options set out in Table 1.

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

Our response to Question 1.1. applies.

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

We support the continuation of a “light touch” approach on the aprt of Welsh Government regarding the further integration of Powys Teaching Health Board and Powys County Council. The arguments for treating the organisations in the Powys catchment area differently from other areas are un-compelling. Further integration will be driven by the financial pressures that each organisation faces, and the need for them to work more effectively together to tackle their common challenges.

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

The proposed approach is not contentious as far as we are concerned. Such an approach would ensure local ownership.

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

A move to fixed term election cycles seems consistent with European and national arrangements (i.e. UK Parliament and National Assembly for Wales arrangements).

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

## **PART 2**

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

No comment.

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

No comment.

### **PART 3**

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

#### **PART 4**

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

## **PART 5**

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

They seem to be a sensible development.

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

Worthy of further exploration.

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

No comment.

**PART 6**

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

No comment.

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

No comment.

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

No comment.

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

Seems to be a sensible idea that is worthy of further exploration.

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

No comment.

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

Seems to be a sensible idea that is worthy of further exploration.

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

No comment.

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

No comment.

## **PART 7**

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

The introduction of the Public Services Staff Commission has been a significant development. It seems sensible that current arrangements need to be allowed to “bed in” and to be tested before it is given strengthened statutory powers.

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

See answer to Question 7.1 above.

## **PART 8**

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

No comment.

## **ADDITIONAL QUESTIONS**

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

No comment.

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

No comment.

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

No comment.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -169 : Einir Wyn**

**Tref / Town : Pwllheli**

**Sefydliad / Organisation : Cyngor Cymuned Llanengan**

### **Cwestiynau Ymgynghori**

Dylai'r cwestiynau hyn gael eu darllen ar y cyd â'r Bil Drafft, y Memorandwm Esboniadol Drafft a'r Asesiad Effaith Rheoleiddiol Drafft

#### **RHAN 1**

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 1 o'r Bil Drafft?

Cefnogir hwy mewn egwyddor er nad ydynt yn ymwneud yn benodol â chynghorau cymuned a thref.

Cwestiwn 1.2: Beth yw eich barn ar yr opsiynau ar gyfer cael 2 neu 3 Sir yn y Gogledd, fel y nodwyd yn Atodlen 1 i'r Bil Drafft?

Ni wrthwynebir cael dwy neu dair Sir yn y Gogledd, gan y buasai'n dychwelyd i'r hen drefn. Gellid cael yr hen Wynedd a gynhwysai Arfon, Dwyfor, Meirionnydd, Môn a rhan o Aberconwy ond, pryderir y gallai dirywiad fod yng nghyflwr yr iaith Gymraeg pe unid Sir Ddinbych â Siroedd y Fflint a Wrecsam.

Cwestiwn 1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd Llywodraeth Leol yng Nghymru?

Cefnogir y bwriad mewn egwyddor o leihau nifer y siroedd yng Nghymru – mae wyth neu naw yn ddigonol.

Cwestiwn 1.4: A oes angen i Weinidogion Cymru geisio unrhyw bwerau pellach i gefnogi'r gwaith o integreiddio Bwrdd Iechyd Powys a Chyngor Sir Powys?

Amherthnasol

Cwestiwn 1.5: Beth yw eich barn ar y weithdrefn ar gyfer enwi'r Siroedd newydd?

Cytunir y dylai'r Siroedd newydd benderfynu ar eu henwau eu hunain.

Cwestiwn 1.6: Beth yw eich barn ar y newidiadau arfaethedig i amserlen etholiadau Llywodraeth Leol?

Cefnogir y bwriad ond am un tro'n unig, gan y gallai fod yn rhwystr i ddarpar gynghorwyr ystyried rhwymedigaeth cyhyd.

Cwestiwn 1.7: A oes gennych unrhyw sylwadau cyffredinol am y darpariaethau yn adran 16 ac Atodlen 3 y Bil Drafft sy'n ymwneud â chyllid Llywodraeth Leol?

Nac oes.

Cwestiwn 1.8: Sut y gallai Llywodraeth Cymru fesur y nifer sy'n osgoi talu Ardrethi Annomestig ar hyn o bryd?

Dim sylw.

Cwestiwn 1.9: A oes gennych unrhyw sylwadau neu awgrymiadau ynghylch sut y gallai deddfwriaeth yn y dyfodol helpu i leihau'r nifer sy'n osgoi talu Ardrethi Annomestig?

Dim sylw.

Cwestiwn 1.10: Ym mha ffyrdd eraill y gallai Llywodraeth Cymru alluogi Llywodraeth Leol i leihau'r nifer sy'n osgoi talu ac sy'n twyllo'r system Ardrethu Annomestig?

Dim sylw.

Cwestiwn 1.11: A ydych chi'n cytuno y dylid diddymu'r siroedd wedi eu cadw a gwneud diwygiadau canlyniadol er mwyn penodi arglwydd raglawiaid ac uchel siryfion mewn perthynas â'r siroedd fydd yn bodoli ar ôl 1 Ebrill 2020?

Dim sylw.

Cwestiwn 1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?

Dim sylw.

## **RHAN 2**

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 2 o'r Bil Drafft?

Cytunir ag egwyddorion Rhan 2 i gynghorau sir.

Cwestiwn 2.2: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â Chynghorau Cymuned â chymhwysedd?

Credir y gallai cynghorau cymuned â chymhwysedd weithio i rai mwy eu maint (trefol yn fwy na gwledig) ac y dylid penderfynu'n flynyddol arno ar ôl trafod y meini prawf.

### **RHAN 3**

Cwestiwn 3.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 3 o'r Bil Drafft?

Cefnogir y cynnig o sefydlu pwyllgorau ardaloedd cymunedol at ddiben sicrhau y caiff buddiannau a blaenoriaethau'r gymuned gael eu hystyried gan y Cyngor wrth iddo arfer ei swyddogaethau.

Cwestiwn 3.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ynghylch cyfranogiad y cyhoedd a'r gofyniad i ymgynghori ar y gyllideb flynyddol?

Mae cyfranogiad y cyhoedd a'r angen i ymgynghori ar y gyllideb flynyddol yn syniad da ond, buasai'n rhaid i gynghorau cymuned gael arweiniad neu ganllawiau i wneud hyn.

Cwestiwn 3.3: Sut y dylid ceisio a dewis cynrychiolwyr cymunedol i fod ar bwyllgorau ardaloedd cymunedol?

Gwrthwynebir y rhain, gan y gallasent fod yn annheg â chymunedau o ran cynrychiolaeth.

Cwestiwn 3.4: A ydych chi'n cytuno y dylai Cyngorau Sir allu dirprwyo swyddogaethau i bwyllgor ardal gymunedol? Os ydych, a oes unrhyw swyddogaethau y dylid neu na ddylid eu dirprwyo?

Nac ydym. Pam gwahaniaethu neu anghofio am gynghorau cymuned?

Cwestiwn 3.5: A oes gennych unrhyw farn ynghylch a oes angen rhoi trefniadau trosiannol ar waith ar gyfer pwyllgorau ardaloedd presennol, neu a yw cyfnod arweiniol da yn ddigonol?

Nac oes.

Cwestiwn 3.6: A oes gennych unrhyw sylwadau am y darpariaethau diwygiedig ar gyfer 'ceisiadau ar gyfer gwella' neu ar y rhyngweithio rhwng y darpariaethau hyn a'r rheini sy'n ymwneud â'r ddyletswydd cyfranogiad y cyhoedd (Rhan 3, Pennod 2) a phwyllgorau ardaloedd cymunedol (Rhan 3, Pennod 3)?

Nac oes.

Cwestiwn 3.7: A oes gennych sylwadau am unrhyw un o'n cynigion pellach sy'n ymwneud â mynediad i gyfarfodydd?

Anghytunir â'r cynnig o ffilmio/recordio cyfarfodydd, gan y gallai gael ei gam-drin gan aelod o'r cyhoedd. Yn yr un modd, er y newidiodd cymdeithas yn sylweddol ers Deddf Llywodraeth Leol 1972, ni ddylid cynnal cyfarfod o'r cyngor mewn adeilad trwyddedig.

Cwestiwn 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?

Cefnogir unrhyw welliant i gyfranogiad plant a phobl ifanc ym mywyd a gwaith eu cymuned, gan mai hwy yw'r dyfodol.

#### **RHAN 4**

Cwestiwn 4.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 4 o'r Bil Drafft?

Anghytunir â'r darpariaethau o ran swyddogaethau cynghorau sir a'u haelodau, yn arbennig o ran y 'rheolau' ar gyfer eu dyletswyddau. Oes, mae angen 'rhestr ddyletswyddau' ond, o fewn rheswm.

Cwestiwn 4.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ar arweinwyr grwpiau gwleidyddol neu ar rolau monitro ac adrodd y Pwyllgor Safonau?

Nac oes.

Cwestiwn 4.3: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud ag Awdurdodau Lleol yn dirprwyo swyddogaethau?

Nac oes.

Cwestiwn 4.4: A oes gennych unrhyw sylwadau am ein cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol i ystyried canllawiau wrth adolygu'r fframwaith cydnabyddiaeth ariannol ar gyfer Cynghorwyr?

Anghytunir â hyn. Mae'r drefn bresennol, sef Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol, yn ddigonol.

Cwestiwn 4.5: A ydych chi'n cytuno y dylai'r darpariaethau sy'n ymwneud â mynychu cyfarfodydd o bell ym Mesur 2011 fod yn fwy hyblyg?

Gallai cynnal cyfarfodydd fideo neu gysylltu trwy Skype ac ati fod o fudd pe bai rhaid eu defnyddio.

Cwestiwn 4.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Awdurdodau Cysgodol benodi Swyddogion Canlyniadau dros dro?

Nac oes.

Cwestiwn 4.7: A oes gennych unrhyw sylwadau am fuddioldeb rhoi'r pŵer i Gyngorau ddiswyddo'r Prif Weithredwr, y Prif Swyddog Cyllid, y Swyddog Monitro a'r Pennaeth Gwasanaethau Democrataidd trwy bleidlais?

Nac oes.

Cwestiwn 4.8: A oes gennych unrhyw sylwadau am ein cynigion i newid y fframwaith a ddefnyddi gan Gyngorau a'u Gweithrediaeth i benderfynu sut i ddyrannu eu swyddogaethau?

Nac oes.

Cwestiwn 4.9: A oes gennych unrhyw sylwadau am ein cynigion mewn perthynas â gwaredu a throsglwyddo asedau Awdurdodau Lleol?

Dylai cyngorau cymuned/tref gael y cynnig cyntaf os yw'r ased o fudd iddynt cyn mynd at y gymuned yn ehangach.

## RHAN 5

Cwestiwn 5.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 5 o'r Bil Drafft?

Amherthnasol.

Cwestiwn 5.2: A oes gennych unrhyw sylwadau am ein cynnig i'w gwneud yn ofynnol i Awdurdodau Lleol ymgymryd â dyletswydd trefniadau llywodraethu?

Amherthnasol.

Cwestiwn 5.3: A oes gennych unrhyw sylwadau am y dull gweithredu enghreifftiol tuag at asesiad gan gymheiriaid a nodir yn Atodiad A?

Amherthnasol.

Cwestiwn 5.4: A oes gennych unrhyw sylwadau am rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio mewn perthynas ag ymateb yr Awdurdod Lleol i'r hunanasesiad, yr asesiad gan gymheiriaid, yr asesiad cyfun a'r adolygiad llywodraethu?

Amherthnasol.

Cwestiwn 5.5: A oes gennych unrhyw sylwadau am ein cynnig i wrthod pwyllgorau cyfrifon cyhoeddus lleol?

Amherthnasol

Cwestiwn 5.6: Ai cyrff gwasanaethau cyhoeddus yw'r cyrff cywir i archwilio'r dewisiadau o ran polisi sy'n wynebu gwasanaethau cyhoeddus lleol?

Amherthnasol

Cwestiwn 5.7: Os felly, a fydd pwerau cyfreithiol ychwanegol o fudd iddynt?

Amherthnasol

Cwestiwn 5.8: Pa fesurau deddfwriaethol allai gael eu hystyried i ganiatáu i Llywodraeth Leol ymgymryd â rôl cydwasanaethau ar draws y sector cyhoeddus?

Amherthnasol.

## **RHAN 6**

Cwestiwn 6.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 6 o'r Bil Drafft?

Anghytunir â'r bwriad o orfodi cynghorau cymuned llai uno, gan fod anghenion pob un yn wahanol ac, yn sicr, gan Gyngor Sir. Gellid annog rhai cyfagos i gydweithio megis ar gynlluniau a fyddai o fudd i'r naill a'r llall.

Derbynnir y byddai cyhoeddi adroddiad blynyddol ar gyfer trigolion y gymuned yn fuddiol, gan y byddai'n rhoi trosolwg o waith y cyngor.

Golyga uno cynghorau fwy o gost – bydd angen rhentu swyddfa ganolog, gan mai o gartref mae mwyafrif o'r clerod yn gweithio a hynny'n rhan amser. Gwirfoddolwyr yw cynghorwyr cymuned â'r mwyafrif yn gweithio'n llawn amser neu redeg busnes. Buasai mwy o gyfrifoldebau yn gofyn am fwy o ymroddiad ac amser na allai rhai ohonynt ei gynnig, yn arbennig pe baent yn hunan gyflogedig.

Cwestiwn 6.2: A ddylai fod yn ofynnol i'r Comisiwn Ffiniau gyflwyno'i adroddiadau drafft i Awdurdodau Cysgodol o fis Mai 2019 ymlaen?

Anghytunir â hyn.

Cwestiwn 6.3: A ddylai'r Cynghorau Sir newydd roi ar waith argymhellion y Comisiwn Ffiniau neu a ddylai hyn fod yn gyfrifoldeb i'r Comisiwn Ffiniau ei hun?

Cyfrifoldeb i'r Comisiwn Ffiniau ei hun ond, dylai gofio am y cynghorau cymuned gwledig llai a weithreda yn y Gymraeg yn unig.

Cwestiwn 6.4: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â hyfforddiant gorfodol ar gyfer Cynghorwyr Cymuned?

Cytunir mewn egwyddor y dylai cynghorwyr cymuned gael hyfforddiant megis trosolwg o waith cyngor ond, ni ddylai fod yn orfodol gan y gallai atal trigolion rhag ymgeisio am y swydd. Cynigia Un Llais Cymru ddewis eang o gyrsiau i gynghorwyr ar hyn o bryd.

Cwestiwn 6.5: A oes gennych unrhyw sylwadau am ein cynnig i ymestyn tymor Cynghorwyr Cymuned sy'n cael eu hethol yn 2017 i chwe blynedd?

Dim ychwanegol i'r hyn a nodwyd eisoes.

Cwestiwn 6.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Gynghorau Cymuned ystyried a chynllunio ar gyfer anghenion hyfforddi eu haelodau a'u gweithwyr eu hunain?

Buasai dilyn cyrsiau hyfforddi Un Llais Cymru yn ateb y galw.

Cwestiwn 6.7: A oes gennych unrhyw sylwadau sy'n ymwneud â gosod amcanion ar gyfer clerc Cyngor Cymuned?

Mae Rheoli Perfformiad Clerc yn arfer da ond, ni fyddai modd ei weithredu i gynghorau cymuned llai eu maint o gofio'r faich weinyddol a wynebir ar hyn o bryd – rhan amser yw'r mwyafrif.

Cwestiwn 6.8: A oes gennych unrhyw sylwadau am ein cynnig i ddiddymu'r ddeddfwriaeth sy'n ymwneud â phleidleisiau cymunedol ac yn hytrach ei gwneud yn ofynnol i Awdurdodau Lleol weithredu system e-ddeisebau?

Dim sylw.

## **RHAN 7**

Cwestiwn 7.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 7 o'r Bil Drafft?

Dim sylw.

Cwestiwn 7.2: A oes gennych unrhyw sylwadau am a fyddai'n parhau'n ddymunol i sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol os byddai'n fwy cyfyngedig na Chomisiwn anstatudol o ran y materion y gallai roi canllawiau arnynt?

Dim sylw.

## **RHAN 8**

Cwestiwn 8.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 8 o'r Bil Drafft neu am unrhyw un o'r Atodlenni?

Dim sylw.

## **CWESTIYNAU YCHWANEGOL**

Cwestiwn 9.1: A ydych chi'n ymwybodol o unrhyw ddiwygiadau canlyniadol i ddeddfwriaeth y bydd angen eu gwneud?

Nac ydym..

Cwestiwn 9.2: Rhowch adborth a fydd yn ddefnyddiol yn eich barn chi mewn perthynas â'r dogfennau ategol a gyhoeddir ochr yn ochr â'r Bil Drafft h.y. Memorandwm Esboniadol Drafft (gan gynnwys yr Asesiad Effaith Rheoleiddiol) ac Asesiadau Effaith penodol.

Dim i'w gynnig.

Cwestiwn 9.3: Rydym wedi gofyn nifer o gwestiynau penodol. Os hoffech godi unrhyw faterion cysylltiedig nad ydym ni wedi mynd i'r afael â nhw yn benodol, defnyddiwch y lle isod i'w nodi.

Dim

Mae ymatebion i ymgynghoriadau weithiau yn cael eu cyhoeddi – ar y rhyngwyd neu mewn adroddiad. Ticiwch y blwch yma pe bai'n well gennych gadw eich ymateb yn gyfrinachol:

**26897 -170 : R Phillip Parry**

**Tref / Town : Halkyn**

**Sefydliad / Organisation : Halkyn Community council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

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

No provision seems to have been made for the financial costs of transition arrangements for community and town councils. There are few councils that will have a contingency in their budgets to cover any transition costs; e.g. redundancy for employees; changes in web sites; legal fees in transferring assets – particularly those previously gifted to the community with covenants. It would be wrong if resources were made available to enable Unitary Authorities to enable their transition into new structures and this was not offered to the local council sector level on a proportionate basis.

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

The council's preference is there should be three county councils for north Wales.

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

This council fundamentally disagrees with the proposal for Area Committees, this would be an unnecessary middle tier the purpose, accountability and make up of which would be undemocratic.

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

This council has no view on this matter

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

Councils should be able to choose their own name which has meaning to the local population

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

This council would prefer two three year terms, councillors may already have been in post for a number of years and a six-year term might put off potential candidates from standing which would not be good for democracy and new ideas.

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

The council would like to flag up one issue about council tax. Page 15 of the consultation document states “we will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for council tax”. This statement equally applies to the local precepting authorities - the community council sector. The council advocates that the community council sector should be treated in the same way as principal authorities with a local transition committee being appointed to oversee changes following the community council review process. Precept equalisation or harmonisation will be a key consideration especially in areas where a number of small communities are brought together to form new common community councils.

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

Delegate the responsibility to the new Unitary authorities

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

With the delegated responsibility should come a power to enforce and recover as a debt – seizing and realising assets

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

Empower Unitary authorities to deal with this and make recovery part of any inspections/audit of effectiveness

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

The council agrees with this proposal.

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

The council would like parity for the community council sector so that section 18 and schedule 4 of the draft Bill – transfer of staff, property and liabilities, and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils.

## **PART 2**

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

Section 29 of the draft Bill - the council supports the proposal that community councils with competence will no longer be able to utilise section 137 of the LG Act 1972. This is entirely sensible.

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

The council supports the three competency requirements and the general requirements set out regarding the use of the new power. However, when it comes to issuing guidance to the community council sector, the council hopes Welsh Ministers will not be tempted to introduce restrictions which might discourage councils from using the power as a power of first resort. Lessons need to be learned from the restriction imposed on the use of the power of Well-Being where spending limits were restricted to section 137 spending limits. This discouraged use of that particular power.

## **PART 3**

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

See below.

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

This council supports public participation and the new duty to consult on the budget however further detailed guidance on how community and town councils will be engaged in this process would be welcomed.

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

The process for selecting community councillors seems fair but it is important that the new county councils are not permitted to appoint one joint representative for an area and that appointments are made on a one to one basis so that every community council has its own seat on the area committee. Given the size of the new county councils it is important to promote subsidiarity to ensure decisions affecting local communities are made at the local level. This will encourage local people to engage in decisions affecting them and will not dilute democratic representation and accountability.

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

The Council are not in favour of the establishment of such bodies. The Council would welcome a Welsh Government commissioned piece of research that undertakes a comprehensive review of the potential non-statutory functions of existing Local Authorities to be undertaken by the community and town council sector in future in partnership with other bodies.

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

See above

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

This should be subject of additional consultation with more detail on their

proposed use.

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

The proposals relating to community councils need to be proportionate to the scale and functions of particular community councils as some of the provisions could be perceived as overkill for smaller communities. The council refers to section 77 of the draft Bill whereby Welsh Ministers may make regulations allowing the filming, photography or sound recording of meetings (this includes community council meetings) and questions the impact this might have on proceedings. Community councillors are volunteers and may be discouraged from active participation in general council business if this was introduced generally across the sector. Cyber bullying could also be an issue where a member of the public might have a personal agenda with individual councillors and if the filming of proceedings is permitted the recordings could easily be edited to portray decision making arrangements in a different context.

The council supports the other proposals identified for encouraging public participation at community council meetings.

On a general note it is noted that on page 24 of the consultation document it states principal councils should be able to choose to send out the summons and notices only by electronic means if they so wish. This would be very desirable for the community council sector and so the council requests that the application of this proposal is also extended to give community councils the same choice.

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

The council supports the suggested approach in the consultation document and the production of guidance to be issued under the Bill.

#### **PART 4**

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

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the questions

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

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

See 4.1

## PART 5

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

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the proposals.

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

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

See 5.1

## **PART 6**

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

The council would like to comment on “Other matters” identified on page 44 of the consultation document.

Community Council Precept: Precept equalisation/harmonisation has been referred to earlier in this response. However, it is important to assess the impact the community council review process will have on community council precepts. In the majority of instances council tax will rise (considerably perhaps in some areas) where smaller communities are merged to create new common councils. The local electorate will have a strong opinion about this issue and are likely to object to bearing the brunt of any likely increase. Local support mechanisms will need to be created to help guide the new councils and the communities through transition as it is unlikely that financial support in the form of a subsidy will be offered to the sector from the new county councils or Welsh Government. If precepts increase, there will be significant community pressure to start delivering value for money services from inception of the new councils. Building the capacity and capability of the sector will take time to take effect and will create public accountability issues during the transition period because of the time lag and not meeting public expectation immediately.

Annual reports: The council fully supports Welsh Government’s intention to require every community council to publish an annual report so that local people can understand what the council has achieved during the previous year with provision being made for this requirement in the Bill for introduction.

Transition arrangements: The draft explanatory memorandum published to support the draft Bill states that section 163 gives Welsh Ministers powers to make transitional provision by regulation in relation to matters such as charter trustees and the transfer of staff, property, rights and liabilities. It also states that the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to staff being transferred under implementation orders made under these provisions subject to two exceptions in relation to criminal liability and pensions. It goes on to state that the new county councils will be required to implement the changes by the local elections in 2023. However, the draft Bill refers to the creation of Transition Committees to oversee the transfer of staff and assets to the new county councils. The council would like to see the remit of these committees extended to provide support for the community council sector. It is important to manage and oversee community council mergers so that this is done consistently and fairly throughout Wales. The Transition Committees could govern the recruitment and selection process for the clerk’s post on new common councils; assimilation of staff generally and

negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

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

The council supports the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. However, the Commission must not be rushed to complete its work programme. There are 735 community councils in Wales so the review programme will be a very significant task for the Commission to take on and deliver. If smaller councils are to be merged into larger common council's, it is important to demonstrate a fair and considered approach and to allow sufficient time to do a thorough job in order to deliver the right outcome the first time around. The general time constraints are a concern.

Another concern surrounds the directions issued by Welsh Government to the Boundary Commission on how to conduct the community council reviews. The parameters need to be published to avoid the suspicion that the final number of community councils surviving the review process are not centred around and arithmetic exercise to drastically reduce numbers. This observation refers to the Commission undertaking purposeful reviews of community council arrangements in all parts of Wales to secure effective and convenient local government. The council would welcome a clearer definition of what is actually intended because securing effective and convenient local government is far too general and vague.

The council fully supports the modification of section 30 of the Local Government Act 1972 to prevent a community application being made once the proposed implementation orders come into force. This will allow common councils to become established without the threat of being abolished as a result of general public dissatisfaction with any element of the community council review programme.

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

The council supports the new county councils implementing the Boundary Commission's recommendations in the interests of subsidiarity. The new county councils whilst being much larger entities than their predecessors will hopefully retain some degree of local affinity with community areas and will be more in touch with the practical working arrangements surrounding mergers taking into consideration local geography, demographics and other such like considerations including Welsh language implications across local communities within their own administrative areas. The Boundary

Commission won't possess this important local knowledge.

A further consideration is the council would like to see a correlation to the Boundary Commission's work and the Public Services Boards' work when the Board's create community area committee boundaries so that the boundaries of community councils are wholly coterminous within the boundaries of these area committees. This is important to avoid local ties being broken by the setting of any particular boundaries.

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

The council generally supports this proposal but feels placing the onus on the council clerks to look into complaints where a community councillor has not completed compulsory training is unfair. This has the potential to create division and conflict between the clerk, member and the council. The council would prefer for the training organiser to control and investigate such complaints or alternatively is there a role for external audit to manage this? The council also feels compulsory training should be proportionate to the scale and functions of a community council and therefore this proposal for compulsory training should not apply to smaller community councils.

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

The council understands the reason for extending the term limits but believes being elected for a six-year term is too long and is not in the interests of healthy local democracy. Is there an option for integrating the election timetable so that it matches that of the new county councils resulting in ordinary elections in 2017, 2020 and 2023? From 2023 the timetable could then run over the proposed five-year term to 2028.

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

The council supports the general proposal but again feels this requirement should be proportionate to the scale and functions of the community council with smaller community councils being excluded. Alternatively, this proposal could apply to only those community councils with competence.

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

The duty to set and work to achieve objectives should be owned by the

Council. The Clerk should then have a work performance monitoring system to support and contribute to those objectives

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

We support this development in principle but point out that the elderly, and residents in rural areas, may not have sufficient access to IT to complete an e-petition

## **PART 7**

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

The council would like to see formal transition arrangements put in place to support the community council review programme. The issues are identical to those highlighted for the principal authority mergers and therefore should be dealt with in the same way to ensure a fair and consistent outcome across Wales.

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

The council does not support the creation of the Staff Commission if it means it will be more constrained in the matters on which it could issue guidance than a non-statutory Commission.

## **PART 8**

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

The council has no view to express about this part of the draft Bill.

## **ADDITIONAL QUESTIONS**

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

None the council is aware of that relate to the community council sector.

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

The entire document bundle proved to be very useful and provided important explanations and general supporting commentary and background information. The bundle has enabled the council to have a fuller understanding of the draft Bill and led to a more meaningful debate of the issues surrounding the proposals contained in the draft Bill.

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

One voice Wales represents a number of Councils in Wales, but not all. Provision should be made to consult other bodies – such as North Wales Group of Community Councils / Larger Town Council, as mentioned at the North wales Consultation meeting.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous, please tick the box:

**26897 -171 : Huw Rowlands**

**Tref / Town : Bontnewydd**

**Sefydliad / Organisation : Cyngor Cymuned y Bontnewydd**

**Cwestiynau Ymgynghori**

Dylai'r cwestiynau hyn gael eu darllen ar y cyd â'r Bil Drafft, y Memorandwm Esboniadol Drafft a'r Aseiad Effaith Rheoleiddiol Drafft

**RHAN 1**

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 1 o'r Bil Drafft?

Cwestiwn 1.2: Beth yw eich barn ar yr opsiynau ar gyfer cael 2 neu 3 Sir yn y Gogledd, fel y nodwyd yn Atodlen 1 i'r Bil Drafft?

Barn Cyngor Cymuned Y Bontnewydd yw y dylai patrwm Siroedd y Gogledd fod yn seiliedig ar ddiogelu'r iaith Gymraeg. Byddai 3 Sir yn y gogledd yn debygol o ffafrio'r iaith gymraeg. Fodd bynnag, dylai'r pwyslais fod ar glystyru'r ardaloedd cymraeg yn y Gogledd gyda'i gilydd yn hytrach nag ar nifer y Siroedd.

Cwestiwn 1.3: Beth yw eich barn ar y patrwm arfaethedig ar gyfer ardaloedd Llywodraeth Leol yng Nghymru?

Cwestiwn 1.4: A oes angen i Weinidogion Cymru geisio unrhyw bwerau pellach i gefnogi'r gwaith o integreiddio Bwrdd Iechyd Powys a Chyngor Sir Powys?

Cwestiwn 1.5: Beth yw eich barn ar y weithdrefn ar gyfer enwi'r Siroedd newydd?

Cwestiwn 1.6: Beth yw eich barn ar y newidiadau arfaethedig i amserlen etholiadau Llywodraeth Leol?

Cwestiwn 1.7: A oes gennych unrhyw sylwadau cyffredinol am y darpariaethau yn adran 16 ac Atodlen 3 y Bil Drafft sy'n ymwneud â chyllid Llywodraeth Leol?

Cwestiwn 1.8: Sut y gallai Llywodraeth Cymru fesur y nifer sy'n osgoi talu Ardrethi Annomestig ar hyn o bryd?

Cwestiwn 1.9: A oes gennych unrhyw sylwadau neu awgrymiadau ynghylch sut y gallai deddfwriaeth yn y dyfodol helpu i leihau'r nifer sy'n osgoi talu Ardrethi Annomestig?

Cwestiwn 1.10: Ym mha ffyrdd eraill y gallai Llywodraeth Cymru alluogi Llywodraeth Leol i leihau'r nifer sy'n osgoi talu ac sy'n twyllo'r system Ardrethu Annomestig?

Cwestiwn 1.11: A ydych chi'n cytuno y dylid diddymu'r siroedd wedi eu cadw a gwneud diwygiadau canlyniadol er mwyn penodi arglwydd raglawiaid ac uchel siryfion mewn perthynas â'r siroedd fydd yn bodoli ar ôl 1 Ebrill 2020?

Cwestiwn 1.12: A oes materion eraill o natur dechnegol y dylid hefyd eu hystyried?

## **RHAN 2**

Cwestiwn 1.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 2 o'r Bil Drafft?

Cwestiwn 2.2: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â Chynghorau Cymuned â chymhwysedd?

## **RHAN 3**

Cwestiwn 3.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 3 o'r Bil Drafft?

Cwestiwn 3.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ynghylch cyfranogiad y cyhoedd a'r gofyniad i ymgynghori ar y gyllideb flynyddol?

Cwestiwn 3.3: Sut y dylid ceisio a dewis cynrychiolwyr cymunedol i fod ar bwyllgorau ardaloedd cymunedol?

Cwestiwn 3.4: A ydych chi'n cytuno y dylai Cyngorau Sir allu dirprwyo swyddogaethau i bwyllgor ardal gymunedol? Os ydych, a oes unrhyw swyddogaethau y dylid neu na ddylid eu dirprwyo?

Cwestiwn 3.5: A oes gennych unrhyw farn ynghylch a oes angen rhoi trefniadau trosiannol ar waith ar gyfer pwyllgorau ardaloedd presennol, neu a yw cyfnod arweiniol da yn ddigonol?

Cwestiwn 3.6: A oes gennych unrhyw sylwadau am y darpariaethau diwygiedig ar gyfer 'ceisiadau ar gyfer gwella' neu ar y rhyngweithio rhwng y darpariaethau hyn a'r rheini sy'n ymwneud â'r ddyletswydd cyfranogiad y cyhoedd (Rhan 3, Pennod 2) a phwyllgorau ardaloedd cymunedol (Rhan 3, Pennod 3)?

Cwestiwn 3.7: A oes gennych sylwadau am unrhyw un o'n cynigion pellach sy'n ymwneud â mynediad i gyfarfodydd?

Cwestiwn 3.8: A oes gennych unrhyw sylwadau am ein cynigion i wella cyfranogiad gan blant a phobl ifanc trwy'r ddyletswydd cyfranogiad y cyhoedd?

#### **RHAN 4**

Cwestiwn 4.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 4 o'r Bil Drafft?

Cwestiwn 4.2: A oes gennych unrhyw sylwadau am y ddyletswydd arfaethedig ar arweinwyr grwpiau gwleidyddol neu ar rolau monitro ac adrodd y Pwyllgor Safonau?

Cwestiwn 4.3: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud ag Awdurdodau Lleol yn dirprwyo swyddogaethau?

Cwestiwn 4.4: A oes gennych unrhyw sylwadau am ein cynnig i roi pŵer i Weinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol i ystyried canllawiau wrth adolygu'r fframwaith cydnabyddiaeth ariannol ar gyfer Cyngorwyr?

Cwestiwn 4.5: A ydych chi'n cytuno y dylai'r darpariaethau sy'n ymwneud â mynychu cyfarfodydd o bell ym Mesur 2011 fod yn fwy hyblyg?

Cwestiwn 4.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Awdurdodau Cysgodol benodi Swyddogion Canlyniadau dros dro?

Cwestiwn 4.7: A oes gennych unrhyw sylwadau am fuddioldeb rhoi'r pŵer i Gyngorau ddiswyddo'r Prif Weithredwr, y Prif Swyddog Cyllid, y Swyddog Monitro a'r Pennaeth Gwasanaethau Democraidd trwy bleidlais?

Cwestiwn 4.8: A oes gennych unrhyw sylwadau am ein cynigion i newid y fframwaith a ddefnyddi gan Gyngorau a'u Gweithrediaeth i benderfynu sut i ddyrannu eu swyddogaethau?

Cwestiwn 4.9: A oes gennych unrhyw sylwadau am ein cynigion mewn perthynas â gwaredu a throsglwyddo asedau Awdurdodau Lleol?

## RHAN 5

Cwestiwn 5.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 5 o'r Bil Drafft?

Cwestiwn 5.2: A oes gennych unrhyw sylwadau am ein cynnig i'w gwneud yn ofynnol i Awdurdodau Lleol ymgymryd â dyletswydd trefniadau llywodraethu?

Cwestiwn 5.3: A oes gennych unrhyw sylwadau am y dull gweithredu enghreifftiol tuag at asesiad gan gymheiriaid a nodir yn Atodiad A?

Cwestiwn 5.4: A oes gennych unrhyw sylwadau am rôl arfaethedig y Pwyllgorau Llywodraethu Corfforaethol ac Archwilio mewn perthynas ag ymateb yr Awdurdod Lleol i'r hunanasesiad, yr asesiad gan gymheiriaid, yr asesiad cyfun a'r adolygiad llywodraethu?

Cwestiwn 5.5: A oes gennych unrhyw sylwadau am ein cynnig i wrthod pwyllgorau cyfrifon cyhoeddus lleol?

Cwestiwn 5.6: Ai cyrff gwasanaethau cyhoeddus yw'r cyrff cywir i archwilio'r dewisiadau o ran polisi sy'n wynebu gwasanaethau cyhoeddus lleol?

Cwestiwn 5.7: Os felly, a fydd pwerau cyfreithiol ychwanegol o fudd iddynt?

Cwestiwn 5.8: Pa fesurau deddfwriaethol allai gael eu hystyried i ganiatáu i Llywodraeth Leol ymgymryd â rôl cydwasanaethau ar draws y sector cyhoeddus?

## **RHAN 6**

Cwestiwn 6.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 6 o'r Bil Drafft?

Cwestiwn 6.2: A ddylai fod yn ofynnol i'r Comisiwn Ffiniau gyflwyno'i adroddiadau drafft i Awdurdodau Cysgodol o fis Mai 2019 ymlaen?

Cwestiwn 6.3: A ddylai'r Cynghorau Sir newydd roi ar waith argymhellion y Comisiwn Ffiniau neu a ddylai hyn fod yn gyfrifoldeb i'r Comisiwn Ffiniau ei hun?

Cwestiwn 6.4: A oes gennych unrhyw sylwadau am ein cynigion sy'n ymwneud â hyfforddiant gorfodol ar gyfer Cynghorwyr Cymuned?

Cwestiwn 6.5: A oes gennych unrhyw sylwadau am ein cynnig i ymestyn tymor Cynghorwyr Cymuned sy'n cael eu hethol yn 2017 i chwe blynedd?

Cwestiwn 6.6: A oes gennych unrhyw sylwadau am ein cynnig y dylai fod yn ofynnol i Gyngorau Cymuned ystyried a chynllunio ar gyfer anghenion hyfforddi eu haelodau a'u gweithwyr eu hunain?

Cwestiwn 6.7: A oes gennych unrhyw sylwadau sy'n ymwneud â gosod amcanion ar gyfer clerc Cyngor Cymuned?

Cwestiwn 6.8: A oes gennych unrhyw sylwadau am ein cynnig i ddiddymu'r ddeddfwriaeth sy'n ymwneud â phleidleisiau cymunedol ac yn hytrach ei gwneud yn ofynnol i Awdurdodau Lleol weithredu system e-ddeisebau?

## **RHAN 7**

Cwestiwn 7.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 7 o'r Bil Drafft?

Cwestiwn 7.2: A oes gennych unrhyw sylwadau am a fyddai'n parhau'n ddymunol i sefydlu Comisiwn Staff y Gwasanaethau Cyhoeddus statudol os byddai'n fwy cyfyngedig na Chomisiwn anstatudol o ran y materion y gallai roi canllawiau arnynt?

## **RHAN 8**

Cwestiwn 8.1: A oes gennych sylwadau am unrhyw un o'r darpariaethau yn Rhan 8 o'r Bil Drafft neu am unrhyw un o'r Atodlenni?

## **CWESTIYNAU YCHWANEGOL**

Cwestiwn 9.1: A ydych chi'n ymwybodol o unrhyw ddiwygiadau canlyniadol i ddeddfwriaeth y bydd angen eu gwneud?

Cwestiwn 9.2: Rhowch adborth a fydd yn ddefnyddiol yn eich barn chi mewn perthynas â'r dogfennau ategol a gyhoeddir ochr yn ochr â'r Bil Drafft h.y. Memorandwm Esboniadol Drafft (gan gynnwys yr Asesiad Effaith Rheoleiddiol) ac Asesiadau Effaith penodol.

Cwestiwn 9.3: Rydym wedi gofyn nifer o gwestiynau penodol. Os hoffech godi unrhyw faterion cysylltiedig nad ydym ni wedi mynd i'r afael â nhw yn benodol, defnyddiwch y lle isod i'w nodi.

Mae angen ystyried ffactorau iaith ac ardaloedd gwledig wrth lunio'r Bil. Mae mwy o gostau wrth weinyddu Siroedd sydd a chymunedau gwledig oherwydd diboblogi a phellteroedd teithio.

Mae ymatebion i ymgynghoriadau weithiau yn cael eu cyhoeddi – ar y rhyngwyd neu mewn adroddiad. Ticiwch y blwch yma pe bai'n well gennych gadw eich ymateb yn gyfrinachol:

**26897 -172 : Gwen Smith**

**Tref / Town : Northop**

**Sefydliad / Organisation : Northop Community Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

### **PART 1**

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

Concerns regarding the wording of Chapter 1, 1(1)(6) regarding the county of Powys.

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

-

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

The final configuration should deliver the best services for the residents of Wales and the new principal authorities should be adequately funded to deliver all services which are necessary and those which further enhance the well-being of residents.

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

-

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

-

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

The proposed five year term for principal authority and community councillors is logical, however, such a commitment on a community basis could work against the Government's desire to see greater diversity of elected representatives.

The proposed six year term of office for community councillors from 2017 to

2023 is unacceptable. Two shorter terms of three years are considered more appropriate and sustainable. The six year term would bring with it an increased risk of by-elections and it was felt that two scheduled elections, three years apart would be no more costly than a single election and a series of possible by-elections. The shorter three year term, rather than six years is more likely to attract new candidates into what will be a continually changing environment.

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

-

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

-

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

-

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

-

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-

Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Yes

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

-

## **PART 2**

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

The term 'competence' should be replaced, as without 'competence' a council could be viewed as 'incompetent'. The requirement to have at least two-thirds of the total number of members of the council elected may prove onerous in a six year term of office. SLCC and One Voice Wales should be consulted on any relevant qualification(s) and the timescale.

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

-

## **PART 3**

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

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

Community Councils should be consulted in a timely manner.

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

The community area committees could be viewed as an unnecessary layer of bureaucracy where other mechanisms have already proven effective. There would need to be a clear level of accountability for members. Here again the additional commitment and workload required of volunteer community councillors is of concern.

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

No.

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

-

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

-

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

The proposal to allow the public or press to film/record community council meetings is totally unacceptable. Such footage can be taken out of context, manipulated and potentially used in instances of cyber-bullying. The prospect of filming/recording could have a negative impact on attracting new elected representatives and Clerks.

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

-

#### **PART 4**

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

-

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

-

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

County Council functions should not be delegated to community area committees.

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

-

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

-

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

-

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

-

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

-

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

-

## **PART 5**

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

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

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

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

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

-

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

Public Service Boards are an untried delivery mechanism and it is yet to be demonstrated whether they will be more effective than the less formalised cooperation arrangements between separate elements of the public sector which were the previous norm. They have a crucial role to play in managing the delivery of vital services where different sectors of the public service jointly contribute - but difficulties in reaching consensus will remain in an era of scarce resources.

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

-

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

-

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

It is proposed to create larger community councils *“increasing the capacity and capability of the sector to effectively contribute to the achievement of shared public service objectives.”* However, this Council has grave concerns about the availability of suitably qualified or experienced candidates to volunteer of their time for an increasingly onerous role. The Government’s desire to see greater diversity amongst elected representatives will be much harder to achieve from a relatively small pool of volunteer candidates with the confidence, understanding and time to commit to such a structure.

This Council favours the retention of existing town and community councils. The current configuration facilitates a better understanding of community needs, accountability and can be an initial step into local democracy/representation for new councillors. Here there is a greater chance

of achieving the Government's wish to see greater diversity of representation.

As stated previously, local government should be configured to deliver the best services for the residents of Wales. The new principal authorities should be adequately funded to deliver all services which are necessary and those which further enhance the well-being of residents. Increasing the size of, what is a volunteer-led layer of local government, will not guarantee consistently high standards of delivery of quality services. Economies of scale and professional expertise will be found in well structured, financed and managed large principal authorities.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

-

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

This Council considered that the implementation process should lie with the new County Councils.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Targeted training in the Code of Conduct, Planning and Finance is acceptable. The issue of the principal authorities deciding on what should be compulsory is not satisfactory as this could lead to inconsistencies across Wales.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

The proposed six year term of office for community councillors from 2017 to 2023 is unacceptable. Two shorter terms of three years are considered more appropriate and sustainable. The six year term would bring with it an increased risk of by-elections and it was felt that two scheduled elections, three years apart would be no more costly than a single election and a series of possible by-elections. The shorter three year term, rather than six years is more likely to attract new candidates into what will be an continually changing environment.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

This is acceptable.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

From a Clerk's perspective, objective setting should be a two way process, with the Clerk also able to set objectives for the Council as a whole.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

There is concern that without a parallel paper based system, e-petitions could disenfranchise a large sector of the electorate. Concerns were also expressed over the verification of signatories to e-petitions.

## **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

-

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

-

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

Schedule 4, Part 2, 4(1) – How will this work for small councils who currently only employ a part-time clerk. Is there potential for a new council to have to employ more than one clerk on 1 April 2020.

#### **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

-

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

-

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

There should be consistency in the remit and responsibilities of each principal authority and if new community councils are to be formed, there should be consistency in their responsibilities for delivering certain services/functions. E.g. Currently, the provision of street lighting can be the responsibility of either community councils or principal authorities. Such services are better delivered by large principal authorities with the expert knowledge and capacity to capitalise on economies of scale. This would also do away with the issue of double-rating.

As previously stated, this Council is opposed to the formation of larger 'community' councils. Should the Welsh Government continue with the proposed mergers, this Council is of the view that only rural communities should be aligned. Rural communities should not be absorbed into urban authorities.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

## **26897 -173 : Elfyn Williams**

**Tref / Town : Abergwili**

**Sefydliad / Organisation : Abergwili Community Council**

Noswaith dda,

At a meeting of Abergwili Community Council, held earlier this evening, members took a final opportunity to look at the proposals contained in the Draft Bill and I was requested to draw the following observations for your consideration.

### Question 1 3

Council records its opposition to reinstate one authority to cover the counties of Carmarthenshire, Ceredigion and Pembrokeshire. Furthermore Council supports the stance that County Councils are best placed to decide their own destiny with proposals for mergers coming from the Councils concerned

### Question 2.2

Council welcomes the withdrawal of the competency test of a minimum annual turnover of £200,000 which would have disadvantaged rural areas. The revised conditions are considered a sensible approach.

### Question 3.3/4/5

Council sees no evidence to support the need to establish Area Committees and the opportunity should be grasped to make use of Charter arrangements between the existing tiers of local government.

### Question 4.1

With regard to Electoral Qualification, Council does not support the proposal as set out in the White Paper to prevent Elected Members of Principal Councils from serving as community councillors. Past experience would see this of benefit.

### Question 6.1

The mandatory publication of Annual Reports is viewed as an unnecessary additional burden on community councils

### Question 6. 5

Council supports that the elections of community councillors should coincide with the cycle of elections to Principal Councils

Elfyn Williams  
Clerc/Clerk  
CC Abergwili CC

**26897 -174 : Lynn Pamment**

**Tref / Town : N/A**

**Sefydliad / Organisation : PwC**

1

Consultation on the Draft Local Government (Wales) Bill  
Consultation response form The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name\*: Lynn Pamment

Organisation: PwC

Email\*: Lynn.pamment@uk.pwc.com

Telephone: 029 2080 2390

Address: One Kingsway, Cardiff CF10 3PW

\* required information

Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

If Wales proceeds with the reorganisation of Welsh local government over the next five years it represents a major opportunity to make more efficient use of the current funding distributed to councils annually. Any reorganisation should take the opportunity to create modern and agile organisations capable of sustained high quality service delivery to local communities.

We consider that either the Bill or supporting guidance and communications should outline how the potential for transformation will be delivered as well as setting out the route to re-organisation.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

No comment

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

2

No comment

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council

There are already a number of mechanisms and leavers such as Public Service Boards and pooled budgets under the section 33 agreement which the local authority and health board can utilise to assist with the integration. It would be important to take stock of these existing powers prior to seeking any further powers.

Question 1.5: What are your views on the procedure for naming the new Counties?

No comment

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

We believe that five-year fixed term cycles for elections to Local Government will deliver greater leadership stability. This will allow local authorities to adopt a longer term planning approach and provide greater certainty when implementing transformational change.

The consultation document states that there will be elections in 2017 and Councillors will stand for a 3 year term of office. There will be elections in May 2019 for a 4 year term of office to a new shadow councils. In May 2020, there will be elections to continuing Authorities.

The transformation programme will require clear governance and accountability arrangements especially during the period when current councils and shadow councils will both be in existence.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

We have no specific comments on the provisions of section 16 or Schedule 3. We note that the WLGA have established an Independent Commission on Local Government Finance which we understand will be reporting in the next few months. We also note the establishment of the Finance Futures Panel. We would suggest that Welsh Government respond formally to the findings of the work of the Independent Commission and the Finance Futures Panel as they become available and consider the potential impact on this or future legislation.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

3

Our experience of discussions with billing authority officers, is that many of them have developed an understanding of the types of

organisations that are repeatedly making retrospective void claims and creating temporary occupations of just over 42 days. We would suggest that the revenues officer at billing authorities record and analyse the changes in occupation where the intent appears to be the avoidance of empty rates. Many of the organisations that offer services linked to empty rates avoidance and creating temporary occupations, can be found through simple internet searches.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

The present empty period required to create a fresh 3 month (commercial property) or 6 month free period (industrial) is only 42 days, so consideration could be given to lengthening that period such that the incentive to create artificial and recurring free periods is much reduced and the financial gain for property owners from this avoidance strategy much reduced.

There is merit in introducing a duty on ratepayers to notify the VO and billing authority of changes that could affect their rate liability, as under the Council Tax legislation. However, the 21 day limit for Council Tax would probably not be appropriate to rates dues to the longer nature of corporate transactions and the more complex corporate reporting structure and governance. A 90 day period might enable ratepayers to meet such a requirement.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Where avoidance is also identified as being of a retrospective nature, then consideration could be given to reintroducing the framework that applied under the General Rate Act 1967. Section 6 only permitted alteration of the rate for the current and last preceding rate year. This was tempered by a discretion under section 9 for the billing authority to grant relief or void allowance up to a maximum of 6 years if they thought the case was of merit and genuine.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

No comment

Question 1.12: Are there other matters of a technical nature which should be considered?

No comment

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## PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

No comment

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

Community and Town Councils along with the 3rd sector are key organisations who may wish to take on the running of services in the future. The capability of organisations to deliver services varies significantly across Wales. Therefore understanding their capacity and competency to take on services through engaging with them, might be a more beneficial approach longer term.

## PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

No comment

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

We agree with the principle of encouraging greater involvement of the public in council decision making.

There are many councils in Wales who already have active meaningful engagement with their communities.

Consideration could be given to determine whether the existing “Well-being Duty” (legislated for under the WBFGA) which already places a requirement on Councils to involve the public, would suffice. In particular the Act highlights one of the five ways of working as - “Involving a diversity of the population in the decisions that affect them”.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

We would support the intention to provide a means by which the community can maintain and improve their engagement with the new councils. However a provision in the Bill to ‘require’ Local Authorities to establish a committee in each of their community areas may only be one of many ways to achieve this engagement effectively in practice.

It may be better in practice to ask local authorities for a commitment to

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encourage participation at a community level. Authorities will then have the flexibility to seek the best way of achieving this for their communities.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Councils may wish to delegate functions to more local bodies. However, as capacity and capability of local bodies differ across Wales, the decision of whether or not to delegate a function should rest with each council.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

No comment

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

We agree with community bodies being involved in service improvement and outcome delivery.

Public service boards already set outcomes for their areas, and the Well-being of Future Generations (Wales) Act 2015 places a requirement on Public Services Boards for each local authority area in Wales to improve the economic, social, environmental and cultural well-being of its area by working to achieve the well-being goals.

In particular the WBFGA places a specific requirement on large Community Councils who will also be subject to the Well-being Duty to engage with their respective Public Service Boards in determining outcomes for their area.

Any new legislation will need to clearly articulate how these new requirements sit alongside those already in existence.

We consider that the quality of the engagement should be more of a focus than the 'duty' to undertake it.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

No comment

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

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No comment

#### PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

No comment

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

No comment

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

We agree with the principle of allowing Local Authorities to make decisions on how they deliver services, other than in prescribed circumstances. This will allow Local Authorities more flexibility on how they deliver their services.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

No comment

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Yes in principle we support remote attendance at council meetings. In a digital age, the provision and use of this facility will become more and more important. It will ultimately be down to the preference of individual members to whether they use this facility, but we believe that the availability is important.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

No comment

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

No comment

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Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

No comment

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

We agree with the proposal to enable eligible community bodies to initiate the transfer of assets from a Local Authority. We agree that it is important that there is engagement between the two bodies, there is an adequate notice period and that good quality information is provided in relation to the asset.

## PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

No comment

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

We agree with the importance of good governance arrangements and are supportive of a duty in respect of this.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

We agree with Local Authorities setting out their performance improvement objectives and being publically held to account for their performance.

Local Authorities already have a number of regulatory and self-regulatory requirements and a large amount of information is made available to the public through public reports and Freedom of Information requests.

It is therefore important to set out how the proposed new arrangements would fit into existing and new regulatory regimes and, in particular, to extent to which any of the current assessments would need to cease to release capacity.

We would suggest that in the digital age, additional work could be undertaken to ensure that the right information is published in the right format online at the right time by authorities.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local

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Authority's response to the self assessment, peer assessment, combined assessment and governance review?

The audit committee would be the most appropriate committee to assess performance.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

We agree that the provision of means to understand the combined impact of public spending on outcomes in a local area is important. We would agree that this could be a role undertaken by the Public Service Boards, rather than create a new Public Account

Committee. We support the suggestion of Public Service Board members jointly agreeing to a programme of work.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

We support the provision for Public Service Boards to examine policy choices facing local public services. Local Authorities are moving more towards place based leadership models, and Public Service Boards are a useful mechanism to help deliver to outcomes for an area.

Question 5.7: If so, would they benefit from additional legal powers?

No comment

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

The formation of shared services should be driven by business needs and cost benefit analysis rather than legislative change.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

No comment

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

No comment

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

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No comment

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

No comment

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

No comment

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

No comment

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

No comment

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

No comment

#### PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

No comment

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

No comment

#### PART 8

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Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No comment

#### ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No comment

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments. Our overriding message is that local authorities need to be visionary, ambitious and think big. They need to think beyond the mechanisms of merger to focus fundamentally on how they are going to make a difference to their communities, and how they can transform their front and back office operations to enable high quality service delivery and commissioning to happen efficiently. Taking a more transformational approach will yield significantly higher net benefits, and give newly merged organisations a more financially sustainable platform over the medium to long term. We have not commented on the costs associated with the merger of local authorities. We firmly believe that each business case needs to be judged on its own merits. There is a need to ensure that local authorities can access the right skills from across sectors to allow for sustainable transformation. Each business case will need to identify the costs and benefits before they embark upon the transformation, to maximise the chance of success.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

No further comment

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -175 : Arwel E Jones**

**Tref / Town : N/A**

**Sefydliad / Organisation : Gwynedd Council**

**BIL DRAFFT LLYWODRAETH LEOL CYMRU  
SYLWADAU CYNGOR GWYNEDD**

Prif sylw cyffredinol y Cyngor yw bod cyfle yma i ail-sefydlu'r berthynas rhwng Llywodraeth Leol a'r Llywodraeth Ganolog ar seiliau o ymddiriedaeth a phwyslais ar ddeilliannau i drigolion. Yng ngoleuni hyn, mae gennym bryder sylweddol am raddfa'r micro-reoli gan Lywodraeth Cymru sydd ynghlwm â nifer o'r cynigion. Yn gyffredinol, mae hyn yn gam negyddol sydd yn milwrio yn erbyn atebolrwydd cynghorau eu hunain i'w cymunedau lleol.

**Rhan 1: Ardaloedd Llywodraeth Leol a Chyngorau Sir**

**Sylwadau**

1. Prif gyfrifoldeb y Cyngor yw gwarchod buddiannau trigolion Gwynedd a'r gwasanaethau a ddarperir ar eu cyfer. O ganlyniad, mae eglurder am yr achos busnes dros ad-drefnu a'r trefniadau i gyfarfod â'r costau cysylltiol yn allweddol. O dderbyn bod peth newid yn anorfod, nid yw'r Cyngor am gau'r ar unrhyw bosibilrwydd allai arwain at arbedion mewn costau reolaethol, canolog neu swyddfa gefn a fyddai, yn ei dro, yn medru lleihau maint y toriadau y bydd yn rhaid eu gwneud dros y blynyddoedd nesaf.

Fodd bynnag, mae'r Cyngor yn nodi nifer o ystyriaethau o bwys y byddai yn ceisio sicrwydd amdanynt a rhai cwestiynau y byddai angen ateb iddynt cyn symud i uno, sef:-

a) Mae sicrhau democratiaeth atebol lleol yn allweddol wrth symud ymlaen ac mae'n rhaid i unrhyw drefniadau llywodraethu ar gyfer y dyfodol gynnwys trefn i sicrhau deialog ar wasanaethau cyhoeddus ar lefel mwy lleol na lefelau'r cynghorau presennol Mae risg o bellhau atebolrwydd o gymunedau yn sgil canoli mewn cynghorau mwy a rhaid gwarchod rhag hynny er mwyn gwella trefniadau atebolrwydd ac ymgysylltu cynghorau ac aelodau lleol unigol gyda thrigolion a chymunedau.

b) Mae'n rhaid i'r patrwm o wasanaethau cyhoeddus i'r dyfodol gynnwys rôl ystyrlon i gynghorau tref a chymuned o ran bod yn gyfrifol am a darparu rhai gwasanaethau.

c) O ran atebolrwydd aelodau lleol, dylid gofyn am sicrwydd na fydd cynigion y Comisiwn Ffiniau yn creu wardiau rhyw fawr a fydd yn gwneud gwaith aelodau lleol o ymgysylltu'n effeithiol gyda'u cymunedau yn anos. Yn benodol,

pwysir am sicrwydd na cheir mwy o wardiau aml-aelod, gan fod darpariaeth felly yn medru drysu atebolrwydd aelodau unigol o fewn eu hetholaethau ch) Mae gweithredu Polisi Iaith sydd yn gadarn o blaid y Gymraeg yn allweddol ar gyfer unrhyw gyngor newydd y byddai Gwynedd yn ran ohono i'r dyfodol, yn cynnwys amcanion y Cyngor, sef:-

- galluogi pawb sy'n derbyn neu'n defnyddio gwasanaethau'r Cyngor, neu'n cyfrannu at y broses ddemocrataidd, i wneud hynny trwy gyfrwng y Gymraeg neu'r Saesneg yn ôl eu dewis personol
- hyrwyddo defnyddio'r iaith Gymraeg ym mywyd ardal y Cyngor gan fod yn angor i'r iaith yn ei hadfywiad ledled Cymru
- hyrwyddo defnyddio'r iaith Gymraeg gan gyrff cyhoeddus eraill sy'n ymwneud â'r Cyngor a chefnogi a hyrwyddo defnyddio'r Gymraeg gan gyrff a busnesau sy'n darparu gwasanaethau i'r cyhoedd yn ardaloedd y Cyngor.
- sefydlu'r Gymraeg fel iaith swyddogol gweinyddiad mewnol y Cyngor gan ddarparu cyfleusterau hyfforddiant mewn swydd i alluogi staff i ddatblygu eu sgiliau ieithyddol yn y Gymraeg a'r Saesneg.
- datblygu gallu disgyblion a myfyrwyr i fod yn hyderus ddwyieithog er mwyn eu galluogi i fod yn aelodau cyflawn o'r gymdeithas ddwyieithog y maent yn rhan ohoni.

d) Mae angen sicrwydd am sefyllfa ariannol ac asedau pob partner posib er mwyn gweld pa fath o sefyllfa ariannol y byddai unrhyw gyngor newydd yn ei etifeddu

DS Awgrymir y dylid ceisio barn Comisiynydd yr Iaith Gymraeg ar y model fyddai orau ar gyfer cefnogi a hyrwyddo'r degfnydd o'r iaith Gymraeg O ystyried yr uchod, mae'r Cyngor o'r farn ar hyn o bryd mai'r canlyniad gorau yw 3 chyngor ar gyfer Gogledd Cymru yw'r ateb gorau er nad yw'n gwrthwynebu'r syniad o ddau gyngor.

2. Mae amryw o gynigion ynglyn â Chyllid Llywodraeth Leol yn y ddogfen.

Mae Atodiad 1 i'r papur hwn yn crynhoi sylwadau sydd wedi eu llunio gan Bwyllgor Archwilio'r Cyngor. Mae'r sylwadau hyn wedi eu cymeradwyo gan Gabinet y Cyngor

## **Rhan 2: Cymhwysedd Cyffredinol**

### **Sylwadau**

1. Mae'r Cyngor yn cytuno gyda'r pwyslais o blaid sefydlu 'grym cymhwysedd cyffredinol' i gynghorau, a fyddai'n ein galluogi i wneud mwy o bethau er budd gorau eu cymunedau. Yr unig bryder fyddai a yw'r darpariaethau cyfreithiol o'i gwmpas yn ei wneud yn drafferthus i'w weithredu

2. Mae'r Cyngor wedi bod yn bryderus am ddeddfwriaeth allai roi pwysau ar gynghorau cymuned yn enwedig y rhai llai ond mae'r cynigion presennol fel pe'n caniatáu mwy o ryddid i gynghorau gyda mwy o gapasiti heb osod pwysau ychwanegol ar gynghorau llai

## **Rhan 3: Mynediad i Lywodraeth Leol**

### **Sylwadau**

1. Mae'r Cyngor yn gwrthwynebu gofynion i lunio dogfennau gan nad yw cynhyrchu dogfennau fel y cyfryw o fudd i drigolion. Tybed a ddylai'r graddau y mae cynghorau yn ymgysylltu â'r trigolion fod yn destun her annibynnol gan ein archwilwyr neu yn destun sylw penodol yn yr adolygiad cymheiriaid

arfaethedig yn hytrach nag yn destun dogfen strategol?

2. Nid yw'r "pwyllgorau ardal cymunedol" yn edrych yn eithriadol o wahanol i'r hen syniad o fforymau bro y bu'r Cyngor hwn yn ei drafod yn y gorffennol. Mae'r Cyngor yn herio os yw'r gofynion trefniadaethol a'r gofyn o ran datganiad o flaenoriaethau yn ychwanegu gwerth go iawn i drigolion. Wedi dweud hynny, mae'r awgrym o ddirprwyo swyddogaethau i'r pwyllgorau hynny yn eu gwneud yn fwy deniadol ac efallai y bydd y math hwn o fforwm yn fwy pwysig gyda maint y prif gynghorau yn cynyddu. Byddai angen bod yn eglur hefyd am y berthynas rhwng y pwyllgorau hyn a'r haen o gynghorau cymuned.
3. Mae'n ymddangos bod y cysyniad o "gais gwella" yn ymdrech i gael deialog gyda chyrrff a grwpiau o gwmpas gwella canlyniadau. Mae'r cysyniad yn ddeniadol ond mae ei osod mewn trefn sy'n cael ei reoli gan statud yn sicr o greu gwaith di-angen.
4. Mae'r Cyngor wedi arbrofi'n rhannol lwyddiannus gyda gwe-ddarlledu ac mae modd ei weld fel rhan o wead y patrwm o wasanaethau democrataidd i drigolion. Unig gonsym y Cyngor gyda'r gofyn hwn fyddai y gallai arwain at ganoli lle y cynhelir cyfarfodydd ac y byddai costau arwyddocaol ynghlwm â'i weithredu.

#### **Rhan 4: Swyddogaethau Cynghorau**

##### **Sylwadau**

1. Mae'r Cyngor hwn wedi gwrthwynebu cynigion sydd yn ceisio dweud wrth aelodau etholedig sut y dylent gyflawni eu gwaith. Fodd bynnag, mae peth anniddigrwydd wedi bod yn ddiweddar am lefelau presenoldeb isel ac mae'r Cyngor o blaid gorfodi cyhoeddi adroddiadau blynyddol. Mae'n debyg bod lle i ffurfioli rhyw gymaint ar y disgwyliad sydd ar aelodau etholedig ond mae peryg i elfennau ohono fod yn anhyblyg ac yn anodd i'w wireddu
2. Mae'r Cyngor eisoes wedi mynegi pryder am y peryg o ddylanwad amhriodol gan weinidogion ar waith y Panel Cydnabyddiaeth Ariannol. Dylid gwarantu eu hannibyniaeth.
3. Mae "mynychu o bell" yn amlwg yn syniad da mewn ardal fawr a bydd yn fwy felly mewn ardal cyngor fwy ond, un waith eto, mae costau ynghlwm â chael technoleg digon cadarn i'w alluogi
4. Nid yw'r Cyngor yn gweld unrhyw reswm i newid o drefniadau presennol ar gyfer asesu perfformiad a diswyddo'r uwch swyddogion a nodir. Mae'r drefn bresennol yn gweithio'n iawn a does dim angen ei newid i'r hyn sydd, i bob pwrpas, yn fodel o Loegr.
5. Mae'r Cyngor hwn wedi bod yn flaengar o ran edrych am gyfleon i drosglwyddo asedau i gyrff cymunedol hyd yma. Fodd bynnag, rhaid bod yn realistig am gapasiti rhai cyrrff i fedru dygymod â throsglwyddo asedau ac elfennau o wasanaeth. Byddai'n annoeth meddwl bod hyn yn ddatrysiad eang i broblem cynnal asedau a darparu gwasanaeth heb lefel o gefnogaeth sylweddol gan y Cyngor wrth drosglwyddo

#### **Rhan 5: Trefniadau Llywodraethu**

##### **Sylwadau**

1. Nid oes unrhyw broblem o ran y dyletswydd ar lywodraethu - Dylai hynny fod yn rhan naturiol o waith pob cyngor. Un pwynt y mae'r Cyngor wedi ei wneud yn gyson yw'r angen i leihau'r baich rheoleiddio allanol. Os yw'r drefn

hunan-asesu a'r adolygiad cymheiriaid yn hwyluso hynny, byddai i'w groesawu ar yr amod nad yw'r trefniadau o gwmpas hynny yn rhy feichus a biwrocraataidd. Ar ben hynny, mae'r trefniadau sydd yn cael eu hawgrymu ar gyfer derbyn cwynion am hyn yn codi risg amlwg o drefn allai gael ei ddefnyddio i ddibenion maleisus.

2. Mae'r syniad o roi'r cyfrifoldeb llywodraethu corfforaethol yn glir yn maes llafur un pwyllgor yn un da ond mae'r Cyngor am bwysleisio y dylid gadael materion fwy manwl fel lle i drafod mater i fyny i gynghorau unigol yn hytrach na datgan hynny mewn statud.

3. Mae cael traean o aelodau'r Pwyllgor Archwilio yn aelodau lleyg yn ormodol. Mae hyn yn erbyn egwyddorion democrataidd; mae cynghorwyr yn meddu ar ddealltwriaeth ac adnabyddiaeth o'r Cyngor na all aelodau lleyg ei gynnig. Mae Cynghorwyr hefyd yn cynrychioli traws doriad eang o gymdeithas ac ystod o sgiliau. Nodwyd hefyd nad oes aelodau lleyg ar bwyllgorau'r Cynulliad. Mae'r Cyngor hefyd yn gwrthwynebu'r egwyddor fod rhaid i Gadeirydd y Pwyllgor Archwilio fod yn aelod lleyg, gan nad oes rhesymeg amlwg y tu ôl i'r cynnig yma

#### **Rhan 6: Cynghorau Cymuned**

##### **Sylwadau**

Mae'r Cyngor, yn erbyn cymryd unrhyw feichiau ychwanegol, yn arbennig ar adeg o gynni ariannol a byddai'r awgrym hyn yn sicr yn gwneud hynny.

#### **Rhan 7: Materion Gweithlu**

##### **Sylwadau**

Mae cynllunio'r gweithlu yn amlwg yn fater o bwys i bob cyngor wrth edrych i'r dyfodol ond mae'n anodd gweld, unwaith eto, pa werth y byddai arweiniad o du Llywodraeth Cymru yn ei ychwanegu

**SYLWADAU AR DDARPARIAETHAU CYLLIDOL Y BIL  
Cwestiwn 1.7**

Ynndo'i hunain, mae Adran 16 ac Atodlen 3 ill dau yn rhesymol ac fel y buasem yn ei ddisgwyl, gan roi trefniadau yn eu lle ar gyfer uno rhestrau Treth Cyngor, rhestrau Trethi Annomestig a Cronfeydd cynghorau mewn paratoad at sefydlu'r awdurdodau newydd. Yn y cyd-destun yma, nid oes gennym wrthwynebiad i'w cynnwys.

Ni fyddem yn dymuno creu rhagor o gymhlethdodau cyn sefydlu'r awdurdodau newydd, ond fel y mae Adran 22C newydd o Ddeddf 1992 (fel y'i cynigir) yn ei amlygu, digwyddodd yr ailbrisiad Dreth Gyngor cyffredinol diwethaf ar gyfer 1 Ebrill 2005. Mae hyn yn golygu y bydd y rhestrau cyffredinol ar sefydlu awdurdodau newydd yn 15 mlwydd oed.

Rhaid i Lywodraeth Cymru gydweithio ag awdurdodau lleol er mwyn sicrhau fod y rhai sy'n defnyddio gwasanaethau cyhoeddus yn cyfrannu'n deg tuag atynt. Credwn y byddai cynnal ymarferiad ailbrisiad llawer mwy rheolaidd, gydag ail-fandio cyson, yn rhoi mwy o hyder i'r cyhoedd am gadernid, tryloywder a thecwch y drefn.

Hefyd, mae angen adolygiad llawn o'r trefniadau eithriadau a disgowntau. Mae'r trefniadau cyfredol yn flerwch, a rhaid eu diweddarau. Mae rhai o'r eithriadau presennol yn hynafol, neu yn methu adlewyrchu sefyllfaoedd y cynghorau erbyn hyn.

Ar hyn o bryd, mae'r Treth Cyngor yn cael ei ystyried yn dreth sydd ar Eiddo a Phobl yn gyfartal. Efallai fod lle i ystyried newid y balans cyfredol (h.y. 50% eiddo a 50% y 2 berson cyntaf yn yr eiddo), neu hyd yn oed rhoi'r hawl i gynghorau lleol addasu'r gyfran yma i adlewyrchu gofynion lleol.

Felly, gellid dadlau fod y Bil drafft yn cynrychioli colli cyfle i ddiweddarau'r gyfundrefn drethiant lleol, ond rydym yn derbyn nad dyma yw diben y Bil penodol yma.

**Cwestiwn 1.8**

Mae gwybodaeth leol yn hanfodol yn hyn o beth. Rydym hefyd yn annog Llywodraeth Cymru i sicrhau bod Asiantaeth y Swyddfa Brisio yn rhannu gwybodaeth yn well gydag awdurdodau lleol.

Credwn fod y gyfundrefn trethi busnes yn gweithio'n dda yn gyffredinol. Rydym yn credu fod meithrin perthynas dda gyda Swyddfa'r Prisiwr, wrth iddynt hwythau gyflawni eu gwasanaeth arbenigol wrth gynnal y rhestr drethiant, wedi cyfrannu at hyn. Yng ngŵydd hynny, rydym yn argyhoeddedig fod cadw trefniadau casglu Trethi Busnes yn lleol yn allweddol er mwyn gallu manteisio ar y wybodaeth lleol sydd ar gael.

Yn ein profiad ni, mae ymweliadau rheolaidd gan swyddogion y cyngor i safleoedd busnes, gan ddefnyddio technoleg briodol a rhaglen yn seiliedig ar risg, yn rhoi cyfle i weld "yn y crawd" os oes busnesau newydd wedi eu sefydlu. Mae hyn eto yn dangos y fantais gref o gael gwybodaeth leol a chasglu lleol. Byddai grantiau penodol i gefnogi datblygiad technegau newydd gan ddefnyddio'r dechnoleg ddiweddaraf, ac i gyflogi swyddogion ymweld, yn helpu awdurdodau lleol i weithio gyda Llywodraeth Cymru i fesur y lefel bresennol o osgoi ardrethi annomestig

### **Cwestiwn 1.9**

Rydym yn rhannu'r gred mae un maes lle'r ydym o'r farn fod y pwrs cyhoeddus yn dioddef fel canlyniad i osgoi talu Ardrethi Annomestig yw gallu busnesau i osgoi trethi busnes ar eiddo gwag. Mae'r Ddeddf Ardrethu (Eiddo Gwag) 2007 yn datgan na fydd eiddo diwydiannol sydd wedi bod yn wag am fwy na chwe mis yn derbyn ryddhad ardrethi, ac yn hytrach bydd eiddo gwag yn atebol am 100% o'r gyfradd sylfaenol busnes brysur.

Fodd bynnag, mae hefyd yn nodi os yw eiddo mewn defnydd eto ("rateable occupation") am gyfnod o fwy na chwe wythnos cyn dod yn wag unwaith eto, bydd yr eiddo yn cael eithriad pellach am chwe mis. Mae'r un sefyllfa yn wir am unedau manwerthu, ond mai am hyd at 3 mis y ceir yr eithriad pellach yn yr achosion hynny.

Mae achosion llys diweddar (e.e. Makro v Nuneaton & Bedworth DC) wedi llacio'r diffiniad o "rateable occupation" i'r fath raddau fel ein bod o'r farn fod angen ail-ysgrifennu'r ddeddfwriaeth. Er enghraifft, rydym bellach yn gweld sefyllfaoedd ble mae cadw ychydig o ffeiliau neu flwch rhyngwrwyd yn ddigonol i ystyried bod safle "wedi ei feddiannu" o ran atebolrwydd am ardrethi. Gellir yn hawdd sefydlu a datgymalu "meddiannu minimal" o'r fath i gymryd mantais o raddfa ardreth gychwynnol cymharol isel sy'n ymwneud â llai na 42 diwrnod o feddiannaeth, yna cyfnod pellach a hirach o eithriad (boed hynny'n 3 mis manwerthu neu 6 mis diwydiannol), ar adael. Credwn nad dyma oedd bwriad y ddeddfwriaeth pan y'i ysgrifennwyd, a mae angen rhoi sylw arbennig i hyn os am sicrhau fod trethi busnes yn gweithio'n llawer mwy effeithiol. Byddai cynyddu'r cyfnod "rateable occupation" o 42 diwrnod i 3 mis (neu hyd yn oed 6 mis) cyn caniatáu rhyddhad eiddo gwag yn mynd llawer o'r ffordd i gau'r "loophole" sydd yn bodoli ar hyn o bryd.

Dylai'r Llywodraeth hefyd gymryd camau i atal osgoi drwy "Phoenixism". Hyn yw'r ymarferiad o greu olyniaeth o gwmnïau cyfyngedig lle mae'r broses o ymgorffori yn anghyflawn, ac ychydig neu ddim ymdrech sydd i atal darparwyr cyfleustodau ac awdurdodau lleol rhag cronni dyledion. Unwaith y bydd y broses adfer yn dechrau caiff yr hen gwmni ei ddiddymu ac mae cwmni newydd yn ymddangos.

I'r cyhoedd ac i gwsmeriaid mae'r busnes yn ymddangos yn barhaus – mae swyddogion a gweithwyr y cwmni yn union yr un fath, ar adegau efallai y bydd y manylion a roddwyd i Dŷ'r Cwmnïau yn wahanol. Nid yw'r lefel o golledion a

grëwyd byth yn ddigon i achosi Tŷ'r Cwmnïau i ymchwilio i ymddygiad y Cyfarwyddwyr.

### **Cwestiwn 1.10**

Rydym yn teimlo y byddai trefniadau casglu yn cael eu cryfhau petai gan y cynghorau yr un hawl statudol i ysgrifennu i gael gwybodaeth gan fusnesau wrth weinyddu Trethi Busnes ag sydd ganddynt ar gyfer Treth Cyngor.

### **Cwestiwn 1.12**

Oes, sef yr angen i'r Llywodraeth roi trefniadau yn eu lle ar gyfer harmoneiddio lefelau Treth Cyngor yr awdurdodau newydd o 1 Ebrill 2020. Bydd y siroedd newydd yn cynnwys ardaloedd oedd gyda lefelau gwahanol o Dreth Cyngor cyn hynny. Er mwyn sicrhau fod pawb yn yr ardaloedd newydd yn talu yr un lefel o Dreth Cyngor, rhaid cyflwyno trefniadau trosiannol fel nad yw'r awdurdodau newydd yn dioddef colledion oherwydd fod Treth Cyngor rhai rhannau o'r sir yn cael eu "rhewi" tan fod rhannau eraill o'r sir newydd (oedd yn talu Treth Cyngor is dan yr hen drefn), yn dal i fyny.

Ar adeg ad-drefnu llywodraeth leol 1996, rhoddwyd y trefniadau hyn yn eu lle (gan eu galw bryd hynny y "Cynllun Lleihad Treth Cyngor"), gyda grant llywodraeth yn digolledu'r awdurdodau yn ystod y cyfnod trosiannol. Mae'n bwysig fod y Cyngor yn pwyso am hyn ar gyfer ad-drefnu 2020 hefyd.

**DRAFT LOCAL GOVERNMENT BILL**  
**OBSERVATIONS FROM GWYNEDD COUNCIL**  
(16.2.16)

The Council's main general observation is that there is an opportunity here to re-etsbalish the relationship between Local Government and Central Government on a foundation of trust and with an empasis on outcome for citizens. In light of this, we have significant concerns about the degree of micro-management by the Assembly Government that arise from several of the proposals. In general this is a negative step that militates againts councils' own accountability to their local communities.

<b>Part 1: Local Government Areas and County Councils</b>
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<b>Observations</b>
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<p>1. The Council's main responsibility is to safeguard the interests of Gwynedd residents and the services provided for them. As such, clarity on the business case for re-organisation and about the arrangements to meet the associated costs are crucial. Accepting that some change is unavoidable, the responsible thing to do is not to close the door on any possibility that could lead to savings in management, central or back-office costs that could, in turn, reduce the scale of cuts that any council would have to make in the coming years. However, the Council does note some important considerations on which it would seek assurances and some questions that need answering pripor to amalgamation:-.</p>
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a) Ensuring accountable local democracy is crucial in moving ahead and any governance arrangements for the future must include arrangements for ensuring a dialogue on public services at a more local level than that of the current councils. Centralising in larger councils does carry a risk of distancing accountability from local communities and there is a need to improve the accountability and engagement of councils and individual members with residents and communities.

b) The pattern of public services for the future must include a meaningful role for town and community councils in terms of being responsible for and providing services.

c) In terms of the accountability of local members, assurances should be sought that the Boundary Commission proposals should not create wards that are too large, making the work of local members in engaging effectively with their communities harder. Specifically, assurances are sought that there will be no more multi-member wards, since such provision can confuse the accountability of local members within their wards.

ch) Operating a firm Language Policy to support the Welsh Language is crucial for any new council that Gwynedd would be part of in the future, including the objectives of the Council:-

- to enable everyone who receives or uses the Council's services, or contributes to the democratic process, to do so through the medium of Welsh or English according to personal choice.
- to promote the use of the Welsh language in the life of the area and to be an anchor for the language in its resurgence throughout Wales.
- to promote the use of the Welsh language by other public bodies which have dealings with the Council, and to support and promote the use of Welsh by organisations and businesses which provide services for the public in the area of the Council.
- to establish Welsh as the official internal administrative language of the Council by providing facilities for in-post training to enable staff to develop their linguistic skills in Welsh and English.
- to develop the ability of pupils and students to be confidently bilingual in order that they can be full members of the bilingual society of which they are a part.

NB It is suggested that the views of the Welsh Language Commissioner should be sought on the model best suited to support and promote the use of the Welsh Language.

d) Certainty is required on the financial and asset position of every partner in order to assess the sort of financial position that any new council would inherit.

Having considered the above, the Council believes at the moment that having three councils across North Wales would be the better solution although it is not opposed to two councils.

2. There are a number of proposals on Local Government Finance in the document. Appendix 1 to this paper summarises observations prepared by the Council's Audit Committee on those issues. They have been approved by the Council's Cabinet.

## **Part 2: General Competence**

### **Observations**

1. The Council agrees with the emphasis on establishing a “power of general competence” that would enable us to do more things on behalf of our communities. The only concern would be whether the legal provisions around it would make it difficult to implement.
2. The Council has been concerned about legislation that would place pressures on community councils particularly the smaller ones but the current proposals seem to allow more freedom for larger councils with greater capacity without placing additional burdens on smaller councils

### **Part 3: Access to Local Government**

#### **Observations**

1. The Council is opposed to requirements to prepare documents because the preparation of a document as such does not benefit residents. Maybe the extent to which councils are engaging with residents should be the subject of external challenge by our regulators or particular attention in the proposed peer review rather than the subject of a strategic document?
2. The “community area committees” do not look very different to the old idea of community fora that this Council has discussed in the past. The Council challenges whether the organisational requirements and the requirement for a statement of priorities adds real value to residents. Having said that, the idea of delegating functions to these committees make them more attractive and perhaps establishing such fora will be more important as councils’ sizes increase. Clarity would also be required about the relationship between these committees and the community council tier.
3. It appears that the idea of an “improvement request” is an effort to ensure dialogue with bodies and groups about improving results. This is an attractive concept but placing it in a legislative framework creates unnecessary work.
4. The Council’s experimentation with web-casting has been partially successful and it can be seen as part of the pattern of democratic services to residents. The Council’s only concern would be that it could lead to centralising where meetings are held and significant implementation costs

### **Part 4: Council Functions**

#### **Observations**

1. This Council has traditionally opposed proposals to tell members how they should undertake their work. However, there has been some concern recently about low attendance levels and the Council is in favour of mandatory annual reports. There is probably room to formalise some of the expectations on councillors but a danger that some elements are inflexible and would be difficult to implement.
2. The Council has already expressed concern about the risk of inappropriate influence by ministers on the work of the Independent Remuneration Panel. Their independence should be guaranteed.
3. “Remote Attendance” is clearly a good idea in a large area and it will be more so in a larger council area but, once again, there would be costs involved in securing technology that is robust enough to cope.
4. The Council sees no need to change the current arrangements for assessing the performance of and dismissing these senior officers. The current arrangements work and there is no need to change to what is effectively an English model.

5. The Council has always been progressive in seeking opportunities to transfer assets to community groups. However, we must be realistic about the capacity of some groups to cope with the transfer of assets or Service elements. The Council's experience suggests that it would be unwise to think that this is a broad solution to the problem of maintaining assets and delivering Services without substantial support from the Council in the transfer.

## **Part 5: Governance Arrangements**

### **Observations**

1. There is no problem on the duty for good governance – That should be a natural part of every council's work. One point that this council has made consistently is the need to reduce the external inspection burden. If the self-assessment and peer review facilitates this, it is to be welcomed subject to the requirements around them not being too onerous and bureaucratic. In addition the proposed system for considering complaints does raise a clear risk of the system being used for malicious intent
2. The idea of placing the responsibility for corporate governance clearly in the remit of a single committee is good but this Council would emphasise that more detailed issues such as where to discuss matters should be left to individual councils rather than being set out in statute.
3. Having lay members constituting a third of the membership of the Audit Committee is excessive. This is against democratic principles; councillors possess an understanding and recognition of the Council that lay members cannot offer. Councillors also offer a wide cross-section of the community and a range of skills. It was also noted that there are no lay members on Assembly committees. The Council is also opposed to the principle that the Chair of the Audit Committee should be a lay member, as there is no obvious logic behind this proposal.

<b>Part 6: Community Councils</b>
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<b>Observations</b>
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The Council is opposed to shouldering any additional burdens particularly at a time of financial restraint and this suggestion would fall into this category
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<b>Part 7: Workforce Matters</b>
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<b>Observations</b>
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Workforce planning is clearly a matter of some importance for every council as they look to the future but, once again, it is difficult to see what value guidance from the Welsh Government would add.
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**OBSERVATIONS ON THE BILL'S FINANCIAL PROVISIONS**

**Question 1.7**

In themselves, both Section 16 and Schedule 3 are reasonable and are as we would expect, putting arrangements in place for amalgamating Council Tax lists, Non-Domestic Rates lists and Council Funds in preparation for the establishment of the new authorities. In this respect we have no objections to their contents.

We would not wish to create further complications before the establishment of the new authorities, but as the new section 22C of the 1992 Act (as proposed) highlights, the last general Council Tax revaluation took place for 1 April 2005. This means that the general lists at the establishment of the new authorities will be 15 years old.

We believe that the Welsh Government must work with local authorities to ensure that those who use public services contribute fairly towards them. We believe that holding the revaluation exercise much more regularly, with sustained re-banding, would give the public more confidence about the robustness, transparency and fairness of the arrangements.

Also, there is a need for a full review of the exemptions and discounts arrangements. The current arrangements are a mess, and they must be updated. Some of the current exemptions are archaic, or fail to reflect the current situations of Councils.

At present, Council Tax is considered equally as a tax on property and a tax on people. There may be room to consider changing the current balance (i.e. 50% property and 50% for the first 2 people in the property), or to even give the right for local councils to adjust this proportion to reflect local requirements.

Therefore, it could be argued that the draft Bill represents a missed opportunity to update the local taxation regime, but we accept that this is not the purpose of this particular Bill.

**Question 1.8**

Local knowledge is vital in this regard. We also urge the Welsh Government to ensure that the Valuation Office Agency undertake better information sharing with local authorities.

We believe that the system of business taxes is generally working well. We believe that fostering good relationships with the Valuation Office Agency, as they carry out their specialist service in maintaining the rating list, have contributed to this. In view of this, we are convinced that keeping business tax collection arrangements at a local level is key in order to be able to take advantage of the local information available.

In our experience, regular visits by council officers to business premises, using appropriate technology and a risk-based programme, give an opportunity to see “in the flesh” whether new businesses have been set up. This again demonstrates the strong advantage of having local knowledge and local collection. Specific grants to support the development of new techniques, using the latest technology, and to employ visiting officers would help local authorities to work with the Welsh Government to measure the current level of avoidance of Non-Domestic Rates

### **Question 1.9**

We share the belief that one area in which the public purse suffers as a result of avoidance of Non-Domestic Rates are is the ability of businesses to avoid business rates on empty properties. The Rating (Empty Property) Act 2007 states that any industrial property which has been empty for more than six months does not receive rate relief and the empty property will instead be liable for 100% of the basic occupied business rate.

However, it also states that if a property is occupied again for a period of more than six weeks before becoming empty again, a further six-month exemption will apply. The same situation is true for retail units, but a further exemption is only available for up to 3 months in these cases.

Recent court cases (e.g. Makro v Nuneaton & Bedworth DC) has relaxed the definition of "rateable occupation" to such an extent that we consider that rewriting the legislation is necessary. For example, we are now seeing situations where keeping a few files or internet boxes are enough to deem the premises “occupied” in terms of rates liability. Such “minimal occupation” can easily be set up and dismantled to take advantage of initially a relatively small rates bill appertaining to a less than 42 day period of occupation, followed by a further and greater period of exemption, (be that 3 months retail or 6 months industrial), on vacation. We do not believe that this was the intention of the legislation when it was written, and this needs particular attention to ensure that business taxes work much more effectively. Increasing the "rateable occupation" period of 42 days to 3 months (or even 6 months) before allowing empty property relief would go much of the way to closing the "loophole" that currently exists.

The Government should also take steps to prevent avoidance through Phoenixism. This is the practice of creating a succession of limited companies where the process of incorporation is incomplete, and there is little or no attempt to prevent utility providers and the Local Authority from accruing debts. Once the recovery process commences the old company is liquidated and a new company appears.

To the public and customers the business appears continuous – the Officers and employees of the companies are identical, on occasion the details provided to Companies House may differ slightly. The level of losses created is never enough to cause Companies House to investigate the conduct of the Directors.

### **Question 1.10**

We feel that collection arrangements would be strengthened if Councils had the same statutory powers to write for information from businesses when administering business taxes as they do for Council Tax.

### **Question 1.12**

Yes - the need for the Government to put arrangements in place for the harmonization of Council Tax levels for the new authorities from 1 April 2020. The new counties include areas that would have had different levels of Council Tax before then. In order to ensure that everyone in the new areas are paying the same level of Council Tax, transitional arrangements must be introduced so that the new authorities do not suffer losses due to Council Tax in some parts of the County being "frozen" until other parts of the new counties (that paid lower Council tax under the old regime), catch up.

At the time of local government reorganisation in 1996, these arrangements were in place (and at that time called the "Council Tax Reduction Scheme"), with government grant compensating the authorities during the transitional period. It is important that the Council presses for this for the 2020 reorganisation also.

### **26897 -176 : David Morris**

**Tref / Town : Cowbridge**

**Sefydliad / Organisation : Cowbridge (Ancient Borough) with Llanblethian Town Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

### **PART 1**

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Under the proposals the Local Health Board boundary areas will not be co-terminus with the proposed County boundary areas. This could lead to post code medical provision depending in which LHB area you reside even though you are all in the same county.

In addition to ensure Community Safer Partnership working should the boundaries of the proposed new County Boundaries also take into account the Boundaries of the Welsh Police Forces and be co-terminus so that there is

no overlapping of Counties into separate Force areas.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Recognising that there are sound pros and cons for either option the choice would be for Option 2 – two county structures. Although there would be issues in terms of attracting European Funding and create mis-alignment with the local LHB/Policing structures, the two counties would have similar population sizes to the other proposed Welsh Counties, create a stronger Welsh speaking presence and provide similarity of performance comparisons to the other Welsh counties, service provision and taxation issues. Plus reduce bureaucracy in terms of the number of Welsh principal Counties i.e. 8 counties instead of 9

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Agree

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

If Powys County Council and Powys Teaching Health Board are working well as a partnership no need to change unless to reduce bureaucracy and create a better more efficient and effective structure.

Question 1.5: What are your views on the procedure for naming the new Counties?

Need to ensure that naming the new County Councils recognise the identity of all the merged Authorities. That no Authority through the name is seen as the lead within the new County Council. Suggest that Boundaries Commission recommend new names for the Shadow Authorities to consider and agree. If not agree to give reason why not.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Recognising the need to put in place transitional procedures to move to a five year fixed term election process in 2023 and not requiring Councillors to remain in Office for a lengthy period, then the suggested arrangements are supported. However, cognisance must be taken in terms of the quite short

periods between elections and the adverse impact on reducing numbers of voters taking part and Councils being elected with minority votes.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

None other than there may well need to be a period of harmonisation for payment of Council Tax especially for merged Councils in which public services vary. Should be left to individual 'shadow' Councils to work a timetable to harmonise Council tax – whether straight away or over a period of time.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Difficult question other than through identifying the number of registered businesses in Wales against non-domestic rates paid.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Greater regulation and enforcement. Possible area for identifying avoidance of non-domestic rate payment is through the Council Planning Department where change of use or planning applications may help in terms of identifying new business premises.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Cannot answer.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Agree

Question 1.12: Are there other matters of a technical nature which should be considered?

Not at the moment.

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The issue with a Community Council declaring it self 'competent' is when it fails to meet the criteria for competence but continues to operate as such. Is this misleading to the electorate? If a Community Council fails one of the criteria to be competent or declares it is no longer competent – is it incompetent and therefore a possible reputational issue as far as the electorate are concerned. Need for external audit/inspection to ensure a Council meets the competent criteria and maintains it. Should not be left to the Community Council to declare itself competent or not. Maybe a role for the Principal Council to audit, make sure the Community Council meets the criteria and authorise competence.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

In relation to the criteria for competence –  
Two thirds Councillors elected – presume includes those who stand unopposed but not those co-opted.  
Two years unqualified accounts – if third year qualified accounts should automatically be no longer competent.  
Clerk – professional qualifications. Is this CiLCA. If so need to ensure training and assessment provision provided to ensure that Clerks can become professionally qualified as soon as possible so no detriment to the Community Council. Again if a 'qualified' Clerk leaves and an 'unqualified' Clerk is appointed does this adversely impact on a competent Community Council and it becomes not competent. Need to have a development structure in place for Clerks with incentives and rewards to become qualified.

## **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

With larger County (Principal) Councils there will be a larger gap between the community and engagement with these Councils. The introduction of Community Area Boards will not fill this gap. They create another level of bureaucracy and 'gate-keeping' in terms of accountability and direct participation by the public in relation to consultation of budget setting, identifying priorities and provision of services. The role of the newly merged

Community Councils should be seen as the vehicle to bridge this gap in terms of services provided to the local communities.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

No agree that the new County Councils must be regulated to engage with the public and to consult on the annual budget especially in relation to expenditure and service provision, identifying priority areas.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Do not agree with Community Area Committees. Community Representatives are the elected Community Councillors.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Do not agree with Community Area Committees. Delegation of responsibilities from the County Council for local service provision/asset transfer should be to the Community Councils provided it is funded and resourced.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Do not agree with Community Area Committees. However if to be introduced then should have a lead in time after the new County Councils and new Community Councils are in situ.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Agree with proposals but should also extend to Community Councils and other connected authorities such as Fire & Rescue Authorities and National park Authorities.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Agree with the proposals but mindful that some rural areas electronic communication is not effective. This means of communication alone can be a disadvantage to those who do not have efficient internet access or are not use to using it.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

Should be extended to include such a duty on Community Councils to encourage engagement by youth and young people.

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Agree with the position of the White Paper that Monitoring Officers and Standards Committees should have enforcement roles especially in ensuring that there is duty to respect and positively encourage respect for diversity, equality and fairness. That there is a duty on leaders of political groups to promote and maintain high standards of conduct and this compliance is monitored through the Standards Committees. That the Standards Committees publish an annual report making recommendations, recognising good practice and action plans for improvement. These reports should be in the public domain.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Agree with the proposals contained in the draft Bill for greater scrutiny and monitoring of standards of leaders and of all elected members regardless if they are members of a political party or independent.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Supportive of the proposals to give greater powers to local authorities

including community councils for delegation to third parties and contracting out of service.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Supportive of this proposal for Welsh Ministers to direct IRPW and to consider remuneration and allowances for Community Councillors in line with Principal Authority Councillors especially with the increasing workloads and responsibilities.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

There is already provision within the Draft Bill to allow electronic summons (emails) and remote attendance recognising the difficulties arising from work, travel or other commitments. The use of remote attendance can have financial impacts and dependant on the size of the Council whether a Principal or Community Council. Larger Councils will have the ability and financial capability to use video conferencing links however for smaller Councils, especially Community Councils the provision to use Skype, FaceTime, Messenger and other social media video links should be included. The use of modern communications media should enable the members of the smaller councils to be able to participate in meetings remotely to ensure that there is the fullest consideration of all issues by the council members either directly present or via an electronic link.

The provisions for the use of Remote Attendance should apply to Community Councils as they do and will do to Principal Councils.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

No comments agree with proposal.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

Employment Law should apply to these roles as to any other officer employed in public office. If there are allegations an independent investigation should take place by an outside body and recommendations made. It should then be the responsibility of the Leader of the Council to take to the Council and a decision made by the Council whether there is sufficient evidence to warrant dismissal, warning etc. There should be a structured policy and process in

place that applies to all roles/grades whether Principal or Community Council.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Agree with proposals.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

Although in agreement with proposals would also like to see a statutory obligation for Principal Authorities to consult with and seek the views of Community Councils if the disposal or transfer has an effect on the local community as a visible service e.g. public toilets. In addition need to ensure that in disposing/transferring local assets the Community Council has opportunity to take ownership control before offering to other agencies.

## **PART 5**

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Part 5 does not directly affect the role of Community Councils but in broad terms supportive of the proposals in terms of greater local accountability and determination.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Agree

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

No Comment agree.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Broadly agree but any recommendations especially for improvements should

be subject of timed action plans and publically accountable in reporting progress through the Council Annual Report.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Agree with the proposal to reject PACs – appears to be a retrospective view with another level of bureaucracy.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Agree with proposal and that they have legal powers to undertake investigations, reviews and requires Authorities to provide information either verbally or written with deadlines.

Question 5.7: If so, would they benefit from additional legal powers?

See Answer 5.6

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Such arrangements should be subject of audit/inspection to establish whether service provision can be better delivered more efficiently and effectively through sharing services and if the recommendation is that they are then legislatively a requirement on the Authority to do so against a timeline.

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Review of Community Council Arrangements – Agree that a review of Community Council boundaries needs to take place to ensure that they have greater capability and capacity to take on greater responsibility for the provision of services. The issue is whether as a result of Boundary Commission recommendations mergers of local Community Councils should be enforced or through consensual agreement taking into account demographics, remote Councils and those communities which do not want the establishment of such Councils in their area. An alternative is that groups of adjacent councils should be encouraged to work together in clusters in order to accommodate economies and efficiencies of scale as part of the competency test procedures.

Community Council Precept: Agree that equalisation of precept should be dealt with on a longer time basis however there is a need to establish arrangements for the development of resources e.g. guidance documents/ good practice models to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged.

Annual reports: Agree with the development of Annual Reports for Community Councils but should also include a costed Annual Plan for the forthcoming year as part of an election period five year strategy plan so that Councils can be held to account in terms of performance and delivery. Allowing greater transparency and local accountability.

Transition arrangements: The Local Community Council transition period should be on an equal footing as Unitary/Principal Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets; the delegation of services from the new county councils; the freezing of balances and reserves to prevent inappropriate spending decisions and the disposal of assets by those councils at risk of being merged.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Support that the Boundary Commission should undertake a review of the boundaries for Community Councils rather than Shadow Authorities. Although it would be ideal for the Boundary Commission to submit their draft reports to the Shadow Authorities from May 2019, there are issues in terms of tight timescales for such a national review that will have a critical impact for the future of local democracy. The timeframe of April 2020 is more realistic however this may still pose capacity problems given the number of local councils. Suggest that consultation with the Commission take place to set realistic timescales for completion of the review. However before such reviews take place there is a need for Welsh Government to articulate the role and function of the future Community Councils, their purpose and what statutory services they will be expected to deliver as a minimum. Will there be an expectation that the current number of elected Councillors with current Community Councils will reduce to accommodate larger Community Councils, which may well undermine the ability of the Councils to act on behalf of its electorates as the capacity of the sector will be significantly reduced. Additionally Welsh Government need to provide directions to the Boundary Commission to have due regard to the safeguarding of the Welsh Language when making its recommendations.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Boundary Commission should have responsibility to implement their recommendations once approved by Welsh Government to avoid local authorities attempting to unduly influence the outcome of the review and its recommendations. The development of robust transition arrangements for the community and town councils sector must allow for consideration of local geography, demographics, and Welsh Language matters.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

In agreement for compulsory training for all councillors that there is a core training curriculum that all Councillors must complete once elected especially for the first time and that development training is also provided especially in relation to the running of local councils and how to be an effective councillor with further training within and across numerous specialist fields of council work. One Voice Wales should be the designated training provider and Welsh Government needs to ensure that sufficient resources are made available for this to be possible. The compulsory training requirement and curriculum should be a matter for Community Councils and One Voice Wales in consultation with Principal Councils and Welsh Government to determine.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Agree that election for Community Councils should fall in line with Principal Councils. The election of Councillors in 2017 serving a term of six years could be seen as subverting the democratic process however recognising the financial implications of having two elections in short period of time, supportive of extending the 2017 election for six years to 2023.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

In agreement that each Community Council should produce a Training Strategy for its members/employees and that individual training plans should be developed in accordance with this strategy. That a training budget is identified to deliver the training/development. However recognise that such plans will vary dependant on size and experience, previous training of the Councillors and Officers.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Agree that the role of Clerk although reportable to the Council should come under the direction of the Chair of the Community Council for day to day management. However there does need to be a formal grievance/complaints procedure in place to ensure the Clerk is protected from overbearing management/prejudice etc. That the Clerk is subject of annual performance appraisal and as part of that process is set objectives linked to the Council Annual Plan and training requirements. There are opportunities for performance related pay to reward for achievement against the objectives.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Agree with proposals.

## **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Approve the introduction of Transition Arrangements and the development of transition committee to support the development of the local councils. Active involvement of One Voice Wales along with other sector bodies such as the SLCC would ensure that all workforce related matters are appropriately considered during the six year window prior to 2023

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

In support for the creation of a statutory Public Services Staff Commission but would like to see representation on the Commission from the Local Council sector through One Voice Wales and the Society of Local Council Clerks.

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

No Comment

## **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

No

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Supporting documents constructive and useful in providing this feedback. No other comments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

None

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26897 -177 : Anonymous**

**Tref / Town : N/A**

**Sefydliad / Organisation :Anonymous**

## **Consultation on the Draft Local Government (Wales) Bill**

Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Community and Town Councils must be treated in the same way as County Councils regarding commensurate funding and resources allocated to enable transition.

Isle of Anglesey merger solely with Gwynedd is not acceptable. Three counties to include Gwynedd and Conwy is preferred.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

Question 1.5: What are your views on the procedure for naming the new Counties?

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Concerned about merging of rural community/town councils with larger town/urban area may lead to inequalities detrimental to the rural areas. What will the merger criteria be as this is unclear? What is proposed regarding governance and assets? What about towns whose assets are used by those further afield/ other council areas?

Such a merger does not add value.

The people should be allowed to decide and not have new names imposed by Welsh Gov't.

Two three year term preferable to a six year term,. It is too long and could put people off from applying. Acknowledged that some councils already have long-term vacancies and many councils rely on a core group of active members.

if transition arrangements are being made for County Councils then transition arrangements should be put in place for community and town councils.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Question 1.12: Are there other matters of a technical nature which should be considered?

Put in more stringent control.

Disagree with abolishing the preserved counties. Some boundary modifications are acceptable. What purpose do Lord-Lieutenants and High Sheriffs serve and are they cost effective and add value?

In agreement with One Voice Wales "Similar to the points raised in 1.7 One Voice Wales considers that section 18 and schedule 4 of the draft Bill – transfer of staff, property and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils."

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

## **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Agree with One Voice Wales

Agree with One Voice Wales

In agreement with One Voice Wales.

In agreement with One Voice Wales.

The proposed area committees create another layer of bureaucracy and are not necessary. Town and community Councils already work directly with their area County Councillors. Many smaller councils are already working together in satellite group and presenting jointly agreed decisions to County Councils.

In agreement with One Voice Wales.

NO. In agreement with One Voice Wales.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

In agreement with One Voice Wales. In agreement with One Voice Wales. DISAGREE with proposal to film, photograph or record meetings. Personal lives of council members already imposed upon without added pressure of bullying, threats, abuse being added to this. Social media open to abuse. Many councillors are co-opted, not elected. We are unpaid and therefore volunteers. Data Protection???

This will put off members of the community applying.

Who would fund this and be responsible for making public? Clerks and members already have enough to do.

Agree with One Voice Wales.

Agree with One Voice Wales.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

N/A

Agree with One Voice Wales.

Agree with One Voice Wales.

Agree with One Voice Wales. Consideration for rural areas with poor Broadband needs to be taken into account here.

If introduced, the power to dismiss the Chief Executive etc , should be by a two thirds majority.

Question 4.8:

Do you have

any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

## **PART 5**

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

Agree with One Voice Wales.

Not relevant to Community Council

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

Question 5.7: If so, would they benefit from additional legal powers?

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Not relevant to Community Council

In agreement with One Voice Wales.

In agreement with One Voice Wales.

In agreement with One Voice Wales.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

In agreement with One Voice Wales.

Two three year term preferable to a six year term. It is too long and could put people off from applying. A negative effect of a six year term is that an inactive council member could continue and hold back the active members and prevent a new person applying. Acknowledged that some councils already have long-term vacancies and many councils rely on a core group of active members.

The training offered by One Voice Wales is basically sound and is more in touch with the community and town councils. Our feedback informs their course management and range of courses offered. Imposed training by the County Council would not be welcome. We'd like to continue to work with One Voice Wales and retain our independence.

In agreement with One Voice Wales.

E-petitions could be a good way forward BUT Broadband coverage and

digital inclusion are big issues in areas with poor coverage and digitally excluded people.

## **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a nonstatutory Commission?

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

## **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to comment.

None  
None  
None  
None  
None  
None

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**Ticked - we wish to remain anonymous.**

26898 - 178 : Gwyn Jones

Tref / Town : N/A

Sefydliad / Organisation : N/A

Dear Leighton Andrews

As someone living in Dyffryn Conwy I remember when east of Afon Conwy was in DCC. Many I know would like to return to it. Life under DCC was better which defined a golden age of North Wales. ...a time when Rhyl could still claim to be a culturally Welsh town. With CCBC east of the Conwy River back in DCC there would be a better balance between the Welsh culture & Anglo. Wreccsam for example where there are pockets of strong Welsh Cultural would feel less isolated.

CCBC is also very cavalier in its scrutiny of its county councillors & community councils . It also has a cronies culture which makes it almost impossible for its ratepayers to be democratically represented eg, expensive public consultations about visions & action plans have in my town of Llanrwst proved to be nothing more than exercises in giving the residents false hopes. Influential gaggles of councillors are nothing more than small town racketeers  
diolch  
gwyn jones

Dear Gareth

I think that you'll find that CCBC discourages the third sector. I wonder how it compares with DCC.

My long experience with dealing with CCBC is that its management sees it as a PLC. Management uses restrictive practises in order to try & provide work next year. Also max pay for minimum of effort.

regards

gwyn jones

**26898 - 179 : Andrew Jolley**

**Tref / Town : N/A**

**Sefydliad / Organisation : Bridgend County Borough Council**

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

### **PART 1**

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

- BCBC notes that the options within schedule 1 of the draft bill do not provide an alternative option The Authority sought a voluntary merger with the Vale of Glamorgan which it considered met the desired outcomes of Welsh Government. The Authority has no further comment to make.
- In relation to the proposal not to fill casual vacancies the Authority considers that the likely lack of representation that this may afford the public is disproportionate to the administrative burden of undertaking a

by-election. It considers therefore that the existing provisions on filling casual vacancies are sufficient.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.5: What are your views on the procedure for naming the new Counties?

BCBC is content with the procedure

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

BCBC is content with the timetable

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

BCBC has provided its views as part of the submissions of the WLGA

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

BCBC is content with the proposals

Question 1.12: Are there other matters of a technical nature which should be considered?

BCBC has provided its views as part of the submissions of the WLGA

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

- The Authority considers the general power of competence to be a positive proposal enabling greater flexibility and innovative working. The Authority is concerned that provisions should not be too prescriptive in their application however and seeks a wide power of general competence. The Authority recognises that whilst such a power exists in England its use has been similarly restrictive. There exists an opportunity to provide the flexibility for local government to thrive in the provision of services to the public.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

- The Authority does not propose to comment on proposals affecting the administration of Community Councils.

## **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

- Proposals for improving the involvement of the public in the decision making of local government are broadly welcomed. The Authority is however concerned in relation to proposals that provide an obligation on a County Council to ensure access to other public bodies. The Authority considers that more thought and explanation is required prior to such proposals being legislated. In its present drafting it is considered that the proposals will be an administrative burden without providing a clear improvement in public participation.
- Proposals for consultation on budget setting are broadly accepted although any subsequent regulation should account for the practical experiences of Authorities particularly in the use of social media.
- The proposals for Community Area Committees are considered to be unnecessary and the Authority is unclear as to what problem the proposals are intended to solve. The Authority is concerned that such committees of the County Councils will be an additional layer of government, reducing the Proposed benefits of reorganisation. There is also concern that the committees will not be truly representative of the area given that many members will not have been elected. There is considered to be a danger that such committees will bind an authority with little or no responsibility to the public in doing so. It is considered that the committees simply add to the bureaucracy of decision making and damage the likelihood of ensuring greater public involvement and understanding of local government. It may be, in areas with limited democratic representation that, the proposals would be more appropriate but; it is considered that it is inappropriate to implement the provisions universally.

It is unclear how the model code of conduct would or could be applied to non- elected members of the committee. There is therefore a danger of further erosion of the public's faith in local democracy.

- In relation to Improvement Requests the Authority considers that there is value in engendering a culture of openness with all parts of society. The impact of the present proposals however are considered to offer a bureaucratic system similar to the use of Freedom of Information requests. The significant process requirements within the proposals are

likely to provide significant financial burden on County Councils outweighing the benefit anticipated.

- The Authority is of the view that the rights of individuals proposed in relation to access to meetings are unnecessary and will disrupt the administration of committees. The proposals for the webcasting of meetings are accepted but as such it is not considered appropriate or necessary for the public to be able to film or especially run a commentary on proceedings. Further the Authority would propose that legislation requiring the recording of minutes rather than a decision record will no longer be necessary should all meetings be webcast.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

As above

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

BCBC does not agree that non- elected representatives should have voting rights on the CAC

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

BCBC considers it important that delegations are statutory and not discretionary in the hands of each authority.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

The view of the Authority that it is not necessary to legislate further

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

As above

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

As Above

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

BCBC is supportive of enhancing participation of young people and has long supported a youth Mayor and Council

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

- Proposals for the performance management of Members are welcomed although the provisions are seen as dated in relation to the modern role of Members. There is also some frustration that there are

no similar proposals for representatives outside local government.

- In particular the proposal for surgeries is considered dated and ineffectual, the majority of contact with the electorate being via social media and e-mail. Those surgeries that have been successful have been held jointly with assembly Members and Members of Parliament.
- The Authority accepts that Members should answer correspondence in a timely manner however authorities already have policies in this regard and the Model Code of Conduct is accessible should a failure be of importance. There is concern that there is little understanding that written communication is a diminishing form of access.
- The Authority is concerned that the proposals should not lead to the central monitoring of performance within authorities as this would be a considerable burden and cost to the new authorities. Such a proposal would also require officers to see all correspondence.
- The proposals to ensure that Members attend meetings and training are welcomed. In respect of attending meetings the Authority considers that the 'six month rule' requires updating as attendance is seen as one issue that does not necessarily lead to performance of the Member. Training is seen by the Authority as particularly important and it would wish to see some training being compulsory, for example prior to sitting on regulatory committees.
- A general comment of the Authority is that the Bill places too much emphasis on communication being 'in writing' this is seen as not being in compliance with DDA legislation.
- The Authority is concerned in relation to the process adopted in determining whether to investigate a Member. The proposal is undemocratic and places a Monitoring Officer in a position of political interference. The Authority considers it more appropriate, as with Model Code of Conduct provisions, for the Standards Committee to determine whether to investigate.
- The implementation of manifesto's for Leaders is welcomed although there is some concern as to the timing post- election for this to take place.
- The ability to appoint executive assistants is welcomed as a development opportunity for Members.
- The Authority considers that the Chief Executive should have the power to make recommendations to Council on structure and resources. The proposed power of the Chief executive to require resources is considered to affect the democratic accountability of Members and should not be implemented.
- The Authority already has a process for the review of the Chief

Executives performance. This involves the leaders of all groups within the authority and has been shown to work well. The Authority would wish any process within legislation to recognise the importance of involving all groups of the authority in the process.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

BCBC is broadly supportive

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

The Authority is of the view that schemes of delegation should be statutory to better enable the public to understand and take part in decision making.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

BCBC has provided its views as part of the submissions of the WLGA

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Yes

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

BCBC has provided its views as part of the submissions of the WLGA

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

BCBC accepts that the present DIP system is time consuming and costly. It considers however that there is a middle road and encourages a simplification of the present system which is seen by the authority as providing protection to the authority as well as top the individual.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

BCBC is of the view that the current allocation of functions is needlessly complex but does not consider it appropriate for authorities to have different allocations of functions. It considers this to be confusing for the public and counter to the aims of the legislation to make local government more accessible to the public

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

BCBC has provided its views as part of the submissions of the WLGA

## **PART 5**

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

- The Authority has no comment on the proposals in relation to the corporate Plan or self- assessment. The Authority welcomes provisions that ensure the combined regulation of authorities. The Authority is concerned however that the proposals in relation to peer assessment will have the impact of adding further regulation and in fact act against the proposals for combined regulation. It is considered that peer

assessment should be a voluntary process to be used by authorities when appropriate.

- The Authority is concerned in relation to the proposals for the Governance and Audit Committee. It is of the view that there is too greater emphasis on non- elected membership and chairing. It is considered that the existing provisions are working well and should be maintained.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

No although the proposals remain a significant governance burden on an authority.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

As above

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

As above

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

BCBC has provided its views as part of the submissions of the WLGA

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

BCBC has provided its views as part of the submissions of the WLGA

Question 5.7: If so, would they benefit from additional legal powers?

BCBC has provided its views as part of the submissions of the WLGA

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

BCBC has provided its views as part of the submissions of the WLGA

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

BCBC has provided its views as part of the submissions of the WLGA

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

As above

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

As above

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

As above

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

As above

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

As above

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

As above

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

As above

## **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

BCBC has provided its views as part of the submissions of the WLGA

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

As above

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

BCBC has provided its views as part of the submissions of the WLGA

## **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

BCBC has provided its views as part of the submissions of the WLGA

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

BCBC has provided its views as part of the submissions of the WLGA

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

- Right of Recall of councillors

The Authority considers that the ability to undertake the right of recall should not apply to any suspension under the Model Code. Such suspensions can be minor in nature.

- The proposal for the Returning Officer role to be the duty of the Chief Executive without further remuneration.

The Authority is supportive

- The removal of the Designated independent Person process protection for the chief executive chief Finance Officer and Monitoring Officer with dismissal on a vote of Council.

The Authority accepts that the present DIP system is time consuming and

costly. It considers however that there is a middle road and encourages a simplification of the present system which is seen by the authority as providing protection to the authority as well as top the individual.

- The clarification of council functions and responsibilities.

The Authority considers that council functions should be prescribed by regulation and apply to all authorities. This in the interest of the public having a better understanding of the functions across local government.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26898 - 180 : Mandy Thompson**

**Tref / Town : N/A**

**Sefydliad / Organisation : Inspection Wales**

### **Inspection Wales Programme response to the draft Local Government (Wales) Bill**

The Inspection Wales Programme is a joint programme between the Auditor General for Wales (and staff of the Wales Audit Office), the Care and Social Services Inspectorate Wales (CSSIW), Estyn (The Office of Her Majesty's Inspectorate for Education and Training in Wales), and Healthcare Inspectorate Wales (HIW). The aim of the Inspection Wales Programme is to improve cooperation and collaboration between the partners wherever appropriate.

Inspection Wales partners welcome the intent behind the draft Local Government (Wales) Bill to make the structure of local government more cost-effective and improve its governance. We also welcome, in the run up to the publication of the draft Bill, the engagement with Welsh Government officials to explore how, in particular, the development of a combined overview of councils' governance can be achieved in practice. We would like to continue in this positive engagement and extend it further to include the Regulatory Impact Assessment.

## Summary views

Our response to the consultation on the draft Local Government (Wales) Bill and its various supporting documents focuses on the areas of agreement between us, the Inspection Wales Programme partners, and areas where our particular programme of co-operative and collaborative working may have additional contributions to make. It does not seek to duplicate individual programme partners' responses, and two partners have submitted their own responses, namely the Auditor General for Wales and Estyn. This narrative response supplements those detailed responses.

Inspection Wales partners, on the whole, welcome the policy intentions outlined in the explanatory memorandum, this document better reflects our positive engagement with Welsh Government staff than the detail within the draft Bill implies. Nevertheless, there are some specific areas where the wording within Part 5 of the draft Bill would, if enacted, undermine the independence of one or more partners. This is unfortunate, as the perception and importance of independent review is recognised in other proposed changes under the Health Green Paper Our Health, Our Health Service. We have highlighted specifics in the relevant sections of consultation response, but our views can be summarized under three themes:

- **The complexity and inefficiency of the requirement for Combined Assessments (clause 124):** jointly conducting and reporting such an assessment as a formal report is likely to prove complicated and costly, given the necessarily distinct roles and independence of the bodies involved. We understand from both our discussions and the Explanatory Memorandum that this is not the intention, and suggest that this implication can be overcome by removing the duty to produce 'reports'. This would allow us to build on the voluntary cooperation already established by Inspection Wales and discussed with WG officials prior to the publication of the draft Bill.
- **Potentially constraining independence:** partners agree that the current wording of clauses 127 and 143(2) and (3) could allow Ministers to constrain the independence of external review bodies (audit, inspection and regulation). The independence of external review is of great importance to both its rigour and credibility, and to the credibility of those reported on, and therefore we suggest that these two clauses are removed completely.
- **Wording ambiguity:** In a number of places, the wording of the draft Bill could be improved to remove ambiguity and unintended additional burdens on the new local authorities. More specifically, the use of the term 'regulator' is not helpful, as not all external review bodies have this specific function. A small change in nomenclature could easily address this, such as by using the term "relevant external review body" instead. The Welsh Government's Review of Audit, Inspection and Regulation (November 2014) produced agreed definitions, which we repeated in our response to the Reforming Local Government White paper, and repeat again in the consultation response document. Furthermore, the wording in certain other clauses within Part 5 is overly prescriptive. It is our partners' intention, through the Inspection Wales

programme, to develop an appropriate and proportionate mechanism, with the appropriate involvement of our stakeholders, to provide a balanced overview of local authority governance. Over-prescription may well result in a mechanism fixed in legislation that would require further changes before it can evolve through experience and learning. Inspection Wales therefore suggests in a number of places that the wording be amended.

Finally, the Regulatory Impact Assessment refers to estimated Inspection Wales costs. We should like to point out that these estimates have not been prepared with our involvement, and indeed only account for possible additional administrative support to Inspection Wales without considering other additional costs, which may be necessary to support the agreed approach. Neither, do the costs of developing a methodology for the proposed 'Combined Assessments'. These will be over and above the costs of routine audit and inspection work and development will need to happen before the Bill becomes law and other statutory duties repealed. We would be happy to explore this issue further with Welsh Government staff to cost more accurately the implications for both Inspection Wales, and individual partners, and inform further iterations of the Regulatory Impact Assessment.

Prepared by the Inspection Wales Programme Manager in behalf of Inspection Wales Programme partners.

## Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

### PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

N/A

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

N/A

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

N/A

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

N/A

Question 1.5: What are your views on the procedure for naming the new Counties?

N/A

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

N/A

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

N/A

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

N/A

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

N/A

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

N/A

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

N/A

Question 1.12: Are there other matters of a technical nature which should be considered?

N/A

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

N/A

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

N/A

### **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

N/A

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

N/A

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

N/A

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

N/A

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

N/A

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

N/A

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

N/A

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

N/A

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

N/A

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

N/A

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

N/A

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

N/A

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

N/A

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

N/A

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

N/A

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

N/A

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

N/A

## PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

### There are three themes to partners' views:

**1. The complexity and potential inefficiency of the requirement for Combined Assessments (clause 124):** As currently set out the requirement for a 'Combined Assessment' is for "the relevant regulators" jointly to assess compliance with duties under clause 111. Clause 111(1) says:

(1) A county council must, in relation to the exercise of its functions, make, implement and comply with arrangements ("governance arrangements") for the purpose of securing—

- (a) good governance;
- (b) accountability;
- (c) economy, efficiency and effectiveness in its use of resources.

However jointly conducting and reporting such an assessment is likely to prove unnecessarily complicated given the necessarily distinct roles and independence of the bodies involved. The requirement for joint agreement of:

- the work programme to be done;
- the analysis of the results;
- the drafting of the report, and
- the addressing of comments from the authority and relevant third parties

will, of necessity, be a protracted process.

Given the emphasis on governance, accountability and economy, efficiency and effectiveness in the draft Bill, it is worth reflecting on the remits of AIR bodies to consider how best to assess councils' discharge of the proposed duty to make good governance arrangements. Inspection Wales published a paper in 2015 explaining partners' remits; it can be found here:

<http://inspectionwales.com/2015/07/07/the-power-of-working-together-why-audit-and-inspection-bodies-in-wales-need-to-connect-more>. To summarise:

Care and Social Services Inspectorate Wales (CSSIW) is responsible for regulating and inspecting social care and social services to make sure they are safe for the people who use them. CSSIW carries out these functions on behalf of Welsh Ministers.

Estyn inspects and reports on the quality and standards in education and training provided in Wales, including: how far education and training meet the needs of learners and contribute to their development and wellbeing, standards achieved, and the quality of leadership and management. Estyn is

the office of Her Majesty's Chief Inspector of Education and Training in Wales, a Crown body that is independent of the National Assembly, but which receives its funding from the Welsh Government.

Both CSSIW's and Estyn's remits in respect of governance and arrangements to secure economy, efficiency and effectiveness are, in current practice, limited to the oversight by executives and the scrutiny of the provision of social care and social services, and education and learning respectively. These inspections provide a partial view that may or may not be reflective of the council's wider governance framework and its relative strengths or weaknesses.

Auditor General conducts examinations of governance and use of resources, and these are core to AGW functions under the Public Audit (Wales) Act 2004. From April 2016, the AGW will also be required to undertake examinations of whether authorities have acted in accordance with the sustainable development principle under the Well-being of Future Generations Act. As the sustainable development principle focuses on decision making and good governance it enhances the AGW's role in examining whether authorities have good governance arrangements in place. Together this work combines to give the AGW a substantial, and annual, view on governance arrangements.

**2. Potentially constraining independence:** There are provisions in Part 5 (clause 127 and clause 143(2) and (3)) where partners agree that the current wording could allow Ministers to constrain the independence of external review bodies (audit, inspection and regulation). The independence of external review is of great importance to both its rigour and credibility, and to the credibility of those reported on, and therefore we suggest that these two clauses are removed completely.

We would like to highlight that these provisions may have the effect of providing Welsh Ministers means to amend (or purport to amend) legislation that is protected from amendment by the Government of Wales Act 2006 (paragraph 2 of Part II of Schedule 7). It appears that the regulation-making provisions may lie outside the Assembly's competence, and regulations with certain effects may be invalid.

**3. Wording ambiguity:** In a number of places, the wording of the draft Bill could be improved to remove ambiguity and unintended additional burdens on the new Local Authorities. Furthermore, the wording in a small number of other clauses within Part 5 is overly prescriptive, specifically:

- clause 123: The use of the term 'regulator' is not helpful and potentially misleading. We suggest using the term "relevant external review body" instead. Welsh Government's Review of Audit, Inspection and Regulation produced in November 2014 set out definitions, which we referred to in our response to the Reforming Local Government White paper, and repeat again below—

**Audit**

Independent examination and public reporting to enable organisations to

be held to account for their probity and stewardship of public funds

**Inspection**

Evaluating and publicly reporting on the standards and quality of public services and the impact this service delivery has on the public

**Regulation**

Ensuring professional and service quality standards which meet the needs of and improve outcomes for people who use the service

- clause 124: we note with disappointment that this is a prescriptive rather than an enabling clause. This could easily be addressed by changing 'must' to 'may'.
- clause 125: the use of the terms 'report' and 'combined assessment report' are more prescriptive than required. The additional evidence needed to provide a report, particularly one that sets out assessments of compliance (as required by clause 125(2)), rather than a view summarising our knowledge and experience, is likely to require substantial additional work (as outlined above). The necessary provision of such reports for comment and confirmation of factual accuracy, both between Inspection Wales partners and with local authorities would extend timescales, and would not be conducive to meeting the intention behind the new duty to support improvement. A less prescriptive mechanism would allow Inspection Wales partners to develop an appropriate and proportionate mechanism with the involvement of stakeholders.
- clause 132: in terms of the compulsion to cooperate and the use of the rather open term 'facilities and assistance'. If the intention is to provide access to completed external review work, then these findings are publicly available anyway, and we would indeed share them appropriately. If the intention is triangulation of themes and findings, then the combined overview approach explored with WG officials and Inspection Wales should inform such governance reviews. In the absence of further clarity, this clause could be used to compel partners to provide untested findings, and or resources (staff or otherwise) which could divert partners from their statutory purposes. We suggest that this clause be amended so as to provide more proportionate access rights that are confined to information that is held and the disclosure of which would not prejudice external reviewers' functions.
- Clause 143(1): we are disappointed that this is drafted as a compulsion rather than an enabling clause. We already co-operate where appropriate, both bilaterally between partners and more widely through our Inspection Wales Programme. We have already note sub-clause (2) and (3) potentially compromise independence, and part (3) is unnecessarily prescriptive. It is our intention to explore further a combined overview of local authority governance, informed by our separate perspectives, and

the provisions for Ministers to compel through regulations could create the impression that our necessary independence is compromised.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

Partners welcome this duty in principle.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

In principle and in broad terms, the approach seems reasonable. However, individual partners have experience and learning to share on effective peer review that should be taken into account when developing methodologies.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

Partners welcome this. Partners note, however, that it will be important that the Welsh Government produces suitable guidance to help Audit Committees to cope with the extended role.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

N/A

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

N/A

Question 5.7: If so, would they benefit from additional legal powers?

N/A

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

N/A

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

N/A

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

N/A

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

N/A

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

N/A

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

N/A

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

N/A

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

N/A

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

N/A

## **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

N/A

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

N/A

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

If, the Bill to be introduced removes provisions for Welsh Ministers to make regulations for combined assessments and for setting the timetable for the exercise of external review body functions and sharing of review information (sections 127 and 143 in the current draft, which, as noted earlier and in our separate summary, are not appropriate), then there should be no reference to them in section 182(3). Alternatively, if they remain, it should be amended so that such regulations are at least subject to a resolution of the National Assembly.

## **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

N/A

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

The Draft Explanatory Memorandum para111 refers to our developing approach for an overview or 'combined assessment' of local authority governance arrangements. This provides a reasonable summary of discussions with Welsh Government to date. Nevertheless, we have more work to do to develop this approach, and we would not want to see such a level of prescription in law (including Ministerial Regulations). The independence of our partners, as external review bodies, means that over prescription would be inappropriate. The need to modify and develop our approach from experience as local authorities mature and develop would also indicate that over prescription in law would not be helpful.

The Regulatory Impact Assessment refers to Inspection Wales costs. We would like to point out that these costs have not been prepared with our involvement, and indeed only account for possible additional administrative support to Inspection Wales. Such support will be necessary to support any overview or combined assessment of local authority governance mechanism,

and we welcome that this has been recognised. However, additional costs will need to be incurred, such as accommodation, IT and travel. The work of the Programme Manager on other aspects of the Inspection Wales Programme may be compromised without project specific support at an appropriate level of seniority, which will also have associated costs. Neither, do the proposed costs include the costs of developing a methodology for the proposed combined assessments, which will be over and above the costs of existing audit and inspection work, and will in the main need to happen before the Bill is fully commenced. We should be happy to explore this issue further with Welsh Government staff to help them to cost more accurately the implications for both Inspection Wales, and individual partners, and inform further iterations of the Regulatory Impact Assessment.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

N/A

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

**26898 - 181 : Councillor Cole of Milford Haven**

**Tref / Town : Milford Haven**  
**Sefydliad / Organisation : N/A**

PART 1

Q 1.1 – The previous Dyfed structure was a failure primarily because Councillors from other areas combined to deny Pembrokeshire their fair share of funding hence the citizens' action for Pembrokeshire to be restored.

Q 1.2 – Not competent to respond.

Q 1.3 – It seems that the decisions of the Williams Commission was preordained. I attend the local Meetings and was not impressed by the invigilators. They seemed to be ill-prepared.

Q 1.4 – Not competent to respond.

Q 1.5 – Cannot think of any alternative but the names should be responsible throughout the UK. Dyfed, for example, meant very little to persons outside walls and still does not exist on road maps.

Q 1.6 – Not competent to respond.

Q 1.7 – Answer please about the financial implications.

Q 1.8 – Cannot understand why non-compliance can happen. Who is in charge?

Q 1.9 – A financial recovery body must be instituted with strong delivery powers.

Q 1.10 – See above.

Q 1.11 – I see no need for the appointments of Lord Lieutenants and High Sheriffs.

It's time to abolish such anachronisms for they have little relevance to most people in the country. Another sinecure!

Q 1.12 – I wonder how staffing and remuneration decisions will be taken and whether it will be cost-neutral otherwise it will be financially questionable.

## PART 2

Q 2.1 – Will the new powerhouse have financial resources and I question whether, in large area authorities, the structures will help citizens believe they are being well served.

Q 2.2 – Town and Community Councils can be competent to date but as County Councils seek to reduce their service in the community and seek to pass responsibility to Community Councils the service suffers.

Small Community Councils are irrelevant.

Placed further burdens on Community Councils will result in fewer people wishing to become Councillors – unpaid and overworked.

### PART 3

Q 3.1 – It is about time County Councillors really took their roles responsibly. Some do but many just act as functionaries with little intention or ability to fulfil their roles especially with regard to scrutiny.

Q 3.2 – Wholeheartedly agree!!

Q 3.3 – I have seen very little information re Area Community Committees so cannot comment.

Q 3.4 – I need more information re Community Area Committees e.g. how structured? How formed? How chosen? Salaried or otherwise? Am tempted to think this idea will fail in the medium term.

Q 3.5 – Further classification is needed before I can comment.

Q 3.6 – Not competent to comment.

Q 3.7 – I agree. Any process which helps citizens to hold Councillors to account is to be applauded.

Q 3.8 – The participation of children sounds positive but is illusory.

It has little to do with Human Rights. We need to be realistic, why some young persons are capable at a young age at understanding issues.

Forced induction will soon lead to alienation.

### PART 4

Q 4.1 – The more information seen by the public, the more interested they may become.

Q 4.2 – Have never believed that political grouping serves more than themselves. Appointments to roles should be based on ability and experience.

Q 4.3 – More information needed.

Q 4.4 – County Councillors are overpaid especially as their functions are increased courtesy of themselves.

Q 4.5 – Not competent to comment.

Q 4.6 – Is essential.

Q 4.7 – Definitely but be aware that some groups are easily bought and persuaded to resist.

Q 4.8 – Agree.

Q 4.9 – Assets have to be transferred but structures must exist to ensure codicils relating to assets are not lost or mislaid as happens now!

#### PART 5

Q 5.1 – Self-improvement, self assessment and good governance are essential.

Q 5.2 – No comment.

Q 5.3 – Peer review is an imponderable issue.

Q 5.4 – No comment.

Q 5.5 – Scrutiny must be seen to be competent.

Q 5.6 – No comment.

Q 5.7 – No comment.

Q 5.8 – More information is needed.

#### PART 6

Q 6.1 – See my previous comments re the role of Community Councils. To impose more expectations and functions would lead to a loss of candidates and a failure of the system.

Q 6.2 – Agreed.

Q 6.3 – Discussion between initiated bodies is essential otherwise suspicious will be founded.

Q 6.4 – Training is always useful but beware of drawing away sound candidates. Even now few people want to be unpaid Community Councillors.

Q 6.5 – Will have little impact on some but others may not be prepared to commit themselves to a longer term.

Q 6.6 – Do not forget that Community Councillors are volunteers and most are not prepared to canvas for office.

Q 6.7 – More information is needed and should not lead to the sacking of existing officers and employees.

Q 6.8 – No comment.

#### PART 7

Q 7.1 – No comment.

Q 7.2 – No comment.

#### PART 8

Q 8.1 – No comment.

#### PART 9

Q 9.1 – No comment.

Q 9.2 – No comment.

Q 9.3 – Agree that Chief Executives should not be paid as returning officers. It should be part of their overall role and often the mundane aspects are delegated to other officers without remuneration.

**John W. Cole (Community Councillor),  
Milford Haven Town Council**

26898 - 182 : Robert A Robinson

Tref / Town : Welshpool

Sefydliad / Organisation : Welshpool Town Council

26897 0182

### Consultation on the Draft Local Government (Wales) Bill

#### Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name: **Robert A Robinson FRICS FILCM**  
Organisation: **WELSHPOOL TOWN COUNCIL**  
Email\*: [town.clerk@welshpooltowncouncil.gov.uk](mailto:town.clerk@welshpooltowncouncil.gov.uk)  
Telephone: **01938 553142 or 07767 267830**  
Address: **Triangle House Union Street Welshpool SY21 7PG**

#### Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

##### PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

**The timescales for implementation appear to be delayed as things progress. The Council feels the dates now set should be adhered to so the clarity is in place. The timescales set out in the Bill are good.**

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

**The Council has no preference for either 2 or 3 authorities.**

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

**The Council supports the proposal for 8 authorities.**

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

**There does not appear to be a need for further powers.**

Question 1.5: What are your views on the procedure for naming the new Counties?

**The Council supports the view that the new Shadow Authorities should settle on a name for the new Councils. However, this should be done in consultation with the local communities.**

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

**The Council feels that a term of 6 years for Town and Community Councils is too much and there should be an election after 3 years and then 3 years before going into a 5 year cycle. The Association accepts that there is a cost issue involved.**

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

**The Council does not feel qualified to comment.**

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

**The Council is of the view that County Councils have such records and it should not be difficult for them to issue the relevant information.**

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

**The Council is of the view that a Council review needs to take place. An income based scheme could mean that such taxation is taken at source which will relieve the issue.**

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

**See 1.9 above.**

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

**The Council supports this proposal.**

Question 1.12: Are there other matters of a technical nature which should be considered?

**None in particular.**

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

**The Council accepts that the Power of Competence for Town and Community Councils is a good way forward and could be developed further in stages. There should be a move towards a level similar to those meeting the Quality Council Status in England.**

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

The Council feels that the requirements for the level of competence is the minimum that should be applied.  
The Council would support a monitoring scheme to ensure standards are met. This would not be difficult to achieve via the external audit procedure. The Council is surprised that a web site requirement is not asked for bearing in mind that the Welsh Government made it a legal requirement and also that it gave grants for same to be prepared.

### **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

The Council supports the Community Area Committee approach as long as it is effective in its delivery of actions.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The Council supports Public participation. However, how this is done is important – often such participation is complicated and presented in such a way as to confuse the public making any participation of little or no value.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The Council supports Community representation but this should be via nominations from Town and Community Councils who are the locally elected representatives. In this way there will be co-ordination between the aims of the area committee and the Local Councils.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

The Council would support such a proposal as long as it enabled better and more speedy delivery.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

**The Council is of the view that there needs to be transitional arrangements and that the lead in time is adequate.**

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

**Nothing to add.**

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

**The Council is not supportive of recording of or photographing/videoing of Local Council meetings. It is probably impracticable and should be left as a power and not a duty.**

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

**The Council has a fully working Youth Council in Welshpool where there are 30 young people, a Councillor and the Clerk. The youngsters chair their own meeting and put items on the agenda. The Council has also experience in Youth Representatives. The Council feels that this is the way forward.**

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

**The Council supports the general concept of this part of the Bill.**

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

**The Council has no strong view as long as political parties do not interfere with the process.**

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

**The Council feels that if delegation of functions is to take place it should be done in a simple and understandable way to those using such functions.**

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

**The Council feels that any review of remuneration must include a very close look at the add on benefits such as pension provision. The Local Authority Pension Scheme is unaffordable and is substantially more than those in private industry paying for it.**

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

**No the Council strongly objects. All Councillors should be in attendance for a debate.**

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

**The Council supports the idea of the existing returning officers covering this position and not the appointment of new ones in isolation.**

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

**The Council would only support such a provision if actions are only taken with a 2/3 majority and not just a majority.**

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

**The Council does not feel it is qualified to answer this question.**

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

**The Council would hope that the integrity of County Councils is such that they would not do anything that was not in the interest of their electorate.**

## **PART 5**

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

**The Council does not feel it is qualified to answer this question.**

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

**The Council does not feel it is qualified to answer this question.**

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

**The Council supports this proposal.**

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

**The Council does not feel it is qualified to answer this question.**

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

**The Council does not feel it is qualified to answer this question.**

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

**The Council feels there is enough beaurochacy and any more boards just complicate and create more delays.**

Question 5.7: If so, would they benefit from additional legal powers?

**The Council does not feel it is qualified to answer this question.**

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

**The Council does not feel it is qualified to answer this question.**

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

**The Council holds the view that there are too many Town and Community Councils in Wales and that they should be reduced by enlargement. This will aid the delivery of services in a better way at Local Level. The sooner such review takes place the better. If a pilot scheme is needed Welshpool offers to help.**

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

**The Council supports a review of the Town and Community Councils as soon as possible. In the case of Powys County Council this should be implemented as soon as possible. An early review of the Town and Community Councils would aid the taking on of more services in a sustainable and economic way.**

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

**The Council is of the view that the Boundary Commission should set the new boundaries and that the County Council should implement the actions required.**

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

**The Council accepts that this is a good objective. Indeed Welshpool Town Council does have a training programme in place including Planning and induction sessions.**

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

**The Council is of the view that a term of 6 years is too long and that there should be two terms of 3 years then reverting to a 5 year cycle.**

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

**The Council is of the view that this should be standard practice for all Town Councils over a set size.**

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

**The Council accepts that it is good practise for objectives to be set for the Clerk, however this should be set by the Full Council and not the Chair in isolation. (principles of decision making in Town and Community Councils). Welshpool Town Council does operate a system of Town and Community Plans which the Clerk is expected to deliver over a set time frame.**

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

**The Council is of the view that this proposal is too soon. The population of Wales has a statistic of 30% being over the age of 60 years. Many of those people do not have computers nor do they wish to. For the next 5 years any legislation should allow for both e-polls and paper based polls.**

#### **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

**The Council does not feel it is qualified to answer this question.**

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

**Yet another layer of beaurochacy. We need more efficient Local Government not more layers of Commissions.**

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

**The Council does not have anything to add.**

## **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

**The Council does not feel it is qualified to answer this question.**

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

**The explanatory memorandum was very helpful in understanding the Bill proposals.**

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

**The Council would support an early review of Town and Community Councils in Powys as this authority is not being amalgamated and therefore such a review need not be delayed.**

**The Council is willing to give oral evidence to any relevant Committee of the Welsh Government if it were felt to be of value.**

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26898 - 183 : Robert A Robinson

Tref / Town : N/A

Sefydliad / Organisation : North and Mid Wales Association of Town Councils

26897 0183

### Consultation on the Draft Local Government (Wales) Bill

#### Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name: Robert A Robinson FRICS FILCM  
Organisation: North and Mid Wales Association of Local Councils  
Email\*: [town.clerk@welshpooltowncouncil.gov.uk](mailto:town.clerk@welshpooltowncouncil.gov.uk)  
Telephone: 01938 553142 or 07767 267830  
Address: Trifangle House Union Street Welshpool SY21 7PG  
Details: The North and Mid Wales Association of Local Councils represents 34 Town and larger Community Councils in Mid and North Wales.

#### Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

##### PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The only comment the Council wishes to make is that discussions on local authority re-organisation have taken place over an extended period and the new timescales now set out in the bill need to be brought forward.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

The Association would prefer to see 2 authorities in North Wales

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

The Association does not see any need to comment.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

There does not appear to be a need for further powers.

Question 1.5: What are your views on the procedure for naming the new Counties?

The Association supports the view that the new Shadow Authorities should settle on a name for the new Councils. However, this should be done in consultation with the local communities.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The Association accepts the timetable for elections for the principle authorities. However, at Town and Community Council level it is felt that two 3 year terms is better than a straight 6 year term. The Association does accept that this has a cost implication for many Councils. It also gives Councils a better chance of gaining a 2/3 elected Council to meet the new Competence level.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Association has been concerned about the cost of administration and staff benefits with regard to principle authorities. There are no other comments relating to the bill's proposals.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

The Association has not comment.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

The Association has not comment.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

The Association has not comment.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

The Association supports this proposal.

Question 1.12: Are there other matters of a technical nature which should be considered?

The Association does not feel qualified to comment.

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The Association accepts that the Power of Competence for Town and Community Councils is a good way forward and could be developed further in stages.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

The Association would support a monitoring scheme to ensure standards are met.

### **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

The Association is only in support of area Committees if they are effective and not another layer of beaurocacy. Any Committee should include Town and Community Councils for each area with the Committees remit.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The Association supports public involvement as long as pressure groups do not 'take over' the proceedings.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The Association feels that nominations should be made through the Town and Community Councils, local business forums/chambers and the Local County Councillor.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

The Association is supportive of this proposal as long as there is not a beaurocratic approach.

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

The Association does not feel qualified to comment.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

The Association does not feel qualified to comment.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

The Association does NOT support the recording or social media equipment in Town and Community Council meetings as a duty.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

The Association supports the idea of Youth Councils with stronger links being created between Town and Community Councils with the local High School where possible. This can't be a duty on Town and Community Councils as not all their areas have schools.

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

The Association does not feel qualified to comment.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

The Association does not feel qualified to comment.

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

The Association does not feel qualified to comment.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

The Association does not feel qualified to comment.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

The Association is in support of this proposal as far as it relates to Principle Authorities.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

The interim returning offices should be via the existing returning officers who are already in place. The Association does not support employing new returning officers when there are others already there.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

The Association would only support such a provision if actions are only taken with a 2/3 majority and not just a majority.

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Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

The Association does not hold a strong view.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The Association is strongly of the view that community assets should be offered to Local Town and Community Councils at NIL cost. The public have already paid for them via Council Tax and by 'selling them' within local authority it becomes double taxation. The assets should be sold for money to third parties.

## **PART 5**

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

The Association does not feel qualified to comment.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

The Association does not feel qualified to comment.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

The Association supports this proposal.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self assessment, peer assessment, combined assessment and governance review?

The Association does not feel qualified to comment.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

The Association does not feel qualified to comment.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

The Association does not feel qualified to comment.  
The only comment to make is that it needs to be cost effective in its duties. Often it costs more to check expenditure than to accept it is reasonable.

Question 5.7: If so, would they benefit from additional legal powers?

The Association does not feel qualified to comment.

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

The Association does not feel qualified to comment.

## PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

The Association supports the need to combine or enlarge Town and Community Councils and such proposals should be brought forward urgently. A larger Local Council would aid taking over and saving services which are being lost to County Council budget cuts.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The Association supports a review of the Town and Community Councils as soon as possible. In the case of Powys County Council this should be implemented as soon as possible.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Association is of the view that the Boundary Commission should set the new boundaries and that the County Council should implement the actions required.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

The Association accepts that this is a good objective. However, it should be noted that Town and Community Councillors do not get paid and are volunteers. Training must be delivered locally and there should not be an expectation on Local Councillors to travel great distances for such training. Much of the training provided by organisations (ie One Voice Wales etc) are cancelled due to lack of support.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

The Association is of the view that a term of 6 years is too long and that there should be two terms of 3 years then reverting to a 5 year cycle.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

The Association is of the view that this should be standard practise for all Town Councils over a set size. It is recognised that many smaller Councils would not have the facility to accommodate this. However, if after review there are only larger Councils then a standard should be set.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

The Association accepts that it is good practise for objectives to be set for the Clerk, however this should be set by the Full Council and not the Chair in isolation. (principles of decision making in Town and Community Councils)

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The Association is of the view that this proposal is too soon. The population of Wales has a statistic of 30% being over the age of 60 years. Many of those people do not have computers nor do they wish to. For the next 5 years any legislation should allow for both e-polls and paper based polls.

**PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

The Association does not feel qualified to comment.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

The Association does not feel qualified to comment.  
Again the Association needs to be convinced of the viability and effectiveness of such a proposal.

**PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Association has no comment to make.

**ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

The Association does not feel qualified to comment.

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

The Association does not feel qualified to comment.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

The Association is of the view that the re-organisation of Local Authorities at both County and Local Level is long overdue and has taken too long.  
The sooner a decision is made and implemented the better.

The Association is willing to give oral evidence to any relevant Committee of the Welsh Government if it were felt to be of value.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26898 - 184 : Jackie Griffin

Tref / Town : N/A

Sefydliad / Organisation : Llanfair Community Council

26897 00184

Appendix 1

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### Consultation on the Draft Local Government (Wales) Bill

#### Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

Name\*: Jackie Griffin

Organisation: Llanfair Community Council

Email\*: jackie.griffin1@btopenworld.com

Telephone: 07969 204773

Address: 41 The Verlands, Cowbridge, Vale of Glamorgan CF71 7BY

Please note that the Community Council is only responding to Part 6.

\* required information

#### Consultation questions

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

No.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Yes, that would seem to be logical.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Community Council believe this should be the responsibility of the Boundary Commission.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

The Community Council would agree that training is advisable for councillors but does not believe the duty for ensuring that councillors attend training should be the job of the Clerk, as this could place the Clerk in a very difficult position with the Council.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

This is a technicality.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

The Community Council does not foresee a problem with this.

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Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

The Community Council believe that the objectives for the clerk should be set by the Council.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The Community Council does not have any comments on the proposal. The members would ask how community polls are paid for and they believe that the number of E-Petitions should be limited to prevent frivolous petitions.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box:

26898 - 185 : Jack Hanbury

Tref / Town : N/A

Sefydliad / Organisation : Pontypool Park Estate Office

26897 0185

PONTYPOOL PARK ESTATE OFFICE  
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WAG: Reforming Local Government  
*Draft Local Government (Wales) Bill*  
Cathays Park  
Cardiff CF10 3NQ

4 February 2016



Thank you for the opportunity to comment on this proposal. The previous reorganisation of local government in Wales may have been influenced by party-political considerations. The challenge is to make this process not just a power-grab by WAG, which has a tenuous democratic mandate (1997 margin, 2011 turnout), but a modest and pragmatic way to improve local government service.

Chapter 1: it makes sense to merge the five local authorities of south-east Wales into a single new authority, effectively recreating the old county of Monmouthshire/Gwent. This seems a sensible size for an administrative area (the previous five were each far too small), and Monmouthshire has a clear history and identity as a single unit, with Newport as its main town. The last twenty years have been an aberration, and have created unfortunate insularity, and distortions between tiny local areas.

Chapter 2: fixed five year terms seem sensible, to reflect the national and Wales fixed cycles.

Chapter 3: the discussion seems sensible; will the draft proposals be equally so? Not mentioned is the extent to which WAG would allow the new authorities to use tax as a competitive tool. Please look into area boards, particularly for planning and economic development: how to make it work?

Chapter 4: improvement requests: yes. Council staff can seem more valued than service to the public.

Other matters: 1) **the preserved counties** may have run their course. Glamorgan and Monmouthshire should keep their name (and will retain their identity) as new authorities; community councils could adopt the relevant county names for their areas (ie as now in the three old counties of Powys). 2) is it appropriate for WAG to legislate the **detail of local government practice** (obligations to ensure diversity, youth councils, mechanisms for service delivery etc?). The Minister claims he wants "community leaders and agents of change" but seems inclined to make all local authorities the same. WAG articulates a difference between Wales and England, giving investors and people a choice (evident in the economic and social status of Wales). Why may the new authorities not articulate their difference, and shoulder the consequences? 3) **a cap on councillors** may be less relevant than the ratio of electors to councillor, weighted by ease of access (ie relatively more for Powys than Gwent).

There is no mention of change to the democratic and voting process. It cannot help "respect for diversity" if one political party dominates government, effectively disenfranchising other politicians and voters. WAG might consider abolishing party politics in local government, or introducing a local additional-member structure, if this can be done without disadvantage to the independents.

Jack Hanbury



26898 - 186 : Helen Palmer and Nia Daniel

Tref / Town : N/A

Sefydliad / Organisation : Archives and Records Council for Wales



26897 0186  
Cyngor Archifau a Chofnodion Cymru  
Archives and Records Council Wales

Reforming Local Government  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

12<sup>th</sup> February 2016

Dear Sir / Madam,

**Re: Local government Reorganisation**

I write on behalf of Archives and Records Council Wales (ARCW) as a contribution to the consultation on the Draft Local Government (Wales) Bill.

We note that the aim of the Bill is to set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance.

In our AGM on 26 November 2015, and also in a further meeting with Gareth Thomas (Local Government Democracy Division) on 8 January 2016 matters were discussed relating to the provision in the draft Bill for archives and information and records management services.

It is a matter of considerable concern to us that the current draft of the Bill includes no reference to archives or the management of information or records.

We believe that the appropriate retention, preservation and accessibility of records by local authorities is fundamental to accountability, and that this should be addressed in the Bill.

The Local Government (Wales) Act 1994 included provision, under Section 60, to address the care, preservation and management of records. It required each principal council to make and maintain a scheme setting out their arrangements for the proper care, preservation and management of their records. This legislation provided a welcome acknowledgement that new councils needed to finance statutory provision of archives services.

The word 'records' covers a wide remit. Section 60 has been used principally in relation to the archive services provided by local authorities, to ensure proper provision for the historic records of the council and collections of archival significance acquired by the council.

As accountability becomes increasingly evidence-based, and particularly in the light of Freedom of Information and Data Protection legislation, local authorities are now more mindful of the significance of their own administrative records, often in the care of their information and records management professionals, in the successful execution of their duties. Acknowledging the need for, and requiring the proper maintenance of, modern evidential material created by local authorities will strengthen the original intentions of Section 60 if included in the proposed Bill.

**ARCHIVES AND RECORDS COUNCIL WALES**  
National Library of Wales  
Aberystwyth, Ceredigion  
SY23 3BU

**CYNGOR ARCHIFAU A CHOFNODION CYMRU**  
Llyfrgell Genedlaethol Cymru  
Aberystwyth, Ceredigion  
SY23 3BU



**Cyngor Archifau a Chofnodion Cymru**  
**Archives and Records Council Wales**

ARCW also recommends that the Bill should make reference to the desirability of achieving a particular standard in records care. At present archive services seek accreditation to demonstrate that they achieve a good level of care for their collections. The Archive Service Accreditation is a UK-wide standard scheme for archive services. It defines good practice and identifies agreed standards, and is led by The National Archives (TNA), Kew. The scheme offers a badge of external recognition and endorsement of an archive service. The Archive Service Accreditation standard lists the requirements a service must achieve to meet Archive Service Accreditation.

It is likely that such schemes may change over time, but recognition of the desirability of aspiring towards a recognised standard would be a positive inclusion in the Bill.

Professional records management standards and best practice in digital preservation are equally significant, if proper and continuing access to paper and electronic records over time are to be achieved; access to local government, one of the key features of the draft Bill, is often dependent on access to the records that provide the evidential basis for its functions and decisions.

The records ( both historic and continuing ) of a local authority include the minutes of the council and all its committees; reports made to the council and committees; detailed accounts; records of individual departments - a huge range of records reflecting all aspects of the council's work, including planning, highway maintenance, education, care of the elderly and of children, and much more. That these records are appropriately managed, disposed and retained , as best practice and the law dictates, is fundamental to the success of the authority in discharging its duties. We therefore believe the Bill should include some reference to the need for this to ensure that record-keeping and care is consistent throughout the councils of Wales.

Experience from earlier reorganisations in local government suggests that adequate provision must be put in place to protect information assets and systems during transition, to ensure business continuity and appropriate record retention. This should be developed at the earliest opportunity.

Previous experience also means that archive services are aware of the need for additional financial support to deal with the depositing of possibly major records collections from the expiring authorities.

ARCW would appreciate an opportunity to participate in any further consultation to ensure that we work together to get the best possible outcome for Wales.

Yours sincerely,

Helen Palmer  
Chair, Archives and Records Council Wales

Nia Daniel  
Secretary, Archives and Records Council Wales

**ARCHIVES AND RECORDS COUNCIL WALES**  
National Library of Wales  
Aberystwyth, Ceredigion  
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**CYNGOR ARCHIFAU A CHOFNODION CYMRU**  
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Aberystwyth, Ceredigion  
SY23 3BU

**26898 - 187 : Anonymous**

**Tref / Town : Chepstow**

**Sefydliad / Organisation : N/A**

1.1 In choosing to have unitaries and a single principal authority, rather than having two such authorities as Wales has had for most of its modern history, then go on to form "community areas" which will be committees of this unitary authority - one wonders. Why have an undemocratic bureaucratic level? Why not have a directly elected one by the people for the people? To have districts rather than community areas. Which would serve the people best? Which would be the more accountable, answerable to the people? Obviously the districts are democratic, CA are not. Which would deliver the best? What are Community Areas? Obviously they need to be defined in legislation. Their purpose specified. Their functions detailed. Their operations? Their staff/personnel? What will be their methods & procedures? What will be their financing? Their Budget?

1.2 For North Wales there are pros & cons for either 2 or 3. It depends on your list of priorities which way to go. Why the reform? If the top reason for this is to give a sustainable capacity. Then 3 does not form all such districts. Thus 2 would be the result. But there are many factors. Giving each a value and then totalling the pros & cons and finding the difference for each of the options will give the option. Which is chosen will show the set of priorities & values. The people ought to be listened to.

1.3. The two above say something of Local Government configuration. What are the best & most appropriate levels of organisation? What is the most democratic? What is the least bureaucratic? Certainly greater diversity is needed. Strategic & long-term concerns are far more important than EU/State funding system.

(2)

Coherency is prime. Local democracy essential. What is best for the people is required. What is needed for multi-services, multi-tasks? What for each locality? Yet they seem to be governed by a single service - Health. The LHB were formed for what was (at the time) thought best for health. Now this "controls" what can & cannot be! Yet Bridgend is now made an exception, yet the reason for Gwent, Incomistency! Cardiff is an exception on all criteria. Yet Health is given why it must join Vale of Glamorgan. Why? Reason originally for this was the Williams Commission was told Health must be excluded, But developments have shown this is not the <sup>case</sup>. Thus now LHB should not be a factor for the form, configuration of local government. The bill talks about capacity & capability. These certainly are main factors. Maybe the reason for the reform. The bill talks about forming Dyfed (Carmarthens, Pembroke, Ceredigion) would make it stronger in these. It also goes on to say it is not sure about Swansea. That it questions whether Swansea has sufficient scale to remain alone and sustainable in the longer-term. So if you are uncertain about Swansea on this you can be certain that Powys is NOT. Also you may say that for two of the 3 options for N. Wales - even all three c.f. to Swansea. But by far Powys in no way has the capacity nor capability. Forming any form of joining with Health - PCC or PLHB - does nothing to increase such a low capacity & capability. How does it help Education or refuse collection etc.? Absolutely nothing. All it does is help towards common administration, and so to reduce these costs. This suggestion has come up many times before now. They have all been rejected. Powys Health needs to become more integrated & involved in NHS Wales. Not to buy in from England. Not for Welsh money (for health) to go to England (for health). Powys needs to be brought in to Wales, needs greater capacity & capability, and therefore to join another authority - as all other authorities - even ones with much larger capacities & capabilities.

(3)

More over now the move everywhere is to bring health and social care together. Some say Health & Social Services. This latter N<sup>th</sup> Ireland has done for more than a dozen years. This reorganisation is obviously the time to do it for Wales. Thus to form new Health & Social Care/Health. The organisation for this would follow the Local Government reform. The Local Government reform would have a configuration that is best for the people, what the people want & need. It would be based on multi-service needs, Not based on a single service. Not limited & restricted by health or LHB. Up to now this has been an adverse factor and must end now. Powys would be the same as all other authorities. Even more so as it is one of the smallest. If Cardiff (by far the most populous) cannot be a standalone, then no other authority can. If Cardiff, RCT, cannot (the two largest) then Powys most certainly not. If Swansea (third largest) cannot, then no way Powys. Swansea is all concentrated - compact city. But Powys is over a very large sparse area. One slightly less population than Powys, but more compact would be more sustainable than Powys. But the Government question even Swansea on capacity & capability. Thus the only two that could be standalone is Cardiff & RCT. Not Powys, Not Carmarthenshire. Cardiff also has factor of being capital. There are three principal cities in Wales - Cardiff, Swansea, Newport. Should these be City Regions? City Regions are certainly a thing now & for the future in our global village. What ones should Wales have. The three above? This is the time to do it for Wales - the ideal time - reorganisation time.

It has been mentioned in the bill about not having change in a particular area as that may trigger changes elsewhere. But it would only do this if changes were needed & wanted at these other places. So if it did that, that would be a good thing - a reason to do it. Bridgend is closer to Glamorgan Vale than to Neath Port Talbot or RCT. So naturally & logically Bridgend & VoG to join, merge and to become one. Who

(4)

must be listened to is the people, Local People for a Locality. Communities make Wales - Wales is communities. They MUST come first, Their people first before councillors, The people have said the following:-

- 1) Heads of Valley An authority/ies solely for them that don't go all the way south (to the coast) where all the investment & so forth go - where the jobs are, Valleys Only L.A./LAs.
- 2) RCT wishes to be standalone, Second Largest one.
- 3) Bridgend and Vale of Glamorgan form one & wish to mutually merge
- 4) Cardiff as capital, as largest authority by far, and by council wish and people to be standalone L.A.
- 5) Newport and Monmouthshire do not wish to merge.

The following configuration follows the people's wishes:-

Gwynedd (191 436) Ynys Môn & current Gwynedd.

Conwy-Clwyd (209 245) Conwy, Denbigh.

Dyfed (287 736) Flint, Wrexham

Powys (208 364) Ceredigion & current Powys

Dyfed (306 574) Carmarthenshire & Pembrokeshire

Swansea Bay (378 571) Swansea, Neath Port Talbot.

Glywysing (266 089) Bridgend, Glamorgan Vale.

Cardiff (345 442) Cardiff:

Rhondda Cynon Taff (RCT) (234 373) RCT

Ebbw Siochwy Rhymney Merthyr (ESRM) (307 445) Blaenau Gwent

Newport County / Usk Llwyd Wye (328 483) Newport, Torfaen  
Caerphilly, Merthyr Tydfil  
Monmouthshire

- NB 1) Aberystwyth would be county town of Powys, It is the centre of Mid Wales, It has some national assets.
- 2) Tredgar would be county town of Heads of Valleys. At the top of the Valleys - Heads, mid way (between Merthyr Tydfil and Ebbw Vale). A good town - close to Heads of Valley Rd Area
  - 3) Newport is main centre - be county city, County named after its main & its main centre, OR after its three rivers - Usk, Llwyd, Wye

(5)

Above has one L.A. in 100,000, 5 in 200,000, 5 in 300,000.  
 This is a closer, better, more even spread of L.A. than the preferred option of the Govt of the Williams Commission (Op1). The maximum L.A.s that merge to form a new one is three. Three authorities is easy. Fusing more than three is difficult, is a meal, Four is too much. Five is far too many. The current Govt. proposals tries to get too many together, 15 by far the largest. It is too large for Wales. With around 500,000 it is over 1/5 the population of Wales. That is too great a proportion of Wales in one L.A. It is by far too large. It is not good for the local people - they are lost in it! It is not good for Wales as a whole. Too much of Wales in one authority. Not good for other authorities - dwarfs them. The above has a good even spread of authorities - good as a whole.

It would possibly be best if Powys south part - south of Mynydd Epyal - roughly following the north boundary of the communities of Maes-castell, Yscar, Bronllys, Y-clas-ar-woy was with Dyfed (greater connection & movement) (Breconek), while then the L.A. for Mid Wales would be called Ceredigion. But if you want just whole present areas merging, then obviously not done!

Unfortunately I cannot get through all questions as originally done. So just do one more merger of two.

Community Areas. Associated communities (with <sup>all</sup> councils) grouped together - an Area of Communities. This is building up from bottom. So CA are really an extension of communities. But the current suggestion is C.A. as committee of Counties. It would therefore be better to call them County Area - areas of a county. They ought to be some kind of reforming. Certainly EAs need to be defined in legislation. Purpose & functions given in legislation. Electoral set-up. All this & boundaries done by LDBC(W). Also all communities completely reviewed by LDBC(W). All communities competence. Wards are the electing areas for councils. They should be

⑥

constituencies to Assembly/Parliament, Thus to have one member  
Constituencies use to be multi-member, Best to be single member, So  
with councils & their wards, Thus new wards drawn-up, ~~for~~ one  
member. Constituencies are for both Parliament and Assembly, To  
wards for both communities & counties. Since for both councils  
same initials - CC. So to be called something else for counties.  
Possibles - County Borough (most have both/each), or districts.

Councils, Position in these, Currently three - Leader,  
Chair/Mayor, Presiding Officer. Three Officers.

Now directly elected Mayors are in England. Perhaps  
Cardiff wants this. Now directly elected Mayors do  
those three jobs. Certainly leader, Chair/Mayor are all  
combined as Mayor. Thus our new councils would  
combine these. Thus a Mayor ONLY. The mayor  
could either be directly elected by the people/electorate  
- Elected Mayor OR indirectly elected Mayor elected by  
a council. Both mayors which ever way elected would  
be for the same period of time. This probably for full  
- term of council. There would be Recall for the  
Mayor, as there would be recall for all councillors  
of all councils. That is including community councils as well.

Leaving it as suggested (as now) leaves a complex, mixed  
system. It has too many chiefs. Money for old rope.  
Thus to simplify and streamline the situation.  
Not to mix-up Mayor - what they do. Whether they are  
directly elected or council elected. Therefore all  
this needs to be sorted and make simple & clear.

Mayor leader of a council - chairs & presides.  
There would be deputies, and they would stand-in when Mayor  
is busy. Called Deputies not Vices. Deputy is used.

**26898 - 188 : Anonymous**

**Tref / Town : Chepstow**

**Sefydliad / Organisation : N/A**

Dear Sirs & Madams

Please could you keep my name & address private  
- anonymous - Thanks.

With the reform of local government and the decision to go for unitary authorities with communities, then the communities need much enhancement. The L.A. will now be much larger, The communities will be the only thing - the main one for local services and local democracy. All the communities for Wales, in Wales will now have councils. All these councils need to be able to perform functions for at community level. Thence all communities will have councils that have & are competence. Thus every community would have councils, and all these councils with competence. All communities would be reviewed to be formed for Wales now & in the future. Changes to current ones to give all the capability & capacity to serve their community up to the highest standards. As well as doing the boundaries, the LDBCW would also do the electoral arrangements for these council

With community councils, slight modification of other boundaries may have to occur. Electoral arrangements for all councils, community & county, would be formed to make a coherent system for these two sets of councils.

The new upper councils (counties) would be formed by basically merging current councils. NO MORE THAN THREE CURRENT COUNCILS TO GO TO MAKE A NEW ONE.

What the people say needs to be listened to. The proposals of the government lack these in many ways. The following are what the people have said

- 1) To have separate authority for Heads of Valleys  
They say (people) that everything drifts south, all the investment goes there. A council not linked to the coast, solely for them is very much required.
- 2) Vale of Glamorgan does not wish to merge with Cardiff. Cardiff would swamp it & VoG "disappear".
- 3) Bridgend and Glamorgan Vale have both said they wish to merge with each other. They go well together and a natural for Bridgend; VoG ~~are~~ is the area closest to Bridgend.
- 4) Cardiff has said it does not wish to merge.  
As the capital, as by far the largest authority it can be imagined, Cardiff by itself is even larger than many of the proposed new councils.

using more capacity & capability.

5) RCT has said it wishes to be stand alone. RCT

is the second largest authority. It is larger than some of the proposed councils. If North Wales has three councils, two of these will be smaller than RCT.

6) Newport and Monmouthshire each have said they have no wish to merge. Both could merge with Torfaen. But then what of the other? Thus all three to merge.

Therefore a "people's" local government would have:-  
a Heads of Valley L.A.; Bridgend's Vale of Glamorgan  
would merge forming an L.A.; Cardiff would be stand alone;  
RCT would be stand alone L.A.; Newport-Monmouthshire merger  
would not take place - a simple merger. With regard to

Cardiff there are four possible mergers. None form a  
suitable one. Cardiff with Newport, Caerphilly, RCT, VoG -  
None make good mergers. CARDIFF SHOULD NOT MUST NOT MERGE.

Does North Wales go for one or two councils? IF you  
say RCT cannot be stand alone - WHY? - then 2 of the 3  
councils equally should not be stand alone. Due to size -  
capability & capacity. RCT has more of these than 2 of these  
Size is one factor. Other factors also apply. Most of all  
what the local people wish & want must be the strongest  
factor in forming Wales for the future.

The following L.A.s follow this for the future:-

Conwy - Clwyd (209 245) {East Gwynedd} Conwy, Deeside.

Dyfed (287 736) Flink Wrexham.

Ceredigion (175 293 approx) North Central Powys, current Ceredigion

Dyfed (339 645) approx Carmarthen, Pembroke, south Powys (Brecon)

Swansea Bay (378 571) Swansea, Neath Port Talbot

Glywysing (266 089) Bridgend, Vale of Glamorgan.

Cardiff (345 442) Cardiff.

Rhondda Cynon Taff {RCT} (234 373) RCT

Ebbw, Sirhowy, Rhymney, Merthyr {ESRM} (307 445)

Newport County / Ush Llwyd Wye / Gwent (328 483)  
Blacenan Gwent, Caerphilly, Merthyr Tydfil

Newport, Torfaen, Monmouthshire

NB Perhaps all of Powys with Ceredigion. Either name could be the name of the merger forming the new county.

Ceredigion / Powys (208 364) Powys Ceredigion

Dyfed (306 574) Carmarthen, Pembroke.

In forming Powys in a North and South, the north and central would be north of Mynydd Epynt. This would basically follow the northern boundary of the communities of Maes-eor/Llywal, Yceor, Brindlys, Y Clas-ar-wy. The northern part of Powys has far more links / connection to northern Ceredigion. For Mid Wales Aberystwyth is its centre. South of Mynydd Epynt (the communities above & south of them) - basically around Brecon (Brecon) is closer, more links, with good connections, social movement with Carmarthen. Thus these together, along with Pembrokeshire - Dyfed.

The above gives 11 L.A.s. Williams' Commission  
in Option 1 gave 12 L.A.s. This was the Government  
preferred option. The current Government proposals  
gives either 8 or 9 - 9 with 3 in the North Wales area.  
Thus 9 c.f. with 11 above. With the Govt's preferred  
option it has the L.A. spread as follows: -

4 in 100,000s; 5 in 200,000s; 1 in 300,000s; 1 in 400,000s

While the above give the following L.A. spread: -

2 in 100,000s; 4 in 200,000s; 5 in 300,000s.  
The above one does not have many in 100,000  
(half of Williams' Govt. preferred), a more equal  
spread (not one in 400,000 - far larger than any other),  
5 in 300,000s (Williams only 2 above 300,000).

With Prinos Ceredigion all together gives 5 in 200,000s  
and only one in 100,000s. This is in North Wales. If  
two L.A.s in North Wales (10 L.A.s in all then), then  
there would be Nine in 100,000s, i.e. all above 200,000.

Wales being based on communities, then the L.A.s  
ought NOT to be too large. These move things  
further from the people (services etc), and lessen  
democracy. This is very much against Wales  
and the Welsh. It is not the Welsh Way. It

Welsh, Wales is built on communities. This MUST never be lost. Also we need local democracy.

For the above a maximum of 3 of the current authorities to come together. No more than 3. It is both too many councils to merge. More over it forms too fragmented authority - that does not form, nor can one - a unity. Also a form an authority far too large. Far too big for Wales. 3 is as much as is good.

The above gives two at this maximum LA merger number of present authorities. These are in S.E. Wales. A government suggestion was to give all this to one authority. It was to put 5 authorities together. 5 L.A.'s to merge into one! That really is not good at all. It makes by far the largest, 580 000. That is more than 1/5 of the entire population of the country. That is far too much of the Wales' people in one L.A. Two maps are enclosed - A and B. A gives 3 LAs in the north, and 6 in the south. B gives 2 LAs in the north and 5 in the south. A would be the better for the Welsh people. Please keep my name & address anonymous, to remain





**26898 - 189 : R Phillips Parry**

**Tref / Town : Caerwys**

**Sefydliad / Organisation : Caerwys Town Council**

## **Consultation on the Draft Local Government (Wales) Bill**

Consultation response form

The Welsh Government intends to publish a summary of the responses to this consultation. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

### **Consultation questions**

These questions should be read in conjunction with the Draft Bill, draft Explanatory Notes and draft Explanatory Memorandum

#### **PART 1**

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

See comment in 1.2

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

The creation of 8 local authorities is inadequate for Wales, due to the imbalance of areas of population through the Country. At the minimum, it is considered that three local authorities are required in North Wales, in order to maintain effective local governance, of which localism and sense of place is of paramount importance. As Local Authority areas are increased in size that will be lost, especially with the proposed reduction in numbers of elected members and the increase of numbers of electorate per County Councillor.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Of the two versions being proposed, Caerwys Town Council considers a minimum of nine local authorities to be the least-worst of the two being proposed. Whatever is imposed, local representation will suffer due to the remoteness of local authority's geographical distances, spread of electors in rural areas and reduced representation.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

The Caerwys Town Council do not have a specific view on this point.

Question 1.5: What are your views on the procedure for naming the new Counties?

The Caerwys Town Council agrees that the shadow authorities should determine their own names, in consultation with members of the public in the local authority area.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposals appear to be fair and reasonable.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Caerwys Town Council would like to flag up one issue about council tax. Page 15 of the consultation document states “we will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for council tax”. This statement equally applies to the local precepting authorities - the community council sector. The council advocates that the community council sector should be treated in the same way as principal authorities with a local transition committee being appointed to oversee changes following the community council review process. Precept equalisation or harmonisation will be a key consideration especially in areas where a number of small communities are brought together to form new common community councils.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

The Caerwys Town Council does not have any views.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

The Caerwys Town Council does not have any views.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

The Caerwys Town Council does not have any views.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

The Caerwys Town Council does not have any views.

Question 1.12: Are there other matters of a technical nature which should be considered?

The Caerwys Town Council would like parity for the community council sector so that section 18 and schedule 4 of the draft Bill – transfer of staff, property and liabilities, and other transitional provision, is extended to also cover the community council sector following the review process to create fewer larger local councils.

## **PART 2**

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

See Question 3.3

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

**Democracy** - Support the comment that at least two-thirds of Councillors of a Community Council should be elected members.

**Capability** - Experience must be taken into account, also equivalent qualifications. Consideration should be given to other professional qualifications relevant to the post.

**Governance** - with respect to receiving two unqualified audit opinions, the Town Council consider this should be mandatory.

### **PART 3**

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

See below.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The Caerwys Town Council supports this - but have great concerns in relation to the practicalities implementing it effectively.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

The Caerwys Town Council consider Community Area Committees to be unnecessary, as they will only create a tier of bureaucracy between the Principle and Town & Community Councils.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

No

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

None

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

No

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

The proposals relating to community councils need to be proportionate to the

scale and functions of particular community councils as some of the provisions could be perceived as overkill for smaller communities. The council refers to section 77 of the draft Bill whereby Welsh Ministers may make regulations allowing the filming, photography or sound recording of meetings (this includes community council meetings) and questions the impact this might have on proceedings. Community councillors are volunteers and may be discouraged from active participation in general council business if this was introduced generally across the sector. Cyber bullying could also be an issue where a member of the public might have a personal agenda with individual councillors and if the filming of proceedings is permitted the recordings could easily be edited to portray decision making arrangements in a different context.

The council supports the other proposals identified for encouraging public participation at community council meetings.

On a general note, it is noted that on page 24 of the consultation document it states principal councils should be able to choose to send out the summons and notices only by electronic means if they so wish. This would be very desirable for the community council sector and so the council requests that the application of this proposal is also extended to give community councils the same choice.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

The council supports the suggested approach in the consultation document and the production of guidance to be issued under the Bill.

#### **PART 4**

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the questions except for question 4.9 below.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

See 4.1

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

See 4.1

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

See 4.1

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

See 4.1

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

See 4.1

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

See 4.1

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

See 4.1

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

Once an asset is transferred to a charitable trust, they should be exempt from any community / business tax.

## **PART 5**

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

This part of the Bill is not relevant to the community council sector and so the council has no views to express in regard to any of the proposals.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

See 5.1

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

See 5.1

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self-assessment, peer assessment, combined assessment and governance review?

See 5.1

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

See 5.1

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

See 5.1

Question 5.7: If so, would they benefit from additional legal powers?

See 5.1

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

See 5.1

## **PART 6**

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

The Caerwys Town Council would like to comment on “Other matters” identified on page 44 of the consultation document.

**Community Council Precept:** Precept equalisation/harmonisation has been referred to earlier in this response. However, it is important to assess the impact the community council review process will have on community council precepts. In the majority of instances council tax will rise (considerably perhaps in some areas) where smaller communities are merged to create new common councils. The local electorate will have a strong opinion about this issue and are likely to object to bearing the brunt of any likely increase. Local support mechanisms will need to be created to help guide the new councils and the communities through transition as it is unlikely that financial support in the form of a subsidy will be offered to the sector from the new county councils or Welsh Government. If precepts increase, there will be significant community pressure to start delivering value for money services from inception of the new councils. Building the capacity and capability of the sector will take time to take effect and will create public accountability issues during the transition period because of the time lag and not meeting public expectation immediately.

**Annual reports:** The council fully supports Welsh Government’s intention to require every community council to publish an annual report so that local people can understand what the council has achieved during the previous year with provision being made for this requirement in the Bill for introduction.

The Caerwys Town Council have for a number of years provided a verbal report to the Community at their Annual Meeting - outlining the Councils achievements during that financial year. The report is also cascaded to the residents via a local community newspaper and entered into the minutes of the meeting, which are subsequently published on the Councils web site.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The Caerwys Town Council supports the Boundary Commission submitting draft reports to Shadow Authorities from May 2019. However, the Commission must not be rushed to complete its work programme. There are 735 community councils in Wales so the review programme will be a very significant task for the Commission to take on and deliver. If smaller councils are to be merged into larger common council’s, it is important to demonstrate a fair and considered approach and to allow sufficient time to do a thorough job in order to deliver the right outcome the first time around.

Another concern surrounds the directions issued by Welsh Government to the Boundary Commission on how to conduct the community council reviews. The parameters need to be published to avoid the suspicion that the final number of community councils surviving the review process are not centred around and arithmetic exercise to drastically reduce numbers. This observation refers

to the Commission undertaking purposeful reviews of community council arrangements in all parts of Wales to secure effective and convenient local government. The council would welcome a clearer definition of what is actually intended because securing effective and convenient local government is far too general and vague.

The Caerwys Town Council fully supports the modification of section 30 of the Local Government Act 1972 to prevent a community application being made once the proposed implementation orders come into force. This will allow common councils to become established without the threat of being abolished as a result of general public dissatisfaction with any element of the community council review programme.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Caerwys Town Council supports the new county councils implementing the Boundary Commission's recommendations in the interests of subsidiarity. The new county councils whilst being much larger entities than their predecessors will hopefully retain some degree of local affinity with community areas and will be more in touch with the practical working arrangements surrounding mergers taking into consideration local geography, demographics and other such like considerations including Welsh language implications across local communities within their own administrative areas. The Boundary Commission won't possess this important local knowledge.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

The Caerwys Town Council generally supports this proposal but feels placing the onus on the council clerks to look into complaints where a community councillor has not completed compulsory training is unfair. This has the potential to create division and conflict between the clerk, member and the council. The council would prefer for the training organiser to control and investigate such complaints or alternatively is there a role for external audit to manage this? The council also feels compulsory training should be proportionate to the scale and functions of a community council and therefore this proposal for compulsory training should not apply to smaller community councils.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

The Caerwys Town Council understands the reason for extending the term limits, but believes being elected for a six-year term is too long and is not in the interests of healthy local democracy. Is there an option for integrating the election timetable so that it matches that of the new county councils resulting

in ordinary elections in 2017, 2020 and 2023? From 2023 the timetable could then run over the proposed five-year term to 2028.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

The Caerwys Town Council supports the general proposal but again feels this requirement should be proportionate to the scale and functions of the community council with smaller community councils being excluded. Alternatively, this proposal could apply to only those community councils with competence.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

The Caerwys Town Council generally supports this – but it is not applicable for the smaller Community Councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The Caerwys Town Council do not support this proposal, due to the fact it excludes certain members of the community.

## **PART 7**

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

The Caerwys Town Council does not have a specific view on this part.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

The Caerwys Town Council does not support the creation of the Staff Commission, if it means it will be more constrained in the matters on which it could issue guidance than a non-statutory Commission.

## **PART 8**

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

The Caerwys Town Council has no view to express about this part of the draft Bill.

## **ADDITIONAL QUESTIONS**

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

None that the Caerwys Town Council is aware of that relate to the community council sector.

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

The entire document bundle proved to be very useful and provided important explanations and general supporting commentary and background information.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addresses, please use this space to comment.

No information is provided as to the cost of carrying out the proposed changes, nor how they are to be financed.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous, please tick the box:

**26898 - 190 : Councillor John Guy**

**Tref / Town : Newport**

**Sefydliad / Organisation : Acting Secretary of Newport Labour Group**

From Councillor John Guy,

Acting Secretary of Newport City Labour Group,

Civic Centre, Newport, South Wales NP20 4UR

Telephone: 01633 411917 [john.guy@newport.gov.uk](mailto:john.guy@newport.gov.uk)

Date: Saturday, 27<sup>th</sup> February, 2016

**To Leighton Andrews, AM, Minister for Public Service, Senedd Building, Cardiff CF10 4PZ**

**LETTER OF CONCERN RELATING TO LOCAL REORGANISATION PERTAINING TO NCC**

Dear Minister,

I am the acting Secretary of the Newport City Labour Group and I have been instructed to write to you listing the Group's concerns as to the future local government reorganisation in Wales and also the direct effect on NCC. As you are aware Newport City Council has for many years been a well-run Labour controlled unitary authority providing excellent local government services, that is when they have had the majority of Labour councillors to enable them to do so.

Newport has gone through many stages of local government in the continuous journey of, 'Local Government Administration', developing over many centuries. Newport progressed from an ancient borough eventually devolving into a County Borough Council being responsible for all local government services and being quite independent within the surrounding area of Monmouthshire County Council. At this time there were many other second tiers of local government administration which consisted of a vast jigsaw of ancient Boroughs, Rural and Urban District Councils plus a multitude of Community Councils. It certainly was a vast collection of local government responsibility and was a very inefficient way of providing community based LG services.

In 1974 the Local Government Act took major responsibilities from Newport and reduced its status to a Borough Council. Gwent County Council was formed and the entire jigsaw of local government authorities was removed to produce a partial one tier LG system. Newport before this reorganisation had a first class reputation for new school building and first class services for their community.

Gwent County Council was now the main provider of all major services and much of the resources of these services were directed into the wider parts of the North Gwent area to provide new schools with inside toilets and heating other than coal or coke fired stoves. This was the case for many years and research will show that Gwent County Councillors representing Newport were certainly not able to compete for their share of funds which were more needed in the poorer areas of the Gwent Council.

In 1996 the Local Government Act brought about unitary authorities in certain designated areas to ensure that local services were provided with representatives who were closer to the communities whom they served. Newport town at that time was created as one of these unitary authorities which once again provided all the local government services required in its area.

Since that time Newport has become a City beacon authority within its peer district and has gradually become an economic hub for development even though some of the older manufacturing core industries of the past have diminished. This has come about despite the recent troughs of economic national depression.

Our Labour Group are fully aware that there must be further local government reorganisation to raise standards and efficiency throughout Wales because of poor performance by many ailing unitary authorities and adding to this the duplication of senior officers which has caused an inflation of competing salary cost and financial budget escalation.

There is certainly a good reasoned and intelligent argument that Newport City should be a standalone authority because it has become the economic driving force with Cardiff, and recent research and discussion with Bristol has produced the reality of future economic development to the surrounding wide areas. The argument could also be progressed to all the major City urban areas within Wales.

We agree that there has been some consultation on the changes but to be quite candid it has not really reached out to all communities in a meaningful way and we feel that the possible changes will induce an undermining influence of local government within our area.

Our City has punched well above its weight and has offered much advice and assistance recently to the surrounding ailing authorities which show that it is continuing to develop and grow in stature for the whole of the Gwent area.

We finally state that it would be beyond intelligent reason and certainly would destroy efficiency if the future of Newport City Council were to be swallowed up into a large authority undermining the future of this economic driving hub area with insufficient local representation to continue the drive forward of our vision for future prosperity and development.

Yours Faithfully,



John A. Guy Acting Secretary of Newport CC Labour Group

Copy also to The First Minister of the Senedd.

**26898 - 191 : Anonymous**

**Tref / Town : Chepstow**

**Sefydliad / Organisation :N/A**

- 1.5 Allowing the local authorities in one way may be good, and taking it away from the central government. But what happens if it's close? That the name goes between contenders. With councils allowed to change names, a name of part of our country will always not be sure. With the history of our land most areas have several possibilities. Thus a final outside arbiter is required. This could be central authority, so both central & local is involved. Once name is given it should not continually change. Let us get the best & most appropriate name for each part, and keep it. So all will know where the name refers to, converge.
- 1.6. The calling of the commission was due to urgent problems that had to be dealt with. The William Commission came out with the great need & urgency. And called for quick change. Its timetable was immediate. This never happen. Now nothing will really happen until 2017, several years behind William. Last year ('15) local politician said that merger should happen quickly otherwise eggshells will all that is left. Eggshells break! Everyone knows & is feeling the cuts to L.A. Making the new authorities will relieve that. Thus to try to bring the timetable at least 1 year before the current 2020 date. These L.A.s must & will maximise economies of scale, improve the multiple local diverse needs. It will rightly also bring a fair democratic representation. Sooner better. NB North Wales (1.2) that collaboration concerns are regional (N. Wales) based. Yet it is believed that a regional organisation cannot meet multiple diverse local needs and fair democratic representation. Yet it use the same - these reasons - for Gwent, etc. We need to maximise economies of scale and meet local needs in a balanced & equal way. N. Wales convergence finally requires 3.

[2 of 10+6]

(2)

Integration of health and C.C. not generally, so No [6+2]  
also for Powys, Thus No power for this.  
Last elections for current authorities to happen next year  
(2017). How long for, Suggested for 3 years, But what  
about a lesser period? Say 2 years to 2019? New authorities  
elected in 2018, taking up shadowing immediate end to form  
the 2018 budget, 2018 present authorities abolished and new  
L.A.s to take over, ALL old ones would be abolished then.  
This would include Powys, who would merge with  
Ceredigion (see previous).

Simplify working, avoid duplication & help create  
more integrated Public Services.

Simple services fit in with multi-service authorities.

1970's L.G. reforms - Health was aligned to the L.A.s

This is the right way around, The way we must do it.

\* Capacity & capability MUST be increased for Powys - by merger!

The reason for the reform.

Updating process to be CONTINUOUS.

Council Tax harmonisation period - From new council  
investiture to after the first election. First full financial  
year after the full first election of the new council  
ALL COUNCIL TAX IN "HARMONY", (22+1 or 23+1).

WHY ANY DIFFERENCE BETWEEN DOMESTIC  
COUNCIL TAX and other COUNCIL TAX e.g. BUSINESS  
COUNCIL TAX?

ALL COUNCIL TAXPAYERS EXACTLY THE SAME IN  
ALWAYS, SAME RULES AND REGULATIONS FOR ALL.

FAIRLY SPREAD ACROSS ALL COUNCIL TAX PAYERS. (6+3)

Responsive to circumstance changes

PROPERTY REGISTER (all properties including business)

BUSINESS REGISTER - All businesses registered.

Compare both registers to find out any avoidance, Obviously penalties for those avoidance to deter.

Preserved counties abolished. No need now with the new counties, New counties now. There are 8 Preserved Counties. The Government proposals is for 8 or 9.

With 8, these are as the preserved counties i.e. Gwynedd, Clwyd, Powys, Dyfed, West Glamorgan, Mid Glamorgan, South Glamorgan, Gwent. These are the preserved counties. The areas of the preserved and new ones of 8 county options are ~~virtually~~ identical. Thus all remain the same. With 9, one extra for North Wales - in central North Wales - Conwy - Clwyd -

By-elections period appropriate length from when by-election occurs to set time for ordinary election (Whole Council). This is usual/normal way for the by-elections, be they in/for Parliament, Assembly or whatever.

A Council needs to have competence - ALL COUNCILS. A council needs to have competence to work, to be of value, to be of service to the community. A council without competence is not valid. It is no council at all. Not really.

Competence is ability to do business. It is to have capacity & capability. All councils must have this at whatever level. Both community & county councils would all have competence. The reform would form all council to have/do this. That each and

every council to have the capacity & capability to work, to do business. They all would be open and transparent, being all visible and accountable. (6+4)

ALL ACCOUNTABLE-VISIBLE TO ALL. Public Accountability

In all public concerns, things, etc, the public should & need to be involved & participate. To encourage and promote this. All public authorities, etc need to help to do this. This must be at all levels. This should involve government obviously. All levels from communities to Assembly. Should this be in legislation specifically? One for all? Or at each level separately? Maximum Public Participation & Involvement  
Annual accounts as with all other organisations. To include Budgets, etc

Coterminosity to be done WITH Bill, NOT AFTER. ALL START TOGETHER

What is a Community Area? Associated communities grouped together to form an Area association.

If it is to be an area of a county, which the county can or is divided into. Then it would be better to call them County Area. Perhaps County Division would be best.

The first is building up from the bottom, the roots - existing communities - an extension of community councils.

The second is 'sectoring' a county into small parts (hopefully natural parts) that can deal with some things at that level.

The actual proposal is that it is a committee of the county. That is a committee of the county council answerable to the county council. It is directly linked, answerable to the county council. It has no links to the communities as such.

Which ever we go with, the LDBC(W) would be involved to draw up these 'parts' of Wales. They would decide the boundaries, the democratic dimension, and so forth.

They would have their largest representation community councils within them. There would also be representation from

5 of 10+6

5

the communities themselves. Both these would be over  $\frac{6}{5}$  half, and up to ~~two~~ thirds ( $\frac{1}{2} + \frac{2}{3}$ ). Also community bodies, voluntary bodies would be included. If the second one from above, then also in addition to the above would be some from the county. The chairperson / chair officer or presiding officer would be directly elected by the community electorate (county, division electorate if part of the county e.g. County Committee), which would be at the same time as the community council is elected.

WARDS - these used for both communities & counties, as constituency for the Parliament. If part of the county - a sub-committee. Then in the bill there would be specified the role(s), duties, functions & services of the committee. A committee's job description would be given in legislation.

(3.5) LDBC(W) would draw up all such committees, etc. There should always be improvement. Participation maximized. Public able to make requests, submit suggestions. A petition of a third of the electorate would then trigger the authority to actually have to do it.

Access to meetings (all) MUST be as full and open as possible. Various methods of notification used. But not limited to one. Certainly NOT electronic only.

Accounts and Meetings NOT electronic only.

3.8. Children & Young People. Children should be left to have a childhood. Young People 16-18 appropriate to / for age. 18-26 This group encouraged & emphasized.

4.2 Political Group Leaders

4.3 IRPW needs to be completely independent. This is especially the case in reviewing remuneration framework.

Particular elected people such as councillors. Can be innovative in delivering services without contracting out. Is giving it out to someone innovative - being innovative?

NO changes to existing authorities as they start their

6 of 10+6

6

"run down." Political party membership &/or affiliation MUST be declared for ALL elections. 6+6  
PERSONS A MEMBER CAN SERVE ON ONE COUNCIL (OF ANY TYPE) AT ANY ONE TIME (INDEED ANY PUBLIC OFFICE).

Pay equal to equivalent job. FAIR AND EQUAL PAY.  
4.4 Should be part of brief concerning this work by IRPW WITHOUT any Minister directing. No Ministerial direction. This power NOT required.

RECALL OF MINISTERS ESSENTIAL. Obviously councillors and therefore council would not wish this - No way. But it should be what the people want, not what councillors want/wish them

WARDS One member one ward. LDBC(W) would draw-up single-member wards.  
Remote Attendance - not to flexible. Problem with remote attendance is that you will have little or no one at meetings. Most people profusely hate meetings. So "attend" them remotely. Meetings are a necessity.

WARDS - ONE WARD ONE MEMBER; ONE MEMBER ONE WARD; <sup>Council</sup> <sub>constituencies</sub>  
COST OF SENIOR MANAGEMENT in local government ought to be included here in a/the Local Government bill. Also having job descriptions for all senior management in this bill. This would include all in the new authority, including Chief Executive role which encompasses that of Returning Officer here - part of Job Description.

4.6 Talks about Interim Returning Officers. Why are these needed. They are not needed at all. The new/shadow authority is elected. The new authority starts operating and having in place its personnel. Senior positions would be filled. Obviously the Chief Executive will be working "functional" - The Chief Executive role includes the brief of Returning Officer - part of their Job Description, what they are paid for. They will be working as such a year BEFORE May 2020 general election. And so as part of the Job Description the CE would be the Returning Officer. The CE would be the Returning Officer for 2020 elections & all subsequent ones. Already paying a person for it. WASTE OF PUBLIC MONEY  
NO NEED FOR RETURNING OFFICER POSITION.

70+10+6

7

NO NEED FOR INTERIM RETURNING OFFICER. DUPLICATION. [6+7]

ALL TO HAVE NEW SPECIFIC JOB DESCRIPTIONS

4.7. Dismissal of all personnel to be done the SAME at all levels. The same way, identical procedure(s) for everyone. Each time it goes it goes to a higher appropriate "body" in the chain. The same criteria & process is always used.

REASON(S) FOR DISMISSAL IS ALWAYS GIVEN. ALL part & parcel.

4.8. Provision of Services responsibility of council. Why they have been elected & get paid. Where the buck stops. Obviously Councillors and council employees converse.

4.9. Procedure for disposal & transfer of L.A. assets is needed. Decision making, the responsibility & accountability of these MUST be clearly made and completely transparent & CHECKED - INDEPENDENTLY. Assets of a community are valuable and MUST be protected. These assets belong to the community - they belong to all - all taxpayers - Public.

5.1 Complaints MUST NOT be mainly online. What of poor & old. They must NOT be forgotten. They must not be neglected.

5.2. Governance duty, review & improvements Continually.

5.3 External Assessment ESSENTIAL. This the prime way - major. Regular "Health & Dental" checks absolutely - attendance is said to be half yearly (some types annually). Is L.A. any different? Quarterly checks? We want and need a health L.A.

CGAC then holds and enforces L.A.'s to implement reviews and to improve.

5.5 Public Accounts Committee should not be rejected. BUT evolve. So they include future as well as past. Whenever we analysis it (anything), it is always on past - to make projections or likelihoods, predictions, etc.

OUTSIDE INDEPENDANCE IS ESSENTIAL

5.6 PSBs are NOT the best, MUST be other than PSB.

6+8

SEPARATE SOURCE - outside

5.8 An encouragement, promotion & duty to embrace  
MUTUALISM COOPERATIVISM and SHARING.

6.1. ALL communities to have council. They will be more important than now as the new LAs will be larger (is more removed) than the current ones. These community councils will be the voice of the locality, ALL com. councils to have competence. Each Com Council to have capacity and capability to carry out community functions which will be enumerated in the bill for all Wales. LDBC(W) to be fully & completely involved. Bring date forward to May 2018 to submit draft report a year before i.e. when they become shadow authorities.

6.3 LDBCW to implement report recommendations.

6.4 Training is needed in all walks of life, jobs & everything. Training in councils (both c.c.s) as with any other <sup>NO DIFFERENCE</sup> council or body.

6.5 NOT TO BE 6 yrs. Stretch democratic mandate. This you say about Powys. So, then, with C.C.s. Thus elections for two 3 year periods - 2017 & 2020.

6.6. Training needs planing & structure. Training MUST be IS prerequisite & central. As said above imperative.

6.7. Obviously a Job Description & methods of assessment and achievement MUST be made. Objectives to be set periodically.

6.8. Sounding people out cannot be done solely by e-petition. Excludes too many people. Thus polling & so forth MUST continue. Once again hits & excludes poor & old. KEEP POLLS.

7.1) NO community work in any way should be suspended because a review is undertaken - going on. Having a review does not mean no work. A halt does not come about because of a review. Things do not go to the wall because of a review. Review and community work both go on together. Right the way through till 2025.

As long as updating improves things that's good.

7.2 A statutory Public Services Staff Commission [6+10]  
to be formed. This is more positive than negative,  
More pros than cons of non-statutory.

The reason for the changes is said to be 1) Streamline delivery arrangements to reduce complexity 2) Generate the scale and capability to sustain & improve services 3) Strengthen services including governance, scrutiny, delivery, etc. 4) Develop a good public services environment - right leadership, culture, values. 5) Improve performance and performance management of services.

For the five to be made real, then changes must come to the councils. Streamlined, less complex (~~not complex~~), improving governance, scrutiny, etc. Better performance & leadership & management.

What has happened in England is directly elected Mayors e.g. London, Bristol. Also with "powerhouse" devolution these will have directly elected leaders too (Mayors). Cardiff, Swansea Newport - benefits. Certainly benefits have come to those in England - such as Bristol. Cardiff and Newport (& perhaps Swansea too) have to compete with Bristol. In recent time Bristol has won several things, which means Cardiff &/or Newport has lost them. Possibly other parts of Wales would be similarly enhanced. Therefore the opportunity of direct leadership elections as well as council elections must be considered and made available. This will be a directly-elected Mayor. This happens in many places throughout the world, not just England.

Streamlined, simplified, etc. to be brought in. Yet it states about having a leadership of the council, a chairship of the council and a presiding officer. Once the Mayor was leader, and chair. Now they need to be brought together as one. Thus to have one position - combining leader & chair as the Mayor once did. Indeed in directly-elected Mayors all these "offices" are together in one. They have far more work & responsibility than all three above offices put

together, Therefore in all our councils these three in one, Called Mayor for all councils, as they are all to be called counties. Thus the Mayor will be elected - directly (by the electorate) or indirectly (by the council) for that term period. Thus one office; NOT three.

The former called directly-elected Mayor, later council-elected Mayors. Which one, would be dependant on the people of that authority area voting for it, a referendum of the electorate of that area. Which ever way the Mayor is chosen (all contenders would have a manifesto), the Mayor will choose the cabinet, this would be in legislation, NOT THREE POSITIONS, ONE, MAYOR (Leader, Chair, President). NO JOBS FOR THE BOYS.

The move is for either social services or social care and health to come together as one. In Wales this reform is the ideal and right time to do it. Therefore this done in the bill, forming the new authorities from the start with this. It will be far better and cheaper if done now from the outset rather than latter. Let us not procrastinate anymore. Certain not to be afraid or scared of it.

Certainly we do not want Health to be part of the local authority (a dept. within it). We do not wish them joined together. Yet this is the proposal for Powys, Powys currently "buys in" much health from England. Welsh health money going out of Wales. Health in Powys needs to be brought more in NHS Wales. With PLHM & PCC united will not help education, refuse collection, libraries, & so forth. It does NOT generate the scale, capacity, capability to sustain & improve services (2) above in fact what of the five above does it do. It may save some money on common administration. But that it. All the other services will be as now. Now Powys is at the lower end of current authority capacity & capability scale. These need to be enhanced. This is the way all authorities are to achieve this i.e. merger. This perhaps would best be with Ceredigion. Thus the scale and capability to sustain & improve services. They will enjoy economies of scale and secure value for money. In 200 000s.

Mid-Wales may best be served by there being a regional level as well as lower authorities and communities. The strategic large-scale affairs would be done by this regional authority - Mid & South West Wales.

26898 - 192 : Anonymous

Tref / Town : Chepstow

Sefydliad / Organisation : N/A

Dear Leighton Andrews

The public services for Wales are so important and fundamental that we need to get the very best. The standards have ever increased, and will continue to do.

Therefore the improvement of public services is imperative. Thus improvements in all areas are required.

The organisation that provides + delivers many, most of these are the public local authorities, themselves a public service AND a democratic body of representatives. They are the local democracy and major, the main public services deliverer/provider. These bodies represent localities.

Wales is built up from/for communities. These communities are the basis of Wales. They are essential, and essentially Wales. They need to be enhanced. They are the foundation of Wales. It is only on them that anything substantial for Wales can be done - formed.

Reform of public local authorities is required because of their failure. Many have been taken into administration. Even more major public services have been put into administration e.g. Education. These have happen because they could not cope. This comes down to not having the critical mass - the size for these. The main services are the major problem i.e. large-scale concerns. Thus reform needs to form suitable and appropriate

bodies and structures for these. It is true that for medium & small-scale concerns that the local public authorities are doing well. If we reform what is needed, and leave alone that which is doing well. Then we'd form new local public authorities best for these - which would be in a single figure number. This is what Wales has had for the majority of its history and most countries in the world. This flows the subsidiarity principle. In the last years of last century the Conservatives from London introduced our current system which they wished to try out to see if they should bring this to England. England as a whole went against it. Now England has a variety - diversity. Wales is a very varied & diverse country. Different parts need different things. Certainly one type - one-level fits all does NOT serve Wales the best. We need & want the very best for all of Wales.

It is because of the failure of large-scale services that reform is needed & urgently. Also that some very small public local authorities are failing - have failed which need and must have reform. These need to have the critical mass to enable them to serve the people. To have the size to have the capacity, capability & sustainability. These are essential. The communities are ESSENTIAL and are ought to be the essence the fundamental foundation that all is on. These to be the "building blocks". They all need to be enhanced. These were generally introduced in the early 1970s and now need to be updated. If parts of Wales do have a single principal public Local Authority (LA) - as now - which will be larger, then it is absolutely a necessity to have substantial & substantive communities. With larger LAs it would be absolutely essential and necessary to have ALL communities with councils. Thus

2.  
All communities would have councils, All community councils need to have competence. Competence Community councils are need, necessary and essential for Wales - the foundation for any future reform or former LAs for the future.

These would be the starting place for any reform. They would be the first thing covered in legislation. This needs to go to the Local Democracy & Boundary Commission (Wales) (LDBCW). This NOT just for electoral arrangements, but for the whole formation of the communities, their councils, and their electoral arrangements.

Some years ago the Williams Commission Report came out concerning L.A. reform & reform of public services. Due to the urgency the Commission went for mergers of current L.A.'s. Also it is the easiest way to do it. The Government's preferred alternative of the Commission was their Option 1 which gave 12 LAs. The Government drew up its own, suggested L.A.'s of 8 or 9. Things are now to wait for the new Assembly in May.

If the L.A.s are to cover everything as now. With mergers the method of obtaining them. Then what is essential and the reason for the reform is to get L.A.'s with the critical mass to give capacity, capability & sustainability for each & every one. Authorities MUST have the size to cope. Democracy says they must NOT be too large. Wales with 2<sup>3</sup>/<sub>4</sub> million people would give an upper limit. Democracy would then modify this down. While the critical mass would determine the lower limit. The range of the new L.A.'s would come within these limits. Also if mergers is the way there ought not be too many present L.A.'s to go to form a single new L.A. The Commission had a maximum of 3 LAs. And then there was only one. The maximum current L.A.'s to be 3 to merge.

To form L.A.'s which are multi-service providers, then the form & structure is what is best for them. Then, if for Co-terminity, it is decided to have one form & structure. That the single-service

providers organisation would be brought into line with the new L.A.s.  
L.A.s serve the people the most, and need to be formed best for them.  
Certainly NOT for what is best for any single service. Never should  
ANY single-service deliverer restrict, limit, dictate what shapes the  
L.A.s take. WHAT SERVES THE PEOPLE IS THE PRIORITY BEST.

The people know the localities best. It is for them that the  
services are for. It is for them that democracy is for. They  
are what give the reform direction. It is their song.

There are certain things people for their localities have said.  
These need to determine the L.A.s for the future. Some of these are

1) An L.A. for the Heads of Valleys. The Valleys form a natural part of Wales. But all would form too large an L.A. Thus two required. The Valleys have suffered much as money, jobs, investment, etc all drift south - to the coast leaving the valleys high & dry. The life & soul must be given back to them. To have their own L.A. which can supply their public services best.

Who can work & fight for the valleys - to get the very best.

- 2) Bridgend & Vale of Glamorgan wish to merge.
- 3) Rhondda Cymun Taff wish to be stand alone.
- 4) Cardiff wish to be stand alone.
- 5) Cardiff & VoG do not wish to merge.
- 6) RCT & Merthyr Tydfil do not wish to merge.
- 7) Caerphilly does not wish to merge.
- 8) Newport & Monmouthshire do not wish to merge.
- 9) Ceredigion and Pembrokeshire do not wish to merge.

Where the above can be met, they ought. Most certainly can. But geography & size mean that a few cannot go with the above. Because of Monmouthshire's location there is only a little they could merge with. Similar with Newport, Torfaen is the

3.  
natural hinterland to Newport. The best to merge with - natural.  
Thus this would mean also Monmouthshire<sup>(included)</sup>. Thus these 3.  
Three is the maximum number for L.A. merger - 3 is the  
maximum the Commission gave. To form the Heads of  
Valley L.A. the 3 L.A.s that serve the Heads of Valley are  
Blaenau Gwent Caerphilly & Merthyr Tydfil. These 3 (max)  
would form this L.A. With Merthyr Tydfil it is well connected  
with these valleys - Rhymney, Sirhowy (Tredgar), EHW (Elw Vale).  
Also at the bottom to the East - Treheron, Trelewis to Nelson - the  
valley links go. There is very little to the west - Cynon and  
nothing to Rhondda. For Merthyr Tydfil to go East is natural.  
Also Merthyr Valley & Rhymney form a single constituency.  
Cardiff and RCT are the <sup>4</sup>three largest current L.A.s, and  
thus greater critical mass than the two standalones gives  
in Option 1 of the Commission's report which the Govt. accepted.  
Therefore these ~~two~~ would be the <sup>(taken together i.e. 1+3 is greater)</sup> ~~more~~ <sup>more favourable - best</sup> and indeed the only  
ones to stand alone. The Option 1 (Govt. preferred) gave Swansea  
and Carmarthenshire as standalones. <sup>4</sup>More so Cardiff & RCT.  
The solution <sup>4</sup>for Powys has been suggested many times before  
and has always been rejected. Powys has low critical mass.  
Certainly NOT enough to be a stand-alone. The suggestion of PCC  
& PLHB merger will not work as said many times before. It is a  
NON-STARTER. How does merging C.C. & LHB increase the critical mass?  
How does it help with capacity, capability & sustainability for the  
services? For Education? For Highways? For refuse? For Environment?  
And so forth? They remain the same. It does allow for the common  
administration to come together - which will save a little. Now  
for Social Care & Health the trend is to come together. This is certainly  
the way to go. It is either social care OR social services. It is  
Northern Ireland Health & Social Services have been one for over a dozen

Over a dozen years. The most suitable & appropriate time to do this for Wales is in the public services reform. Thus this change would come throughout Wales for this. For All Wales. Powys C.C. would be merged with another C.C., as with for all C.C. With Mid Wales this forms natural one. Thus it is better for North & central Powys to merge with Ceredigion. While south is linked well to Carmarthen, and so with this. If only whole L.A. currently to merge, then with Ceredigion. Powys Health get alot of their health from England - buy it in. Thus much Welsh Health money goes to England. We need Welsh Health money in Wales. To bring Powys Health into Wales Powys LHB would merge with another LHB. As North Wales has one LHB, so Mid & South Wales to have one also.

What is happening now is the development of City Regions. This is a world phenomenon. It is certainly something for the future. Should Wales have these? Wales has three principal cities - Cardiff, Swansea & Newport. Perhaps modified city regions? City Regions proper would require fully LDBC(W). With modified one there would be Swansea Bay & Newport County. Cardiff would possibly need LDBC(W) so that it would include Caerphilly Town Area to the north and Penarth Town Area to the south. Whether this happens or not Cardiff would be a mistake. It is the Capital. Many capitals are to themselves, e.g. Australia, USA, Brazil. Also Cardiff is by far the largest L.A.. Any merger with it would drown the other except if it merged with RCT. Cardiff as now is larger than most new proposed L.A.s. There is absolutely NO NEED for Cardiff to merge. Cardiff does not want to merge. It is such a large L.A., It is the capital. The proposed Govt would have 5 current L.A.s. This is far too many. To have 5 into 1 is not good at all. Also a L.A. of 580,000 is far too large for Wales (2 3/4m). It would be 1 in 5 being in one L.A. for Wales. Not good for the country as a whole. It is extremely bad for democracy. Let Us be right. The enclosed map is a suggestion covering all the above.

of 2



North Wales 3 L.A.s    Central Wales 2 L.A.s    South Wales 6  
1 in 100 000s                      1 in 100 000s                      2 in 200 000s  
2 in 200 000s                      1 in 300 000s                      4 in 300 000s  
5 in 300 000s;    BALANCED L.A.s                      4 in 200 000s;    2 in 100 000s

The above gives 11 L.A.s. Half the current number.  
 IF 10 required then either North Wales would have two L.A.s - Gwynedd and Clwyd OR RCT, Bridgend, Vale of Glamorgan would have one - Mor  
 TF a KLo on both the above forming Gwynedd (313319) RCT (3811084) M (499924)

2 of 2 Population of the 11 L.A.'s for the 21<sup>st</sup> Century (2)

Gwynedd (191 436) Ynys Mon current Gwynedd

Conwy - Clwyd (209 245) Conwy Denbigh

Dyfrdwy (287 350) Flint Wrexham

Ceredigion (175 293) Northern Powys (North Central) current Ceredigion.

Dyfed (339 645) Carmarthen Pembroke south Powys (Brecon)

Swansea Bay (378 571) Swansea Neath Port Talbot

Glywysing (265 514) Bridgend Vale of Glamorgan

Cardiff (345 442) Cardiff

Rhondda Cynon Taff (RCT) (234 410) RCT

Ebbw Sirhowy Rhymney Merthyr (ESRM) (307 445)

Blaenau Gwent Caerphilly Merthyr Tydfil  
Newport County (328 483) [Usk Llwyd Wye]

Newport Torfaen Monmouthshire

NB Mynydd Epynt and River Wye would form a natural part of the ECeredigion-Dyfed boundary. The north boundary of the communities of Maes-Car/Llywal, Yscar, Bronilyn and Y Clas-ar-Wy would form the eastern Ceredigion-Dyfed boundary.

NOTE IF ONLY whole authorities allowed to merge. Then the following:

Powys (208 364) Ceredigion current Powys

Dyfed (306 574) Carmarthen Pembroke