

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form



As part of its Stage 1 consideration, the National Assembly for Wales' **Communities, Equality and Local Government Committee** is calling for evidence on the general principles of the ***Local Government (Democracy) (Wales) Bill***.

Please return this form to the National Assembly for Wales, by 31 January 2013. Should you have any queries please contact Bethan Davies, Clerk 02920 89 8120 or Leanne Hatcher, Deputy Clerk 029 2089 8147.

Responses should be sent to:

CELG.committee@wales.gov.uk

Or by post:
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The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Yes

No

Please expand on your answer

The key need for legislation is that the existing legislation results in the Commission having to complete reviews to an unreasonably demanding timetable and within the unhelpful restriction of being unable to change community boundaries. While this timetable issue could be addressed through Ministerial orders under the 1972 Act, such orders could not address the community boundaries issue. Reliance on Ministerial orders may in any case be undesirable from the point of view of public confidence in the work of the Commission.

We also consider that new legislation is a reasonable way of accelerating the provision of electronic access to community council information to such an extent that it can be ensured within a reasonably short timescale (c. 2 years). This is appropriate as adequate electronic communication with the public is lacking among a significant number of community councils.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

In allowing a continuous cycle of review, the Bill should help the Commission to achieve a more consistent and sustainable approach. The Bill should also help by supporting improved consultation procedures on boundary review proposals.

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)

Yes

No

Generally, yes. Raising the quorum to three should help ensure a good standard of decision making. But to help ensure harmonious administration of the Commission it may be preferable for the Chief Executive to be appointed by the Commission rather than the Welsh Ministers.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>Generally, yes. It seems appropriate that the provisions for local government reviews include a requirement for the Commission to consult on the intended procedure and method of the review, particularly with regard to determining the appropriate number of members of councils. It should, however, be helpful for transparency and public engagement if the Commission were also to be required to publish its intended procedures and methods electronically (and by other media on request).</p> <p>It also seems appropriate that reviewing bodies are required to consult on draft proposals for the area under review, including publishing them electronically.</p> <p>It should be helpful for transparency and public trust and confidence if there were additional provision in the Bill requiring the Welsh Ministers and the Commission on receiving reports (as the case may be) to publish reasons for not implementing recommendations or for implementing them with modifications.</p>			

Question 5: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council are appropriate? (Chapter 1)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>On the whole, yes, but as well as seeking to ensure effective and convenient local government, it would be appropriate for the Commission and principal councils to have regard to the need for economy and efficiency in local government. Such additional provision would be a safeguard against the Commission and councils from making proposals that are effective and convenient but unduly expensive. We believe that such consideration is already likely to be in view, but explicit provision may be a helpful additional protection.</p>			

Question 6: Do you think the arrangements for local government in relation to:

- Democratic Services Committees (Section 56)
- Audit Committees (Section 57)
- Standards Committees (Section 63)

are appropriate?

Yes

No

Please expand on your answer

The provisions in relation to democratic services committees seem to be beneficial in terms of local determination of working practices to best suit prevailing circumstances.

The clarification of the composition of audit committees should be helpful from the point of view of avoiding protracted debate.

The provision for regional standards committees should be helpful in terms of ensuring the availability of suitable independent members, efficiency and consistency of approach.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes

No

Please expand on your answer

The provisions appear to provide useful streamlining of the specification of senior salary limits and in considering particular cases.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes

No

Please expand on your answer

It is clear that significant numbers of community councils do not provide an adequate level of electronic communication regarding their proceedings. Legislation would be a realistic means of accelerating the provision, which would be helpful in promoting public engagement. The scope for sharing website provision should be helpful for enabling an economical approach to communication, though it might be helpful if provisions made this option clearer by mentioning it explicitly. The section title "community council websites" could be inferred by some as requiring individual councils to maintain their own websites. A better title might be "Electronic provision of information by community councils".

The timescale envisaged (May 2015) seems realistic, though it might be helpful for clarity to put the commencement date for these provisions on the face of the Bill.

Chairing of Principal Councils (Chairs and Mayors of Principal Councils)

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?

Yes

No

Please expand on your answer

The provisions appear to meet their objective of allowing the separation of ceremonial functions from those of presiding over meetings, which itself seems reasonable.

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Please expand on your answer

We consider that the main barrier to implementation will be in respect of community council electronic access. The explanatory notes helpfully indicate that the commencement of these provisions (sections 53 and 54) will be in May 2015, which should allow a realistic amount of time for community councils to make arrangements, but this is not on the face of the Bill.

A significant proportion of council clerks are likely to require some form of training or assistance to ensure that they can provide materials electronically, even if they are to have websites provided by another person. There may also be some cultural inertia to overcome, including councils' fears of being swamped by email enquiries. It may be helpful for Government guidance to address those issues, and particularly to include coverage of means of dealing with vexatious correspondence.

The potential costs associated with providing online access to documents may also be an issue for smaller councils. Approximately 22% of community councils spend less than £5,000 per year while a further 19% spend between £5,000 and £10,000 per year. The additional ongoing cost of £1,000 per annum may be seen as a significant additional cost for these councils.

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

Please expand on your answer

The financial implications of the Bill appear generally to be reasonably assessed in the explanatory memorandum. We do not, however, think it is likely that requiring electronic provision of information by community councils is likely to lead to any significant compensating savings from removing the need for papers and hard copies. Paper based notices and minutes etc will still be required. There are also likely to be some additional costs arising from dealing with increased levels of engagement by the public, such as clerk time in dealing with email enquiries.

We see merit in there being somewhat more extensive post implementation review. For example, in relation to the community council access to information provisions, useful lessons on co-operation and public engagement might be identified by undertaking an evaluation study of community councils' access arrangements, including assessing procurement and impact on the public. We estimate that such an evaluation study would cost in the region of £50,000, but could lead to some savings from procurement lessons and improved service.

Question 12: What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?

Please expand on your answer

These appear to be appropriate.

Question 13: Are there any other comments you wish to make about specific sections of the Bill?

The finance provisions for the Commission, including for accounts and audit, (clauses 15 to 20) are appropriate.