

DLG 07

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government Committee
Local Government Draft (Wales) Bill / Bil Llywodraeth Leol (Cymru)
Drafft

Ymateb gan: Estyn

Response from: Estyn

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?

Estyn's response to the consultation document will focus on questions relating to the delivery of education and related services and the governance of those services. Our responses draw on the evidence from our local authority inspections from 2010 onwards, from the thematic inspection 'Improving schools through regional education consortia' June 2015, from the evidence provided by our local authority link inspectors and from inspection evidence from the other sectors we inspect.

Both table 1 and table 2 set out appropriate proposals for the constitution of eight or nine counties achieved through the merger of existing local government areas. One permutation that does not appear to have been

considered or, at least, has not been referred is the possible division of Powys into its previous administrative districts areas prior to 1996 and then the re-allocation of these areas into two or more of the new counties.

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?

We agree with the Commission that the creation of a single local authority covering the whole of North Wales could lead to difficulties in meeting multiple diverse local needs and maintain a fair democratic representation. We have no preferred view.

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?

Please refer to response to Q1.1 regarding Powys.

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?

Open government and transparency of the council's working will be supported by the proposals in sections 76 and 77 which requires councils to broadcast their meetings and allow the public to film and record council meetings.

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?

Open government and transparency of the council's working will be supported by the proposals in sections 76 and 77 which requires councils to broadcast or webcast their meetings and allow the public to film and record council 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?

This is a very positive proposal that should help children and young people better understand how local democracy works and encourage their participation in the democratic process.

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?

N/A

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

N/A

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.

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?

N/A

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?

They would appear to be a reasonable mechanism given their broad representation of interests and agencies

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?

N/A

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.

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.

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: