



Ein cyf/Our ref: MA-L-MD-0359-17

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

23 May 2017

Deur John,

Thank you for your letter of 26 April, seeking clarity on some outstanding areas relating to the White Paper *Reforming Local Government: Resilient and Renewed*, following the evidence session on 29 March.

Further information and clarification on the five areas raised is provided below in the order set out in your letter.

In determining whether local authorities should change their voting system and use single transferrable vote instead of first-past-the-post, I would expect a local authority to engage with its citizens and make decisions informed by its citizens. It will be for a full council meeting of the local authority to choose, having considered the views of all concerned, including local residents. Following the recent White Paper consultation, I am considering whether this should be subject to a simple or two-thirds majority, the latter being the threshold required for amending the National Assembly's own electoral system.

In relation to mandating changes to the electoral system, I believe local authorities, just like the National Assembly, should have the opportunity to consider their own electoral arrangements. I want to give local authorities the choice. The White Paper proposes to allow local authorities to make a decision which is right for them in their own context.

The Wales Act 2017 will enable us to modernise local government electoral arrangements in Wales, including votes for 16 and 17-year-olds and improvements to voter registration and voting. We will consult on this in more detail in the summer.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Well-being of Future Generations Act provides flexibility for Public Services Boards to work together on a wider footprint, with powers formally to merge and to collaborate across a broad range of their activities. The requirement for local authorities to work increasingly on a regional basis will have implications for Public Services Boards, both in terms of how they organise themselves and how they engage with the new arrangements. We will consider and discuss this further as we develop our proposals for regional working.

You asked for clarification about staff eligibility for redundancy payments if staff are made redundant by a local authority because of the consolidation of services into a cluster arrangement across local authorities and then appointed into a comparable job within the consolidated regional service.

Decisions about individual cases are for local authorities under the relevant legislation and as the employer. I expect local authorities to work closely with trade unions in developing arrangements for consolidating services, having fully considered the employment implications. Existing examples of sharing or consolidating services have seen local authorities transfer staff rather than make individuals redundant and in doing so they have applied the principles of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006).

In addition, under the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999, if an employee who is under notice of redundancy receives an offer of a job from another body listed in the modification order – in this case, another local authority – before the termination of his or her employment and takes it up within four weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes. If an employee does take on a new job with a modification order body in these circumstances, the provisions relating to a trial period in the Employment Rights Act 1996 will apply. Therefore, if the employee decides not to continue with the job during the first four weeks, they will be able to terminate the contract (whether with or without notice) and receive a redundancy payment from the old employer.

The Small Business, Enterprise and Employment Act 2015 enables the recovery of exit payments made to employees earning more than £80,000 who return to the public sector within 12 months of being made redundant. Regulations bringing this into effect have been consulted on by HM Treasury but have not yet been made.

Best wishes,

Mark

Mark Drakeford AM/AC

Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol
Cabinet Secretary for Finance and Local Government