



## **Local Government and Elections (Wales) Bill: Equality, Local Government & Communities Committee Response from Cytûn (Churches together in Wales)**

Cytûn brings together the principal Christian denominations of Wales. Together, they have some 150,000 adult members, and regular contact with many more children, young people and adults in every community in Wales. A number of other Christian organisations in Wales are also members, and a full list can be found at: <http://www.cytun.co.uk/hafan/en/who-we-are/>

For many local churches and their members, their principal contact with government is through principal local authorities and community councils. The latter grew from parish councils, which were aligned with ecclesiastical boundaries, and there continues a particular sense of involvement and relationship with these most local expressions of democracy.

For this reason, Cytûn has taken a particular interest in proposals for local government reform in Wales, and has responded to a number of the Welsh Government consultations carried out during this and the previous Assembly, and also submitted evidence to the Commission on Community and Town Councils in Wales.

Due to time constraints caused by this consultation falling during the religious festivals of Advent and Christmas, this response is largely derived from our previous consultation responses, adapted to the proposals in this Bill. A brief email consultation has also been held with relevant officers of our member churches.

Paragraph numbers refer to the Explanatory Memorandum.

### **Part 1 - Electoral arrangements**

3.28-3.35 Cytûn remains seriously concerned at the proposal to offer councils a choice of electoral systems, believing that this could prove confusing to voters (adding yet another system to FPTP, the Additional Member System used for Assembly elections and the Additional Vote system used for Police & Crime Commissioner elections). We are not convinced that the requirement (3.34) that a new system, once adopted, must be used for two elections is sufficient safeguard against councils changing their voting system for (perceived) partisan advantage. Nor would we wish to see changes happening as frequently as every 10 years, as this provision would allow.

We are also concerned that this could raise issues of legitimacy where joint PSBs and Corporate Joint Committees contain elected members from councils using different electoral systems, some of whom might not have gained election if using the other system. Some of our member churches would support the use of STV for all elections, but most of our members have no settled view on this matter.

The lack of comparability between results in different authorities at the same election might also raise wider issues of electoral legitimacy. Introducing a choice of electoral systems would adversely affect the comparability of any opinion polls commissioned. This could lower Wales' reputation with companies that are members of the British Polling Council. There might also be an adverse effect on Wales's reputation amongst electoral monitoring bodies such as the OSCE (the Organisation for Security and Co-operation in Europe).

3.50 Cytûn welcomes the provisions to enable registration of voters who have not applied to be on the register, believing that this will enable previously under-represented groups – especially those who are highly mobile – to

vote. However, we are concerned that the new Clause 9ZA to be inserted in the 1983 Act allows registration officers to include people on the open/edited register rather than on the closed register only. The requirement to write to the person concerned telling them that they can opt out of the open register is not adequate – by definition, many of the people concerned will be those who do not readily respond to official correspondence. One reason why some people fail to register is fear of being found by violent partners or others who wish them ill. We would therefore welcome an amendment so that involuntary registration would be on the closed register only, and those registered would need to opt in to the open register if they wish.

3.73 We are concerned at the provision in Section 26(1) allowing Welsh Ministers to direct that an electoral pilot happen in a specified area, and that no Assembly procedure whatsoever is required to affirm this (p. 61 of EM). We are concerned that this might be open to (the perception of) partisan bias, and would suggest that this power be given to the Assembly (by secondary legislation requiring a super-majority, as in other changes to electoral arrangements) rather than to Welsh Ministers.

In previous consultations, Cytûn has supported proposals for individuals who are members of a political party who stand for election as independents to be obliged to declare their party affiliation on nomination forms and the ballot paper. We regret that this proposal is not included in this Bill and would recommend that the Committee to consider introducing such a requirement.

## **Part 2 – General power of competence**

Cytûn supports this proposal, effectively extending the “reserved powers” model from the Assembly to local government. We oppose the provision in Section 35(3) allowing Welsh Ministers to prevent by Regulation this power being used “for specified purposes” and in Section 35(4) to impose conditions upon it, as this undermines the notion of a general power.

Cytûn would welcome inclusion in the Bill of a clause clarifying the current legal ambiguity as to whether community councils may grant aid places of worship within their area. We understand that it is not clear that [s.2 Local Government Act 2000, as amended](#) overwrites [s 8\(1\)\(i\) Local Government Act 1894](#). See the following article regarding parish councils in England; we understand that the ambiguity with regard to Wales is similar - <https://www.lawandreligionuk.com/2017/03/07/may-a-parish-council-grant-aid-a-place-of-worship/>

## **Part 3 – Promoting access to Local Government**

While we have not had opportunity to consult our membership fully, we wish to support these proposals in principle. They seem to improve inclusion (eg webcasts, remote attendance) and promote democratic participation (eg petitions, plain language constitutions, councillor contact details)..

## **Part 4 – Executives, Members, Officers and Committees**

3.144 We welcome the provision regarding joint scrutiny committees, as this partly addresses concerns expressed by Cytûn in previous consultations relating to the potential democratic deficit when Corporate Joint Committees are established and elected members have no direct access to key decisions being made in the major policy areas (such as education and transport) which are the responsibility of such committees.

3.145-3.148 We welcome the steps taken to address concerns which we raised regarding the proportionality of the requirements for community councillors to undergo training.

### **Part 5 – Collaborative Working**

We generally welcome the approach adopted in this Bill, although remain somewhat concerned at the danger of a democratic deficit if significant services are managed by Corporate Joint Committees that are only indirectly elected. (See our comment on 3.144 above).

The continuing lack of clear co-ordination and governance between health and social services remains a key concern for our member churches. If we read the Bill correctly, it appears that it is not proposed that the Regional Partnership Boards between Health Boards and local authorities, which are key to the co-ordination of health services and social care, are not to become Corporate Joint Committees. We would encourage the committee to consider the possible merits of making the governance of RPBs consistent with the regional arrangements for other services.

### **Part 6 - Performance and governance**

In previous consultations, Cytûn has expressed concern at the lack of proportionality and complexity of proposed governance and audit arrangements. We believe that the proposals in the Bill are a significant improvement on those originally proposed.

### **Part 7 – Mergers and restructuring**

We have been concerned by the assumption in earlier Welsh Government consultations that “bigger is better”, and generally welcome the voluntary approach adopted in this Bill, together with the provisions for Welsh Ministers to step in in cases of complete failure in a principal authority.

### **Part 8 – Local Government finance**

3.200-3.206 We expressed concern in the 2018 consultation on non-domestic rating that some proposed changes to the exemption and relief procedures might have unintended consequences on churches and other charities and community organisations (e.g. ‘pop-up’ charity shops). We are pleased to see that these proposals have been dropped and support the proposals to ensure that correct information is provided to rating authorities.



Gethin Rhys (Revd)  
Policy Officer

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