

LG 15

Bil Llywodraeth Leol ac Etholiadau (Cymru)

Local Government and Elections (Wales) Bill

Ymateb gan: Cyngor Sir Ceredigion

Response from: Ceredigion County Council

1) Part 1: Elections

i) Extending the franchise to 16-17 year olds (Section 2)

Agreed.

ii) Extending the local government franchise to citizens from any country (Section 2)

Agreed.

iii) Two voting systems (Section 5)

Not agreed.

All Welsh Councils should have the same system. Councils should not be able to choose or change their voting systems. Either system could be used, although the Single Transferable Vote is most favourable to small or rural authorities. The approach would be administratively complex and confusing. There should be a common electoral system across all local authorities to avoid complexity and voter confusion.

iv) Change of electoral cycle for principal councils from four years to five years (Section 14)

Agreed.

v) Qualification and Disqualification for election and being a member of a local authority (Sections 24-26)

Not agreed.

The Council does not support the proposal to allow Council staff to stand for their own Authority. It would disproportionately impact on good governance and employment relations with increased employer-employee tensions, potential conflicts of interest and team dynamics and relationships undermined. Staff at all levels have to demonstrate impartiality and a responsibility to serve the Council as a whole; this risks being compromised should an employee stand or serve as a Councillor.

The Council would support lifting the disqualification criteria for convicted persons subject to a term of imprisonment under 4 years.

Meeting expenditure of returning officers (Section 28)

Agreed.

The remuneration of Chief Executives (CE) would need to be reviewed to include additional element for acting as Returning officer. The CE's remuneration for the oversight of local elections should be included within a single consolidated salary for the CE position. The decision should remain a matter of local discretion. The additional responsibilities, demands and risks of being a Returning Officer should be appropriately reflected in any local review of remuneration.

2) Part 2: General Power of Competence

Agreed.

The additional power is welcomed, but further work would need to be undertaken with lawyers to seek to amend the power to provide greater flexibility and assurance to councils. The GPOC might have been limited to rules of natural justice only. Numerous existing legislation will have to be considered to establish whether there are prohibitions, restrictions or limitations in place. Clarity required as to when the GPOC power will come into force.

3) Part 3: Promoting Access to Local Government

i) Duty to encourage local people to participate in local government (Section 46)

S46 (1): Agreed

It is not clear what improvements this 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.

S46 (2): Not Agreed

Placing statutory responsibilities on County Councils to discharge duties over or on behalf of other autonomous 'connected authorities' will have resource implications for councils and cloud accountability and responsibility for delivering on any public participation duties.

A local authority cannot be responsible for the participation in other levels of government as the responsibility (and risk of non-compliance) should rest with them as separate accountable bodies. Placing a duty on a local authority to promote participation in National Park Authorities or community and town councils also undermines their own status, accountability and sovereignty as separate bodies.

ii) Strategy on encouraging participation (Section 47)

Agreed.

iii) Duty to make petition scheme (Section 49)

Agreed.

iv) Duty on principal councils to publish official addresses (Section 50)

Agreed.

v) Electronic broadcasts of meetings of certain local authorities (Section 53)

Not agreed.

The proposal that local authorities must electronically broadcast all meetings which are open to the public as they take place is unreasonable. Whilst the Council is committed to openness and transparency, there will be a significant cost implication. Councils could be able to decide for themselves which meetings to broadcast.

Any legislative duty to broadcast all meetings would need appropriate safeguards to allow for instances for meetings to continue and decisions to be made even where the public broadcast is either interrupted or not possible due to technological issues. Clarity is required as to whether the new CJC's will be caught. It is not clear that there will be added-value.

Administrative and governance implications include clarity that if the technology system fails that it will not invalidate the proceedings, and the need for translation facilities.

vi) Conditions for remote attendance of members of local authorities (Section 54)

Not agreed.

Arrangements should be determined locally in order to promote accessibility and support flexibility for members to attend meetings remotely. Appropriate protection is required where remote attendance is either interrupted or not possible due to technological issues. Administrative and governance implications include consideration of exempt reports, and how the conditions under which such reports are considered can be controlled.

Clarity required on quorum.

4) Part 4: Local Authority Executives, Members, Officers and Committees

- Appointment of Chief executives (rather than a head of paid service) with specific duties

Agreed.

Specified chief executive performance management

Not agreed. It is not clear why such arrangements are required. Councils should be able to decide for themselves.

- appointment of assistants to cabinets and allowing job-sharing leaders or cabinet members-

Agreed. Clarity required that job-share cannot be imposed.

- updating family absence provisions in line with those available to employees

Agreed.

- requiring leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups

Agreed. However, care is needed to ensure that the Councils Standards Committees maintains its political neutrality and not to stray into political issues.

Does the monitoring duty cover all group leaders collectively or individually?

Any 'assessment' made solely on the basis of issues (if any) that come to the attention of a standards committee under its terms of reference cannot properly reflect the degree of compliance exercised by group leaders.

The proposal lays a standards committee open to the dangers of political bias, thereby threatening its essential independence and impartiality.

5) Part 5 Collaborative Working by Principal Councils

The power for local authorities to establish Corporate Joint Committees (CJCs)

Agreed.

Ministerial powers to establish CJCs in the functions of school improvement, economic development, strategic planning and transport:

Agreed.

It is important to distinguish between school improvement and education improvement.

The principle of mandation of CJCs by Ministers in any service area is not agreed.

Local authorities should be able to determine the CJC footprints and which functions (within the 4 services) were transferred into CJCs. In respect of a failing authority, it is not clear what the Ministerial powers of intervention will be in relation to the other authorities within the CJC footprint. It is not clear what will happen if a Leader job-shares, or with Leader remuneration. It is not clear whether Councils can nominate/designate a deputy in absence. Chairs should rotate on a fixed term to prevent a dominant authority developing. Quorum of 70% may be unrealistic. Joint Scrutiny arrangements should be incorporated into Regulations. Similar arrangements should be in place for Governance and Audit Committees. Local Authority Code of Conduct for Members should be sufficient. The costs and resources involved by way of Officer time and "goodwill" in supporting the CJC's should not be underestimated.

6) Part 6: Performance and Governance of Principal Councils

Performance Assessment Panel

Not agreed.

Peer-assessment panels will have additional cost implications. The Panels should be limited to providing an 'assurance statement' that the Council is achieving its objectives. Care should be taken to ensure no duplication with Scrutiny Committees. Peer assessments should suffice. These assessments should be undertaken in the form of an independent review of the annual self-assessment carried-out by the Council, in order to reduce the financial burden on the Council.

Governance and Audit Committees

- Renaming as Governance and Audit Committees
Agreed.

- one third of members must be lay members

Not agreed.

This proposal has cost implications in terms of recruitment and expenses paid to additional lay members, for attending meetings and in carrying out additional duties. Councils should be able to decide for themselves what proportion of the committee should be lay members.

- chair must be a lay member

Not agreed.

Councils should be able to decide for themselves. Clarity on the relationship between Scrutiny and Governance & Audit Committees required to avoid confusion and duplication of roles.

7) Part 7 Mergers and Restructuring of Principle Areas

Agreed. The Council does not support compulsory mergers.

8) Parts 8 and 9: Finance and Miscellaneous Reforms

Agreed. The Council does not support compulsory mergers of PSBs.

23/12/19