

Local Government and Elections (Wales) Bill –

Written submission from Wrexham County Borough Council

Please find below the response of our Members to the request for written submissions to the Equalities, Local Government and Communities Committee by January 3rd 2020 as part of Stage 1 of the Assembly's process for consideration of Public Bills.

This response was agreed at a meeting of full Council on 18th December 2019. Views in relation to 'Part 6' – Performance and Governance - were endorsed by the Audit Committee at its meeting on 19th December. In addition to the points made below, we would wish to acknowledge the cost implications for local government associated with many of the provisions detailed in the Bill.

PART 1 – ELECTORAL

1.1 Members have mixed views on extending the franchise to 16-17 year olds. It was noted that there should be parity of franchise across the UK.

1.2 We support actions to maximise electoral registration rates, and our response to the 'Electoral Reform in Local Government (2017)' consultation indicated that we were concerned about a need for improved education of youngsters around politics and what voting means in practice: we therefore welcome the duty to promote awareness of the arrangements for voter registration to relevant young people. Likewise we support the development of automatic registration, but remain unclear as to the efficiency and effectiveness of the development of a single electronic register for Wales.

1.3 We support the extension of the franchise to all legal residents in Wales, irrespective of citizenship or nationality.

1.4 We support the change in electoral cycles for principal and community councils from 4 to 5 years.

1.5 It is important that sufficient notice is provided for Electoral Registration Officers (EROs) in order to collate the new electoral register.

1.6 There are mixed views about the eligibility to stand as a candidate being extended to citizens of all countries.

1.7 Our members have mixed views about the proposed change to allow employees to stand for election in their own authority. While we support approaches to encourage a broader cross-section of the community to consider standing for election, we consider such a situation risks impacting disproportionately on good governance and employment relations, with potential conflicts of interest and the undermining of relationships. There are also practical implications associated with the resignation of the employee from the authority with no notice period required.

1.8 We support the provision to extend the disqualification provisions in Wales to include anyone subject to the notification requirements of, or an order under, the Sexual Offences Act 2003.

1.9 While there is not currently any provision in the Bill relating to the extension of the franchise to prisoners and young people in custody, we note that the Minister has confirmed that she intends to be in a position to share provisions on prisoner voting in advance of Stage 2. The majority of our members disagree with this extension, and those who are in favour are of the view that prisoners should be registered at their home addresses and that it should only be allowed as part of rehabilitation and only in less serious offences and short total sentences (less than 12 months).

In terms of practical consideration, HMP Berwyn has a capacity for 2100 prisoners when it reaches full capacity, and depending on the specific proposals, there would be implications for electoral services should this be introduced at a later stage of this process, which we would wish to be consulted on.

1.10 As indicated in our previous response to the Electoral Reform in Local Government (2017) consultation, we do not support any change from First Past the Post as an electoral system and are of the view that having more than one electoral system in place is complicated and may deter participation which would undermine the stated policy objectives of this Bill.

1.11 We have previously indicated that there is general support amongst our members for the payment of personal fees for Returning Officers given that the role carries personal liability.

PART 2 – GENERAL POWER OF COMPETENCE

2.1 We are supportive of the introduction of a general power of competence.

PART 3 – PROMOTING ACCESS TO LOCAL GOVERNMENT

3.1 While we support the spirit of the Bill's ambitions in relation to public participation and promoting access to local government, our view is that much of this is already in place – 'Involvement' is already part of the sustainable development principle. Locally we already have a process for dealing with petitions in our constitution and as an authority we have an Involvement Strategy. This duty would place a further regulatory burden upon the authority without necessarily succeeding in increasing public participation - we have noted in previous consultation responses that public participation cannot be forced onto the community.

3.2 We do not support the proposal that we be responsible for discharging this duty, along with the resource implications which inevitably follow, on behalf of other autonomous 'connected authorities'. This should rest with those authorities.

3.3 We welcome the duty to publish electronic and postal addresses for councillors, where they can be contacted by their electorate, and in the current political climate, support the provision for council addresses to be used.

3.4 In Wrexham, we are supportive of facilitating transparency and accountability in our decision-making and already broadcast all meetings other than Audit, Democratic Services and Standards committees. However, the introduction of this

duty must not stymie the ability of the council to transact its business and there needs to be appropriate safeguards for meetings to continue and decisions to be made even when the broadcast is interrupted or not possible due to technological issues and we welcome recognition of this in the Bill.

3.5 We welcome the principle of remote attendance, but have previously expressed our concern around the practicalities and potential abuses. We therefore welcome the increased flexibility offered which will allow us to agree our own standing orders in this area. More clarity is required in terms of the impact of technological problems impeding remote access to a meeting.

PART 4 – LOCAL AUTHORITY EXECUTIVES, MEMBERS, OFFICERS AND COMMITTEES

4.1 In relation to Group Leaders taking reasonable steps to ensure high standards of conduct – our members have raised the issue of non-aligned councillors.

4.2 We have previously stated that we are broadly supportive of a policing role for the Standards Committee however we have stated our concerns that Welsh Government should not be involved in operational concerns and should not dictate arrangements. All elected members have a duty to promote good standards and these are set out in the Member Code of Conduct. This should be consistent across public authorities and within the Welsh Assembly.

PART 5 – COLLABORATIVE WORKING BY PRINCIPAL COUNCILS

5.1 In our response to the 'Reforming Local Government – Resilient & Renewed (2017)' consultation, we expressed our concern in relation to the enforced removal of local choice and the mandatory introduction of regional working models. We highlighted the tension between potential economics of regional services and the potential accountability and engagement of local services, as well as the costs of establishment and the risks of regional working footprints being too large. We believe that government funding streams must continue to be directed local authorities.

5.2 We would welcome co-production of the Regulations relating to the establishment of Corporate Joint Committees (CJCs), in terms of specific functions, boundaries and governance arrangements, and support provisions which keep local government and local government requirements at the heart of regional working. We would caution against the stipulation that members of CJCs shall comprise the Leader of a constituent Council given that the portfolio in question may lie with another executive member of the Council who may be better placed to participate in the CJC. A stipulation that the membership comprise a member of the executive would provide greater flexibility particularly if more than one CJC emerges in an area. Regulations should provide for a substitute executive member to be able to attend meetings and for other executive members to be appointed to sub-committees of a CJC.

5.3 In our response to the Strengthening Local Government (2018) consultation, we also indicated that we would be keen to explore the opportunity to enter into joint

committees with other non-public bodies, who can currently only participate in advisory capacities.

PART 6 – PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS

6.1 The Authority has not previously supported Panel Assessments but is engaged in ongoing discussions to explore how they may be coordinated and delivered as effectively as possible.

6.2 We welcome the new role of Governance & Audit but caution against duplication with the scrutiny function.

6.3 We do not support proposed changes to membership – this undermines local democracy and as such the balance of membership should be left to local discretion. There is a concern over the ability to recruit lay members and there are cost implications for an increase in the remuneration for lay members, as well as for Panel Assessments.

PART 7 – MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

7.1 This authority is supportive of the option for voluntary mergers, and believes that this should come from the desire of residents rather than the council or external agencies.

PART 8 – LOCAL GOVERNMENT FINANCE

8.1 The authority is broadly supportive of the proposals outlined in the bill which relate to supply of information and power to inspect. These are linked to the NDR Revaluation which takes place in April 2021. These proposals link to the Rates Avoidance which was consulted on in 2018, there is further legislation needed to support rates avoidance which should be released in 2020, the initial proposals feed into the strategy for rates avoidance however without sight of the operational detail it is difficult to comment further on how these proposals would work in practice.