

# **Local Government and Elections (Wales) Bill**

Community Housing Cymru' response to the  
Equality, Local Government and Communities  
Committee Stage 1 public consultation



1. Community Housing Cymru (CHC) is pleased to respond to the Equality, Local Government and Communities Committee's Stage 1 public consultation on the Local Government and Elections (Wales) Bill. Our focus in this response is on Part 5 of the Bill: Collaborative working by principal councils.
2. Strong, effective partnerships between public bodies and their partners are a critical component of the shared response to solving the housing crisis. Many Housing Associations across Wales contribute to shared objectives through existing cross-sector partnership arrangements including Public Service Boards (PSBs), and Regional Partnership Boards (RPBs). Whilst originally not statutory members of RPBs, in 2019 the Welsh Government amended regulations to require Housing Associations input into these partnership structures, in recognition of the crucial role good quality homes play in contributing to the wellbeing outcomes of local populations.
3. In order to better understand Housing Associations experience of existing partnership arrangements, and so inform future plans under the Local Government and Elections (Wales) Bill, CHC surveyed our members in September 2019. Through this response we reflect on that feedback and consider how the general principles of the Local Government and Elections (Wales) Bill respond to or provide the opportunity for improving on existing partnerships. Our response focuses on three key themes raised by Housing Associations: transparency of decision making; engagement; and the interaction of existing partnership arrangements with CJsCs.
4. We broadly welcome the intention to give local authorities the powers to create CJsCs and seize opportunities to collaborate across boundaries on common challenges. Our concerns relate to the Bill's relative silence on arrangements for cross-sector collaboration and the potential adverse consequences.
5. The key points we raise in our response for the Committee's consideration are:
  - the limited provision for CJC accountability arrangements, which appears at odds with the Bill's commitment's to enhance access to and participation in local decision making



- the absence of requirements on the face of the Bill for collaboration with external bodies beyond local authorities when CJsCs are exercising their functions.
- the extent to which the establishment of CJsCs can support collaboration arrangements between public bodies and their partners, and how the Bill could be strengthened to provide reassurance in this respect.

### Transparency

6. When asked about their experiences of existing partnership arrangements, Housing Associations reported mixed experiences of the transparency of decision making. Whilst some reported sufficiently clarity, the majority felt that more work needs to be done to make clear which decisions are being taken by which body, and where accountability lies. The *Local Government and Elections (Wales) Bill: Statement of Policy Intent for Subordinate Legislation to be made under this Bill*<sup>1</sup>, November 2019, states: 'Provisions in this Bill will move councils further towards openness and increased transparency, more in keeping with modern life. Members of the public will be able to understand more about how councils function, how decisions are made and how they can get more involved in these processes'.
7. However, we note that whilst the Bill's provisions for the establishment of Corporate Joint Committees (CJsCs) offer assurance for how working arrangements between local authorities will be established, the Bill as drafted offers little reassurance on the accountability arrangements for CJsCs once they have been set up. This appears at odds with the Bill's commitment's to enhance access to and participation in local decision making, and seems a significant omission.
8. The functions of CJsCs as listed in Part 5, Chapter 4, section 79, have significant overlap with the interests and responsibilities of the RPBs in particular. We would welcome clarity on how it is anticipated that CJsCs will interact with and support collaboration between public bodies and their partners, to ensure these new structures do not hinder transparent decision making and efforts to collaborate on shared challenges.

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<sup>1</sup> Accessed 03/01/2020 at <http://senedd.assembly.wales/documents/s96017/Local%20Government%20and%20Elections%20Wales%20Bill%20Statement%20of%20Policy%20Intent.pdf>



## Engagement

9. Transparent working and decision making arrangements are a necessary condition for those outside CJsCs to effectively engage with and contribute to solving shared challenges. The Bill makes welcome commitments to engagement upon or ahead of the request to establish CJsCs, however this list appears to omit a number of bodies that have a significant contribution to make to one or more of the CJC functions, including:
- Housing Associations, who provide the significant majority of social housing in Wales. Housing Associations are grounded in local communities, providing local jobs and investing over a billion pounds every year, with 84p in the pound spent in Wales
  - Regional Skills Partnerships, who have a critical contribution to make to improving education and economic development in particular
  - Regional Partnership Boards, whose shared focus on enhancing well-being aligns entirely with the proposed four functions on CJsCs.
10. Beyond the establishment of CJsCs, the Bill makes little provision for external engagement with their ongoing work. The Explanatory Memorandum<sup>2</sup> for the Bill suggests: ‘There is an opportunity in the design of the regulations to provide for a wider membership of the CJC sub committees including other public service bodies or organisations. Such an approach might offer benefits in terms of the engagement of partners and the evolution of existing and future structures such as the City / Growth deals’.
11. It seems a significant omission to make no requirements on the face of the Bill for collaboration with external bodies when CJsCs are exercising their functions. This appears to undermine the significant efforts and progress that have been made in recent years to enhance collaboration across public bodies, supported by legislation, and we would welcome the Committee’s consideration of this point.

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<sup>2</sup> Accessed 03/01/2020 at: <https://www.assembly.wales/laid%20documents/pri-ld12877-em/pri-ld12877-em-e.pdf>



## Interaction of existing partnership arrangements with CJs

12. There appears to be little provision in the draft Bill to support or enhance collaborative working across public services to meet common objectives. This is in opposition to the determined focus on collaboration supported by legislation such as the Social Services and Well-being (Wales) Act (2014) and the Well-being of Future Generations (Wales) Act (2015).
13. In 2019, the Welsh Government amended The Partnership Arrangements and Population Assessments (Miscellaneous Amendments) (Wales) Regulations 2019<sup>3</sup> to make, amongst other things, housing representation statutory, including at least one housing representative from Local Authorities and at least one housing representative from RSLs. This was in recognition of the crucial role good quality homes play in contributing to the wellbeing outcomes of local populations.
14. Similarly, all four functions listed as the responsibility of CJs share the common feature that they are not challenges local authorities can solve alone, and will require strong partnership arrangements to deliver the benefits the Welsh Government is pursuing. As mentioned earlier, the functions of CJs as listed in Part 5, Chapter 4, section 79, have significant overlap with the responsibilities of the RPBs in particular, as well as PSBs. We would welcome the Equality, Local Government and Communities Committee's focused consideration of the extent to which the establishment of CJs can support collaboration arrangements across public bodies and their partners, and how the Bill could be strengthened to provide reassurance in this respect.
15. Thank you for your consideration of our response. We would be pleased to provide additional information if required. To discuss this response further please contact Rhea Stevens, Head of Policy and External Affairs, at [REDACTED]

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<sup>3</sup> Accessed 06/01/2020 at: <http://www.legislation.gov.uk/wsi/2019/760/made>