

Isle of Anglesey County Council response – Local Government and Elections Bill
Submission to Welsh Assembly Equality, Local Government and Communities
Committee.

The Council considers that any legislation in this area should be based on the overriding principle of local democracy - safeguarding local government and local accountability for delivery of services.

Part 1 Elections

1.0 Extending Franchise to 16-17 year olds

In its response to the White Paper – Reforming Local Government: Resilient and Renewed, the Council highlighted " Lowering of voting age to 16 is supported and would encourage greater numbers of young people to participate in democratic engagement-the number of young people voting remains low across the country."

It is suggested that national guidelines and a sufficient lead in time be agreed prior to implementation.

1.1 Extending the local government franchise to citizens from any country.

This change is supported in general and citizens living lawfully in Wales should have the right to vote subject to WG guidance.

1.2 Extending the Local Government franchise to prisoners.

Further consideration should be given to this aspect based on WG guidance /competencies in this area. Welsh government should discuss scope and practical implementation with Electoral administrators. The full implications of this proposal are needed before this is supported.

1.3 Two voting systems

The Council is of the view that there should be 1 voting system and that current arrangements continue. Past election results should be considered when two processes have run concurrently and level of void ballot papers.

1.4 Change of electoral cycle for principal councils from 4 to 5 years.

Again, this was supported by the Council in its 2017 submission on electoral

reform to ensure consistency with other election cycles. It is noted that other legislation will also need to be amended to reflect this change.

1.5 Qualification and Disqualification for election and being a member of a local authority.

With reference to proposals to amend disqualification provisions in Wales to include anyone subject to the notification requirements of, or an order under, the Sexual Offences Act – these changes are supported.

The WLGA has previously supported amending eligibility criteria for candidates at local government elections to allow a citizen of any Country to stand for election. This is generally supported by the Council but requires specific guidance from central government on eligibility criteria.

The Bill proposes changes allowing employees to stand for election in their own authority. Although the principle of encouraging greater participation in local elections is supported, there are certain potential risks with this and practical concerns. These include employee relations, governance and conflict of interest and general relationships with staff. Another aspect is that of notice period and practical considerations – no notice period proposed.

Such changes need further dialogue between local government and Welsh Assembly. Also, if these changes are implemented there will be a need to revise the statutory Code of Conduct and issue national guidelines. There will also be a need to address regulations on politically restricted posts.

1.6 Meeting expenditure of returning officers

The role of the Returning Officer is independent of the Council with significant additional workload and there are personal liabilities and risks. The Council considers that this should be a matter for local discretion, given associated personal liabilities in discharging role. If personal fees are no longer payable then will there need to be a review of Chief Executives remuneration?

2.0 Part 2 General Power of Competence

2.1 The Council welcomes the introduction of a general power of competence. This should allow for greater innovation, more emphasis on outcomes and more effective/responsive local government on a local level. Detailed work is required on this area to ensure greater flexibility and assurance to Councils. It is noted that this power already applies to England but with limited use due to complexity.

3.0 Part 3 Promoting Access to Local Government

3.1 The Council stated in its response to the Green Paper – June 2018:

‘Elected Members play a pivotal role in a healthy democracy and place shaping. The Council has previously stressed the importance of good governance and

local accountability. Clear guidance is required on expectations on Members to undertake duties and responsibilities including objective setting and annual personal development reviews.'

The Bill proposes a new participation duty on local authorities, although it is argued that this function is already discharged by Councils. The proposal to place statutory responsibilities on Councils to discharge duties over or on behalf of other autonomous 'connected' authorities such as community councils' will lead to blurred accountability and additional regulatory/resource burden. Public participation can only be encouraged and not imposed. The Council cannot be responsible for participation on behalf of other statutory bodies – it would undermine their role and accountability. The current drafting is too general and if implemented could potentially place additional responsibilities and costs on the Council – there are 40 Community Councils on Ynys Môn. This is not the case in some large urban authorities in Wales where there are only a small number of Community Councils.

Strategy on encouraging participation

Much of this is already in place – the Council has a public relations and engagement strategy. The Council operates an Engagement and Consultation Board with external membership including the 3rd Sector to oversee public engagement work as part of its governance arrangements. There are 12 co-opted members sitting on the Council's Scrutiny, Audit and Standards Committees, all of whom have been appointed through a competitive process. These are significant as a ratio of our 30 elected Members. The Council also actively engages with local stakeholders through place shaping and service transformation/use of technology. We also hold regular liaison meetings with Town and Community Councils.

Duty to make petition scheme

Proposals in the Bill to repeal community polls and introduce a duty to make a petition scheme are supported and would reduce costs on local authorities. However, detailed guidance on implementation is important and thresholds applied – consultation on national standards is important.

Duty on principal Councils to publish official addresses.

The duty allowing publication of contact details to be a general council address is supported and is an issue raised at the December 2019 meeting of the Council's Democratic Services Committee – some members have raised concerns about privacy and harassment.

Electronic broadcasts of meetings.

Since 2013, the Council has been webcasting meetings of the Council, Planning and Orders Committee and the Executive. Viewing figures vary depending on subject

matters of public interest. Current annual costs are circa 13K but there are also additional staffing costs of circa 2k per annum.

Whilst the Council supports webcasting as a means to promote greater transparency and openness, there are additional resource implications with the duty to extend broadcasts to all committees. These include adaptations to the Council's committee rooms where scrutiny is best held due to room layout (at present equipment is only in the Council Chamber). Additional costs for equipment/adaptations and staffing including translation are likely to be in excess of 20K per annum. Any additional costs on local authorities should be met centrally. Any procurement of systems should be done nationally and focus on a fully automated system – reducing the burden on staff support. A key consideration will be the importance of compliance with Welsh language requirements and translation.

The Council considers that the scope of broadcasting meetings should be a matter of local choice.

Conditions for remote attendance of members of local authorities.

The Council has previously highlighted that there are practical/technical and resources implications with remote attendance in relation to governance arrangements. This has previously been rejected by the Council and other issues raised including data protection i.e confidentiality when exempt items are being considered from a remote location which the Council cannot control/manage. This is particularly relevant with regard to commercially sensitive information or the direct or indirect identification of individuals under discussion. Members have also highlighted reliability of ICT networks to support remote attendance and funding of suitable Wi-Fi.

Any workable solution needs to be properly piloted and due regard given to supporting any such arrangements, not least the provision of a comprehensive translation service. The increased flexibility to determine arrangements in Council standing orders is welcome.

4.0 Part 4 Local Authority Executives, Members, Officers, and Committees

Broad principles supported including updating family absence provisions in line with those available for employees. Duty requiring group leaders to maintain high standards of conduct as is the role of Standards Committee. The Council supports the WLGA's position on the performance management of Chief Executives and the potential risks of Ministerial intervention in local relations. This requires detailed guidance for consultation.

5.0 Part 5 Collaborative working by Principal Councils

Powers to establish Corporate Joint Committees (CJC's) is subject to national debate between WLGA and Welsh Government. Allowing Welsh Government to mandate CJS's is not supported and the potential to extend to areas outside current proposed scoping areas need to be monitored closely – this could lead to confusion/disruption at the expense of focusing on delivering real change locally.

The track record of North Wales Councils working organically in promoting regional work needs to be acknowledged. These changes added to existing statutory requirements e.g Social Services Act and Future Generations Act place significant demands, as well as voluntary initiatives such as the Joint Planning Policy Committee with Gwynedd and the Regional Education Consortium (GwE), as well as the Regional Economic Ambition Board. This potentially would over centralise arrangements for strategic planning/key services and risk that local government/accountability is diluted. There would be unknown cost and additional logistical demands placed on Councillors /Officers. –this need to be addressed. The national debate should focus on these important governance issues. Local authorities should co- produce with Welsh Government regulations that are fit for purpose for defined services in question, and ensure that changes safeguard service delivery, local accountability and ensure value for money. The case to change/transfer any existing arrangements need be properly considered and benefits identified at the outset. Overall governance arrangements need to be debated.

Other considerations are highlighted namely funding issues and burden on Councils having to maintain key local services and additional regional arrangements. The Regulations around the operation of the proposed sub –committees will need full consideration. Guidance should address issues of governance including the need for statutory officers to support, access to information regulations, web-casting and remote attendance.

6.0 Performance and Governance of Principal Councils

A more streamlined performance framework is supported. Production of annual self-assessments has already been introduced in the Council as part of corporate performance management arrangements and is regarded as good governance/discipline.

However, proposals for Panel assessments is not supported and would tend to conflict with voluntary peer challenges – these are more flexible. More work is necessary in this area on practical arrangements around delivery of panel assessments.

Governance and Audit Committee

Re- naming as Governance and Audit Committee is supported. Changes to membership and additional lay members are not supported. If it becomes compulsory to appoint an independent Chair of the Committee, there are funding issues and guidance required from the IRP. This could impact on the regulations relating to number of senior salaries payable. Balance of membership should be a matter of local discretion and local democracy safeguarded. Ability to recruit lay

members could potentially be a challenge for some areas and there are cost implications.

7.0 Mergers and Restructuring of Principal Areas.

The Council stated in its response to the Green Paper -2018:

'The Council has previously highlighted the importance of maintaining the status quo in terms of structures to safeguard local accountability and that service delivery should focus on meeting the needs of local communities. (Response to 2017 White paper). The Council has also highlighted and acknowledged the benefits of delivering some services regionally as in the case of North Wales, and that these collaborative models provide a basis for greater resilience, subject to refinement and better use of cross sector resources and local accountability. Service delivery needs to be a right balance between the benefits of what is delivered locally and regionally, shaped by democratic representation on a local level by those elected to serve their communities.'

The concept of voluntary merger is supported and is a matter of local political discretion for authorities based on a sound business case and wishes of local residents. The costs of restructuring Councils is significant, and since 1996 there are still annual financial commitments for this authority arising from pension contributions. This is effectively a commitment for a generation.

8.0 Part 8 and 9 Finance and Miscellaneous Reforms

The proposed changes are in the majority, technical changes and bring the powers relating to Non Domestic Rates in line with powers that Councils already have in respect of the collection of Council Tax or that the Valuation Office currently have. These changes are supported by the Council.

The changes also take away the power of Councils to seek committal of taxpayers who fail to pay Council Tax due. The change is currently covered by Regulations that were applicable from 1 April 2019. These powers were used sparingly by Anglesey and only in cases where the taxpayer had the means to pay but chose not to pay and the Council had exhausted all other recovery options. It is unfortunate that these powers have been taken away and have not been replaced with any additional powers to strengthen the Council's position in dealing with this small group of non-payers, where all other recovery means have been exhausted or cannot be used.

