

LG 56

Bil Llywodraeth Leol ac Etholiadau (Cymru)

Local Government and Elections (Wales) Bill

Ymateb gan: Cyngor Sir Ddinbych

Response from: Denbighshire County Council

The following response has been prepared on behalf of the members of Denbighshire County Council for consideration by the Equalities, Local Government and Communities Committee as part of Stage 1 of the Assembly's procedure for considering Public Bills.

The Council's members made a number of general observations regarding the provisions of the Bill. Firstly, members were concerned that it was not possible to reach definite conclusions on many aspects of the Bill, in particular those matters which are to be the subject of subsequent regulation, without having any knowledge of, or consultation in respect of, the contents of such regulations.

Members were also concerned as to the resource implications for local authorities as a consequence of many of the proposals contained within the Bill and would seek assurance from the Government that any additional burdens placed on local government would be adequately and appropriately funded.

Part 1 - Elections

The members of the Council have mixed views regarding the extension of the franchise to 16 and 17 year olds. Members wanted further information as to the duty to raise awareness of electoral registration among 14-18 year olds and the role of schools in this function.

Members raised no objection to the extension of the franchise to qualifying foreign citizens.

Members had mixed views on the merits of alternative voting systems. Members did however express the view that the voting system should be consistent across Wales and had concerns as to the potential confusion created for voters in having different voting systems in use for principal and community councils at the same election.

Members also expressed concern at the suggestion that under the alternative voting system wards should have a minimum of three and a maximum of six councillors. Members were concerned that this would lead to a lack of accountability with most members in favour of single member wards wherever possible, a view shared and expressed by the Local Democracy and Boundary Commission in the conduct of their recent review of the Council's electoral arrangements.

Members welcomed the introduction of five year terms which reflects the actual terms served in this and the previous council cycle.

Members were largely against the proposal for employees to be able to stand for election to the Council that employed them. While some members appreciated that the removal of the current disqualification would enable a wider pool of potential candidates, others were concerned as to the potential for difficult relationships to exist between unsuccessful employee candidates and the elected member. They also considered concerns regarding the perception of a lack of impartiality on the part of unsuccessful candidate employees in contradiction of the obligation of the employee code of conduct.

Members were of the view that the introduction of an all wales electronic database for electoral registration purposes would need to be sufficiently resourced to facilitate its delivery and ongoing maintenance.

Part 2 – General Power of Competence

While generally supportive of a general power of competence for principal councils, members were concerned that, as currently drafted, the power would be the subject of so many restrictions and limitations that local authorities would be reluctant to rely on it without the comfort of an alternative already existing power. This would reflect the practice in England following the introduction of a similarly worded power. Members considered that the Bill could be bolder and create a less restrictive general power of competence which would encourage greater innovation.

Members considered that for many city, town and community councils the general power would be irrelevant given their size and lack of resources. In particular members were concerned that the requirement for professionally qualified clerks could create problems for local councils with many already experiencing difficulties with clerk recruitment and retention.

Part 3 – Promoting Access to Local Government

The Council is concerned that the duty to prepare publish and consult upon a strategy for participation in each electoral cycle is an added administrative burden. The Council already encourages public participation in its processes but cannot impose participation upon the public.

Members were concerned that the Bill seeks to impose such a duty on principal councils in respect of the processes of other sovereign bodies such as community councils and national parks. Surely these bodies should be responsible for encouraging participation in their processes in a manner that is suitable for them. Members also noted that while the Bill proposes a duty upon principal councils to develop a strategy, there is no corresponding duty proposed to require those bodies to comply with such a strategy.

Members welcomed the fact that council addresses rather than home addresses could be used for members of the council given the current political climate.

Members were not opposed to the requirement for an ordinary language guide to the constitution to be prepared but were of the view that such a document should be produced once, for all authorities, in order to reduce the administrative and financial burden of its production and translation.

The Council already broadcasts all meetings of Cabinet, Full council and Planning Committee and some Scrutiny Committee meetings. The requirement to broadcast all meetings as proposed by the Bill will create a significant additional financial burden on the Council. The Council currently only has the requisite equipment to broadcast from one meeting room which is used for other purposes, e.g. Coroner Inquests. In addition, the way in which the system is licensed would require the Council to purchase a significant increase in licensed

hours of broadcast. Significant expenditure will be incurred in either purchasing additional broadcast equipment for other locations or in the provision of alternative courtroom facilities for the Coroner. There is also an increased burden in respect of the staffing required for webcast meetings. Staff are required to spend more time setting up each meeting in order to test the equipment and the system requires two committee staff instead of one to attend each meeting.

While the Council accepts the merits of broadcasting all meetings, the current assessment of potential additional cost in the documentation accompanying the bill is woefully inadequate. Any additional burden imposed by the proposal should be met in full by government.

The Council agrees with the principle of remote attendance and its potential to allow members to juggle their council duties with other responsibilities. The Council is however concerned as to some of the practical implications of remote attendance. These include the potential for Part II proceedings to be compromised by means of remote attendance, the potential intimidation of councillors remotely attending and the frailty of the technological solutions, particularly in rural areas where mobile and broadband coverage is not sufficiently secure and consistent to enable this activity. There would also need to be provision in the Bill to ensure that the validity of proceedings was not impacted by loss of connection on the part of those attending remotely.

It is not clear what technological solution would be available for large numbers of members to remotely attend meetings while still complying with the webcast requirement for members of the public to be able to see and hear proceedings via broadcast. It is anticipated that the technical challenge and costs will be high.

Members expressed concerns regarding the proposals for public participation in the proceedings of community councils. Many community councils have in their standing orders a facility for members of the public to participate, e.g. asking questions at the beginning of a meeting. This proposal appears unnecessary and has the potential to create, for some councils, difficulties in the orderly conduct of their meetings if members of the public can take part in every item of business.

Some members were concerned that, for very small councils, the requirement to produce an annual report may be an additional burden on already scarce resources in terms of clerks.

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

The Council understands the development opportunity for some members by becoming assistants to the executive. The Council is concerned that there would be practical difficulties in having several assistants given that they would be precluded from participating in the scrutiny function of the Council. This would place increased pressure on other non-executive members in the filling of seats and compliance with political balance rules on scrutiny committees. Some members felt that consideration should be given to the remuneration of assistants.

The Council recognises the potential of cabinet job shares to enable some members to take on a cabinet role who would otherwise not be able to fulfil the time commitment of a Cabinet position. It was also considered by some members that with the increase in regional bodies attended by cabinet members, job shares may be necessary to cover the increased workload. Similar concerns to those expressed in respect of the impact of assistants to the executive on scrutiny were raised by members. Members were also unsure as to how a single vote could be cast where the job sharing cabinet members were in disagreement on an issue.

Members were also concerned that Welsh Ministers should not by guidance seek to interfere in the composition of cabinets which should properly be appointed by Leaders taking into account the local political circumstances of their authorities.

Members did not feel able to comment on the proposed regulations relating to political groups given the lack of information but expressed some concern that Welsh Ministers should feel it necessary to impose further regulation in respect of the formation of their groups.

No specific concerns were raised regarding the proposals relating to a duty on group leaders to promote and maintain high standards of conduct.

Members were opposed to the proposal that Welsh Ministers should be able to direct local authorities to have joint scrutiny committees. Members felt that scrutiny arrangements are a matter for local determination. Local authorities already have the power to create joint scrutiny committees and Denbighshire County Council has done so. There is no need for Welsh Ministers to interfere in these local arrangements.

Part 5 – Collaborative Working by Principal Councils

The Council does not oppose Corporate Joint Committees in principle provided that they are to be created only as a result of a request being made by the constituent local authorities because they believe that this model is the most appropriate way to deliver the function in question. The council is totally opposed to the creation of Corporate Joint Committees by Welsh Ministers where no request has been made by local authorities. The proposal that Welsh Ministers should be able to do so is mandation and the Council considers this to be unacceptable.

Members also expressed concern that Corporate Joint Committees would be less accountable to local residents than Councils. The lack of information regarding the content of regulations in respect of voting rights, funding, delegation and the transfer of staff, property and liabilities made it difficult for members to make more detailed comment.

The proposals do not appear to solve the issue of non-local authority partners being able to take a full and equal role on corporate joint committees, e.g. universities and colleges. Currently such partners may only participate in joint committees as non-voting advisers and the proposals as drafted do little to change this.

Part 6 - Performance and Governance of Principal Councils

The Council is broadly supportive of the repeal of Part 1 Local Government (Wales) Measure 2009 insofar as it applies to principal councils. The council considers the proposal for a system of self-assessment to be welcome. The Council similarly believes that a system of peer/panel assessment once in each cycle could be made to work provided that there is sufficient local discretion as to the composition of the Panel. The Council is however concerned that the level of prescription in respect of consultation and procedural issues to is burdensome and disproportionate to the benefit to be achieved.

The Council is of the view that the reporting requirements should not be over prescriptive and complex but should, rather, be fundamentally based on the requirements of the Well-Being of Future Generations legislation and the Annual Governance Statement.

The Council is opposed to the proposals relating to the composition of Corporate Governance and Audit Committees. Denbighshire's audit committee is already called Corporate Governance and Audit Committee. The Council values the input and fresh perspective of the lay member of its committee. The Council believes that decisions as to how many lay members sit on a committee and the appointment of the Chair should be a matter for local determination.

Part 7 - Mergers and Restructuring of Principal Areas

The Council is not opposed to the principle of voluntary mergers.

Members were concerned that an abolition request from a local authority, however unlikely, could result in the restructuring of other local authorities without their consent in circumstances where there are no performance or other issues in those authorities. Members were unanimous in their opposition to any form of enforced merger proposals