



## **DEMOCRATIC SERVICES COMMITTEE REPORT**

Date Written	21 <sup>st</sup> January 2016
Report Author	Ann Taylor
Service Area	Democratic Services
Committee Date	1st February 2016

*To: Chair, Ladies and Gentlemen*

## **LOCAL GOVERNMENT (WALES) BILL**

### **1.0 SUMMARY OF THE REPORT**

1.1 This report provides the Committee with an up to date feedback from the Members Services Network Team in relation to the Local Government (Wales) Bill which was published for consultation on the 24<sup>th</sup> November 2015.

### **2.0 RECOMMENDATION that:**

2.1 Committee notes the contents of the report.

2.2 Updates be brought back to a future meeting when required.

### **3.0 INTRODUCTION AND BACKGROUND**

3.1 The Local Government (Wales) Bill No. 2 and accompanying consultation paper was published for consultation on the 24<sup>th</sup> November 2015.

### **4.0 UPDATE ON THE LOCAL GOVERNMENT (WALES) BILL**

4.1 A Members' Services Network Meeting was held on the 7<sup>th</sup> December 2015 at Llandrindod Wells. Frank Cuthbert, Head of Scrutiny, Democracy and Participation Team at the Welsh Government attended the meeting to update the Members on the Local Government (Wales) Bill giving an overview on progress and outlining the proposals.

- 4.2. A short summary of the areas discussed in the meeting is detailed below together with the Network responses (highlighted in bold and italics):

Context:

- There will be no directions to the Boundary Commission until after the Assembly Elections.
- The Draft Bill (2) will be introduced under a new administration. Therefore, if there is a Bill after May 2016 it could differ significantly from what has been proposed. Even if the Bill remained as it is, most of the provisions are unlikely to come into effect until 2019.
- The consultation document includes material not included in the Draft Bill.

Key points:

- Community Area Committees as defined by Public Service Boards should be regarded as Council area committees with community and town councillors and lay people in membership.

***(Network Response):***

***How will these be scrutinised? This increased level of bureaucracy and pressure on time may mean that councillors would refuse to sit on committees, how will these committees fit with Community and Town councils? The overall structure of governance in Wales is currently unclear.***

- Awaiting Guidance from Welsh Government on how many meetings should be webcast.
- Easy to understand guides to the constitution are required.

***(Network Response):***

***Clearly these will need to fit with the new model constitution.***

- Performance duties on members – surgeries, training attendance, response to correspondence and annual reports. If in breach of the performance duties, members would be disciplined as if the Code of Conduct had been breached. Complaints would be considered by the Chair of Standards.

***(Network Response):***

***Welsh Government should provide guidance on what constitutes a reasonable excuse for non-compliance. Who would be expected to enforce the requirements?***

- The policy intention of the review of Community Councils is to produce fewer larger Community and Town Councils.
- Arrangements for Remote Attendance will be required, however councils will have more freedom in how to provide it.

- Lord Mayors - more clarity required on their roles and relationship with Presiding Officer. Also need to be reviewed in the light of the new Council areas.
- Co-optees to be granted voting rights. Co-optees would have to be paid an allowance if this was enacted - unless the IRP make a different provision.
- Executive arrangements (in consultation paper but not in Bill) - need to be clarified.
- Councils can determine mandatory training for members of county councils and a duty to consider and provide training of members in community and town councils.

***(Network Response):***

***Will Welsh Government be specifying what is mandatory?***

***The 2011 Measure set out a range of possible topics for training and suggested that planning and licensing should be considered essential. Will Welsh Government explain further?***

- ***(Network Response):***

***The level of prescription in the Bill may lead to fewer people standing for office.***

## 5.0 FINANCIAL IMPLICATION(S)

5.1 There are no financial implications to the Authority from this report.

**GARETH CHAPMAN  
CHIEF EXECUTIVE**

**COUNCILLOR PHIL WILLIAMS  
CABINET MEMBER GOVERNANCE AND  
CORPORATE SERVICES**

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
Local Government (Wales) Bill	November 2015	Welsh Government Website
Members Services Support Network	December 2015	Democratic Services
<b>Does the report contain any issue that may impact the Council's Constitution?</b>		<b>No</b>