

Report To: County Council

Date of Meeting: 26th January 2016

Lead Member / Officer: Councillor Hugh Evans/Gary Williams

Report Author: Gary Williams

Title: Draft Local Government (Wales) Bill

1. What is the report about?

1.1 The report is about the consultation exercise being conducted by Welsh Government on the provisions of the Draft Local Government (Wales) Bill (“the Draft Bill”).

2. What is the reason for making this report?

2.1 The reason for making the report is to determine Council’s response to the consultation exercise.

3. What are the Recommendations?

3.1 That Council notes the contents of the Draft Bill and considers the draft consultation response set out in Appendix 3.

3.2 That Council authorises the Leader in consultation with Group Leaders to finalise the terms of the Council’s response taking into account the views expressed by Council.

4. Report details.

4.1 Members will recall, in 2015, providing a consultation response to the White Paper entitled “Reforming Local Government – Power to Local People (“the White Paper”). The Welsh Government has, since then, enacted the Local Government (Wales) Act 2015 which makes provision for voluntary mergers of local authorities, transition committees, the review of electoral arrangements for new authorities and restraints on transactions and recruitment by merging authorities.

4.2 The Draft Bill makes proposals for the future merger of local authorities in Wales and seeks views on those proposals. The Draft Bill, however, contains much more than proposals for merger. The merger proposals are set out in Part 1 of the Draft Bill. There are 8 parts to the Draft Bill and Parts 2-8, if enacted as a standalone piece of legislation, would see the most substantial local government reforms in Wales since the Local Government Act 2000. It is therefore important that Members consider the implications of these provisions

in at least as much depth as the proposals for mergers. It is also important that the response considers the timing of some proposals and whether they should be deferred until the creation of the new councils.

4.3 Members have attached to this report the following appendices:

Appendix 1 Summary of the main provisions of the Draft Bill
Appendix 2 Consultation Document
Appendix 3 Draft consultation response
Appendix 4 Draft Local Government Wales Bill
Appendix 5 Draft Explanatory Memorandum

4.4 The Draft Bill is structured in 8 parts as follows:

Part 1 Local Government Areas and County Councils
Part 2 General Power of Competence
Part 3 Promoting Access to Local Government
Part 4 Functions of County Councils and their Members
Part 5 County Councils: Improvement of Governance
Part 6 Community Councils
Part 7 Workforce Matters
Part 8 General and Schedules

4.5 It is important to note that in producing the Draft Bill, the Welsh Government has taken into account many of the concerns expressed by Councils during the White Paper consultation. Some of the controversial proposals such as term limits for Councillors, phased elections and review of members' remuneration, do not appear in the Draft Bill. It is suggested that the Council's response to the Draft Bill should welcome the removal of proposals contained in the White Paper that it had previously criticised.

4.6 There are however a number of proposals with which the Council did not agree when they were first consulted upon in the White Paper that remain in the Draft Bill. Where such proposals appear, the draft response is based upon that which was agreed in response to the White Paper.

4.7 Where the Draft Bill contains proposals which have been substantially altered from those in the White Paper a draft response has been prepared by officers for consideration by Members.

4.8 The consultation document also contains questions relating to issues which are not included in this Draft Bill but are issues that the Welsh Government are seeking views upon prior to giving them further consideration, some of which may appear in the final Bill placed before the National Assembly.

4.9 It is suggested that Council debates the contents of the draft response and authorises the Leader in consultation with Group Leaders to finalise the terms of the Council's response.

5. How does the decision contribute to the Corporate Priorities?

5.1 The decision does not impact directly on corporate priorities.

6. What will it cost and how will it affect other services?

6.1 Responding to the consultation will not incur any additional costs.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 There is no requirement for an assessment.

8. What consultations have been carried out with Scrutiny and others?

8.1 There have been no consultations with Scrutiny in respect of this consultation response, however, the Council's response to the White Paper was the subject of consideration by Chairs and Vice Chairs of Scrutiny, Corporate Governance Committee and Democratic Services Committee. The Draft Bill will be considered by Democratic Services Committee on 22nd January insofar as it relates to the terms of reference of that Committee and the Committee's views will be relayed to Council.

9. Chief Finance Officer Statement

9.1 There are no additional costs associated with the consultation process. There are a wide range of financial and other possible implications that are discussed in the response to the consultation document.

10. What risks are there and is there anything we can do to reduce them?

10.1 The risks of not responding to the consultation is that the Council's view will not be taken into account when the Welsh Government finalises the provisions of the Bill to be put before the National Assembly for Wales.

11. Power to make the Decision

11.1 Section 111 Local Government Act 1972.