

Draft Local Government (Wales) Bill Consultation Response

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

The Council's comments on Part 1 are set out in the responses below.

Question 1.2: What are your views on the options for 2 or 3 Counties in North Wales, as set out in Schedule 1 to the Draft Bill?

If mergers of local authorities are to proceed then the Council's view is that Denbighshire County Council should merge with Conwy County Borough Council. The Council had prepared a joint submission with Conwy in 2014, which set out the argument for a voluntary merger in detail. As far as we are aware no other pair or group of authorities, consistent with the proposed maps, have produced the detailed argument for merger that our two authorities have. The Council's position on this hasn't changed and we present no further arguments.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

The Council's position regarding its preferred option for North Wales is set out in the response to 1.2 above. The Council does not have a strong view about the rest of Wales, other than an argument about proportionality: the six councils in North Wales is currently between a third and a quarter of all councils. The Council would not support a model that worsened the current ratio.

Question 1.4: Do the Welsh Ministers need to seek any further powers to support the integration of Powys Teaching Health Board and Powys County Council?

The Council has no comment to make on this point.

Question 1.5: What are your views on the procedure for naming the new Counties?

It would appear appropriate that the Shadow Authorities determine the names of the new authorities

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

The proposed changes to the election timetable appear to be sensible.

Question 1.7: Do you have any general comments on the provisions in section 16 and Schedule 3 of the Draft Bill relating to Local Government finance?

The Council has no comment to make.

Question 1.8: How could the Welsh Government measure the current level of avoidance of Non-Domestic Rates?

Avoidance is notoriously difficult to quantify. The values attached to such things are by definition hypothetical and will be based on a study in one area and results extrapolated. In other areas such as Housing Benefit fraud when actual instances were compared to studies, the results were much lower. The Council would be wary of introducing an overly bureaucratic and therefore costly administration process to address a problem that may or may not be significant. At the very least it considers that a Welsh (urban and rural) study or research project be commissioned to inform whether this may be an issue.

Question 1.9: Do you have any comments or suggestions on how future legislation could help to reduce instances of avoidance of Non-Domestic Rates?

The Council has no additional comment to make.

Question 1.10: In what other ways could the Welsh Government enable Local Government to reduce the level of avoidance and fraud within the Non-Domestic Rates system?

It could be that something as simple as designing forms to make positive responses mandatory (the example of having 'zero' as a response rather than leaving a box blank on returns etc.) would limit potential avoidance.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the Counties in existence after 1 April 2020?

This would appear to be a sensible proposal ensuring a consistent geographical area for all civic and administrative purposes.

Question 1.12: Are there other matters of a technical nature which should also be considered?

The Council has no comment to make.

PART 2

Question 2.1: Do you have any comments on any of the provisions in Part 2 of the Draft Bill?

The Council welcomes the introduction of the general power of competence. This power should not, however, be regarded as a panacea. The Draft Bill places constraints on the use of this power in that it will not allow Local Authorities to do

anything which they are currently prohibited from doing by existing or future legislation. There are already many such prohibitions and restrictions. Local Authorities will also be constrained by the public law principles which apply to the exercise of any of their functions. The Council does not see the need for any further constraint and encourages Welsh Ministers to use their powers to make regulations in respect of the exercise of the general power in such a way that they reduce rather than increase the barriers to its use.

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

The Council welcomes the removal of the requirement for County Councils to monitor the competence of Community Councils and the £200k turnover test.

The test of competence set out in the Draft Bill would appear relatively meaningless for the following reasons.

The Community Council only has to meet the requirement at a given snapshot in time. It may then continue to exercise the power in respect of new activity, even though it is no longer “competent”, for up to five years.

In respect of activity undertaken whilst it was “competent”, (which includes any period within the five years that it did not meet the competency requirement) a Community Council may continue to exercise the power for what appears to be an indefinite period.

The Council’s comments are similar to those made in response to the White Paper. It would seem sensible to create Community Councils of an appropriate size, impose minimum governance standards and then grant the same powers and responsibilities to them all.

The Council previously commented that the requirement to have a Clerk with a relevant professional qualification could impose a significant financial burden on some Community Councils given the level of salary that may be needed to attract and retain such staff. In the absence of any detail as to the exact nature of the required qualification it is difficult to comment further. One question that arises is what will be the position of existing Clerks who do not meet this requirement? If this is to be introduced then it would seem sensible that it be implemented after the review of Community Councils has taken place.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

The Council is very concerned about the bureaucratic burden that will be imposed on Councils by the establishment of Community Area Committees as proposed in the Draft Bill. In particular the requirement that these be full public committees under the terms of the Local Government Act 1972 with all of the consequential costs of

servicing and support that this entails. If these committees are to be truly connected to their local areas it is assumed that their meetings will take place in those areas. If they are also to be subject to the requirement to be broadcast live then there will be additional capital costs of installing the necessary equipment in additional buildings as well as the revenue costs of additional capacity, as suppliers price webcasting services on the amount of hours broadcast.

The potential for these committees to appoint sub-committees and the requirement for various consultation exercises on behalf of each committee will only increase the burden of support placed on Councils.

The prescriptive nature of proposals for these committees seems to be a departure from the intention stated in the White Paper that Councils would be able to design their own system of community led governance.

There is also concern that unelected representatives will have the ability to vote on what may include functions of the county council that have been delegated to them.

The Council agrees that a constitution guide be produced as proposed.

The Council already publishes on its website contact details including electronic and postal addresses for its elected members and agrees that an official address be provided as proposed.

Question 3.2: Do you have any comments on the proposed public participation duty and the requirement to consult on the annual budget?

The Council is in favour of increasing awareness and public participation in the work of the Council as proposed. The Council is concerned that the arrangements for the preparation of a strategy and any guidance issued by the Welsh Ministers are not too prescriptive and retain flexibility for Councils to make arrangements appropriate to their individual areas and circumstances.

The Council would make similar comments on the proposal to require consultation in respect of the budget.

The Council does not see why Councils should bear the burden of creating strategies for the increased participation of local people in the processes of other public bodies which have their own resources.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

It would seem appropriate that if councils have to publish a policy statement setting out how it proposes to exercise its functions in this regard that local discretion is maintained. It would seem sensible that the process of appointment should be similar to the arrangements that are in place for appointing independent members of the Standards Committee, involving some form of notice or advertisement to relevant bodies and the appointment of a panel to implement a selection process.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Whether or not a function should be delegated must be the decision of each Council. It is noted with concern that s57 grants Welsh Ministers the power to make regulations to require or restrict the delegation of functions.

It is also noted that the Draft Bill proposes that executive functions be delegated under s14 or 15 of the Local Government Act 2000. These provisions allow the allocation of executive functions to the executive, members of the executive, a committee of the executive or an officer of the authority. Are area committees to be committees of the executive? If so, they can only consist of members of the executive. How does this allow all members for wards within the area and representatives of community bodies to be members of the committee?

Who will scrutinise the exercise of delegated functions by these committees?

Question 3.5: Do you have any views on whether transitional arrangements need to be put in place for existing area committees, or is a good lead-in time sufficient?

The Council's view is that this is a provision which should come into force for the new councils envisaged by Part 1 of the Draft Bill and not for existing Councils. The capacity required following the elections in 2017 to run the existing authorities whilst also supporting transition to the new Shadow Authorities in 2019 will not allow sufficient capacity to set up these area committees and support them properly. The new councils will be able to set up these committees.

Question 3.6: Do you have any comments on the revised provisions for 'improvement requests' or on the interaction between these provisions and those relating to the public participation duty (Part 3, Chapter 2) and community area committees (Part 3, Chapter 3)?

In its response to the White Paper, the Council stated that it would be pleased to receive serious requests from serious bodies in respect of the development and delivery of services. The proposals as drafted appear to include safeguards against repeated vexatious and frivolous requests. The requirement to publish reports of the outcome of discussions, the creation and publication of annual reports and a specific complaints system appear to be overly onerous.

As a general point it does appear that this Part of the Draft Bill is a little "crowded" and creates a large resource implication for Councils as set out above.

It may also be confusing to the public to the extent that they are put off from participating because there are a number of competing demands on their attention that could cause consultation fatigue.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

The Council would expect that it should be able to make provision in its standing orders for the manner in which meetings conducted for the purpose of the Leader answering questions from the public be regulated.

The Council is unaware of any corresponding statutory requirement for Welsh Ministers.

This Council already broadcasts meetings of Council and Planning Committee both of which meetings take place in the same location where appropriate equipment is installed. The Council does hold other meetings such as scrutiny in other areas of the authority from time to time, depending on the subject matter being discussed, in order to make it easier for local people to attend. The Council is concerned that a requirement to broadcast all of its public meetings will either incur significant extra capital cost for equipment to be installed in several buildings, or that some of its meetings will be more remote from local people, who may wish to attend in person, than would otherwise be the case. This is especially the case when considering Community Area Committees. There is also an additional revenue cost of broadcasting additional hours of content.

The Council does not see why the Welsh Ministers may wish to make provision for members of the public to film meetings when they are already being broadcast by the Council. The Council is also concerned as to the extent of the facilities that it may be obliged to provide to persons wishing to do this, and is unclear as to the provision relating to live oral commentary.

Allowing the public a right to speak on all matters being discussed at meetings of Community Councils may be problematic for some Community Councils who may not have the resources to manage this. There are some Community Councils where individuals within the community would monopolise and cause difficulties at such meetings.

With regards to the additional matters upon which views are sought under this part of the consultation document, the Council agrees that County Councils should have a website. The Council notes that these are already in place. It is difficult to imagine the circumstances in which a County Council would not have a website and it seems that this is legislation that is being introduced to solve a problem that does not exist.

The Council agrees with the suggestion that Councils should be able to send out notices of meetings by electronic means alone.

It is agreed that it is sensible to repeal legislation prohibiting Community Councils from meeting in licensed premises as explained in the consultation document. It seems somewhat patronising to require Community Councils to adopt standing orders prohibiting the consumption of alcohol during meetings. There is no similar provision for County Councils or the National Assembly.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

The Council agrees that the proposal for Youth Councils should not be included in the Draft Bill and that participation by young people and children should be incorporated under the public participation duty.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

The Council wishes to comment on a number of matters included in this Part.

Chapters 2, 3 and 4 - Performance duties and the breach thereof

In its response to the White Paper, the Council confirmed that Members have previously expressed frustration at the lack of a statutory requirement to attend committees more frequently than the statutory minimum threshold for disqualification contained within the Local Government Act 1972, and notes that there is no proposal for this to be changed.

Members support an increased focus on attendance although there is no definition of what a good reason for non-attendance might be.

Members of this Council have agreed a programme of compulsory training, however, they did not agree any sanction for failure to attend. The Council welcomes the fact that Councils will determine what training is compulsory. Again there is no definition or suggestion given as to what would amount to a good reason. There is a potential resource implication depending on the frequency with which training must be repeated in order to give Members an opportunity to avoid non-attendance due to other commitments.

Members do not agree with the requirement to hold surgeries or to complete annual reports. Members believe that it is up to them to communicate with their constituents in the manner that they and their constituents consider best and not to have any particular method dictated to them.

The proposals that any person may complain about a breach of these duties and that these complaints be investigated by the Monitoring Officer has the potential to substantially increase the workload of Monitoring Officers and Standards Committees and lead to a large number of vexatious, frivolous and politically motivated complaints particularly in the run up to election periods.

On a more general point, it is of concern that the Draft Bill appears to be creating a separate standards regime outside of the provisions of the Code of Conduct. The provisions in the Draft Bill give Standards Committees the same powers of sanction that currently exist for breaches of the Code of Conduct. The Draft Bill provides for

regulations to be made about the procedure for investigations and hearings in respect of complaints. Regulations already exist in respect of complaints under the Code of Conduct. Is there to be a duplicate process?

There is the potential for duplication of effort in investigation and reporting to Standards Committees. If a complaint is made to the Monitoring Officer or to the Ombudsman about a Member, which contains an allegation that refers to a potential breach of the duties in the Draft Bill and a breach of the Code of Conduct, are there to be two investigations and reports to the Standards Committee? If not, who is to conduct the investigation and make the report?

Would it not be more sensible to amend the current model Code of Conduct to contain the duties that the Draft Bill proposes rather than create an additional system of complaint, investigation and hearing?

Chapter 5

Objectives to be met by Council Executive

The Council agrees that the Leader should set objectives for Cabinet Members. This is the practice in this Council.

Manifestos: Election of Leader

In its response to the White Paper the Council agreed that candidates for the position of Leader should set out their values and priorities and present this to Council before their election. The Council also confirmed that it currently follows this practice.

Assistants to the Executive

In its response to the White Paper the Council agreed that there should be an opportunity for Councillors who wished to gain experience to assist them in becoming Cabinet or Executive members in their own right. The proposals in the Draft Bill, rightly prevent such Members from being members of Scrutiny Committees, and restrict their appointment to Democratic Services Committee and Corporate Governance Committee. In order for this system to work, there have to be sufficient numbers of Members left available to perform the important task of scrutinising and holding the Cabinet/Executive to account. For smaller existing authorities this would be impractical and it is suggested that this proposal's implementation be deferred until the new authorities come into existence.

Chapter 6

Appointment etc. of certain Chief Officers

The Council agrees that there should be generic duties for all Chief Executives and that these should include the functions of the Head of Paid Service.

The Council agrees with the setting of objectives for Chief Executives, but believes, as stated in its White Paper response, that the setting of objectives and performance

appraisal of the Chief Executive is conducted by a politically balanced panel of Members and is not the preserve of the Leader. This is the practice in this Council as the Chief Executive is accountable to the whole Council and not just the Leader.

There are certain employment law and personal data safeguards to be considered before deciding to make what is effectively a performance appraisal of the Chief Executive public.

The Council agrees that the Head of Democratic Services should be a Chief Officer and that the bar on the Monitoring Officer being designated as such be removed.

Chapter 7

The Council agrees that the question of whether or not the right to vote is extended to those co-opted members of scrutiny who do not currently have it should be determined locally by each Council. The Council considers that regulations to set minimum and maximum numbers of co-opted members is overly prescriptive and that such questions should be determined locally by each Council.

The Council also considers that a power for Welsh Ministers to make regulations setting out circumstances in which Councils must have joint scrutiny committees is overly prescriptive.

The Council agrees that Standards Committees should make an annual report to Council. The Standards Committee of this Council does so.

Question 4.2: Do you have any comments on the proposed duty on leaders of political groups or the monitoring and reporting roles of the Standards Committee?

The Council agrees with a general duty for Group Leaders to take reasonable steps to promote good conduct amongst members of their group and co-operate with the Standards Committee. It should be noted that all Members are individually responsible under the Code of Conduct for their own actions and that a Group Leader can do no more than take reasonable steps to promote good conduct.

s98(3) suggests that Welsh Ministers will make regulations about the circumstances in which Members are to be treated as constituting a political group and in which a Member is treated as being a Group Leader. Regulations already exist in the form of the Local Authorities (Committees and Political Groups) Regulations 1990. Are these to be repealed, and, if so, what are the proposals for the new arrangements?

Question 4.3: Do you have any comments on our proposals in relation to the delegation of functions by Local Authorities?

The Council agrees with the proposal that Part 2 Deregulation and Contracting Out Act 1994 be repealed and replaced with a regime that will allow for the delegation of Council functions to third parties.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

The Council is concerned that the Independent Remuneration Panel for Wales which was set up to provide an independent and objective approach to the question of member remuneration is increasingly perceived as losing its independence and objectivity given the recent draft report which appeared to make findings inconsistent with previous reports and to have made recommendations in response to a ministerial letter. If the Panel is to retain its independence and objectivity it is suggested that it makes evidence based recommendations and is free from interference by Ministers and Councillors alike. If a more diverse pool of councillors is to be attracted to stand for election, particularly those of working age and from all socio-economic groups, it would appear sensible that they have confidence that questions of remuneration will be determined objectively on an evidence based approach. The panel should be restricted to questions of remuneration levels and should not make recommendations which have structural consequences.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

It is very hard to provide an intelligent and considered response to such a vague question and in the absence of any information as to what the proposal will be. The Council's previously determined view is that it is not against remote attendance per se, however, the advice it has previously received is that there is not yet a technical solution that is sufficiently robust or reliable to facilitate remote attendance as prescribed in the 2011 Measure.

Question 4.6: Do you have any comments on our proposal that Shadow Authorities should be required to appoint interim Returning Officers?

The Council agrees that allowing shadow authorities to appoint Returning officers is a practical solution in respect of the 2020 General Election, however, it does not understand this to be a devolved matter.

Question 4.7: Do you have any comments on the desirability of giving Councils the power to dismiss the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Services through a vote?

The officers described above have a measure of protection due to the nature of the advice that they may have to give to a Council in accordance with their statutory duties. This was designed to prevent them being summarily dismissed as a result of giving inconvenient advice in accordance with those duties. The protection amounts to a requirement that an independent person investigates any allegation brought against the officer and concludes that disciplinary action including dismissal is justified. The proposal is that the requirement for an investigation be dispensed with and a vote at full council be sufficient to dismiss. This raises the prospect of unfair dismissal and other potential legal claims. It seems inconsistent with the provisions of a Draft Bill that is concerned with, amongst other things, good governance, to suggest such a measure.

Question 4.8: Do you have any comments on our proposal to change the framework within which Councils and their Executive determine how their functions are to be allocated?

The Council agrees with the proposal that the current complicated regime of determining allocation of functions between the Council and Executive be amended and that there be a more liberal approach subject to clear guiding principles. There will need to be some form of consistency amongst Councils particularly where they may wish to collaborate or operate joint committee arrangements in the discharge of their functions.

Question 4.9: Do you have any comments on our proposals in relation to the disposal and transfer of Local Authority assets?

The Council welcomes a less rigid approach than that proposed in the White paper. The Council does not object to notice of intended disposal being given, but, in the absence of detailed proposals for how these arrangements would work, the Council would reiterate the point made in response to the White Paper that Councils must be able to retain the right to make the final decision over whether or not to transfer an asset. Care will need to be taken when determining the values above which details of assets are to be published, particularly where the value of assets may be close to the threshold, in order that the commercial interests of the local authority are not prejudiced.

PART 5

Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?

Whilst the intention is clearly to link corporate planning with the new Wellbeing plans required under the Well-Being of Future Generations (Wales) Act, the read across could be better, for example in reporting schedules, or in the identification of stakeholder groups. They could refer directly to each other or even be integrated.

The strategic equality planning should also be included in the integrated reporting proposed, but it is not mentioned. This will be done in practice.

The 3 months given to publish a corporate plan after an election is too short. Councils will need time to work with the new administration and then consult on the plan before publishing it. They will also need to ensure that the plan aligns with the Public Service Board's Wellbeing Plan. If all this is to be meaningful then at least 6 months will be required not 3.

The Bill does not seem to address the question of proliferating indicator sets. There could be better read across with the Well-Being of Future Generations Act, Programme for Government, Social Services Act etc.

There is the danger of significant overlap and duplication of reporting and other requirements between the Draft Bill and these other pieces of legislation.

Whilst the intervention powers for Welsh Ministers are similar to those already in existence, they do not appear to be linked to any evidence based threshold or criteria.

The requirement for at least one third of the Corporate Governance and Audit Committee to be made up of independent lay members appears to be overly prescriptive and contrary to local democracy. In its White Paper response the Council agreed that independent members can bring a fresh perspective but their number should be a matter for local determination. The Council also believes that the Committee should select its Chair and that there should be no prescription in respect of this, either in favour of, or against, independent members.

The Council agrees that regulators should be required to co-ordinate their activities.

There are other matters to which the consultation document refers but which are not included in the Draft Bill even though it is intended that they be introduced into the final Bill. The Council agrees with the proposal that regulators be required to share their reports with scrutiny and attend to present them when invited.

There is insufficient detail in respect of an online information portal to enable meaningful consultation. Clearly, Councils would be concerned if the number and complexity of the information sets required to be published were unduly onerous or a duplication of other reporting requirements.

Question 5.2: Do you have any comments on our proposal to subject Local Authorities to a governance arrangements duty?

The Council agrees with the suggestion that County Councils should be under a duty to make, implement and comply with arrangements for good governance, accountability, economy, efficiency and effectiveness of its use of resources. The Council does however note that there are several proposals contained in the Draft Bill which will significantly increase the bureaucratic resource required to support them.

The Council is concerned that there are reserved to Welsh Ministers powers to make regulations that have the potential to be extremely prescriptive in nature which appears to be inconsistent with the intention expressed in the White Paper that local authorities should become more responsible and accountable for their activities.

Councils should be required to have good governance arrangements but a one size fits all approach should not be imposed upon them.

Question 5.3: Do you have any comments on the model approach to peer assessment set out in Annex A?

The Council would be concerned if the proposals for Peer Assessment were to be too prescriptive.

Question 5.4: Do you have any comments on the proposed role for the Corporate Governance and Audit Committee in relation to the Local Authority's response to the self-assessment, peer assessment, combined assessment and governance review?

The Council welcomed the introduction of self and peer assessment and combined assessments by regulators in the White Paper. The Council already operates a system of self-assessment by means of its service challenge process.

The Council agrees that the Corporate Governance and Audit Committee should have the role described in the Draft Bill in respect of such assessments.

Question 5.5: Do you have any comments on our proposal to reject local public accounts committees?

The Council agrees with the proposal to reject public accounts committees which it considers would have been an unnecessary potential duplication of Councils' own audit and financial management processes.

Question 5.6: Are Public Services Boards the right bodies to examine the policy choices facing local public services?

It is not clear what role is being suggested. Are the Public Services Boards being asked to scrutinise decisions made by councils? Under the Well-Being of Future Generations (Wales) Act 2015 local authorities are to scrutinise the Boards.

There is in the governance duty a requirement of a Council to make, implement and comply with arrangements for economy, efficiency and effectiveness of its use of resources. There is a system of self and peer assessment and combined assessment by regulators. There is a system of internal scrutiny and challenge through Scrutiny Committees.

What would an additional function for Public Services Boards add?

Question 5.7: If so, would they benefit from additional legal powers?

The Council does not believe that additional powers are necessary

Question 5.8: What legislative measures could be considered to enable Local Government to take a public sector-wide shared services role?

Local Government finance officers have previously commented on the limitations of the KPMG study and noted that its conclusions are overly simplistic and the cost-benefit conclusion is flawed.

At a time of huge change and potential reorganisation of local authorities it seems a very high risk approach to try and create an all Wales shared support service just when local authorities will need to rely on responsive, stable support services. Larger units of support will be created by virtue of the merger of Councils. It would seem more sensible to establish the new councils before considering further major changes in the provision of support.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

The Council's comments are contained in the responses set out below.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

The Council welcomes the fact that it is no longer proposed that Councils conduct these reviews. Whilst it appears sensible to enable these reports to be submitted in a timely fashion, it is the Council's view that the Shadow Authorities will have more than enough to do in establishing the governance and other arrangements for the new councils and will not have the resource or capacity to undertake the work required of it by s153 of the Draft Bill.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

It would appear that the new County Councils will have a significant workload in establishing themselves and the efficient delivery of their services and may not have the resource or capacity to implement these reviews. Allowing the Commission to implement the reviews may assist Councils in this respect.

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

It is not clear why County Councils should be responsible for identifying and securing the provision of compulsory training to Community Councillors who have been elected in their own right to public authorities that are independent of County Councils. This is an additional burden for County Councils.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

It would appear sensible to ensure that election dates for Community Councils are consistent with those for County Councils.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

This appears to be more sensible than, but contradictory to, the proposal that County Councils identify and provide compulsory training for Community Councillors.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

If Community Councils are to become bigger, it seems appropriate and in accordance with good practice that the Clerk have objectives set. The Council considers that this should be done by the Council rather than the Chair, as the Clerk owes a duty to the Council as a whole, and since the Chair changes annually it will provide some consistency of approach. The Council considers that the same approach should be taken for all Community Councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

The legislation for community polls is cumbersome and outdated. There will need to be safeguards against frivolous or vexatious petitions and the thresholds to be crossed before Councils are required to respond.

PART 7

Question 7.1: Do you have any comments on any of the provisions in Part 7 of the Draft Bill?

Any guidance issued on workforce matters by Welsh Ministers should not be so prescriptive that it hinders local authorities' ability to shape service delivery in accordance with local requirements. Councils will have a duty to operate governance arrangements that delivery economy, efficiency and effectiveness of the use of resources including their workforce. Their ability to do this should not be unnecessarily hindered.

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

What purpose would there be in establishing a statutory commission in such circumstances?

PART 8

Question 8.1: Do you have any comments on any of the provisions in Part 8 of the Draft Bill or on any of the Schedules?

Part 8 refers to the fact that the term "county council" is to be read as a reference to an existing authority until April 2020. The Government should make it clear which provisions of the Draft Bill will be implemented before the creation of the new councils. Given the nature and extent of change that is envisaged in the structures

of councils in this Draft Bill, it would appear sensible to defer the implementation of major changes to the way in which councils are structured until after April 2020. Councils will have little capacity to manage and implement these changes whilst also supporting transition committees and shadow authorities. It would appear wasteful to commit significant resources to changes to committee and other structures which may themselves be changed by shadow authorities and new councils.

ADDITIONAL QUESTIONS

Question 9.1: Are you aware of any consequential amendments to legislation that will need to be made?

The proposals for the delegation of executive functions to Community Area Committees under s15 Local Government Act 2000 would appear to require changes to s15 to allow this.

Question 9.2: Please provide feedback you think would be useful in relation to the supporting documents published alongside the Draft Bill i.e. Draft Explanatory Memorandum (including the Regulatory Impact Assessment) and specific Impact Assessments.

Question 9.3: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to comment.

The Council has no additional comment to make.