

Report To: Standards Committee

Date of Meeting: 4th March 2016

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Draft Local Government (Wales) Bill

1. What is the report about?

1.1 The report is about 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 inform the Committee of the provisions of the Draft Bill that relate to the Committee.

3. What are the Recommendations?

3.1 That the Committee notes the contents of the Draft Bill and the Council’s consultation response set out in Appendix 3.

4. Report details.

4.1 Members will recall, in 2015, the Council 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.

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 The Council’s consultation response.

Appendix 4 Draft Local Government Wales Bill

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.
- 4.6 The most relevant part of the Draft Bill to the Committee is Part 4 which seeks to introduce new statutory duties on elected members.
- 4.7 A Member must attend all relevant meetings unless they have a good reason not to. This includes all formal meetings as well as any other meeting that a Member would be reasonably expected to attend in the exercise of his or her functions as a Member. However, the Draft Bill expressly states that nothing in this duty affects or changes the legal requirement that a Member be disqualified if he/she fails to attend for 6 months.
- 4.8 A Member must hold at least four surgeries in every 12 month period following their taking up office, unless they have a good reason not to. A surgery is held if a Member makes him or herself available for at least one hour to meet members of the public to discuss matters in private. The date, time and location of the surgery must be published on the Council's website at least seven days in advance of the surgery.
- 4.9 A Member must respond to all correspondence sent to his or her official address within 14 days of receipt unless he or she has a good reason not to.
- 4.10 A Member must complete all compulsory training courses unless they have a good reason not to. Training is compulsory if the Council has notified a Member that they must complete it.
- 4.11 A Member must make an annual report about his or her activities as a Member and the results of those activities every year. These must be submitted to the Head of Democratic Services and they must be published. There is no provision for having a good reason not to do this.
- 4.12 Part 4 also places a personal duty on leaders of political groups to co-operate with the Standards Committee and take reasonable steps to promote and

maintain high standards of conduct by Members of their Group. Standards Committees must arrange training for Group Leaders and monitor their compliance with this duty.

- 4.13 The Draft Bill also suggests an enforcement mechanism for breaches of these duties. Any person may make a complaint, in writing, to the Monitoring Officer about a possible breach by a Member of any of the duties set out above, other than the duty to make an Annual Report.
- 4.14 The Monitoring Officer must refer any complaint received to the Chair of the Standards Committee and together they must decide whether or not the matter should be investigated. The Monitoring Officer must investigate the complaint unless both the Chair of Standards Committee and the Monitoring Officer consider that it should not be investigated.
- 4.15 If the Head of Democratic Services believes that a Member has breached the duty to make an annual report he/she can refer it to the Monitoring Officer for investigation. When considering whether to investigate the Monitoring Officer must consult the Chair of Standards Committee.
- 4.16 If an investigation is conducted, a report must be provided to the Standards Committee with any recommendations that the Monitoring Officer considers appropriate.
- 4.17 If the Standards Committee decides that a Member has breached one of the duties then it can impose a censure, a suspension or partial suspension for up to six months or take no further action.
- 4.18 The Council's response to Part 4 of the Draft Bill can be found in Appendix 3.

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 matter, however the Council's consultation response was submitted following an all member council workshop and approval of the final version by the Leader in consultation with Group Leaders.

9. Chief Finance Officer Statement

9.1 Costs of responding to the consultation are minimal and will be contained within existing resources. The wider cost implications of the Bill are potentially significant and will need to be assessed in more detail as proposals develop

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

10.1 There are no risks directly associated with this report.

11. Power to make the Decision

11.1 No decision is required.