

## **Draft Local Government Wales Bill – Summary of Provisions**

### **Part 1 – Local Government Areas and County Councils**

#### **Chapter 1 – Local Government Areas**

- 1.1.1 The only provision of this Chapter of the Draft Bill is concerned with the creation of new local government areas from 1<sup>st</sup> April 2020. There are 2 tables set out in Schedule 1 to the Draft Bill, Table 1 which shows 8 counties including 2 in North Wales, and Table 2, which shows 9 counties including 3 in North Wales. Consultees are asked to provide their views on the options for North Wales and the overall configuration of local government areas in Wales as proposed in the Draft Bill.
- 1.1.2 Members will be most interested in the issues raised in respect of proposals for North Wales. These are set out on Pages 9 and 10 of the Consultation Document. These are described as being finely balanced and include consideration of population sizes, language, regional variances in financial indicators, and the sub-regional structures of other bodies such as health, police and fire.

#### **Chapter 2 – County Councils**

- 1.2.1 This Chapter contains provisions relating to the election of a Chair, the power for a County Council to give the Chair the title of Mayor, the power to appoint a presiding officer and sets a new fixed cycle of 5 year terms for County Councillors beginning in 2023. It introduces Schedule 2 to the Draft Bill which contains provisions relating to the first elections to and the first meetings of the new councils.

#### **Chapter 3 – Establishing the Councils for the New Counties**

- 1.3.1 This Chapter provides for the process by which the new councils come into being. The proposed election timetable is that elections to the existing councils will take place in May 2017 for a period of three years. In May 2019, there will be elections to the new councils which will be shadow authorities until 1<sup>st</sup> April 2020 when they will take on the full functions of local authorities for the new areas. There will then be elections to these authorities in May 2023 from which point Councillors will be elected for fixed 5 year terms.
- 1.3.2 This Chapter also introduces Schedule 3 to the Act which makes provision in respect of the new councils relating to finance issues such as council tax and non-domestic rating and council funds giving the shadow authorities the ability to make preparations for the new authorities. Further detail will be provided in Regulations. It also introduces Schedule 4 which makes provision for the transfer of staff, property, rights and liabilities.

#### **Chapter 4 – Miscellaneous Provision**

- 1.4.1 This Chapter makes various technical provisions to include the power for Welsh Ministers to make regulations to make consequential amendments to previous legislation and transitional provisions. It also makes provision for the amendment of previous legislation.

## **Other Matters**

- 1.5 The Consultation Document, in respect of Part 1 confirms that the previous White Paper proposal for phased elections will not be taken forward. The previous cap of 75 on the number of Councillors for a County Council has been removed. Consideration is currently being given to the appropriate number for the new councils.
- 1.6 The Government proposes to abolish the “preserved counties”. These were the counties created under the Local Government Act 1972 which after local government reorganisation in 1996 were preserved for various administrative and judicial purposes. Since then most of the purposes for these areas have fallen away. The proposal is that these “preserved counties” be abolished and their place taken for those purposes that remain, e.g. the appointment of Lord-Lieutenants and High Sheriffs by the new counties. Views are sought on these issues.

## **Part 2 – General Power of Competence**

### **Chapter 1 – The General Power**

- 2.1.1 Chapter 1 provides for the introduction of a general power of competence for County Councils and Community Councils with competence. This power enables a Council to do anything that an individual may do provided that it is not otherwise prohibited by law from doing it. The Draft Bill places restrictions on the extent of the power. A Council may not charge for anything that it has a statutory duty to do. Any charge is subject to a duty that from one financial year to the other, the income from charges is not greater than the cost of providing the service.
- 2.1.2 The general power includes the power to do things for a commercial purpose provided that the Council is not under a statutory duty to provide the service and that the service is provided through a company. Welsh Ministers may make regulations regarding conditions to be placed on the exercise of the power and to remove any obstructions to the exercise of the power.
- 2.1.3 It is intended to bring this into force at the earliest opportunity to allow existing authorities to use it.

### **Chapter 2 – Community Councils with Competence**

- 2.2.1 This Chapter sets out how Community Councils may become Community Councils with competence. A Community Council will be able to pass a resolution that it meets the competency requirements and that it is a Community Council with competence. It will then remain “competent” until the first meeting after the next ordinary election whether or not it continues to satisfy those requirements, unless it declares itself to no longer be competent. Even if it ceases to be competent it may continue to exercise the power of competence in respect of any activity it undertook whilst it was a Council with competence.

2.2.2 There are three requirements. Firstly that at least two thirds of the Members have been elected, secondly that the Clerk has a relevant professional qualification and thirdly that the Council has, for two consecutive years, received an unqualified Auditor's opinion.

2.2.3 This is different to the White Paper proposal which suggested that Community Councils would in addition only be competent if they had a turnover of greater than £200k and placed an obligation on the County Council to determine whether a Community Council continued to be competent.

## **Part 3 – Promoting Access to Local Government**

### **Chapter 1**

3.1.1 This chapter provides an overview of this Part.

### **Chapter 2 – Public Participation in Local Government**

3.2.1 This chapter requires councils to encourage local people to participate in decision making by the Council and other authorities connected with the Council in the area. These are set out in the Draft Bill as Community Councils, the Fire and Rescue Authority for the area and a National Park Authority for a national park which is in any part of the Council's area.

3.2.2 A Council will also be required to prepare and publish a public participation strategy that sets out how it will comply with these requirements. The Draft Bill contains a list of issues that must be addressed by the strategy. When preparing a strategy the Council must consult local people. The strategy must be reviewed after each ordinary election, and local people must be consulted as part of the review.

3.2.3 This Chapter also requires a Council to consult prior to formally setting a budget. The Draft Bill sets out a list of those who must be consulted, including, local people, businesses in the area, persons who provide services on the Council's behalf, persons who carry out activities in the area for which the Council provides financial assistance, voluntary bodies and trade unions.

3.2.4 In the White Paper it was suggested that Councils should have to set up Youth Councils. This has not been included in the Draft Bill although guidance to be issued on public participation strategies will emphasise the role of children and young people.

### **Chapter 3 – Community Area Committees**

3.3.1 Further provisions in Part 3 relate to the creation of Community Area Committees which must be fully established statutory committees. These committees will comprise County Councillors for that area, representation from Community Councils, other public bodies and voluntary bodies. Each of these members and representatives will be able to vote. They will publish an annual statement of local priorities and objectives which must have regard to the local well-being assessment conducted under the Well Being of Future Generations (Wales) Act. The committees must consult local people and voluntary bodies on a draft of the statement before it is submitted to the

County Council. The committees may have functions delegated to them and may themselves delegate to a sub-committee or officer. Welsh Ministers may make regulations to require or restrict the delegation of certain functions to these committees.

3.3.2 Part 3 also provides that “interested bodies” may make improvement requests to a County Council with the aim of entering a dialogue about how services could be improved. In respect of each request the Council would have to accept or refuse within 45 days. A County Council would have to agree to the request unless there are reasonable grounds for refusing it. If it agrees to enter discussions about the improvement request the County Council must enter into those discussions within 45 days and publish online, a summary of the discussions and agreed actions. The County Council must publish an annual report of all improvement requests and maintain a complaints system in respect of them. Welsh Ministers can make regulations to make further provision regarding the procedure to be used by Councils in dealing with requests, the reporting of them and the support that Councils must make available to interested bodies to enable them to make requests and enter into discussions.

## **Chapter 5 – Access to Meetings of Local Authorities**

3.5.1 At least once a year the Leader must attend a meeting at which local people are given an opportunity to put questions to the Leader about the discharge of Cabinet functions.

3.5.2 All public meetings of Council or any committee or sub-committee must be broadcast live and must be available electronically for a reasonable period after the meeting. Welsh Ministers may make regulations for allowing persons to film, photograph or make sound recordings of meetings and to provide written or oral commentary as the meeting takes place or later. These regulations can set out the facilities to be made available by the Council to persons wishing to do this, and the steps to be taken by those persons before doing it.

3.5.3 The chapter also provides for Community Councils to make standing orders enabling members of the public in attendance at a meeting to make representations about the business to be conducted.

## **Chapter 6 – Further Duties of County Councils**

3.6.1 The Council will have to produce a guide to the constitution explaining the content of the Constitution in ordinary language.

3.6.2 The Council must publish an official electronic and postal address for every member of the Council on its website to which correspondence may be sent.

## **Part 4 – Functions of County Council and their Members**

### **Chapter 1**

4.1.1 This provides an overview of this Part.

## **Chapter 2 – Duties of Members of County Councils**

This Chapter places duties on individual members.

- 4.2.1 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.
- 4.2.2 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.
- 4.2.3 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.
- 4.2.4 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.
- 4.2.5 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.

## **Chapter 3 – Breaches of Duties under Chapter 2**

- 4.3.1 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 in Chapter 2 other than the duty to make an Annual Report.
- 4.3.2 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.
- 4.3.3 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.
- 4.3.4 If an investigation is conducted a report must be provided to the Standards Committee with any recommendations that the Monitoring Officer considers appropriate.
- 4.3.5 A procedure is set out in this Chapter for the hearing of these matters by the Standards Committee. 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.

- 4.3.6 Welsh Ministers may make regulations about how investigations and hearings into breaches of these duties are dealt with, as well as for an appeals mechanism.
- 4.3.7 Standards Committees must also arrange training for Members on these duties.
- 4.3.8 This Chapter 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 Committee must arrange training for Group Leaders and monitor their compliance with this duty.
- 4.3.9 Welsh Ministers may make regulations regarding the circumstances in which Members are treated as being a political group and a Member is treated as a leader of a group.

#### **Chapter 5 – Executives of County Councils**

- 4.5.1 This Chapter requires the Leader as soon as practicable after they are elected to set objectives to be met by the executive (Cabinet). The Leader must keep these under review and report annually on performance against these objectives. The objectives and the annual report must be published.
- 4.5.2 All candidates for the post of Leader must prepare a written manifesto and this must be made available to all Members before they elect a Leader.
- 4.5.3 The Council's executive arrangements may include provision for the appointment by the Leader of Councillors to assist the executive who are referred to in the Draft Bill as Assistants to the Executive. They are not members of the executive but would be entitled to attend and speak at Cabinet meetings but not vote and would not be eligible for a senior salary. This replaces the proposal in the White Paper that there be deputy cabinet members.

#### **Chapter 6 – Appointment etc. of Certain Chief Officers**

- 4.6.1 This Chapter requires the appointment of a Chief Executive and provides that the role includes the duties currently required by legislation to be those of the Head of Paid Service.
- 4.6.2 The Leader must set objectives to be met by the Chief Executive, review annually the extent to which the Chief Executive has met the objectives and if appropriate revise them. The objectives must be published.
- 4.6.3 The Leader must prepare and publish a report on the review of achievement against the objectives. The Council must consider the report within 3 months of its publication.

4.6.4 The Head of Democratic Services is to be included in the statutory definition of a Chief Officer and the prohibition on the Monitoring Officer from fulfilling that role has been removed.

## **Chapter 7 - Overview and Scrutiny Committees and Standards Committees**

- 4.7.1 The law does not generally permit co-opted members of scrutiny committees to have voting rights with some exceptions e.g. education co-optees. This chapter gives Councils power to grant voting rights to co-optees on an individual basis which can be limited by time and by the questions upon which a vote may be cast. Welsh Ministers may make regulations to govern this provision which may also set maximum or minimum numbers of co-opted members on a Scrutiny Committee that may be able to vote.
- 4.7.2 This Chapter also gives Welsh Ministers power to make regulations to require Councils to establish Joint Scrutiny Committees, and regulations to require information to be made available to Scrutiny Committees about decisions that Cabinet has made or intends to make akin to the “key decisions” framework in England.
- 4.7.3 The Chapter also requires Standards Committees to make annual reports to Council on their activities to include in particular the committee’s assessment of the extent to which Group Leaders have complied with their duties regarding conduct and a summary of the breaches of Members’ duties as set out above that have been referred to it.
- 4.7.4 The Consultation Document in respect of this Part refers to other matters which are not included in the Draft Bill but were raised in the White Paper

### **Delegation of functions**

- 4.8 It seeks views on the Government’s intention to repeal Part 2 Deregulation and Contracting Out Act 1994 to be replaced with regulations allowing County Councils and others to delegate functions to third parties. It is intended to do this as soon as practicable after the passing of the Bill to make this available to existing Councils.

### **Electoral qualification**

- 4.9 The government will not be proceeding with the proposal that they lift the bar on employees of a council seeking election to that Council.
- 4.10 The Draft Bill does not include proposals that candidates be required to declare membership of a political party, nor that members of County Councils be prevented from being members of a Community Council, nor that persons be prevented from being a member of more than one Community Council. They will give these issues further consideration.

### **Term Limits**

- 4.11 The White Paper contained proposals for term limits for Councillors, Leaders and Cabinet Members. These will not be taken forward.

### **Release of Councillors from Employment**

- 4.12 The White Paper proposal to require public bodies to release employees to undertake duties as Councillors will not be taken forward in the Draft Bill.



### Remuneration of Councillors

4.13 The White Paper considered members' remuneration. No proposals are included in the Draft Bill, however, the Consultation Document seeks views on the proposal that the final Bill include power for Welsh Ministers to direct the Independent Remuneration Panel for Wales to have regard to guidance when reviewing members' remuneration.

### Recall of Councillors

4.14 The Draft Bill does not include recall provisions but the Consultation Document states that provisions for recall be included presumably in the final Bill are being considered whereby a by-election would be triggered if a Member was suspended and twenty electors signed a petition. No views are specifically sought on this point.

### Remote Attendance at Meetings

4.15 Although no provision is made in the Draft Bill it is Government's intention to include provisions in the final Bill provisions to further facilitate remote attendance at meetings. Views are sought on this point.

### Costs of Senior Management in Local Government

4.16 The proposals in the White Paper for central appointments for Chief Executives and Chief Officers, term limits for Chief Executives and central control mechanisms for salaries of Chief Officers are not included in the Draft Bill. The Consultation Document says that these will be considered further as part of a wider exercise in respect of the whole public service. Views are not specifically sought on this.

### The Role and Responsibilities of Chief Executives

4.17 No provision is made in the Draft Bill for including the Returning Officer role as an intrinsic duty of a Chief Executive for which no additional fee would be payable but the Consultation Document states that this will be brought forward in other legislation at some point.

4.18 It is proposed that Shadow Authorities appoint Returning Officers for the 2020 General Election given that it will take place only one month after the new authorities come into being.

4.19 There was in the White Paper a proposal that Chief Executives should have a specific duty to promote engagement and diversity in democracy. This is not included in the Draft Bill although it is suggested that future guidance to Leaders about the setting of objectives for Chief Executives will deal with this issue.

### Power to Dismiss Senior Officers by a Vote of the Full Council

4.20 Currently, the law requires that the Chief Executive, Chief Finance Officer, Monitoring Officer and Head of Democratic Services can only be dismissed if

an independent person has conducted an investigation which would justify this. The Government is considering a change which would allow these officers to be dismissed by a vote in Full Council without the necessity of this independent investigation. This is not included in the Draft Bill but the Consultation Document seeks views on whether this approach should be taken in Wales as it has been in England.

### Council Functions and Responsibilities

4.21 Currently the legality of whether a decision is to be made or a function exercised by Cabinet or Council is one which is prescribed in detailed regulations. These are liable to become out of date quite quickly and require frequent revision and amendment. The Government is suggesting that the final Bill includes provision for local authorities to decide which functions are exercised by whom subject to having to abide by certain principles, having regard to Ministerial Guidance and a reserve power for Welsh Ministers to direct a local authority to allocate responsibility in a certain way. The Consultation Document seeks views on this approach.

### Transfer of Local Authority Assets

4.22 The White Paper contained proposals that community bodies could initiate the transfer to them of local authority assets. There are no proposals relating to this in the Draft Bill but the Consultation Document states that Government intends to include provisions in the final Bill and seeks views on a modified approach which would require local authorities to give statutory notice to community bodies that they intend to dispose of assets above a certain as yet unidentified value. There may also be further provisions relating to the length of notice given, how a local authority responds when a community body indicates an interest in a particular asset and how urgent situations should be dealt with.

### Assets of Community Value

4.23 The White Paper contained a proposal that local authorities be required to maintain a register of assets of community value e.g. village pub etc. There is no provision for this in the Draft Bill but further ministerial consideration will be given to what action is to be taken and whether there is a need for legislation.

## **Part 5 – County Councils: Improvement of Governance**

### **Chapter 1 – Duty To Make Arrangements To Secure Good Governance**

5.1.1 Councils are currently required to secure continuous improvement. This Chapter will replace that duty with a duty to make implement and comply with arrangements to ensure good governance, accountability, and economy, efficiency and effectiveness in the use of Council resources.

5.1.2 Welsh Ministers will issue regulations setting out principles, processes and practices to be applied in making governance arrangements and can prescribe a Code of Practice or guidance.

## **Chapter 2 – Corporate plans**

- 5.2.1 The White Paper proposed that a Council should have a Corporate Plan produced by the Chief Executive. The Consultation Document accepts the arguments made in response to the White Paper that the Corporate Plan should be approved by the Council.
- 5.2.2 The Corporate Plan must include a statement of the Council's priorities for the short, medium and long term and identify issues in respect of which it expects to have to make significant decisions. It must contain certain documents such as a self-assessment report about governance, a statement of well-being objectives published under the Well-Being of Future Generations Act and the assessment of local well-being produced by the Public Services Board.
- 5.2.3 It must also include details about the Council's strategies for workforce planning, financial planning, complaints handling, risk management, scrutiny, management of assets and public participation.
- 5.2.4 Welsh Ministers can make regulations about what else must be included.
- 5.2.5 The Corporate Plan must be produced within three months of the date of the first ordinary election of councillors after the coming into force of this part of the Draft Bill and each subsequent election.
- 5.2.6 A Council can review the plan from time to time but must do so at least once a year.
- 5.2.7 A Council must consult the Local Health Board, the Public Services Board and any other person it thinks appropriate before preparing or revising the Corporate Plan.

## **Chapter 3 – Assessments of Governance Arrangements**

- 5.3.1 A Council must conduct a self-assessment of its compliance with the duty in Chapter 1 to make, implement and comply with arrangements to achieve good governance, accountability and efficient and effective use of resources. It must do this at least once a year. A draft of the self-assessment report must be put to the Corporate Governance and Audit Committee and take into account any changes it recommends. The final report must be published.
- 5.3.2 Welsh Ministers may make regulations about the form and content of a self-assessment report and how and when it must be published.
- 5.3.3 In addition, a Council must arrange for a peer assessment by a panel appointed by the Council. This must be done before 31<sup>st</sup> March 2023 and at least once during each subsequent electoral cycle. A model approach to peer assessment is set out in Annex A to the Consultation Document.
- 5.3.4 The Council must consider and publish the peer assessment report. It must also respond to it and publish the response setting out whether it accepts the recommendations made and identifying any action it proposes to take as a result.

5.3.5 Welsh Ministers may make regulations about the form and content or peer assessment reports and responses.

5.3.6 The Council's regulators must produce a combined assessment of governance arrangements at a council at such intervals as they think fit. There are similar provisions relating to the reporting and response to reports as are set out above in relation to peer assessments. Welsh Ministers will have the power to make regulations as to when such assessments should be carried out and the form and content of reports and responses.

### **Chapter 5 – Governance Reviews and Intervention**

5.5.1 If Welsh Ministers believe that a Council is failing in its governance duty they may arrange for a governance review of the Council. Before doing so they must consult the Council and other persons they think appropriate. The Council will be required to co-operate with the review. Other public bodies such as the Public Services Board, Local Health Board, Community Council, Estyn and Auditor General for Wales will be required to take reasonable steps to facilitate the review by providing documents records and other information.

5.5.2 There must be a review report which the Council must publish within 14 days of receipt.

5.5.3 The Council must prepare a response taking into account the views of the Corporate Governance and Audit Committee and identifying the action it proposes to take.

5.5.4 Welsh Ministers can on receipt of the response give certain directions, called intervention directions, with which the Council must comply. These can include a direction to enter into a contract with a provider for the provision of advice training or support, a direction to take specific steps and a direction that specified functions of the Council be exercised by Welsh Ministers or persons nominated by them.

5.5.5 There is a duty to co-operate with Welsh Ministers or persons authorised by them in connection with an intervention direction.

### **Chapter 5 – Co-ordination Between Regulators**

5.5.6 Welsh Ministers may make regulations in connection with the co-ordination by regulators of relevant functions.

### **Chapter 6 – Miscellaneous Provisions about Chapters 1-5**

5.6.1 This Chapter requires those exercising functions under this Part to have regard to Guidance. It also allows the Council to determine whether the Council or Cabinet exercises functions under this Part.

### **Chapter 7 – Corporate Governance and Audit Committees**

5.7.1 Each Council must have a "Corporate Governance and Audit Committee" which will have in addition to its current functions as an Audit Committee the following additional functions.

- 5.7.2 It must assess the Council's ability to comply with its governance duty, its ability to make progress in relation to the priorities set out in the Corporate Plan, its arrangements for self and peer assessment and its ability to handle complaints effectively.
- 5.7.3 In addition the Committee will have functions relating to making recommendations to Council in respect of the content of self-assessment reports, peer assessment reports and responses, combined assessment reports and responses, and responses to governance reviews.
- 5.7.4 Membership of the Committee will be amended. At present our Corporate Governance Committee which is the Council's Audit Committee for the purposes of the current legislation, has the statutory minimum of one lay member. The Draft Bill proposes that there be a minimum of at least one third of the members of the Corporate Governance and Audit Committee who are lay members and that the Chair must be a lay member. The Deputy Chair must not be a member of the Cabinet.
- 5.7.5 Views are sought in the Consultation Document on the role of the Committee in the various assessment and review processes.

### Other Matters

The Consultation Document then refers under this Part to matters which are not included in the Draft Bill.

### Strengthening External and Internal Scrutiny

5.7.6 The White Paper proposed stronger links between scrutiny and external regulators. There are no provisions regarding this in the Draft Bill but the Consultation Document says that there will be provision made in the final Bill. The proposal is that regulators would be required to provide copies of their reports to Scrutiny at the same time that final reports are issued to the Council. The Council would be required to involve Scrutiny in the development of its response and have regard to any recommendations made by the relevant committee. The regulators would be required to present their report to the relevant Scrutiny Committee when requested to do so.

### Report on the "State of Local Government"

5.7.7 The White Paper contained a proposal for regulators to make a State of Local Government Report". It has been decided not to include this in the Draft Bill since the Well-Being of Future Generations Act requires a number of reports.

### Single Information Portal

5.7.8 The White Paper proposed a single information portal for key documents and data. There are no provisions in the Draft Bill but the Government intends to include provision in the final Bill.

## Complaints

5.7.9 The White Paper suggested a statutory complaints system be established. A Draft Public Services Ombudsman (Wales) Bill has been introduced and the Government proposes to reflect on how this develops before making further proposals.

## Local Public Accounts Committees

5.7.10 The White Paper contained a proposal to create a Public Accounts Committee to examine the impact of public spending on outcomes in an area. This is no longer proposed. The Consultation Document does however ask for views on whether Public Services Boards created under the Well-Being of Future Generations (Wales) Act should be the appropriate forum for examining prospective policy choices facing local public services, and if so, whether they should be given additional powers to call officers to give evidence and commission external experts to inform their investigations.

## Shared Services

5.7.11 The Consultation Document makes reference to the Williams Commission's recommendation that the NHS Wales Shared Service Partnership was a good model for public sector wide shared services. It also makes reference to the KPMG report into support functions which suggests cost savings and improved service through operating on a larger scale.

5.7.12 The Consultation Document asks for views on whether the current legislative framework is appropriate for enabling public sector wide shared services and asks what legislative measures could be taken to improve this.

## **Part 6 – Community Councils**

### **Chapter 1 – Review of Community Council Arrangements**

6.1.1 The White Paper proposed that County Councils conduct a review of Community Councils in their area with a view to having fewer, larger Councils. The Government has recognised that this would impose a significant burden on new Councils. This task is now proposed to be done by the Local Democracy and Boundary Commission who will submit reports to the new Councils on or after 1<sup>st</sup> April 2020. Views are sought on whether this is brought forward to May 2019 in order that the reviews may be undertaken in a more timely fashion. Views are also sought on whether the new Councils should implement the reviews, which is the current proposal in the Draft Bill, or whether the Commission should do so themselves.

### **Chapter 2 – Members of Community Councils to Complete Training**

6.2.1 The Draft Bill contains provisions that a County Council must, having regard to guidance from Welsh Ministers, decide whether it should be compulsory for members of Community Councils in their area to complete training on certain matters. If they do so decide then the County Council must provide that

training or secure its provision. Members of Community Councils must complete compulsory training unless they have a good reason not to.

6.2.2 Any person can complain that a Member has not completed compulsory training. The Draft Bill imposes a duty on the Clerk to the Community Council to determine whether or not the Member has breached their duty and if so must notify the Community Council of the breach at a meeting of the Community Council.

### **Chapter 3 – Community Council Election Dates**

6.3.1 The Draft Bill contains provision that Community Council elections be held in 2017 and 2023 and thereafter at five yearly intervals on the same cycle as County Councils. Views are sought on this proposal.

#### Other Matters

There are in the Consultation Document in reference to this Part, other matters which are not included in the Draft Bill.

#### Capping the Community Council Precept

6.3.2 The White Paper contained proposals to cap the precept of non-competent Community Councils. This is not in the Draft Bill and will be considered on a longer term basis.

#### Annual Reports

6.3.3 It is the Government's intention to include in the final Bill a requirement for Community Councils to produce an Annual Report on their activities. No views are particularly sought on this.

#### Training

6.3.4 A new proposal in the Consultation Document which does not appear in the Draft Bill but will appear in the final Bill is that Community Councils should consider the training needs of their staff and members and, where appropriate make that training compulsory. Views are sought on this proposal.

#### Performance Management

6.3.5 The White Paper contained a proposal that the Chair of a Community Council should set objectives for the Clerk. This does not appear in the Draft Bill but views are sought on whether the duty should rest with the Council as a whole or just the Chair, and whether it should apply to all Community Councils or only some.

#### Community Polls

6.3.6 The White Paper said that the framework for Community Polls would be clarified.

- 6.3.7 These are costly and the turnout generally low. The outcomes are not binding.
- 6.3.8 The Government intends to introduce into the final Bill a provision repealing the legislation regarding Community Polls and replace it with an obligation on County Councils to have a petitions scheme and an e-petition facility. This would allow communities to express their views without the cost of Community Polls and there would be a requirement on County Councils to respond. Views are sought on this issue.

## **Part 7 – Workforce Matters**

### **Chapter 1 – Guidance to Public Bodies on Workforce Matters**

- 7.1.1 This Chapter provides power for Welsh Ministers to issue guidance to public bodies on workforce matters. A public body must have regard to any such guidance issued to it. They must consult a public body or bodies before issuing guidance.

### **Chapter 2 – Public Services Staff Commission**

- 7.2.1 A non-statutory Public Services Staff Commission has already been established. The Consultation Document suggests that the passing by the UK Government of the Wales Bill may, depending on the content, mean that a statutory staff commission would be more constrained on the matters on which it could offer workforce guidance than a non-statutory commission. The Consultation Document asks for views on whether it would still be desirable to establish a statutory commission even if it were more constrained.
- 7.2.2 Even if it is established, such a commission would only exist until 1<sup>st</sup> April 2021 unless extended in being by Welsh Ministers to a date not beyond 1<sup>st</sup> April 2023.

## **Part 8 – General**

This contains interpretation clauses and technical clauses relating to powers to make transitional and consequential provisions.

- 8.1 It is made clear that reference to County Councils in the Draft Bill apply to the existing County and County Borough Councils until 1<sup>st</sup> April 2020.
- 8.2 The Bill, if enacted, will be known as the Local Government (Wales) Act 2017.