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Consultation Document

Devolution, Democracy and Delivery

Draft Local Government (Wales) Bill and Explanatory Memorandum

Reforming Local Government

Date of issue: **24 November 2015**

Action required: Responses by **15 February 2016**

Overview

This Welsh Government consultation seeks views on the content of the Draft Local Government (Wales) Bill, Draft Explanatory Memorandum and Draft Regulatory Impact Assessment.

The objective of the Draft Bill is to complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. It will also establish a statutory Public Services Staff Commission.

How to respond

Closing date for responses is
15 February 2016.

Responses should be sent by e-mail or by post to the address below. Responses are welcome in English or Welsh.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The consultation documents can be accessed via the Welsh Government's website at www.gov.wales/consultations

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Foreword by the Minister for Public Services

The White Paper *Reforming Local Government: Power to Local People* set out my vision for Local Government in Wales. This is based on activist Councils, engaged in delivering modern, accessible, high quality public services with their local communities. Councils should be acting as community leaders and agents of change, with leadership focusing on excellence, and Councils committed to looking outwards in their place-shaping role.

It also set out the vision for the different spheres of government in Wales and the relationship between them. We wish to see Local Government which is strong, flexible and empowered to deliver the strategic direction set by the Welsh Government in the light of local circumstances. The Well-being of Future Generations (Wales) Act 2015 provides the framework for co-ordinating the different parts of government in Wales. This Draft Bill and the programme of reform will contribute to better outcomes by ensuring Local Government services are sustainable, integrated and involve the people of Wales.

In June I announced the Welsh Government's preference for the future configuration of Local Government in Wales. Maps, with two options in respect of North Wales, were published alongside this announcement. The maps set out our preference for the future structure in South, Mid and West Wales whilst facilitating further discussion around North Wales. The case in North Wales is finely balanced between two or three Local Authorities. I welcome views, through this formal consultation, on all our proposals for Local Authority mergers.

I understand this is an unsettling time, and I am committed to ensuring the terms and conditions of Local Authority staff are protected so no-one will be disadvantaged by transfer to a new Authority. The Bill will, therefore, also establish a statutory Public Services Staff Commission, a proposal which has attracted widespread support from Local Government. The Public Services Workforce Partnership Council will remain at the heart of the vision to support the development of a world class public service workforce. It will be the primary reference point for the Commission.

This consultation is very much part of an on-going dialogue about the reform of Local Government. I want to hear from you whether our proposals for legislation will help to achieve the objective of creating the 'activist' Councils Wales needs. I would also be interested to hear if you think there is more we might do to achieve this objective.

Leighton Andrews AM
Minister for Public Services

Introduction – What this consultation is about

The Welsh Government is consulting on a Draft Local Government (Wales) Bill (“the Draft Bill”) which will complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. It will also establish a statutory Public Services Staff Commission.

We have previously consulted on proposals to reform Local Government. The three White Papers *Reforming Local Government* (July 2014), *Public Services Staff Commission* (October 2014) and *Reforming Local Government: Power to Local People* (February 2015),¹ set out the reasons why we are proposing change and our proposed approach to the reform of Local Government. Full details of the consultation, responses received and links to the documentation are given in the Explanatory Memorandum to the Draft Bill.

As part of the package of reforms, the first Local Government (Wales) Bill was passed by the Assembly on 20 October. It is anticipated that Royal Assent will be received during the consultation period. This legislation makes provision for voluntary mergers and puts in place preparatory legislation for further mergers and reform. The legislation includes provisions relating to Transition Committees, electoral arrangements, remuneration arrangements, and restraints of transactions and recruitment etc.

Having taken into account the issues and views raised through consultation, we are now publishing the Draft Local Government (Wales) Bill, Draft Explanatory Memorandum, Draft Regulatory Impact Assessment and specific impact assessments for a further period of consultation. We will take account of comments received during this consultation as we prepare the Bill and accompanying documents for introduction into the next Assembly, after May 2016.

This Paper sets out additional policy explanation where we have modified or decided not to proceed with the proposals in the *Power to Local People* White Paper, additional proposals we wish to consult on, and matters which we have not included in the Draft Bill but intend including in the Bill for introduction. Where the provisions in the Draft Bill are substantially the same as the proposals in the White Paper, further explanation is given in the Explanatory Memorandum and is not repeated here. This Paper should therefore be read in conjunction with the Draft Bill and the accompanying documents. In structure, this Paper follows the Draft Bill rather than the White Paper.

¹ [Welsh Government | Devolution, Democracy and Delivery White Paper – Reforming Local Government](http://gov.wales/consultations/localgovernment/power-to-local-people/?status=closed&lang=en)
<http://gov.wales/consultations/localgovernment/power-to-local-people/?status=closed&lang=en>
<http://gov.wales/consultations/improving/public-services-staff-commission-consultation/?lang=en>

In this document, a reference to “the White Paper” is a reference to the *Reforming Local Government: Power to Local People* White Paper, unless stated otherwise.

The Draft Bill

The proposals contained within the Draft Bill will complete the programme of Local Authority mergers and set out a new and reformed legislative framework for Local Authority democracy, accountability, performance and elements of finance. It will also establish a statutory Public Services Staff Commission.

The purpose and intended effect of the provisions outlined in the Draft Bill can be found at Chapter 3 of the Explanatory Memorandum. Explanatory Notes for the provisions of the Draft Bill can also be found at Annex A to the Explanatory Memorandum. The following sections provide an update on proposals which were outlined in the White Paper, and new or changed proposals which we would like your views on.

Consequential Amendments

The Draft Bill does not include comprehensive consequential amendments or transitional arrangements. These will be drafted for inclusion in the Bill on introduction. For example, there are some statutory planning requirements that are linked to the ordinary elections of Councillors (by 'ordinary' we mean the regular election of the full Council). The intention is that transitional arrangements will be made to ensure that the ordinary elections to the Shadow Authorities of the new Authorities in 2019 do not trigger the review of strategies required under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 or the preparation of Local Well-being Plans required under the Well-being of Future Generations (Wales) Act 2015.

Part 1: Local Government Areas and County Councils

Part 1 of the Draft Bill contains the provisions which will establish new Counties and their Councils. Chapter 1 specifies the Local Government areas in Wales. Chapter 2 provides for the constitution and election of the new Councils. Chapter 3 provides for establishment of the new Councils and Chapter 4 makes miscellaneous provision.

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

We also welcome your views on the following matters.

Chapter 1: Local Government Areas

The Commission on Public Service Governance and Delivery (“the Commission”) recommended reducing the number of Local Authorities in Wales through a series of mergers. The arguments for this recommendation and supporting evidence were set out extensively in the Commission’s Report. The Welsh Government accepted these arguments in a White Paper published in July 2014, *Devolution, Democracy and Delivery: Reforming Local Government*. This document set out the Welsh Government’s preference to merge Local Authorities on the basis of the Commission’s Option 1, which would result in 12 new Authorities. It also signalled that Ministers remained open to considering alternative configurations.

The White Paper *Reforming Local Government: Power to Local People* highlighted the intention to proceed with mergers of Local Authorities through this Draft Bill. On 17 June 2015, the Welsh Government announced its preference for the future configuration of Local Government in Wales, based on eight or nine new Principal Local Authorities. These alternatives are set out in two tables in Schedule 1 to the Draft Bill, the difference between them being the configuration of the proposed new Counties in North Wales:

Table 1

Name	Area
County 1 ²	Isle of Anglesey, Gwynedd and Conwy
County 2	Denbighshire, Flintshire and Wrexham
County 3	Ceredigion, Pembrokeshire and Carmarthenshire
County 4	Swansea and Neath Port Talbot
County 5	Bridgend, Rhondda Cynon Taf and Merthyr Tydfil
County 6	Cardiff and the Vale of Glamorgan
County 7	Blaenau Gwent, Caerphilly, Torfaen, Monmouthshire and Newport
Powys	Powys

² The naming of the new Counties is dealt with below.

Table 2

Name	Area
County 1	Isle of Anglesey and Gwynedd
County 2	Conwy and Denbighshire
County 3	Flintshire and Wrexham
County 4	Ceredigion, Pembrokeshire and Carmarthenshire
County 5	Swansea and Neath Port Talbot
County 6	Bridgend, Rhondda Cynon Taf and Merthyr Tydfil
County 7	Cardiff and the Vale of Glamorgan
County 8	Blaenau Gwent, Caerphilly, Torfaen, Monmouthshire and Newport
Powys	Powys

In setting out its preference, the Welsh Government emphasised there would be an opportunity for members of the public, interested organisations and stakeholders to put forward their views formally on the proposals. The following section sets out a range of issues associated with the proposed mergers and formally invites views on the future configuration of Local Authorities in Wales.

The Issues

The Commission considered possibilities that would have yielded seven or eight very large Local Authorities, but advised against pursuing them. They felt that the need to sustain local democracy and coherence might act as a limiting factor on the extent of such change. However, we believe that the proposals in the White Paper around greater public participation in democracy, more open and transparent decision making and greater diversity in Local Government, together with community area committees provide effective mechanisms for maintaining democratic engagement with communities in larger areas. It is also important to note there are many Authorities in other parts of the UK operating at the larger end of the scale of what is proposed in Wales.

On the matter of European Funding, the Commission identified an issue of alignment with the West Wales and the Valleys ‘convergence’ area, which has links to EU funding and state aid allowances. While a relevant consideration, we do not think that it should override a strategic, long-term case for mergers. There should be minimal impact on the delivery and related eligibility during the current 2014-2020 EU funding period. The majority of regions in the West Wales and the Valleys ‘convergence’ area remain in that area. The criteria for determining EU funding eligibility post-2020 is yet to be agreed and the Welsh Government will continue to press for the best possible settlement in negotiations for any new EU programmes.

The Commission took a wide range of factors into consideration including the minimum extent of mergers necessary to systematically address problems of scale, alignment of Local Authority areas with Local Health Board and Police Force areas, and avoiding the disruption entailed by splitting up existing Local Authorities. Apart from one exception in terms of alignment with Local Health Board boundaries (Bridgend), the maps published in June 2015 are consistent

with the principles set out in the Commission's Report. They are a refinement of the Commission's Option 1, informed by further consideration of a range of issues including the views of individual Local Authorities.

Carmarthenshire and Swansea

In terms of Carmarthenshire and Swansea, the Commission report itself noted that *'matters are less clear elsewhere – in the Bridgend / Neath Port Talbot / Swansea and Carmarthenshire / Ceredigion / Pembrokeshire areas – and our preferred options differ only in how they would affect those areas.'*³ The report made it clear that all of its *'favoured options have different strengths and weaknesses'* and that it had no preference between them.⁴

In the case of Carmarthenshire, a merger with Ceredigion and Pembrokeshire would help integrate health and social care in the Hywel Dda Local Health Board area and bring together an area which has some significant common features in terms of rurality, local economy and, in much of the area, use of the Welsh language. This configuration fits within the option of "larger" configurations as expressed in the Prospectus⁵ issued inviting voluntary merger applications, and provides a single, stronger Authority with greater capacity and capability. It would also be compliant with the Commission's Option 2b and 3.

As for Swansea, there is a question as to whether the Authority is of sufficient scale to remain alone and sustainable in the longer term. It is already closely engaged with Neath Port Talbot on a project bringing together social services. A merger with Neath Port Talbot would avoid the anomaly of retaining Swansea as a single entity while merging the city of Cardiff with the Vale of Glamorgan, as well as combining two areas with similar socio-economic conditions. There is also a strong argument that Swansea is the focal point for economic growth in the wider Western Bay wider area (see "Regional Footprint and Collaborations" section below), and that future development is focussed towards its eastern boundary with Neath Port Talbot (for example the new university development). Indeed, both Local Authorities argued with some force back in November 2014 as part of deliberations on voluntary mergers, that they should form the core of a new city region authority for the area (albeit encompassing in addition the Llanelli / Ammanford area and south west Powys). Clearly, breaching existing boundaries in this way does not meet our current preferred options. On the other hand, leaving out the additional areas does not undermine the argument of bringing the two existing Authorities together. A merger between Swansea and Neath Port Talbot would also be partially in line with the Commission's Option 2a and 3.

Bridgend

The Commission's report did not highlight any specific issues regarding Bridgend. In Option 1 it was included with Swansea and Neath Port Talbot in line with the principle that there should be alignment of Local Authority areas with Local Health Board areas and this remains a strong argument. However,

³ Commission on Public Service Governance and Delivery, 2014, p96.

⁴ Commission on Public Service Governance and Delivery, 2014, p98.

⁵ Invitation to Principal Local Authorities to Submit Proposals for Voluntary Mergers

while some feel Bridgend is in a 'buffer zone' between south east and south west Wales, there is evidence that points towards its natural position lying with the South East Wales City Region rather than to the west.

The Local Authority as part of its voluntary merger expression of interest presented evidence around retailing patterns, transport links and travel to work destinations which all pointed towards the south east rather than west. There are more socio-economic similarities with the Vale of Glamorgan or southern Rhondda Cynon Taf than with Neath Port Talbot. In terms of collaboration arrangements and partnership agreements, again the evidence suggests it operates more naturally within the south east Wales region. The most obvious examples include its membership of the Cardiff Capital City Region and the Central South Education Consortium. It is also a member of a number of Local Government established forums including the South East Wales Strategic Planning Group, South East Wales Regional Housing Forum, and the South East Wales Regional Partnership Board.

The key issue to consider is that a configuration comprising Bridgend / Rhondda Cynon Taf / Merthyr would cross the current Local Health Board boundary and thus move away from the principles of alignment and coterminosity. Our view is while there would be challenges to work through, this cross health boundary arrangement could be made to work in ways which could resolve the additional complexity. We consider there are no challenges which could not be overcome and there appears to be willingness within the Health Boards to do what is necessary to make any new arrangements work. While there are no plans currently to propose any changes to any Local Health Board boundaries, consideration will be given to the implications for Local Health Board boundaries at the point in the process where the conversation is complete and there is a confirmed map in place. Irrespective of the final map, the Welsh Government wants Local Health Boards to work much more closely together to provide hospital services across traditional boundaries regardless of where the formal boundaries are drawn.

Of course, any merger comprising Bridgend / Rhondda Cynon Taf / Merthyr would result in a significantly larger new Authority with commensurate gains in capacity and capability, but these would need to be balanced against the possible disincentive of health boundary issues. Finally, another factor to consider is that in practical terms, Bridgend occupies a particular geographical location and its position in a new structure will determine other choices. This was made clear by the proposed merger of Bridgend and the Vale of Glamorgan which would have prevented delivery of the Option 1 map as the city of Cardiff would have stood alone. In turn, this may have driven different configurations across South East Wales which may have impacted on the proposals in Gwent and the Valleys. A merger between Bridgend and Rhondda Cynon Taf / Merthyr would not prevent the delivery of a modified Williams Option 1 map.

South East Wales

The Commission, in recommending mergers between Newport / Monmouthshire and Blaenau Gwent / Caerphilly / Torfaen, nevertheless recognised there may be alternatives. It stated the Gwent Police Force area

contains a diverse mixture of urban, valleys and rural Authorities, of areas of very high and very low deprivation, and of relatively very high and very low Council Tax. The Commission noted other combinations of Authorities were possible. However, it was concerned alternative combinations would breach the criterion on EU convergence funding. It also felt creating Local Authority areas like the whole of Gwent or the whole of North Wales could lead to difficulties in meeting multiple diverse local needs effectively or to maintaining fair democratic representation within such areas, thus potentially jeopardising some of the gains from merger.

It is clear a Gwent area configuration in South East Wales would create the biggest Local Authority in Wales with a combined population of over 580,000. This would make it on a par with other populous Unitary Authorities in the UK such as Glasgow and Cornwall, but still significantly less than Authorities such as Birmingham and Leeds. Despite this and the variety of geographical and socio-economic conditions within the area, we have seen stronger than average collaboration and a distinct sense of a Gwent identity among the public services. It is important to highlight that Authorities in the Gwent areas pride themselves on having established effective collaboration and partnership arrangements in recent years and those in place are working well. For example, the five Local Authorities are part of the Education Achievement Service Consortium, the Gwent Regional Collaborative Committee (Supporting People), and are piloting a regional funding approach for violence against women, domestic abuse and sexual violence services. On top of this, both the Police Force and the Local Health Board operate on a Gwent area footprint.

Another factor to note is the considerable opposition in the Gwent area to the potential configurations proposed by the Commission. Three of the five Local Authorities have expressed clear views around merging with others or remaining independent, with Newport against merging with Monmouthshire and vice versa, and Caerphilly against merging with anyone. Given the strength of feeling and clear opposition to the configurations suggested by the Commission, there is an argument merging the five Local Authorities and creating a larger Authority may be an advantage, not least in terms of maximising economies of scale and giving the Authority a strong voice. It would also be Option 1 compliant, albeit as part of a larger unit.

North Wales

In North Wales, all of the options presented by the Commission included three Local Authorities. While it is the case that collaboration tends to happen on a North Wales regional basis (GwE Consortium, North Wales Economic Ambition Board, Supporting People etc.), the Commission dismissed the creation of a single Local Authority area covering the whole of North Wales. Doing so could be likely to lead to difficulties in meeting multiple diverse local needs effectively, or to maintaining fair democratic representation.

In addition, the EU convergence funding criterion was not consistent with the division of North Wales into two Local Authorities rather than three by merging Anglesey, Gwynedd and Conwy; and Denbighshire, Flintshire and Wrexham. Denbighshire could jeopardise its qualification for convergence funding by

merger with Flintshire and Wrexham which are not eligible. Setting this issue to one side, the case for either two or three Local Authorities in the North Wales area is finely balanced. Issues include:

- population – if the configuration in North Wales was three Authorities, two of those would have populations around the 200,000 mark i.e. Gwynedd / Anglesey and Conwy / Denbighshire. Notwithstanding Powys, this would be considerably lower than most of the other configurations in Wales which would be 380,000 plus with Wrexham / Flintshire just below the 300,000 mark;
- Welsh Language – there is an important question as to whether it would be supported better by creating three or two Authorities in North Wales. Some argue that placing Denbighshire with the border Counties of Flintshire and Wrexham might impact adversely on maintaining and strengthening the vibrancy of the language in the Denbighshire area. On the other hand, merging Conwy with the Isle of Anglesey and Gwynedd could create an area where possibly less than 50% of the population are Welsh speakers. This would mean that no Authority in Wales would have a majority of Welsh speakers and could impact on current internal administrative practice in Gwynedd;
- the creation of two rather than three Authorities would reduce the variance across North Wales on financial indicators, particularly in terms of the key indicators such as Council Tax raising ability (size of tax base) and spending power (gross revenue expenditure);
- current sub regional delivery structures for police, fire and health currently operate on a three area basis – Anglesey / Gwynedd, Conwy / Denbighshire and Wrexham / Flintshire. The Health Board has recently introduced an area director structure based on these areas; and
- the strong preference expressed by Conwy that in the event mergers were to proceed, a merger between themselves and Denbighshire should be examined further given their supporting evidence.

The case in North Wales is, therefore, finely balanced between two or three Local Authorities and there are pros and cons for both.

A full analysis of the options for eight or nine new Authorities is presented in the accompanying draft Regulatory Impact Assessment (RIA). We would welcome your views on the Welsh Government's preference for the future configuration of Local Government in Wales.

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?

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

Powys

The Commission on Public Service Governance and Delivery recommended that because of the unique characteristics of the County of Powys and the

distinctive patterns of service delivery this creates, Powys County Council (PCC) and Powys Teaching Health Board (PTHB) should merge.

In considering the available options, Ministers recognise the difficulties in successfully merging two organisations with such different functions, governance arrangements and legislative basis. As a result, the Welsh Government believes the funding and governance issues mean a formal merger is not the best solution, but work should continue to encourage and explore other opportunities for greater front-line and strategic integration, including where these opportunities could result in the need to legislate to remove barriers or facilitate further progress.

PCC and PTHB are already co-terminous organisations, serving the same population, largely experiencing the same challenges and opportunities of a geographically large, sparsely populated, highly rural County. The organisations have a track record of working together to develop services for the people of Powys and have a history of working with communities, the voluntary sector and other stakeholders and partners to deliver improvements. This resulted in the formulation of the One Powys Plan 2014-17.

In November 2014, a joint Expression of Interest was submitted to the Welsh Government in which both organisations sought support to progress integration. In spring 2015, the Minister for Public Services agreed to provide Welsh Government support in response to proposals put forward by PCC and PTHB in *Working Together for a Thriving Powys*. This agreement includes a funding contribution towards the work.

Since November 2014, both Chief Executives together with their executive teams have been meeting regularly as a Joint Management Team. Research has been undertaken to identify what lessons could be learnt from other organisations already undertaking this level of integration. They have developed an integration plan which sets out the priorities for action. Their first priority is to create health and social care teams in the community. These could include staff such as district nurses, speech and language therapists, social workers, physiotherapists, and occupational therapists. These teams will work closely with local GPs to offer care in, or as close to people's homes as possible using technology where practicable.

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?

Naming the New Counties

With the exception of Powys, which is a continuing Authority, the proposed new Counties are simply referred to as County 1 etc. in the Tables presented in Schedule 1 to the Draft Bill. The intention is that the Shadow Authorities, to be elected in 2019 will determine the names of their new County (in English and Welsh forms). The regulation-making power in paragraph 2(1) of Schedule 1 will enable the Welsh Ministers to give legal effect to the names determined by the Shadow Authorities.

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

Regional Footprint and Collaborations

In 2011 a common public service Regional Collaborative Footprint (RCF) was established based on six areas: North Wales, Mid & West Wales, Western Bay, Cwm Taf, Cardiff and Vale, and Gwent. The Commission on Public Service Governance and Delivery noted that the boundaries of most major service providers were reasonably well-aligned, but that despite the development of the RCF, regional collaborations were still too complex, fragmented and hard to administer. They argued that aligning public service collaborations would simplify working arrangements, avoid duplication and help create more integrated services for the public.

In July 2014, the Welsh Government published its vision for reforming devolved public services in the document '*Devolution, Democracy and Delivery: Improving Public Services for People in Wales*'. One of the 20 high-level actions outlined in the document focuses on the importance of aligning existing collaborations with the boundaries of new, merged Local Authorities and other delivery partners.

Since then, work has been undertaken across the Welsh Government to identify the most strategic regional collaborations. The information received has highlighted that current collaborations and partnerships are broadly well-aligned with the proposed Local Government areas and are consistent with the Welsh Government's RCF, particularly in areas such as North Wales and Gwent.

The Welsh Government does not propose to take any action on aligning collaborations and partnerships ahead of a final decision on the Local Authority areas. In the meantime however, Ministers have agreed that there *should be a moratorium on the establishment of any new collaborations and partnerships prior to finalising the map*. Such a moratorium does not apply to any existing statutory requirements. For example, it will not impact Public Services Boards where provisions under the Well-being of Future Generations (Wales) Act 2015 are due to be brought into force in April 2016. The same is true for planned regulations under the Social Services and Well-being (Wales) Act 2014, such as for the establishment of the Social Services Regional Partnerships.

Chapter 2: Ordinary elections of Councillors and term of office

In accordance with the Fixed-term Parliaments Act 2011, from 2015 Parliamentary general elections are held every five years on a fixed term basis. The Wales Act 2014 likewise moved the National Assembly for Wales elections to a five-year fixed term, with effect from 2016. In accordance with those cycles and to avoid clashes, we are proposing to create five-year fixed term cycles for elections to Local Government (Principal and Community Councils), with effect from 2023.

Before moving to this five year cycle, we propose making various transitional arrangements as follows:

- The term of office of Councillors elected to existing Principal Authorities (Counties and County Boroughs) in the Local Government elections in May 2017 will be three years. The existing Authorities will be abolished from 1 April 2020. This is not the case for Powys which will be a continuing Authority, details of which are found below.
- Elections to the new County Councils will be held in May 2019 and Councillors will serve a four year term. For the first year of that term, the new County Councils will exist as Shadow Authorities, which will exercise only preparatory functions specified in regulations made by the Welsh Ministers. The new County Councils will take over the full range of Local Government functions from 1 April 2020. The Draft Bill provides that the next ordinary elections of the new County Councils will be in May 2023. This will give the new County Councils three years from 1 April 2020 in which to consolidate their new arrangements.
- Holding elections in 2017 and 2023 in Powys, as a continuing Authority, would mean Councillors elected in 2017 would serve a six-year term. This would be an unprecedented length of term and to avoid straining the democratic mandate, ordinary elections will be held in Powys in 2020, meaning two three-year terms for Councillors. Community Councillors in Powys will, however, serve a six-year term between 2017 and 2023 (see Part 6 below).

4 May 2017	(i) Elections to continuing Authorities not subject to merger (ii) Last elections to all Authorities which would be subject to merger	(i) i.e. Powys. These Councillors will serve 3-year terms until May 2020 (ii) These Councillors will serve 3-year terms until 1 April 2020
May 2019	First elections to new County Councils	New County Councils exist in shadow form until Vesting Day on 1 April 2020. These Councillors will serve a 4 year term
May 2020	Elections to continuing Authorities	I.e. Powys. These Councillors will serve 3-year terms until 2023
May 2023	Elections to all Local Authorities in Wales	All Councillors will serve a 5 year term until May 2028

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?
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Chapter 3: New Councils: Finance

The Draft Bill includes legislative changes in relation to finance which are needed to support structural mergers and some of the wider reforms proposed elsewhere in the Draft Bill. The White Paper discussed the need to review the Local Government finance system over a longer timetable than that planned for mergers and the reforms set out in the Draft Bill. This proposal was accepted by most respondents, with the majority acknowledging the risks of fundamental change to the finance system too soon in the reform process.

The Welsh Government intends to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales. This will enable us to design a system which takes account of wider changes to the powers and fiscal responsibilities of the Assembly, and devolves greater financial independence and responsibility to Local Authorities.

Accounts and Audit Requirements

The Bill for introduction will contain updated and modernised provisions setting out how Local Government bodies in Wales should account for the money they spend and how their accounts will be audited. Local Government bodies in Wales abide by the requirements set out in regulations made under the Public Audit (Wales) Act 2004. We will take the opportunity provided by this Bill to modernise the accounts and audit requirements of local bodies in Wales in line with the latest good practice for financial management and internal control systems.

The Welsh Ministers will also make provision in regulations in relation to the mechanism by which Shadow Authorities will be funded during the shadow period. The regulations will include the processes a Shadow Authority will be required to undertake in relation to monitoring its internal resources and, if deemed necessary, the keeping of, any audit of accounts.

Council Tax

One of the core principles of local taxation is that tax-payers living within the same Local Authority area contribute equivalent amounts (relative to their circumstances) for the provision of local services in that area. Each Local Authority has democratic responsibility for deciding on the amount of Council Tax charged within its area. This means when existing Authorities are brought together to form a new larger Authority, each new Authority will need to set its own level of Council Tax.

In some cases, this may require a process of harmonisation to move to the same level of Council Tax across an Authority's area. This would not necessarily need to be achieved immediately upon the creation of a new Authority. For example, a period of transition could help to promote stability in

tax revenues and to ensure residents are protected from sudden changes in Council Tax liability. Conversely, early harmonisation could result in a fairer system for those taxpayers who would see a reduction in their bills. The existing finance legislation contains a broad range of powers which could be used to effect a number of policy approaches to the setting of Council Tax. There are also existing powers for Ministers to limit increases in Council Tax. We do not propose the Welsh Ministers take any new powers in relation to this and have not, therefore, included new provisions in the Draft Bill.

The Welsh Government is committed to consulting fully on any proposed future approach to Council Tax when the time is right. In light of the changing financial landscape, we consider it too early in the reform process to draw up firm plans for harmonisation, but we will examine and monitor the developing picture across Wales. We will expect Transition Committees and Shadow Authorities to carefully assess the particular characteristics of the new Authority, as well as consider the financial pressures on households, and use this information to inform immediate budgets and medium term plans for Council Tax. At the very least, we expect Transition Committees and Shadow Authorities to safeguard against any divergence in Council Tax levels in the period running up to mergers. The restrictions on certain transactions set out in the first Local Government (Wales) Bill will assist in the process of financial management and further guidance will be issued in due course.

Controls on Avoidance of Non-Domestic Rates

The White Paper recognised there are inconsistencies between local tax systems which we may wish to review as part of shorter term improvements to the finance system. We consider one of those inconsistencies to be the absence of a duty on Non-Domestic Rates-payers to notify their Billing Authority of a change in their circumstances which may affect their liability, or eligibility to claim a relief, discount or exemption. Although valuation officers can serve notices on rate-payers to provide information, there is no requirement for rate-payers to inform the valuation officers or the Billing Authority of a change in circumstances. This differs from some of the requirements placed on Council Tax payers and can result in large backdated bills when changes are made. The summary of responses to the recent discussion paper on rates avoidance⁶ produced by the Department for Communities and Local Government and HM Treasury indicates that one of the common avoidance measures is rate-payers notifying Billing Authorities retrospectively of periods of occupation, which are subsequently difficult to verify.

The extent of avoidance in the Non-Domestic Rates system in Wales, whether unintended or deliberate, is not currently known and will require further investigation. However, recent analysis undertaken by the Local Government Association estimates that in England around £230 million (approximately 1%) of rates revenue is lost to avoidance each year.⁷ As this is a complex and

⁶ *Business Rates Avoidance: Summary of Responses*, Department for Communities and Local Government, HM Treasury, July 2015.

<https://www.gov.uk/government/consultations/business-rates-avoidance-discussion-paper>

⁷ Local Government Association response to *Business Rates Avoidance* discussion paper, February 2015.

developing area of policy, we propose the Bill on introduction contains a provision to enable Welsh Ministers to make regulations in the area of Non-Domestic Rates avoidance.

We do not envisage providing for a detailed policy approach in the Bill as we will wish to develop the proposals in consultation with Local Government, rate-payers, the Valuation Office Agency, the Valuation Tribunal for Wales and the Lord Chief Justice Office. Full consideration will also be given to the appeals process for rate-payers aggrieved by a decision and to reasonable protocols for enforcement by Billing Authorities. In drawing up detailed proposals, we will take into account the available evidence, the findings of the Business Rates Panel,⁸ the outcome of a review on rates avoidance in England and powers proposed in the UK Government's Enterprise Bill to facilitate the sharing of more information between the Valuation Office Agency and Billing Authorities. Any regulations developed in due course would be subject to the affirmative legislative procedure, meaning the detailed proposals would undergo specific scrutiny before being debated by the National Assembly for Wales.

The policy development process will be consistent with the Welsh Government's approach to tax collection and management and the principles for tax policy published in 2014.⁹ Measures to tackle avoidance and fraudulent activity support the Welsh Government's principles of fairness to all taxpayers, by ensuring that the rates due are responsive to changes in circumstances and that liability is spread fairly across all taxpayers, of having clear rules which seek to minimise administration costs by improving the accuracy of information, and of providing stability and certainty to taxpayers by reducing the instance of backdated liabilities.

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?

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

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?

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?

<http://www.local.gov.uk/documents/10180/6869714/Business+rates+avoidance+-+discussion+paper+-+LGA+response.pdf/89897cc8-7bba-4257-a97b-243bf6d22ece>

⁸ *The Devolution of Business Rates to Wales*, February 2015.

<http://gov.wales/docs/det/publications/150202-devolution-of-business-rates-en.pdf>

⁹ *Tax powers, purpose, principles and priorities*, Welsh Government, December 2014.

<http://gov.wales/docs/caecd/publications/150109-treasury-paper-en.pdf>

Other matters

Phased Elections

The White Paper sought views on whether Local Government elections should be conducted in phases. In response to the concerns of stakeholders, the Welsh Government will not be proceeding with this proposal.

The Number of Councillors

In recognition of the democratic requirements of the new Authorities, the previous cap of 75 Councillors per Authority has been removed. Consultation on Draft Directions to the Local Democracy and Boundary Commission for Wales took place between August and November 2015. This consultation sought views on what an appropriate number of Councillors might be for the new Authorities to best deliver effective representation and democratic governance. We are currently considering the responses to this consultation.

The Preserved Counties

The preserved counties of Wales are the counties created by the Local Government Act 1972 (“the 1972 Act”). The counties created under the 1972 Act were abolished by the Local Government (Wales) Act 1994 (“the 1994 Act”). However, the 1994 Act created the concept of preserved counties based on the areas of the eight counties, to be used for a range of purposes largely relating to judicial and administrative purposes. The eight preserved counties are notional entities only; they have no elected Councils, no administrations and no functions of their own.

Since the 1994 Act, most of the purposes for which the counties were preserved have fallen away. For example, justice areas are now based on new geographical areas rather than the preserved counties. In some instances there remain obsolete references to “preserved counties” in legislation which will require amendment. However, there are references to preserved counties which remain relevant. They relate to lieutenancies, shrievalties and sea fisheries.

Lord Lieutenants and High Sheriffs

Lord-Lieutenants and High Sheriffs have traditionally been appointed by reference to local administrative areas. At the time of Local Government reform in 1972, the Local Government Act 1972 (“the 1972 Act”) required the Queen to appoint a Lord-Lieutenant for each County in England and Wales. High Sheriffs are appointed annually by the Queen under the provisions of the Sheriffs Act 1887 and the 1972 Act put in place transitional arrangements so that High Sheriffs were appointed to the new counties established under the 1972 Act. Lord-Lieutenants and High Sheriffs continued to be appointed for the counties established under the 1972 Act between 1974 and 1996.

As stated above, the Local Government (Wales) Act 1994 reformed Local Government in Wales, but preserved the counties established under the 1972 Act for certain purposes. This included the geographical area for which Lord-Lieutenants and High Sheriffs would be appointed.

Today, the preserved counties continue to serve as the areas for defining the lieutenancies and shrievalties in Wales, in accordance with the Lieutenancies Act 1997 and the Sheriffs Act 1887. There is a Lord-Lieutenant and a High Sheriff for each preserved county in Wales, making eight Lord Lieutenants and eight High Sheriffs in total. Some Lord-Lieutenants and High Sheriffs cover two or more of the existing administrative Local Authorities created by the 1994 Act. The lieutenancy and the shrievalty of Gwent cover five Local Authorities (Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen); in contrast, the lieutenancy and the shrievalty of Powys cover one Authority only, the administrative County of Powys.

Sea Fisheries (Shellfish) Act 1967

Section 10 of the Sea Fisheries (Shellfish) Act 1967 (“the 1967 Act”) states that the portion of the sea shore to which an order under section 1 (power to make orders as to fisheries for shellfish) of that Act relates, shall for all purposes of jurisdiction be deemed to be within the body of the adjoining county, borough or burgh. The 1994 Act provided that the reference to “county” in section 10(1) of the 1967 Act in relation to Wales includes a reference to a preserved county.

The Welsh Government’s proposals for Local Government mergers will result in the number of Principal Local Authorities being reduced to eight or nine, from 1 April 2020. Whichever of the two options is decided upon, there seems little purpose in retaining an equivalent number of preserved counties, to add unnecessary complexity to the Local Government map of Wales.

We propose to abolish the preserved counties in Wales with effect from 1 April 2020. In consequence, it will be necessary to amend the relevant statutes to ensure the appointments of Lord-Lieutenants and High Sheriffs relate to the new Counties in existence after 1 April 2020 and that the reference in the 1967 Act is updated. **Lord-Lieutenants and High Sheriffs are appointed by the Queen, so any changes would be made in consultation with office-holders and the Queen’s advisers.** We will work with all affected to ensure that, where necessary, transitional arrangements are in place before 1 April 2020.

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?

Other Technical Matters

There are a number of issues which may be considered technical in nature on which we will be seeking views. These include:

- any property, rights and liabilities, including grants, which require specific provision for their effective transfer to the new Councils;
- any impact on existing contracts and property which would need express provision in the Bill;

- the length of time for suspension of by-elections in existing Councils prior to the new Councils assuming their full functions and responsibilities on 1 April 2020 e.g. where there are casual vacancies;
- mechanisms to preserve historic ceremonial rights, including city and borough status; and
- joint committees, joint boards and port health authorities.

It is our intention to engage directly with Local Authorities on these matters, however, we welcome views on these and any other similar technical matters as part of this consultation.

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

Part 2: General Power of Competence

The provisions in Chapter 1 of Part 2 relate to County Councils' general power of competence and those in Chapter 2 set out the conditions which Community Councils must meet in order to be Community Councils with competence.

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

We also welcome your views on the following matters.

Chapter 2: Community Councils with Competence

The Draft Bill includes conditions which a Community Council must meet if it is to resolve itself 'with competence'. Being 'with competence' would enable a Community Council to use the general power of competence and provide other organisations with a degree of confidence that the Council has the capacity and capability to 'do business'. There will also be a reputational benefit, with communities able to see that their Council is meeting certain standards.

The consultation on the White Paper established that there were clear views against the proposal that one of the competency tests should be a minimum annual turnover of £200,000. In particular, this was seen to disadvantage rural Councils. The Welsh Government accepts the argument and no such provision is included in the Draft Bill.

We also stated in the White Paper our intention that a Community Council resolving itself competent should be required to notify a committee of the Principal Authority for the area, and that the nominated committee should have powers to revoke the Community Council's competency qualification in some circumstances. More consultation responses were in favour than against these proposals. However, we have considered the implications this might have for the relationship between Principal Councils and Community Councils, notably the risk of blurring accountability and of creating tensions in the working relationship between the two tiers of Local Government. Therefore, we have taken a different approach in the Draft Bill.

The provisions in the Draft Bill enable a Community Council to pass a resolution at any meeting of the Council that it meets the competency requirements and that it is a Community Council 'with competence'. Such a Community Council will remain competent until the first annual general meeting following ordinary elections, when it must pass a resolution that it continues or ceases to be a Community Council with competence. A Community Council with competence may also pass a resolution at any meeting of the Council that it ceases to be a Community Council with competence. A Council that ceases to be a Community Council with

competence may continue any activities it has commenced whilst exercising the general power of competence.

This means that a Council would be able to resolve itself competent at its first meeting following an election and remain competent for the five years until its annual general meeting following the next elections, even though in each of the intervening years it might fail to meet any or all of the three competency requirements, including the requirement to have two years' unqualified accounts. During this period the Community Council would be able to exercise the general power of competence and do things it could not otherwise do if it had not resolved itself competent, as is the case with eligible Parish Councils in England. This approach would provide certainty for Community Councils undertaking activities in reliance on the general power and certainty for third parties in their dealings with Community Councils as to the extent of a particular Council's powers. The Welsh Government would welcome your views about this.

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

Part 3: Promoting Access to Local Government

This Part contains provisions relating to promoting access to Local Government. Chapter 1 gives an overview of the provisions. Chapter 2 requires Local Authorities to encourage public participation in Local Government. Chapter 3 establishes community area committees, for the purpose of ensuring that community interests and priorities are taken into account by the Council in exercising its functions. Chapter 4 deals with improvement requests, by which a Council enters into discussions with community bodies for the purpose of improving local outcomes. Chapter 5 extends public access to Local Authority meetings and Chapter 6 requires Local Authorities to publish a guide to their constitution and publish the official addresses of their members. The provisions relating to public participation, community area committees and improvement requests support the Welsh Government's *Principles for Working with Communities*.¹⁰

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

We also welcome your views on the following matters.

Chapter 2: Public Participation in Local Government

The White Paper makes a number of references to the need for Local Authorities to be more active in involving the public in the Council's work and in decisions which affect them. This part of the Draft Bill draws together the proposals for public participation into a single overarching duty on Local Authorities to encourage participation in the decision making of County Councils and their connected authorities (Community Councils, Fire and Rescue Authorities and National Park Authorities) and to set out how it means to achieve this in a strategy. The participation strategy must address promoting awareness of the Council's functions and how to become a member of the Council, facilitating access to information about decisions and ways for the public to make representations to the Council, public involvement in scrutiny and the use of social media.

Given the importance of the budget setting process, separate provision is made to ensure wide and meaningful consultation on the annual budget.

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

¹⁰ See Welsh Government Written Statement, 15 September 2015, <http://gov.wales/about/cabinet/cabinetstatements/2015/workingcommunities/?lang=en>

Chapter 3: Community Area Committees

In the White Paper we made a case for establishing a model of community governance so communities could maintain and improve their engagement with the larger, merged Local Authorities, with a leading role for Elected Members. We described an area-based approach, with 'area boards' made up of Elected Members, community bodies, the third sector, Community Councils and other public services.

Respondents to the consultation asked for more detail about what is intended, showed concern about the potential for increasing bureaucracy, and the importance of ensuring appropriate representation, especially from the third sector and Community Councils. The majority agreed that Local Authorities should have flexibility to design an approach suitable to their area. The public have also told us that, while they support bigger Local Authorities, they are concerned about them losing touch with communities.

The provisions included in the Draft Bill seek to articulate our intentions and provide a more informed basis from which to comment. They set out the intention to require Local Authorities to establish a committee in each of their community areas (as determined under the Well-being of Future Generations (Wales) Act 2015). Community area committees will provide a structured way for views on local priorities to be expressed and fed into the Local Authority budget planning process, and for communities and local people to engage with their Elected Members on practical matters of local importance. Local Authorities will also be able to seek the advice of these committees on any matter relating to the committee's community area. The provisions also enable the Local Authority to delegate functions to community area committees. Which functions may be delegated to community area committees will be determined by regulations to be made by the Welsh Ministers.

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

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?

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?

Chapter 4: Improvement Requests

In the White Paper we consulted on a proposal that there should be a 'right to participate'. This would enable community bodies to become involved in service improvement. The Draft Bill includes provisions which oblige Local

Authorities to enter into a dialogue with community bodies about how an outcome can be improved on receiving a request from a community body, unless they have reasonable grounds for not doing so. The definition of community bodies is widely drawn.

The procedure sets out that at the end of a period of dialogue, the Local Authority will publish on its website a summary of the discussions and the actions that have been agreed. We will expect both Local Authorities and community bodies to hold to the matters they have agreed publicly. However, we do not consider it would be conducive to good relations between Local Authorities and community groups or for fostering a culture of involvement if we were to impose more heavily prescribed duties on the Local Authority.

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)?

Chapter 5: Access to Meetings etc.

In addition to the matters we consulted on in the White Paper and which are provided for in Part 3, Chapter 5 of the Draft Bill, we also wish to consult on various additional proposals relating to Council meetings.

- Electronic publication of notices of meetings. The Local Government (Democracy) (Wales) Act 2013 introduced a requirement on Community Councils to have websites and publish information concerning the Council. We propose that Principal Councils should be placed in a similar position to Community Councils.
- Electronic summons. We propose that Principal Councils should be able to choose to send out notices only by electronic means if they so wished.
- Prohibition of alcohol at Community Council meetings and removal of the restriction on having meetings in licenced premises. Society has changed considerably since the provisions of the Local Government Act 1972. Many more premises are licensed now and a great deal of public activity, such as weddings and conferences, takes place in places licensed to sell alcohol. The prohibitions, therefore, seem dated and we propose to repeal them. It would, however, be proposed that Community Councils may adopt standing orders which would prohibit Councillors or members of the public from consuming alcohol during a meeting.
- A regulation making power for the Welsh Ministers to require meetings of the Executive to keep and maintain minutes. At the moment, regulations made under the Local Government Act 2000 require that records of executive decisions are written, maintained and published. The proposed regulatory power would enable the Welsh Ministers to make meetings of Council Cabinets the subject of recorded minutes. We would welcome your views on this proposal in the light of our intention that Cabinet meetings would be subject to live broadcasting.

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

Other matters

Youth Councils

The White Paper proposed requiring the Chief Executive to establish a Youth Council, with the objective of encouraging better participation in democracy by children and young people. Following the consultation, further consideration has been given to this proposal, and it is now felt it is not sufficiently broad to reflect the best practice which already exists in many Local Authorities, in terms of engagement with children and young people, including through digital and social media.

Section 12 of the Children and Families (Wales) Measure 2010 ('the 2010 Measure') requires a Local Authority to make such arrangements as it considers suitable to promote and facilitate participation by children in decisions of the Authority which might affect them. Statutory guidance under the 2010 Measure sets out the Welsh Ministers' expectations that:

- Local Authorities should promote and facilitate children and young people's participation, within the broad context of the UN Convention on the Rights of the Child, as part of their policies, services and wider citizen engagement;
- children and young people's participation should be embedded into all aspects of planning, delivering and reviewing services, including local well-being plans; and
- Local Authorities should establish a county-wide youth forum or council, as a channel for young people's views to the Authority and other local and national decision-making bodies.

The guidance is currently being updated to reflect the commencement of the Well-being of Future Generations (Wales) Act 2015 from April 2016.

Whilst the 2010 Measure goes some way to fulfilling our policy aim of encouraging participation in local democracy, the public participation provisions in Part 3 of the Draft Bill would require a Local Authority to involve children and young people (amongst other 'local people') in the decision-making process of the Authority. This is a step further than section 12 of the 2010 Measure, which is limited to participation by children in decisions of the Authority '*which might affect them*'. The role of children and young people would be emphasised in guidance to be issued under the Bill and we intend it to include specific measures which Councils could take to assist in the organisation of young people in their area and the channelling of their views into Council deliberations.

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

Part 4: Functions of County Councils and their Members

The provisions in Part 4 of the Draft Bill deal with the functions of the new Councils and their members. Chapter 1 provides an overview of the provisions in this Part. Chapter 2 sets out the duties all Councillors must discharge. Chapter 3 sets out how breaches of the duties on Councillors are to be dealt with and Chapter 4 makes further provision in relation to these duties. Chapter 5 provides that the Elected Mayor or the Leader must set objectives for the Cabinet and that candidates for Elected Mayor or the Leader must prepare a written manifesto. It also enables Councillors to be appointed as assistants to the Executive. Chapter 6 makes provision about the appointment of the Chief Executive, setting his or her objectives, as well as making the post of Head of Democratic Services a chief officer. Chapter 7 makes various provisions relating to Overview and Scrutiny Committees and Standards Committees. Chapter 8 makes minor amendments to other legislation.

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

We also welcome your views on the following matters.

Chapter 4: Further Provision about Duties on Members

In the White Paper we proposed that Group Leaders should be under a duty to ensure diversity is respected, and that Monitoring Officers and Standards Committees should have enforcement roles. The majority of consultees that responded on this issue were supportive. Chapter 4 puts a duty on leaders of political groups to promote and maintain high standards of conduct by the members of the group. Standards Committees are given new functions to monitor compliance by leaders of political groups with this duty and to advise and arrange training relating to the duty.

Chapter 7: Overview and Scrutiny Committees and Standards Committees

The Draft Bill gives Standards Committees new functions to handle complaints that Councillors have breached the duties imposed on them by Chapter 2 of this Part (sections 82 to 86), and to monitor compliance of leaders of political groups with the duty imposed on them by Chapter 4. Given the enhanced role of the Standards Committee, we believe there is merit in the Authority being provided with an overview of the work of the Standards Committee during the year, in all its functions, to gain a better understanding of trends in standards of conduct within the Authority. In Chapter 7, therefore, we put a duty on Standards Committees to publish an annual report and, if appropriate, make recommendations to the Authority.

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?

Other Matters

Delegation of Functions

In the White Paper we set out our intention to review the provisions in the Deregulation and Contracting Out Act 1994 (“the 1994 Act”) with a view to allowing Local Authorities generally to make decisions on how they deliver services, other than in prescribed circumstances. This proposal was connected to the proposal to provide Principal Councils and eligible Community Councils with a general power of competence. Provision has been included within the Draft Bill for a general power of competence.

It is our intention, as is the case now under the 1994 Act, that Local Authorities should be permitted to delegate the exercise of certain of their functions to third parties. However, we consider the current provisions are inflexible. The contracting out power is not currently exercisable in relation to Wales by the Welsh Ministers, and the orders that have been made to date do little to encourage Local Authorities to be more innovative in the way they deliver their services.

We, therefore, propose that Part 2 of the 1994 Act, as it applies to the contracting out of functions of Local Authorities in Wales, should be repealed and replaced with a new regime that will allow for the delegation of Local Authority functions to third parties by regulations made by the Welsh Ministers. We propose this power of delegation should apply to Principal Councils, Community Councils, Fire and Rescue Authorities, National Park Authorities and Joint Planning Boards. As with the general power of competence, it is our intention to bring the provision into force at the earliest opportunity after the Bill is passed in order that the new regime is available to existing Authorities.

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

Electoral Qualification

Respondents to the White Paper expressed concerns over lifting the prohibition on Local Authority officers standing for election to their own Authority. As previously announced, we will not be proceeding with this proposal.

In addition, the White Paper proposed:

- requiring candidates at Local Government elections to declare their membership of a political party, where appropriate;
- preventing Elected Members of Principal Councils from serving as a Community Councillor at the same time; and

- preventing a person from serving on more than one Community Council at the same time.

Further consideration is being given to these proposals and no provision is made in the Draft Bill.

Term Limits

There were clear views in the White Paper consultation regarding the proposal to limit the length of continual service of Elected Members, the Leader and Cabinet Members. As a result, and as previously announced, these proposals will not proceed.

Release of Councillors from Employment

The White Paper proposed placing a duty on devolved public services to release employees to undertake duties as Councillors. Given the provision in section 50 of the Employment Rights Act 1996 (right to time off for public duties) further provision has not been made for this in the Draft Bill. Raising awareness and promoting the use of this existing provision will be taken forward through the *Diversity in Democracy* programme.¹¹

Remuneration of Councillors

As stated in the White Paper, there is a justifiable expectation amongst the general public that elected politicians should receive no greater remuneration than can be justified in relation to the scale of their responsibilities and time commitment. Equally, the Welsh Government does not wish to financially disadvantage anybody for being a Councillor, as this would contradict our clear intention to increase diversity among Councillors.

The framework of remuneration for Councillors is decided by the Independent Remuneration Panel for Wales (IRPW). Although no provision is included in the Draft Bill, it is proposed the Welsh Ministers will have a power in the Bill for introduction to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors.

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?

Recall of Councillors

75% of online respondents agreed there should be a right of recall. Whilst five Local Authorities agreed (with conditions, especially safeguards against abuse), 13 were against. Although not included within the Draft Bill, provisions which introduce a right of recall over Members of Principal Councils are being considered, similar to arrangements that are in place in relation to Members of Parliament. Standards Committees would have their responsibilities strengthened by enabling them to consider allegations of a failure of a Councillor to perform his or her duties, as well as misconduct matters. In both cases, if a Councillor becomes subject to a suspension from office, this would enable local people, if they wished, to raise a petition calling for a by-election

¹¹ <http://gov.wales/topics/localgovernment/diversity-in-democracy/?lang=en>

in relation to that Councillor's seat. If a petition was signed by at least twenty percent of the electorate in that ward, a by-election would have to be called.

Remote Attendance at Meetings

The provisions enabling remote attendance at Council meetings, introduced in the Local Government (Wales) Measure 2011 ("the 2011 Measure"), have not been widely adopted. Feedback from Local Government has indicated either a lack of demand for the facility or a view that the technical challenges required to abide by the detailed provisions of the Measure has led to the reform not being implemented at Local Authority level.

The Welsh Government believes that enabling remote attendance has particular attractions for Members who may, for employment, travel or domestic reasons, find it difficult to attend some meetings. This may increase with the move to new Authorities, given their larger size and if the age, gender and employment profile of Councillors improves, as intended.

Although no provision is made in the Draft Bill, it is our intention to include in the Bill for introduction provisions which would amend the 2011 Measure in order to further facilitate the operation of remote attendance by Councillors at Council meetings.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?
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The Cost of Senior Management in Local Government

The White Paper proposed a permanent control mechanism for salary awards for all Chief Officers through the IRPW, a 'central' appointment process for Chief Executives and Chief Officers, and term limits for Chief Executives. Following further consideration, these issues will be addressed as part of wider considerations in respect of senior managers across the public service to create a more transparent and open framework for senior appointments and pay in Local Government, and through the work of the Public Services Staff Commission.

The Role and Responsibilities of Chief Executives

We will seek a further appropriate legislative opportunity to provide that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable.

On the basis of existing electoral cycles, the new County Councils would assume the full functions of Local Government on 1 April 2020, just over a month before the scheduled General Election of May of that year. That being the case, it would not be practical for a new Returning Officer for that new Authority to be appointed at that time. Whilst there is no provision in the Draft Bill, we propose that the Shadow Authorities be given powers in the Bill for introduction to appoint Returning Officers to serve until such time as it was convenient.

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

Chief Executives to Promote Engagement and Diversity in Democracy

In the White Paper we consulted on a proposal that there should be a duty on the Chief Executive to promote engagement and diversity in democracy. On reflection, we consider the duty to promote engagement in democracy should rest on the Authority as a whole, as set out in Part 3 of the Draft Bill, *Promoting access to Local Government*.

Local Authority Chief Executives will inherit powers and duties currently placed upon the Local Authority's Head of Paid Services. This will include a requirement that they keep under review the proper management of the Council's staff and, if appropriate, make proposals to the Council. This means compliance with existing legal provision and legal duties (for example, in relation to bullying, harassment and discrimination) should be taken account of in proposing policies and procedures for the Authority to consider adopting. In addition, in Section 104 of the Draft Bill, there is a requirement for the Leader to set objectives for the Chief Executive, which could include objectives relating to equality and diversity. The Welsh Ministers could recommend in statutory guidance that Leaders should be mindful of the importance of setting and monitoring such objectives to ensure compliance with equalities legislation. There is, therefore, no specific additional provision for this in the Draft Bill, as there is extensive legislative provision already in place on these matters.

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

Certain senior officers (the Chief Executive, Chief Finance Officer, Monitoring Officer and the Head of Democratic Services) are subject to arrangements governing their employment which prevent an Authority dismissing them unless there has first been an investigation by an independent person which would justify this course of action. In England, the UK Government has replaced this with a vote in full Council being required to bring about a dismissal. There is a possibility this could give rise to claims against Local Authorities for unfair dismissal and careful consideration would need to be given if such an approach was adopted in Wales. Nevertheless, the Welsh Government would welcome views as to whether it should adopt a similar approach.

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?

Council Functions and Responsibilities

The arrangements for determining who within a Local Authority has responsibility for making decisions in relation to the various functions of Local

Government is provided for in regulations made under the Local Government Act 2000.¹²

In short, most functions are the responsibility of the Local Authorities' Executive, but the regulations describe those functions which cannot be the responsibility of the Executive, cannot solely be the responsibility of the Executive, or can either be the responsibility of the Executive or the full Council, dependent on local choice.

These regulations are detailed and prescriptive. They are also liable to become out of date and require frequent revision. We are proposing to simplify the system and give greater flexibility to new Authorities following mergers.

We propose the provisions of section 13 of the 2000 Act should be replaced by a more liberal provision in relation to the allocation of responsibility within the Local Authority. Authorities would be obliged to have regard to guidance from the Welsh Ministers when deciding responsibility for functions. They should, however, need to abide by certain principles which we propose to include in the Bill for introduction. We also propose there should be a power of direction vested in the Welsh Ministers requiring a Local Authority to allocate responsibility for a function in a particular way.

We propose that the principles which would guide the allocation of functions would be:

- when the Council is operating in a quasi-judicial role the functions involved must not be for the Executive. This would include decisions in relation to planning and licensing;
- approval of the Council's budget and financial planning, including the amount of Council Tax required, should fall to full Council;
- appointments of senior staff should be reserved to full Council;
- the appointment of the Electoral Registration Officer and electoral matters more generally should fall to full Council;
- remuneration of Members of the Authority should be reserved for full Council;
- functions related to the provision of services by the Council should be the responsibility of the Executive;
- the allocation of functions requires the agreement of both full Council and the Executive; and
- the Council's scheme of delegation should be published and be accessible through the Council's website.

Local Authorities and their Executives are able to delegate their functions, subject to some exceptions, if they wish and, under these proposals, this would include an ability to delegate certain functions to community area committees, as well as a new regime for the delegation of functions to third parties (see above).

¹² <http://www.legislation.gov.uk/wsi/2007/399/contents/made>

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?

Transfer of Local Authority Assets

The White Paper included proposals to enable eligible community bodies to initiate the transfer of assets from a Local Authority. A majority of consultation responses were in favour (59% for, 22% against). The objective of the proposal was to facilitate asset transfer to community bodies.

From the perspective of community bodies, the issue which was raised most frequently at the consultation workshops and in the written responses as a barrier to asset transfer was the quality of engagement between Local Authorities and community bodies. The period of notice given to community bodies of a disposal and the quality of information provided (including about liabilities) were frequently mentioned. Community bodies were also looking to Local Authorities to adopt a partnership, rather than a transactional, approach and to recognise the need for ongoing support in the early stages of transfer. Local Authorities identified the lack of capacity among community bodies, such as legal and health and safety expertise, as a barrier to doing business.

The Welsh Government has considered the issues raised and proposes to modify its approach. The proposals as set out in the White Paper could lead to complex bureaucratic processes and create friction between Local Authorities and community bodies, rather than promoting better relations. The Draft Bill does not include any provision in relation to asset transfer, but the Welsh Government intends to include provision in the Bill for introduction.

We propose that community bodies are given statutory notice when Local Authority assets above a certain value are to be disposed of, giving them the opportunity to come forward with new ideas. This would not prevent Local Authorities from taking a planned approach to the disposal of assets whilst giving community bodies greater notice of local opportunities and ensuring more consistent practice across Wales.

For example, Local Authorities could be required to identify disposal of assets above a certain value as a 'key decision'. The Welsh Ministers have regulation making powers under section 22 of the Local Government Act 2000 to require Local Authority Executives to give members of the public or Councillors information about certain types of decisions. Section 107 of the Draft Bill amends section 22 of the 2000 Act to require the information is also provided to Scrutiny Committees and their sub-committees. The regulations can set out types of decision (which could include disposal of assets), the information that must be made available, and the length of advance notice required before a decision is taken.

These powers could be strengthened by including provision in the Bill for introduction addressing related matters, such as how a Local Authority should respond if a community body showed an interest in a particular asset, what assets (if any) might be exempt, how urgent situations should be dealt with, and so on. The financial implications and the duties on Authorities to deliver

value for money would need to be taken into account as part of these considerations. We would welcome your views.

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

Assets of Community Value

The consultation responses showed strong support for a register of (private) assets of community value (86% for, 7% against). The matter has been subject to further consultation by the Minister for Communities and Tackling Poverty in *Protecting Community Assets*. There is no provision relating to assets of community value in the Draft Bill, but the Minister for Communities and Tackling Poverty will consider what action needs to be taken in due course, including the need for legislation.

Part 5: County Councils: Improvement of Governance

Part 5 of the Draft Bill sets out arrangements for a new improvement regime. Chapter 1 puts a general duty on Local Authorities to make and comply with governance arrangements. Chapter 2 requires Local Authorities to have a corporate plan, to consult on it, to keep it under review and report on progress made. Chapter 3 sets out how Local Authorities are to assess the quality of their governance through self assessment, peer assessment and combined assessment. Chapter 4 gives the Welsh Ministers a power to arrange a review of a Local Authority's governance arrangements and gives them a power to intervene when a Local Authority's governance arrangements are inadequate. Chapter 5 provides for better co-ordination between the regulators and Chapter 6 makes miscellaneous provision relating to the previous chapters. Chapter 7 sets out new functions and revised membership of Corporate Governance and Audit Committees (previously called Audit Committees).

It is our intention to commence the majority of these provisions when the Bill is enacted, in order that the transition to the new regime can start immediately and support the process of mergers.

<p>Question 5.1: Do you have any comments on any of the provisions in Part 5 of the Draft Bill?</p>
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We also welcome your views on the following matters.

Chapter 1: Duty to make arrangements to secure good governance etc.

At present, County Councils are subject to a 'general duty in relation to improvement' and the associated improvement assessment and intervention regime provided for in Part 1 of the 2009 Local Government (Wales) Measure ("the 2009 regime"). The 2009 regime will be repealed in relation to County Councils by section 147 of the Draft Bill. The provisions in Part 5 replace the 2009 regime with a regime focused on the quality of governance in County Councils, with much greater local determination and accountability.

This chapter requires a County Council to make, implement and comply with arrangements in order to ensure good governance, accountability, and economy, efficiency and effectiveness in the use of the Council's resources. The Council's compliance with its own governance arrangements is assessed by way of self, peer and combined assessments, as set out below.

A County Council's governance arrangements must comply with the principles, processes and practices set out in regulations by the Welsh Ministers. The Welsh Ministers may prescribe in regulations a code of practice or guidance. An example of such a code of practice is the *Delivering Good Governance in Local Government: Framework* published jointly by the

Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives.

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

Chapter 2: Corporate Plans

Consultation responses were largely supportive of the proposals that Local Authorities should be required to produce a corporate plan. However, respondents generally did not agree that the corporate plan should be the preserve of the Chief Executive, but rather it should be approved by the Council. The Welsh Government accepts the arguments and the Draft Bill reflects changes we have made in response to these concerns.

Chapter 3: Assessments of Governance Arrangements

The Draft Bill imposes a new duty on Local Authorities to make and implement governance arrangements (see above). Compliance with this duty will be the subject of the proposed self assessments, peer assessments and combined assessments.

Self Assessment and Peer Assessment

The responses to the White Paper consultation with regards to self assessment and peer assessment were supportive. Local Authorities and the WLGA emphasised the benefits of peer assessment being sector-led. Concerns were raised about the burden of the proposed biennial peer assessment. The Draft Bill reflects changes we have made in response to these concerns, so that each Local Authority will only be required to undertake a peer assessment at least once per election cycle.

Annex A sets out how we would expect a peer assessment to be developed. This will form the basis of Welsh Government guidance. We would welcome your views on whether this model approach is reasonable and whether it could be strengthened in any way.

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

Combined Assessment

Online responses to the White Paper proposals regarding an external assessment of individual Local Authorities' governance arrangements were broadly supportive. There was limited discussion regarding these proposals in free-form responses. The WLGA and those Local Authorities that did respond had concerns about the burden of a biennial 'health check'. Following further discussions with the relevant regulators (the Auditor General for Wales, CSSIW and Estyn), the Welsh Government accepts this argument and the Draft Bill provides for a less prescriptive regime of combined assessments.

Chapter 6: Miscellaneous Provision

Amendment of Local Government (Wales) Measure 2009

The Draft Bill removes County and County Borough Councils from the definition of a 'Welsh improvement authority' in the 2009 Measure. This means the improvement regime in Part 1 of the Measure will no longer apply to Principal Councils. It is our intention that this provision should come into force at the same time as the duty in Part 5, Chapter 1 of the Draft Bill (*Duty to make arrangements to secure good governance etc.*) comes into force. For the purposes of consultation on the Draft Bill, Part 1 of the 2009 Measure will continue to apply to National Park Authorities and Fire and Rescue Authorities in Wales. The Welsh Government will consult fully on future arrangements for National Park Authorities and Fire and Rescue Authorities in Wales regarding performance management and governance mechanisms in due course.

Chapter 7: Role of the Corporate Governance and Audit Committee

It is proposed that the onus should be on the Corporate Governance and Audit Committee to hold the Local Authority to account for taking action in response to a self assessment, peer assessment, combined assessment and independent governance review. The Draft Bill requires the Corporate Governance and Audit Committee to review the Authority's response to reports and recommendations made under these assessments and, if appropriate, make recommendations to the Authority.

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?

Other Matters

Strengthening Internal and External Scrutiny

Consultation responses to the proposal in the White Paper to strengthen the links between internal scrutiny and external scrutiny ("the relevant regulators") were broadly positive. Provisions for this are not included in the Draft Bill, but will be included in the Bill for introduction.

It is our intention to require the regulators to submit their reports to the relevant Overview and Scrutiny Committee at the same time final reports are issued to the Local Authority. The Local Authority would be required to involve the relevant Overview and Scrutiny Committee in the development of their response to regulators' reports. For example:

- a draft report/action plan in response to an audit or inspection would be prepared by the Local Authority;
- the relevant Overview and Scrutiny Committee would consider the draft report and provide proposals for change;

- the Local Authority, in finalising their response to a report, must have regard to any such proposals from the Committee.

The regulators would be required to present their findings to the relevant overview and scrutiny committee, when requested to do so, to aid them in their consideration of the Local Authority's response to reports.

Report on the 'State of Local Government'

Whilst the proposal for the relevant regulators to make a 'State of Local Government' report was generally supported by online respondents, there was limited feedback on the specifics of the proposal. The Local Authorities, in their free form responses, did not identify any specific issues, concerns or benefits for this proposal other than a general point about adding unnecessary burdens to Local Authorities.

Since consulting, the Well-being of Future Generations (Wales) Act 2015 has received Royal Assent and is coming into force. This Act will give rise to a number of reports. We will consider the proposal for a 'State of Local Government' report by the relevant regulators further, as implementation of the 2015 Act progresses.

Single Information Portal

Respondents to the consultation were supportive of more streamlined, transparent and accessible performance data. Online respondents supported a consistent approach to allow comparisons of performance between Local Authorities.

Whilst provisions relating to a single information portal do not feature in the Draft Bill, it is our intention that the Bill for introduction will include provisions requiring Local Authorities to publish key data and documents through an online portal. The provisions will enable the Welsh Government to specify the information that must be published.

Complaints

The White Paper set out our proposals that Local Authorities should establish a statutory complaints handling process, primarily online, and be required to record information, analyse and report on complaints received and how they have been handled. This would be based on the Model Concerns and Complaints Policy and sit alongside the existing requirement for Local Authorities to have a process in place to enable them to deal with complaints and representations about their social services functions. We recognise the National Assembly for Wales' Finance Committee has recently published the Draft Public Services Ombudsman (Wales) Bill for consultation and will reflect further on our proposals as this legislation develops.

Local Public Accounts Committees

The White Paper sought views on whether there was merit in establishing a system of local Public Accounts Committees (PACs) in Wales. Few responded directly on this point and many considered there was not enough information in the White Paper to form a view.

There have been a number of attempts in the past by Local Authorities, Local Health Boards and others to understand the combined impact of public spending on outcomes in a local area. The aim has generally been to identify and avoid duplication of spending, prevent cost-shunting and find smarter ways of doing things.

There are inherent difficulties in designing a local system where the PAC would need to report to a number of separate organisations rather than to a single body. The Centre for Public Scrutiny has put forward a system, suited to the kind of devolution arrangements emerging in England, such as combined authorities, which would establish local PACs as separate bodies with their own resources. This model would be a significant addition to the cost and complexity of public services in Wales, and is unlikely to add sufficient value to be justifiable.

In addition, PACs look retrospectively at what has been done and how money has been spent, rather than critically examining future policy choices which might lead to more cost effective outcomes. An alternative approach might build on the joint local public service leadership model which Public Services Boards (PSBs) establish. Within the framework of the Well-being of Future Generations (Wales) Act 2015, PSBs will have a strong interest in examining how the policy choices and resource decisions facing public services could be used to improve outcomes in an area more cost effectively. PSB members could jointly agree a programme of work and contribute to its resourcing, providing them with powerful evidence to take back into their organisations to inform corporate decisions.

In terms of the scrutiny of the work of PSBs, we believe the existing and proposed legislative provision is sufficient. There is a requirement in the Well-being of Future Generations (Wales) Act 2015 that the decisions, actions and governance arrangements of PSBs are scrutinised by a Local Authority Overview and Scrutiny Committee. Provisions in Part 4, Chapter 7 of this Draft Bill will enable the Local Authority to grant voting rights to co-opted members of overview and scrutiny committees. This would apply equally to committees scrutinising the work of PSBs. In addition, section 108 of the Draft Bill enables the Welsh Ministers to prescribe in regulations the circumstances in which two or more Local Authorities must establish a joint scrutiny committee.

We welcome your views on whether we are right to reject the idea of local PACs in Wales, whether PSBs are the right bodies to examine the prospective policy choices facing local public services, and if so, whether they would benefit from additional legal powers, for example, to call officials to give evidence and provide information, and to commission external expertise to inform their investigations.

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

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

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

The Role of Co-operatives and Mutuals in Public Services

We advocate co-operative and mutual models of delivery and other alternative delivery models only as an alternative to ceasing or privatising services, as a 'least worst' option.

There are three important pre-conditions for ongoing work to develop a stronger framework for change and better support which are:

- accountability to Local Government;
- protection of employee terms and conditions;
- continuation of trades union recognition.

We are consulting separately on the development of a national framework to support decisions being made locally on the appropriateness of alternative delivery models for public services.¹³ This consultation will explore the practical support which should be made available to public service organisations, their workforce, citizens and communities in making decisions about how services should be designed and delivered.

The purpose of developing the framework and making support available is to ensure that:

- the wider environment within which proposals for new models are considered, and then established, is conducive for ongoing sustainability and success;
- new models are properly tested before being adopted; and
- the interests of citizens, communities and the workforce are properly considered and protected throughout.

The White Paper recognised that mutualism, co-operation and shared ownership with communities should be at the heart of the transformation of public services. This reflected the opportunities identified by the Welsh Co-operative and Mutuals Commission¹⁴ and in the subsequent report for the Minister for Public Services and the Minister for Economy Science and Transport, *Is the Feeling Mutual? New Ways of Designing and Delivering Public Services in Wales*.¹⁵

In response to these challenges, the Welsh Government proposes granting Local Authorities a general power of competence in the Draft Bill. Local Authorities will be able to utilise this power as a basis for developing alternative delivery models. The Welsh Government has also reviewed the powers of Local Authorities to delegate functions under the Deregulation and

¹³ <http://gov.wales/consultations/improving/alternative-delivery-models-public-service-delivery/?status=open&lang=en>

¹⁴ <http://gov.wales/topics/businessandconomy/business/welsh-coop-mutuals-commission/?lang=en>

¹⁵ <http://gov.wales/topics/improvingservices/publications/is-the-feeling-mutual-report/?lang=en>

Contracting Out Act 1994, and is proposing that they should be repealed and replaced with a new regime that will allow for the delegation of Local Authority functions to third parties by regulations made by the Welsh Ministers. The Draft Bill also includes provisions to empower community bodies to take the initiative in relation to improvement requests and it is our intention to use existing legislation and, if necessary, include additional provision in the Bill for introduction relating to the disposal of assets by Local Authorities (see Transfer of Local Authority assets and Question 4.9 above).

Shared Services

The Report of the Commission on Public Service Governance and Delivery included consideration of the potential improvements in cost effectiveness through the adoption of shared services. It commended the NHS Wales Shared Services Partnership (NWSSP) and suggested it as a model for public sector-wide shared services.

For NWSSP to have the opportunity to take this wider role, the legislative framework would need to change, as hosting within an NHS Trust is constrained by the current legislation 'to provide goods and services for the purposes of the health service'.

Local Authority mergers will create larger service units within the new County Councils but there is also evidence, from the KPMG report into administrative and support functions, that cost savings and the opportunity for better service could be obtained through shared services at a larger scale. There is evidence elsewhere that the ability of Local Government to participate in joint ventures and similar arrangements with the public sector and other partners may open up opportunities for innovation and best practice. We wish to consider whether current legislation and regulations for Local Authorities provides the appropriate framework to support these opportunities. We would welcome your views.

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

Part 6: Community Councils

The provisions in Part 6 of the Draft Bill relate to Community and Town Councils. Chapter 1 requires the Local Democracy and Boundary Commission for Wales to undertake a review of Community Council arrangements. Chapter 2 requires Community Councillors to complete training on matters specified by the Principal Council. Chapter 3 extends the terms of Community Councillors elected in 2017 to six years and provides that Community Council terms will be fixed at five years from 2023.

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

We also welcome your views on the following matters.

Note: the term Local Authority generally means both Principal Councils (County and County Borough Councils) and Community Councils. In order to distinguish between them, in this section we use the terms Principal Council / County Council and Community Council, rather than Local Authority.

Chapter 1: Review of Community Council Arrangements

The White Paper set out our intention to strengthen the Community Council sector so that it has greater capacity and capability to take on responsibility for local facilities and services. The proposal was that Principal Councils would undertake a review of Community Council arrangements in their area, with the intention of grouping smaller communities under a Common Council.

Consultation responses from Principal Councils and the Welsh Local Government Association (WLGA) argued that while this approach was reasonable in principle, it would be difficult for Principal Councils to complete such a review by 2023, given the wider context of mergers and reform. The Welsh Government agrees and has previously announced that the review will now be conducted by the Local Democracy and Boundary Commission for Wales (LDBCW).

The provisions in the Draft Bill require the LDBCW to submit their draft reports to the new County Councils on or after 1 April 2020, which is the day they assume the full responsibilities and functions of Local Government. There is a case to bring this date forward to May 2019 when the Shadow Authorities come into existence, in order that the Commission may undertake the review, publish draft reports and consult in a more timely fashion. We would welcome your views.

The provisions require the LDBCW's recommendations to be implemented by the County Councils by order. Alternatively, this is a task the Commission could undertake. This would enable it to undertake and implement the reviews in a single smooth process. We would welcome your views.

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

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?

Chapter 2: Members of Community Councils to Complete Training

Community Councils and Principal Councils have formal relations on a number of matters. For example, Standards Committees of Principal Councils have oversight of code of conduct matters relating to Community Councillors, Community Councils are consultees on planning matters in their area, and Principal Councils may delegate functions to Community Councils. It is in the interest of both parties that Community Councillors are equipped with the knowledge and skills necessary to undertake their role effectively. Therefore, the Draft Bill includes provisions which require Principal Councils to consider if there are matters on which it should be compulsory for Community Councillors to complete appropriate training.

If the clerk to the Community Council receives a complaint that a Community Councillor has not completed compulsory training, the Draft Bill puts a duty on the clerk to look into the matter. If, having consulted the chair of the Community Council and considered any representations the Community Councillor makes about his or her failure to complete the training, the clerk's view is the Community Councillor does not have a good reason for not completing the training, the clerk must notify the Community Council at a public meeting. As the clerk is an employee of the Council, this has the potential to strain the good relations between the clerk and the Council. We welcome your views on whether this is the right approach to ensuring Community Councillors complete compulsory training or whether an alternative approach should be considered.

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

Chapter 3: Community Council Election Dates

The Draft Bill provides that elections to all Community Councils, including those in Powys, will be held in May 2017 and May 2023, in both cases coinciding with elections to Principal Councils. The terms of Community Councillors elected in 2017 would need to be extended so they serve a six-year term. From 2023 Community Council elections will be held every five years, in line with the new cycle of elections to Principal 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?

Other matters

Capping the Community Council Precept

Further consideration has been given to the proposal in the White Paper to cap the amount by which non-competent Community Councils can raise their Council Tax precept. This issue will now be considered on a longer term basis following the review of Community Councils and alongside the wider financial reforms.

Annual Reports

The White Paper set out our intention to consider whether other aspects of the governance of Community Councils should be strengthened. It is our intention to require every Community Council to publish an annual report so that local people can understand what the Council has achieved during the previous year. Many already do so. Although we have not included provision in the Draft Bill, it is our intention to include provision to this effect in the Bill for introduction.

Training

Given the extra responsibilities larger Community Councils may take on, including the significant legal and financial responsibilities which may accrue from exercising the general power of competence, we believe it is right that Community Councils should consider their own training needs (both Councillors and employees) and, where appropriate, make that training compulsory. We have not previously consulted on this proposal and no provision is included in the Draft Bill, however, it is our intention to include provision to this effect in the Bill for introduction.

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?

Performance Management

In the White Paper we consulted on a proposal that the chair of a Community Council should set objectives for, or otherwise manage the performance of, the clerk. The clerk is an employee of the Council and as a matter of good employment practice, they should have both a clear job description and be set annual objectives so they know what they are required to do. For very small Community Councils, this approach may be seen as too much of a burden. However, as Community Councils with bigger budgets take on more responsibilities, which is our intention through the review of Community Council arrangements, good employment practice will become more important. We would welcome further views on this proposal and, in particular, whether the duty should rest on the Council as a whole or its chair, and whether such a duty should apply to all Community Councils or only some.

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

Community Polls

In the White Paper we said ‘we will also clarify the legislative framework governing community polls’. There were insufficient responses to draw any useful conclusions. We set out here our further thinking on community polls.

Community polls are governed by section 99 and Schedule 12 of the Local Government Act 1972, as amended by the Local Government (Wales) Measure 2011. A community poll may be called in respect of any matter raised at a community meeting, subject to the support of a sufficient number of electors. Community polls provide an indication of community feeling about the subject of the poll. However, they are non-binding and a Principal Council or Community Council does not have to act on the results of the poll, although they do have to bear the cost.

Community polls often relate to matters outside of the control of Local Government. For example, in recent years, community polls have been held about the future of Ffestiniog Memorial Hospital and Flint Community Hospital, but these are matters in which Local Government has no say. Community polls are costly and turn-out is generally low. Four recent polls in Cardiff cost in excess of £20,000 and in recent polls, turn out of those entitled to vote has ranged from 37% down to 9% in a 2012 poll relating to the closure of the paddling pool in Ynysangharad Park in Pontypridd.

The Welsh Government considers a modernising reform which strengthens community voice and progresses the digital agenda of Local Government should be considered, through the use of electronic petitions. Petitions are an established feature of Government at all levels in the UK and in recent years, there has been a significant increase in the use of e-petitions as a means of giving the public a greater say in decisions which affect them, by the National Assembly, the UK Government, the Scottish Parliament, and Local Government in England and Scotland. Most Councils in Wales have procedures for dealing with written petitions, but none is known to operate e-petitions.

We are, therefore, proposing that in the Bill for introduction the existing legislation which provides for community polls should be repealed in respect of Wales, and be replaced by an alternative approach which would require Principal Councils to establish a petitions scheme and an e-petitions facility. This would enable communities (of place or interest) to express their views on matters which concern them, without the restrictions and costs which currently apply to community polls, and there would be a requirement for Councils to set out how they would respond. We would welcome your views.

It is, therefore, our intention to put on hold the implementation of any changes to the existing Community Polls rules, following the consultation on a proposed amendment of the rules¹⁶ which concluded in February 2014. With regard to polls conducted for the purpose of forming or dissolving a

¹⁶ [Welsh Government | Community Polls](#)

Community Council, it is our intention to review the existing legislation, as set out in the following section.

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?

Review of Community Council Legislation

The legislation governing the creation, grouping, merging and dissolution of Community Councils and the holding of community meetings etc. is found in the 1972 Local Government Act, as amended.

It is our intention to suspend the majority of the 1972 provisions about community applications for the duration of the LDBCW's review of Community Council arrangements and for a period afterwards. This is to ensure the Commission is able to undertake its review without Council arrangements changing during the course of the review. There is a question about whether to revert to the provisions in the 1972 Act from 2025 onwards. We intend to use the intervening period to consult further with the sector and consider a legislative framework for Community Councils which is appropriate for the mid 21st century.

Part 7: Workforce Matters

Part 7 of the Draft Bill deals with workforce matters. Chapter 1 enables the Welsh Ministers to publish guidance to public bodies on workforce matters. Chapter 2 provides for the establishment of a Public Services Staff Commission. We recognise our vision for reform, and our ambition for world class public services, can only be realised through a world class public service workforce with the right skills and support to deliver them. The dedication and excellence of the public service workforce is instrumental to transformation. Our non-statutory Public Services Staff Commission has been operating since September using the Workforce Partnership Council as its primary reference point. We are committed to continuing our strong model of social partnership through the Workforce Partnership Council as we take forward our programme of reform.

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

We also welcome your views on the following matters.

Chapter 2: Public Services Staff Commission

Following consultation in late 2014 on the White Paper, *Devolution, Democracy and Delivery: Public Services Staff Commission*, the Minister for Public Services established a non-statutory Public Services Staff Commission in September 2015. The overwhelming majority of consultation responses were in favour of putting the Commission on a statutory footing and the Draft Bill includes such provision.

However, it may be the case that a statutory Commission would be more constrained in the matters on which it can offer workforce guidance in comparison with the non-statutory Commission. Whether this is the case or not will depend on the content of the UK government's proposed Wales Bill which will make changes to the devolution settlement in Wales.

The content of the Wales Bill and its implications in relation to the proposed statutory Public Services Staff Commission will not be fully known until the Bill is passed. This will not happen during the course of this consultation and the passage of the Wales Bill is not in the control of the Welsh Ministers. Nevertheless, the Welsh Government would welcome views at this stage on the best way forward if it turned out that a statutory Commission would be more constrained in the matters on which it can offer workforce guidance in comparison with the non-statutory Commission.

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?

Part 8: General and Schedules

Part 8 of the Draft Bill sets out the meaning of terms and of references to existing legislation in the Draft Bill, sets out how the provisions will apply to Local Authorities before 1 April 2020, gives the Welsh Ministers powers to make consequential and transitional provision, makes provision for orders and regulations, sets out when the different parts of the Draft Bill will come into force, and the short name by which the Draft Bill will be known when it is enacted.

Schedules

In addition, there are a number of Schedules to the Draft Bill.

Schedule 1 sets out the areas of the new Counties in Wales. Two alternative tables are provided (see Part 2, Chapter 1 for an extensive discussion).

Schedule 2 sets out the arrangements for holding the first ordinary elections and first meetings of the new Councils.

Schedule 3 sets out provisions relating to the finance of the new Councils.

Schedule 4 makes various transitional arrangements and provides for staff, property, rights and liabilities to be transferred from the existing County and County Borough Councils to the new County Councils.

Schedule 5 makes amendments to the Local Government Act 1972.

Schedule 6 makes amendments to existing legislation in relation to assistants to Local Authority executives which are provided for in Chapter 5 of Part 4 of the Draft Bill.

Schedule 7 makes consequential amendments to existing legislation in relation to Chief Executives of the new Councils.

Schedule 8 makes various amendments and repeals to existing legislation in relation to community area committees established by provisions in Chapter 3 of Part 3 of the Draft Bill.

Schedule 9 makes various amendments in respect of the renaming of County Council Audit Committees.

Further explanation of the content of the Schedules is provided in the Explanatory Memorandum and the Explanatory Notes.

<p>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?</p>

Annex A: Peer assessment

Governance Themes

The focus of peer assessment under the Draft Bill is a Local Authority's compliance with its good governance duty. In essence, the assessment will look at the corporate capability and capacity of a Local Authority, within a framework of 'good governance themes', such as that set out in *Delivering Good Governance in Local Government: Framework* (CIPFA/SOLACE).¹⁷

Reviewers

To add maximum value, members of the peer assessment panel should not just be external to the Local Authority, but experienced and credible. This way the Local Authority knows that their findings can be trusted and will give them confidence that the changes proposed are necessary.

Peer assessment panels should be made up of a cross section of individuals (Elected Members, officers and those from other sectors) whose skills and expertise cover the breadth of the core themes and any additional areas that the Local Authority wishes to cover. Whilst it is important that a proportion of the assessment team have a good understanding of the complexity of working in a political environment and the impact which local politics can have on a Local Authority's organisational culture and priorities, those with experience of other sectors can also offer a valuable insight. We would expect a peer assessment panel to be made up of both those with direct experience of working in and with Local Government.

As a guide/ minimum, we would expect peer assessment panels to be made up of:

- A chair who will lead the peer assessment
- At least 1 Elected Member from a Welsh Local Authority that does not have a border with the host Authority
- At least 1 senior officer from a Welsh Local Authority that does not have a border with the host Authority
- At least 1 Elected Member or officer from another Local Government administrative area (e.g. England, Scotland, Northern Ireland, Ireland, or further afield)
- At least 1 individual with relevant expertise or knowledge from beyond Local Government (e.g. the Private or Third sector)

Local Authorities could also consider whether it would be appropriate to invite others to be members of the assessment panel, for example:

¹⁷ <http://www.cipfa.org/Policy-and-Guidance/Publications/D/Delivering-Good-Governance-in-Local-Government-Framework>

- A representative from the WLGA (or LGA)
- A representative from an Audit, Inspection and Regulation body

Example Process

Typically a peer assessment process will take a number of months, from start to finish and it is suggested that there may well be an ongoing relationship with the chair or the panel in a mentoring capacity in the longer term. The information below is a suggested example, recognising that there will need to be flexibility around the process, but the principle of peer assessment is that it is a 'short and sharp' process ensuring that any findings remain relevant, and allow the Local Authority to respond in a timely manner.

Pre-assessment

The pre-assessment process would typically take around 8 weeks. During this period the Local Authority, working with partners or an organisation paid to coordinate this activity, will scope the requirements of their peer assessment, identifying any particular challenges that have been highlighted in their self-assessment, or in recent reports of the relevant regulators, including a combined assessment. This will also help to identify the skills and expertise required to maximise the impact of the review.

Once scoped, the Local Authority, working with partners or an organisation paid to coordinate this activity, will be able to identify an appropriate assessment panel to undertake the assessment.

Once appointed, the chair (or lead assessor) will have the opportunity to meet with the Leader and Chief Executive of the host Local Authority to discuss the scope of the assessment in detail and amend the scope of the assessment as necessary. This is also an opportunity to discuss expectations and the approach to the assessment.

During this time the Local Authority will be able to gather information to share with peer assessment panel that is relevant to set the context for and inform the assessment. This information should rarely be required to be produced specifically for the assessment as, typically, the documents should be in existence. However, it might be useful for the host Authority to produce an overview document.

Assessment

The assessment itself will typically take place over a period of about 4 weeks. The initial period of the assessment is desk based for the assessment panel. The assessment panel will have time to consider the information provided to them, and have the opportunity to request any additional information that they believe would be pertinent to the assessment. This desk based review will allow them to develop areas for consideration for them to focus on during their site visit.

The site visit would normally last around 4 days over no more than a two week period, and ideally in a single week. The site visit is an opportunity for the assessment panel to question and discuss areas within the scope of the assessment with Elected Members, officers and other stakeholders of the host Authority.

At the end of each day, the panel members would come together to discuss their findings and consider if there are any other issues that should be considered or individuals or stakeholders that it would be useful to meet.

At the end of the site visit the assessment panel will present its findings to the Leaders and Chief Executive. The Local Authority may wish to consider if others should be invited to hear the assessment findings (for example, the whole Executive, senior management team, full Cabinet). This presentation is an opportunity for the peer assessment panel to set out their main findings and areas which they believe the Authority would benefit most from focusing in on. It is also an opportunity for the host Authority to clarify its understanding of the issues raised.

Post assessment

Following the site visit and presentation the assessment panel will produce a more detailed report for the Authority to consider in more detail. This report is not meant to be all encompassing, but it should give sufficient detail that it can be read and understood as a stand alone document, as the report will eventually be published on the Local Authority's website. We would expect that the Local Authority should receive the report within 2 weeks of the site visit. This ensures that the issues identified during the assessment and any recommendations remain relevant. As part of the report we would expect the assessment panel to recommend when the next peer assessment should be undertaken. Peer assessments must be undertaken at least once in every election cycle (i.e. 5 years from 2023) but it may be advisable to conduct them more frequently, for example, during periods of significant organisational change.

The Local Authority will be required to respond to the findings from the assessment. Whilst some Local Authorities may choose to produce an action plan as a result of the assessment, others will feed in the action they intend to take as a result of the assessment findings into other documents, for example, recruitment and retention strategies or the corporate plan. The Local Authority's response should be made within 4 weeks of the report being produced to ensure that early action can be taken.

The Local Authority will need to be clear what action it is taking as a result of the peer assessment and there will be a requirement that the proposed actions are considered by the Corporate Governance and Audit Committee. We would encourage the lead assessor to return to the host Authority within 3-6 months following the review to support the Authority to develop their improvement planning.

The Local Authority may choose to approach members of the peer assessment panel, or the lead assessor to establish a longer term ‘mentoring’ relationship to provide ongoing peer support to the host Authority.

Timeline

Activity	Scoping of assessment as well as identification of the assessment panel	Review		Report write up	Report Published	Response to findings developed by Local Authority
		Desk based review and research by assessment panel	Site Visit			
Time scales	8 weeks	3 weeks	1 week	2 weeks		4 weeks

Annex B: Consultation Questions

The Welsh Government would like to hear your views on the Draft Bill, Draft Explanatory Memorandum, Draft Regulatory Impact Assessment and the matters raised in this Consultation Paper. We would like your views on the practical application of the provisions contained within the Draft Bill.

The intention would be to introduce the Bill into the National Assembly for Wales following the Assembly elections in 2016, and we want to ensure we have addressed as many issues as possible before doing so. Your responses will help inform the Bill for introduction.

Please let us have your responses and comments on the questions set out in this Annex, based on the suite of documents that comprise this consultation.

PART 1

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

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?

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

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?

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

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

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?

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

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?

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?

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?

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

PART 2

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

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

PART 3

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

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

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

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?

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?

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)?

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

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

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?

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

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?

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

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

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?

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?

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

PART 5

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

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

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

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?

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

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

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

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

PART 6

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

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

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?

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

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

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?

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

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?

PART 7

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

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?

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?

ADDITIONAL QUESTIONS

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

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 addresses, please use this space to comment.