

Report To: County Council

Date of Meeting: 7th May 2013

Lead Member / Officer: Cllr Barbara Smith/ Head of Legal and Democratic Services

Report Author: Head of Legal and Democratic Services

Title: Local Government Wales Measure 2011

1. What is the report about?

The Local Government Wales Measure 2011 (the Measure) and the progress made in implementing it.

2. What is the reason for making this report?

To inform Members of the progress made in respect of the implementation of the Measure and to seek Members' views regarding the way forward in respect of those matters awaiting implementation.

3. What are the Recommendations?

That Members consider the contents of the report.

4. Report details.

- 4.1 A detailed briefing note in respect of the various provisions of the Measure is attached as Appendix 1.
- 4.2 There are 10 parts to the Measure as set out in the Appendix. The most relevant for this report are Parts 1, 5, and 6
- 4.3 Part 1 is entitled "Strengthening Local Democracy". In this part are measures to promote and support membership of local authorities. The Council is required to survey elected members regarding the timing and location of meetings. This survey has been completed and the results indicated a preference for meetings to be held during the day at Ruthin. Further work has been done by some managers for the Chief Executive which will report to SLT and Members regarding the timing and location of meetings.
- 4.4 The Welsh Government has also made some funds available by way of grant this year to assist Councils in providing webcasting of their meetings. This is not part of the Measure but may assist in making meetings more accessible to the public.

- 4.5 The Measure provides for members to be able to attend meetings remotely. This provision is not yet in force although grant monies are available to assist with the implementation of it when it does come into force. It is likely to be brought into force later this calendar year. This will mean that a meeting will not be inquorate if there are facilities available whereby a member, who is not in the room where the meeting is taking place, attends remotely.
- 4.6 This is achieved when the member attending remotely can see and hear those speaking at the meeting and those present in the location of the meeting can hear and see the member who is attending remotely. There are governance and technological issues to be addressed before this can be implemented.
- 4.7 This Part also requires arrangements to be put in place for individual members to make an annual report about their activities as a member. The authority must make arrangements for publication of these annual reports. The authority must have regard to guidance given by Welsh Ministers. Draft guidance was issued in late autumn 2012 and considered by the Democratic Services Committee. The final version of the guidance is awaited. We propose providing a template for members which will be pre-populated with information such as attendance statistics. Members will complete their report on their activities. We will have to check them against the guidance and then arrange to publish on modern.gov.
- 4.8 The Measure also requires local authorities to secure the provision of reasonable training and development opportunities for its members. Each member should also have the opportunity to have a review of their training and development needs on an annual basis. The guidance suggests each member has their own personal development plan. It recommends that the Democratic Services Committee has overall responsibility for deciding what should be regarded as reasonable training. It is further recommended that the Democratic Services Committee proposes the appropriate level of funding to be made available for the purchase of external training. A Member Workshop is being held on 22nd April to consider issues relating to training and development.
- 4.9 Part 5 of the Measure is concerned with the delegation of functions to committees and individual members. There is a provision to make more flexible the criteria for establishing area committees and to delegate decision making powers to them.
- 4.10 There is also provision for the Leader to be able to make arrangements for a non executive member to make delegated decisions in respect of an executive function. Council can also delegate decisions in respect of non executive functions to non executive members. These powers can only be exercised in respect of the Councillor's own ward or in respect of an outside body to which they have been appointed. The Welsh ministers can make an Order specifying functions that are not to be delegated and may issue guidance. They have not done either yet.

- 4.11 Part 6 refers to Scrutiny. Welsh ministers are given power to make regulations under which two or more authorities are able to set up a joint scrutiny committee. Draft Regulations and guidance have been issued which suggest that there would need to be a formal agreement between participating authorities dealing with administrative matters before such a committee could be established. Details of these are set out in the Appendix.
- 4.12 There are provisions that require councils to ensure that their scrutiny arrangements scrutinise the services of public service providers in their area. This requirement extends to joint scrutiny committees. Designated persons can be required to provide information and to attend committee meetings. These provisions are not yet in force. Welsh Ministers may make an Order designating bodies or persons that are to be the subject of this scrutiny. No order has yet been made.
- 4.13 Much of the thrust of Part 6 of the Measure is designed to increase public engagement in the work of scrutiny. Guidance has been issued. This suggests that stronger efforts should be made to raise public awareness of the role and function of scrutiny committees including how citizens and communities can help shape and contribute to scrutiny committee Forward Work Programmes.
- 4.14 The Guidance recommends that authorities develop internal mechanisms to better enable members of the public to engage in scrutiny activity. These may include:
- the ability to request that an item be placed on an agenda for consideration by a scrutiny committee (providing this is of immediate relevance to a topic on the Forward Work Programme).
 - submit evidence (oral or written) to a planned or ongoing scrutiny review or investigation
 - participate as a co-opted member
 - submit evidence (oral or written) relating to a Call-in of an executive decision
- 4.15 The guidance recommends the development of protocols to cover:
- public speaking arrangements at Scrutiny Committee
 - public interest – Sub Committee or Task and Finish Group meeting
 - managing a request for scrutiny (including petitions)
 - dealing with requests for public co-option
- 4.16 The guidance says that Welsh Government believes that the voluntary sector has an important role to play in providing input to scrutiny engagement with the third sector as could include consideration of co-option, regular meetings between scrutiny chairs and voluntary sector representatives and use of voluntary sector networks as a means to inform and engage disenfranchised citizens.

- 4.17 The Measure prohibits any member of a scrutiny committee from voting on a question at a meeting if the member has been given a party whip in respect of that question. Standing orders should provide for members to declare any party whip at each meeting.

If the decision of the scrutiny committee is materially affected by a breach of this section, the decision is to be treated as if it had not been made. A decision is materially affected if one or more members of the committee voted in breach of the section and if their votes had been disregarded the decision would have been affected.

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

The provisions of the Measure do not directly contribute to the corporate priorities

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

It is not yet clear what the provisions of the Measure will cost. Much will depend on decisions made as to its implementation and the resources required as a result.

7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?

This report is the beginning of a consultation with members.

8. Chief Finance Officer Statement

Not required

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

There is a risk of challenge to the Council if it has not properly implemented some provisions of the measure or failed to have regard to guidance issued by ministers.

10. Power to make the Decision

- 10.1 No decision is sought