

Agenda – Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 2 – Y Senedd	Naomi Stocks
Dyddiad: Dydd Iau, 27 Chwefror 2020	Clerc y Pwyllgor
Amser: 09.25	0300 200 6222
	SeneddCymunedau@cynulliad.cymru

Rhag-gyfarfod (09.25 – 09.30)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Y Bil Rhentu Cartrefi (Diwygio) (Cymru): sesiwn dystiolaeth 1

(09.30 – 11.00)

(Tudalennau 1 – 28)

Julie James AC, y Gweinidog Tai a Llywodraeth Leol

Emma Williams, Dirprwy Gyfarwyddwr, Is-adran Polisi Tai, Llywodraeth Cymru

Rebecca Raikes, Cyfreithwraig, Llywodraeth Cymru

Simon White, Pennaeth Strategaeth Tai a Deddfwriaeth, Llywodraeth Cymru

Papurau:

[Y Bil Rhentu Cartrefi \(Diwygio\) \(Cymru\)](#)

[Y Bil Rhentu Cartrefi \(Diwygio\) \(Cymru\) – Memorandwm Esboniadol](#)

3 Papurau i'w nodi

(Tudalen 29)

3.1 Gwybodaeth ychwanegol gan y Gymdeithas Diwygio Etholiadol mewn perthynas â'r Bil Llywodraeth Leol ac Etholiadau (Cymru)

(Tudalennau 30 – 34)

3.2 Gwybodaeth ychwanegol gan Gymdeithas Llywodraeth Leol Cymru mewn perthynas â'r Bil Llywodraeth Leol ac Etholiadau (Cymru)

(Tudalennau 35 – 36)



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

3.3 Gwybodaeth ychwanegol gan Gyngor Caerdydd mewn perthynas â'r Bil Llywodraeth Leol ac Etholiadau (Cymru)

(Tudalen 37)

4 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

5 Y Bil Rhentu Cartrefi (Diwygio) (Cymru): sesiwn dystiolaeth 1 – trafod y dystiolaeth

(11.00 – 11.15)

Egwyl (11.15 – 11.20)

6 Bil Llywodraeth Leol ac Etholiadau (Cymru) – trafod yr adroddiad drafft

(11.20 – 13.00)

(Tudalennau 38 – 224)

Mae cyfyngiadau ar y ddogfen hon

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

27 Chwefror 2020 – tudalen flaen papurau i'w nodi

Rhif y papur:	Mater o dan sylw	Oddi wrth	Cam gweithredu
ELGC(5)-07-20 Papur 1	Bil Llywodraeth Leol ac Etholiadau (Cymru)	Cymdeithas Diwygio Etholiadol	I'w nodi
ELGC(5)-07-20 Papur 2	Bil Llywodraeth Leol ac Etholiadau (Cymru)	Cymdeithas Llywodraeth Leol Cymru	I'w nodi
ELGC(5)-07-20 Papur 3	Bil Llywodraeth Leol ac Etholiadau (Cymru)	Cyngor Caerdydd	I'w nodi

Eitem 3.1



John Griffiths MS
Chair of the Equality, Local Government and Communities Committee
Senedd Cymru
Cardiff
CF99 1NA

11th February 2020

Dear John,

As an organisation campaigning for a better democracy we have been keeping a keen eye on the progress of the Local Government and Elections (Wales) Bill. As you will be aware we have given both written and oral evidence in the scrutiny of the Bill and our priority is ensuring this legislation is at its strongest when progressing through the Senedd.

Following a number of recent evidence sessions, such as with the Welsh Local Government Association and the Minister for Local Government and Housing, we feel that additional topics have been discussed, on which we wish to offer further evidence.

Experiences of STV in Scotland and the Republic of Ireland

The experiences of the Republic of Ireland and more so Scotland in introducing STV have been discussed on numerous occasions in the process of stage one scrutiny on the Bill. However, we feel limited evidence has been offered on these experiences.

The role of independents

In the evidence session on 23rd January 2020 with the Welsh Local Government Association, numerous councillors raised concerns around the ability of independents to perform well under STV:

Mark Isherwood MS: "Just on the practicalities of how the system works, could that work against the level playing field in terms of people representing parties or non-parties in given wards or multiple-member wards?"

Cllr Peter Fox: I think it probably would, wouldn't it, Ray? Independent councillors would be at a fair disadvantage, I would have thought, across the local government family.

Ray Quant: Yes, definitely

Huw Thomas: I guess, in particular, when you consider the resources that a party would have to communicate the message about how you would need to vote in any system, compared with what an independent member would have.

Ray Quant: We're on our own. As independents going out there, we don't have that party machine going with us, but it depends what your politics are, of course.

Evidence from Scotland actually demonstrates that independents have not been at an unfair disadvantage under STV.

Independents won the most seats at the 2017 Scottish local elections, under STV, on the following councils:¹

- Highland
- Na h-Eileanan an Iar
- Orkney Islands
- Shetland Islands

Independents also won eight or more councillors on the following councils:

- Aberdeenshire
- Angus
- Argyll & Bute
- Moray
- Scottish Borders

The 2017 elections were contested by 499 independent candidates, an increase of 34 on 2012, suggesting that they have not been dissuaded from putting themselves forward for election under STV.²

At the 2012 Scottish local elections independents won 200 seats in total, behind the SNP and Scottish Labour but ahead of the Conservatives on 115 seats, despite independents actually having a lower vote share of first preferences.³ This demonstrates independents in Scotland actually benefiting from lower preferences under STV.

¹

https://www.electoralcommission.org.uk/sites/default/files/pdf_file/2017-Scottish-Council-elections-Report.pdf

² *Ibid.*

³

<https://www.electoral-reform.org.uk/latest-news-and-research/publications/guide-to-scotlands-2017-council-elections/#sub-section-2>

In 2007, the very first elections in Scotland under STV, independents also benefited from second and third preferences. If we calculate the average rate of transfer to independents and 'others' in just those wards where such a candidate was still in the count, we find that no less than 27% of Conservative and Liberal Democrat votes were transferred in that way, as were 24% of SNP votes and 21% of Labour ones.⁴

A local link and multiple representatives

In the same evidence session with the Welsh Local Government Association, additional concerns were raised about the perpetuation of a local link between councillors and their communities:

John Griffiths MS: Okay, Mark? There is concern as well, isn't there, that multi-member wards might undermine the link between Councillor and community representative? I don't know whether the WLGA has got any actual evidence on that. If not, what would be your views? Daniel.

Daniel Hurford: Yes, I'll come in on that. We haven't done any analysis and I'm not sure whether the Local Democracy and Boundary Commission for Wales have looked at a modelling of implications of different voting systems in different areas. Obviously, multi-member wards are quite common across large parts of Wales, particularly urban areas, but generally, rural areas, as Councillor Quant has said, tend to be single-member wards or electoral divisions as they will be in future. I think the boundary commission's current policy around electoral reviews is that their preference is for single-member wards to keep the community links with councillors. If you look at larger, rural areas, and if you put a multi-member ward over a rural area, you're talking about much larger geographical areas. And there is a concern from some members, particularly in rural areas, as I say, that you will break that community-councillor link, if it's just too broad an area and you have large constituencies of three to potentially six members, and that would just break the local ties. So, it tends to be an issue for rural areas, as Councillor Quant has mentioned.

Leanne Wood MS: Can I just ask a quick question on that? Have you actually looked at any of the evidence in Ireland, say, where there are a lot of rural communities, or are you just basing it on feelings?

Daniel Hurford: As I say, it's a view put forward by rural authorities generally. We haven't done any analysis, as I say, and obviously Scotland has got STV as well. But it is a general concern, and so, if it did come through, and obviously this is, as it stands in the Bill, an option for authorities to choose if they so wish. So, those authorities that would be embarking on this would do that analysis and research and weigh up the benefits or risks around promoting effective local government. So, we haven't looked at the detail, but that's the general feeling that's come through from some authorities.

4

<https://www.electoral-reform.org.uk/latest-news-and-research/publications/2012-scottish-local-elections/>

Experiences in introducing STV in Scotland saw a rebalancing of the number of councillors in some authorities, with urban areas largely receiving an increase in the number of representatives and a decrease in some rural areas.⁵ However, these numbers were relatively small with all authorities changes only between -3 and 6. An ERS report on this at the time concluded “For the most part the estimated impact of the boundary changes does not result in radical changes in the tallies of the parties within individual councils”.⁶

In terms of a councillor's link with their area, it is correct to say that some rural wards will be larger, however we would argue that a shift to PR would more effectively represent voters in these areas. While councillors do have concerns about their wards growing larger, we would argue that voters would feel more effectively represented if they can see a link between their vote and who represents them. Rather than geography being a significant factor in how voters feel represented or not, it's more impactful that their voices are effectively heard.

As we have already stated in our previous evidence to the Committee, disproportionate results are common place under the current FPTP system, something clear at the 2017 local elections where, in Cardiff, Labour received 39.5% of the vote but 53.3% of seats and in Conwy where Plaid Cymru received 8.0% of the vote and 16.9% of seats, while the Conservatives took 37.0% of the vote but just 27.1% of the seats.

Such a disproportionate and unrepresentative situation shouldn't be sustained just due to concerns over slightly larger ward size in some areas.

During the evidence session, concerns were also raised around multi-member wards, with one Councillor remarking that ‘too many cooks spoil the broth’. Multi-member wards are vital in ensuring that more voters – and their diversity of opinions – can be effectively represented, and they are commonplace in nearly every other system. Indeed, the Senedd has a multi-member system with each voter having five members to represent them and a number of local authorities in Wales are already entirely based on multi-member wards, as the Minister for Local Government and Housing pointed out in her evidence session on the Bill in January.⁷ We should not forget that the UK is one of the only countries in Europe to use the First Past the Post system, and it is actually against the norm to have a single representative for every constituent.

Permissive PR

Throughout the evidence sessions held by the Committee in the course of this Bill, numerous concerns have been raised about the nature of permissive PR and the potential for there to be different voting systems in different neighbouring authorities.

⁵

<https://www.electoral-reform.org.uk/latest-news-and-research/publications/guide-to-scotlands-2017-council-elections/>

⁶ *Ibid*

⁷ <https://record.assembly.wales/Committee/5964#A55862>

As we have previously stated in our evidence, our preferred option is still to have a full rollout of STV across local authorities in Wales and we would like to challenge some of the statements that have been made in evidence sessions since then.

In the evidence session on the 29th January, the Minister for Local Government and Housing stated that 'I really genuinely do think that the local authority should be able to decide their own voting systems when they're democratically elected. If you believe in local democracy, you believe that they should be able to do that.'

We remain concerned about this on a number of points. Firstly, that local authorities are currently *democratically* elected. As we have outlined above, local councillors are elected on the basis of a fundamentally flawed system. This has led to random results, a lack of diversity, and a huge amount of voters being unrepresented. Secondly, we have concerns that councillors who are elected on the basis of this system have previously been rewarded by it and are therefore likely to resist change. The best way to ensure voters are effectively represented remains to roll out a proportional system across the whole of Wales.

Thirdly, arguments that this would be difficult for some authorities given they are less likely to have multi-member wards already seem to overestimate the amount of time needed to reform the system. The legislation does not envision introducing any areas of STV before 2027 and the Boundary Commission could certainly address how any system might work prior to that point. Scotland's experience of introducing STV remains a fundamental opportunity for learning here, and we are disappointed that this wasn't more thoroughly examined in the course of this inquiry.

Finally, if permissive PR were to progress throughout this legislation and a full rollout of STV was rejected, then we would recommend looking at other ways STV might be introduced in local authority areas. It has been mentioned in the course of the evidence sessions for this Bill that a public mandate might be appropriate to trigger reform, with citizens signing a petition, for example, and we believe that this should be examined further.

This legislation is significant in terms of its potential to deliver more effective local government on behalf of the people living in Wales. It should not fail to address some of the major areas in need of reform and we believe that this Bill needs to be more ambitious in order to deliver on that.

We very much appreciate your time in reading this letter and hope that it helps inform the Committee's further work scrutinising this legislation. We are more than happy to offer any further evidence required or to answer any questions or points of clarification.

With best wishes,

Jess Blair
Director, ERS Cymru
jessica.blair@electoral-reform.org.uk

Thanks for the email, please see the responses below.

General Power of Competence Case Studies

The LGA evidence to the Committee provided a link to an [LGA report](#) including early case studies on the General Power of Competence; there is also an [annex](#) to that report with more in-depth case studies, but it doesn't appear to be linked to the main document. There is also a House of Commons [Briefing Paper](#) from 2016.

Section 63 and 64 – Assistants and job-sharing

The extent enabling the appointment of assistants to an executive and job-sharing for executive leaders and members will assist in improving diversity. Also, what level of interest is there for more of this within local government.

The WLGA and local authorities support these proposed reforms and they will provide greater flexibility for members to undertake such roles. The appointment of assistants is welcome as it will provide additional support for executives but also provide scope to provide development and opportunity for senior members to 'succession plan'. Although job-sharing may allow some members with wider family or professional commitments to undertake an executive role, there are mixed views about whether it will have a significant improvement on diversity. There is not widespread demand for such roles currently and where it has been implemented, notably in Swansea, there have been challenges in applying the role both in terms of how the role is 'shared' (such as impact on remuneration, voting and day-to-day responsibilities) but also in terms of managing workload and expectations. It may therefore be necessary for wider revisions to the remuneration framework and guidance to encourage rather than just enable job-sharing of senior roles. The Committee may wish to review the evidence submitted by former 'job-share' Swansea Cabinet members Cllrs Mary Sherwood and June Burtonshaw, which was submitted to the Committee's previous Inquiry into Diversity in Local Government.

<http://senedd.assembly.wales/documents/s90308/Additional%20information%20from%20Councillor%20Mary%20Sherwood%20and%20Councillor%20June%20Burtonshaw%20on%20job-sharing.pdf>

Section 67 – Duties on leaders in relation to standards

The extent the duty on group leaders in relation to standards of conduct will assist in promoting and maintaining good standards of conduct, and how might this provision be extended to independent members?

The WLGA supports this provision as it builds on good practice already (for example, many group leaders support councils' local resolution protocols around councillor behaviour and conduct) and sets out clear expectations on the role of group leaders. The Bill provides guidance-making powers for Ministers around this new duty; this guidance will be important in clarifying expectations and what actions group leaders may take in exercising this duty. The WLGA and authorities will support the Welsh Government in developing this guidance, but it may include recommendations around how group leaders manage personal development reviews, encourage group members' commitment to development and training

opportunities, promoting an inclusive and supportive group culture, how to manage and support individual members whose conduct may be a concern, through to publicly championing high standards and challenging poor standards of conduct where it occurs.

It is not yet clear however whether the Welsh Government intends that this duty will be incorporated into the statutory Members' Code of Conduct and whether, for example, Group Leaders could be subject to complaints if they are perceived not to be undertaking this Duty appropriately. This will require careful consideration.

This proposed new duty would be applied to all Group Leaders, which would include groups of independents councillors. There are however several unaffiliated independent councillors in Wales who are not members of a group and therefore do not have a group leader. These councillors however remain subject to the statutory code of conduct and they (as all councillors) are reminded of their expectations and obligations around conduct and standards and are supported in undertaking their role through guidance and training. Standards Committees are also responsible for promoting good behaviour and high standards of conduct.

I hope the above helps.

Regards,

Daniel Hurford, Head of Policy (Improvement and Governance), Welsh Local Government Association

**SWYDDFA'R ARWEINYDD
OFFICE OF THE LEADER**

Fy Nghyf / My Ref: CM43103

Dyddiad / Date: 18 February 2020

John Griffiths AM
Chair
Equality, Local Government and Communities Committee
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Elitem 3.3

Annwyl / Dear Chair,

I was pleased to attend the meeting of the Equality, Local Government and Communities Committee on 23 January 2020 to give evidence on the Local Government and Elections (Wales) Bill as part of the Welsh Local Government Association (WLGA) delegation. I can also confirm, from a Cardiff Council perspective, that the Council supports the WLGA's position on most aspects of the Bill.

Whilst the evidence session covered a lot of ground, I was surprised that we did not spend a lot of time discussing matters relating to the proposed Corporate Joint Committees (CJCs). As a result, primarily in my role as the Leader of Cardiff Council rather than as a WLGA representative, I took the opportunity to urge the Committee to also give consideration and due regard to the voting arrangements of CJCs, in particular, the implications of a 'one Authority, one vote' approach within a CJC given the differing sizes of Local Authorities and the potential diminution of the weight and size of an electorate of one Authority when compared to another.

I hope that the Committee will reflect on the future voting rights and arrangements of CJCs, which are not set out fully within Part 5 of the Bill at this stage. I would expect that these matters will become clearer when the regulations relating to CJCs are co-designed by the Welsh Government and WLGA to ensure that they deliver a regional model that works for local government.

Yn gywir / Yours sincerely,

**CYNGHORYDD / COUNCILLOR HUW THOMAS
ARWEINYDD / LEADER
CYNGOR CAERDYDD / CARDIFF COUNCIL**

GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Soesneg neu 'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim and i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.

Tudalen y pecyn 37



Mae cyfyngiadau ar y ddogfen hon

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Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

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