

LG 58

Bil Llywodraeth Leol ac Etholiadau (Cymru)

Local Government and Elections (Wales) Bill

Ymateb gan: Cyngor Bwrdeistref Sirol Conwy

Response from: Conwy County Borough Council

Members discussed each question in turn and provided the following responses:-

Part 1 Elections - Allowing 16 and 17 year olds to vote in Local Government elections.

Members agreed to continue to support allowing 16 and 17 year olds to vote and further comments were made as follows:-

- *Ensuring that young people were educated in terms of elections, however, when attending 'hustings' at schools a Member advised that pupils had questioned political representatives robustly.*
- *As a result of social media, 16 and 17 year olds were probably more aware of the issues that were important to them.*
- *In relation to the potential increase in the electorate, the Chief Executive advised that the Local Democracy and Boundary Commission for Wales had already taken the increase into account as part of the electoral review in Conwy and it would not affect its proposals. However, it was suggested that this point should still be reiterated.*
- *The Welsh Government should ensure that it had an effective communication plan in place to ensure that 16 and 17 were aware of which elections they could and could not vote in.*

Part 1 – Elections - Extending the local government vote to citizens from any country.

Yes, in principle, there should be safeguards in place to ensure that a citizen should have some form of settled status before they were given the vote.

Part 1 - Elections - Extending the Local Government vote to prisoners.

No. There was some debate on whether the ability to vote should be part of the rehabilitation process, but the majority of Members felt that being in prison included the removal of certain rights, which should include the right to vote. Furthermore, the practicalities of putting the policy into practice could be difficult, especially in terms of prisoners from Wales serving their sentences in England.

Part 1 – Elections - Two Voting systems

No, there should be a consistent voting system across Wales.

Part 1 – Elections - Change of electoral cycle for principal Councils from 4 years to 5 years

Yes, this would bring the cycle in line with Parliamentary and Welsh Assembly elections.

Part 1 - Elections - Qualification and disqualification for election and being a Member of a Local Authority

The Bill proposed that citizens of any country could stand for election.

Having discussed the matter, Members agreed that, yes, if a citizen was living and working within Wales, they should be able to stand as a Member of a Local Authority. The Head of Law and Governance advised that the same criteria would apply in terms of those citizens being able to vote.

Council officers and employees, other than those holding politically restricted posts, could be allowed to stand for their own Council but would need to resign if elected

No, there would be a conflict of interest between the role of officer and Councillor.

Individuals subject to some of the provisions of the Sexual Offences Act 2003 would be disqualified from standing for election or being a Member of a Principal or Community Council

Yes.

Part 1 – Elections - Expenditure of Returning Officers

The Bill proposed that Returning Officers can only charge for “expenses” not for personal fees.

The question presumed that the Returning Officer would be the Chief Executive, which was not always the case.

The Head of Democratic Services advised Members that there was an agreed schedule of fees, previously agreed by the Council, for each contested and uncontested election. If the fee was removed, the Returning Officer would need to claim any incurred expenses. The fee was applied for taking on the additional responsibility and additional work during the election period.

Whilst some Members considered that the responsibility should be part of the Chief Executive’s salary, other Members felt that the role of the Returning Officer included additional responsibilities over and above the role of Chief Executive, therefore, the status quo should remain.

(Note: In the interest of transparency the Chief Executive left the meeting whilst the above item (Expenditure of Returning Officers) was discussed.)

Part 2 - General Power of Competence

The general power will allow Local Authorities to act in their communities’ best interests, generate efficiencies and secure value for money outcomes. They will also be able to raise money by charging for discretionary services and to trade in line with existing powers.

The Head of Law and Governance advised Members that Local Authorities in England already had the General Power of Competence but it was rarely used as it was a last resort.

Members agreed that, yes, it could be beneficial but would not have a significant impact on the way that the Council operated.

Part 3 - Promoting Access to Local Government - Duty to encourage local people to participate in Local Government

Whilst Members agreed that, yes, the public should be encourage to participate, there should be no burden on the Council to ensure public participation in Town and Community Councils and the National Parks.

Part 3 - Promoting Access to Local Government - Strategy on encouraging participation

The Bill proposed a new duty for councils to prepare a 'participation strategy' with 'the aim of making it easier for members of the public to understand how local government functions; how it makes decisions; and how local people can follow proceedings, input their views, and have them taken into account'.

Members agreed that, yes, the Council should have a strategy on encouraging participation, but Town and Community Councils and National Parks should be encouraging their own participation and should be responsible for their own strategies.

Part 3 - Promoting Access to Local Government - Duty to make a petition scheme.

Yes, Local Authorities should have a duty to make a petition scheme. The Council already provided the ability for members of the public to submit electronic petitions.

Part 3 – Promoting Access to Local Government – Duty to publish official addresses

The Bill proposed that Members have an electronic and postal address but that this can be a Council address if desired.

The Head of Law and Governance advised that the purpose of the above was for security reasons and to prevent Members from being subject to abuse.

Yes, but it should be a decision of each individual Member.

Part 3 – Promoting Access to Local Government - Electronic broadcasts of meetings

The Head of Law and Governance advised that the Bill proposed that all public meetings be broadcast. This would be at an additional cost and could potentially require a full-time officer to webcast every public meeting.

In relation to whether it would be more cost effective to buy equipment and webcast through YouTube, the Head of Democratic Services advised that this would not support the bilingual provision supported by the current webcast provider.

Members stated that no, all public meetings should not be broadcast. However, the webcasting of Cabinet, Council and the Planning Committee, together with other Committees discussing items of interest to the public, should be webcast. There was no evidence to suggest that all public meetings required webcasting and if this was the case, it would need to be externally funded. It was also noted that if all public meetings were webcast it could put off some members of the public from participating.

Part 3 – Promoting Access to Local Government – Remote attendance

The Bill suggests allowing council standing orders to determine how the arrangements will work locally in order to promote accessibility and support flexibility for Members to attend meetings remotely.

Members stated that no, remote attendance should not be introduced as there were still concerns in relation to technical difficulties, exempt items, governance issues and the cost.

Part 4 – Executives, Members, Officers and Committees – Chief Executives

As the Chief Executive for the Council already undertook an Annual Appraisal, Members agreed that yes, Chief Executives should be subject to performance measures as this process was already operational in Conwy.

Part 4 – Executives, Members, Officers and Committees – Appointment of assistants to Cabinets and job-sharing

Whilst Members stated that no, the appointment of assistants should not be introduced as it could create confusion, they did not have any issue with the introduction of job-sharing for Cabinet roles.

Part 4 – Executives, Members, Officers and Committees - Family absence

The proposal was to extend the family absence provisions (updating and aligning them with family absence provisions available to employees).

Yes, Members agreed that the family absence provisions should be updated.

Part 4 – Executives, Members, Officers and Committees - Group Leaders to promote and maintain standards in their groups

Members agreed that yes, if not doing so already, Group Leaders should be promoting standards within their groups and the proposal would serve as a reminder.

Part 5 – Collaborative working - The Bill proposed the establishment of Corporate Joint Committees (CJs)

The Head of Law and Governance advised Members that the above proposal would give the power for Local Authorities to request CJs for any of their functions. The

Bill also provided Ministerial powers to establish CJsCs in the functions of school improvement, economic development, strategic planning and transport.

The Welsh Local Government Association (WLGA) Council and the WLGA Executive Board had previously expressed concerns about the mandating of CJsCs and the need for assurances and safeguards against future Ministers using the power in other service areas.

Concerns were raised in relation to the possible loss of local democracy as only Leaders would sit on the CJsCs and the CJsCs would have their own powers to make decisions. Further concerns were raised in relation to resourcing the CJsCs and governance issues in terms of scrutiny call-in procedures.

Members agreed that CJsCs could work if they were established by Local Authorities, with a wider membership, as joint working with neighbouring Local Authorities had already proved successful, with the North Wales Growth Bid given as an example. Local Authorities should not be mandated by the Welsh Government to establish joint Committees.

Part 5 – Collaborative working - Regulations for Corporate Joint Committees (CJsCs)

The Minister for Housing and Local Government has expressed her desire that the Regulations should be co-produced with Local Government and there was scope for existing governance agreements and arrangements (such as City Deal or Growth Bid Joint Working Agreements or Governance Agreements) to be transferred into Regulations to avoid duplicating, ‘reinventing the wheel’ or undoing or undermining existing, effective arrangements.

No, there should be no mandation from the Welsh Government to form CJsCs.

Part 6 – Performance and Governance - Performance Framework

The Bill proposed a new streamlined performance framework for Local Government

In summary, the Bill would introduce a new duty for a council to keep its performance under review to the extent to which

- (a) it was exercising its functions effectively;
- (b) it was using its resources economically, efficiently and effectively; and
- (c) its governance was effective for securing the matters set out in paragraphs (a) and (b).

A council must also conduct an annual self-assessment of the above duty, publishing a report of this assessment and also commission an independent Panel Assessment of its performance once per municipal term at an estimated cost of £26,000.

Overall, Members welcomed the streamlining of the Performance Framework for Local Government but had reservations with regard to introducing another layer of scrutiny and the costs associated with an independent Panel Assessment.

Part 6 – Performance and Governance - Audit Committees

Proposal included:-

- Renaming the Audit Committee to the Audit and Governance Committees (already re-named by Conwy CBC).
- One third of the Membership must be Lay Members.
- The Chair must be a Lay Member.

No, the status quo should remain as the proposals were too prescriptive and the Chair should be the best person for the job.

Part 7 – Mergers and Restructuring – Mergers

The Welsh Government were seeking to encourage and facilitate greater collaborative reform as outlined through Corporate Joint Committees (as noted above).

Yes, as it would provide a greater opportunity for Local Authorities to work in partnership.

Part 8 – Finance

Removal of power to provide for imprisonment of council tax debtors.

As a consensus could not be reached, it was agreed not to provide a response.

Removal of the powers of the Independent Remuneration Panel over Chief Officer salaries (which had been introduced as a temporary measure in the Local Government (Wales) Act 2015).

Yes.

Part 9 - Miscellaneous

Amendments to Wellbeing of Future Generations (Wales) Act 2015 to allow PSBs to demerge

Yes.