

- We agree with the proposal to extend the franchise to 16 and 17 year olds but are concerned that such a large scale change should be given enough time and support to plan registration and canvassing activities. Any awareness activity will need to explain the difference between UK elections and Welsh elections.
- We agree that legally resident foreign nationals should be able to vote in Welsh elections but that the principle of parliamentary domain should be upheld for UK elections.
- We agree that prisoners serving a custodial sentence of less than four years should be eligible to vote. Understanding the duration of sentences and the ability to vote will need coordination between the local authority and HMPPS.
- We disagree that there should be a voting system choice as this introduces confusion for voters with potentially different systems in play across Wales and a different approach in Town and Community Council elections and UK elections. Voter confusion leads to voter apathy and encouraging participation in democracy would be better served by a single, less complex system.
- We agree that 5-year terms should be codified in legislation.
- We disagree that Ministers should be able to vary the day of election. Availability of polling stations is better understood by local authorities.
- We agree that citizens of any country should be able to stand for election.
- We disagree that employees should be able to stand for election; this compromises staff remaining in work if unsuccessful, and compromises the authority during campaigning.
- We are pleased that the previous proposal to combine the Chief Executive role with that of Returning Officer is not replicated in this latest Bill. The independence and impartiality of Returning Officers is a cornerstone of the electoral system, in the case of local government elections this is brought into sharp focus. Remuneration should be entirely separate from local authority budgets. There are significant duties associated with the role of Returning Officer, including the responsibility for employing staff. The independence should be maintained.
- The costs of new voter registration and awareness activity will place a significant burden on local authority budgets. In the run up to the 2022 elections we would wish to see this reflected in the settlement, for each year when additional work will be required.

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

- On the face of this would seem to provide much needed additional powers to local government. We are, however, extremely concerned about the restrictions, limits and boundaries placed in the subsequent qualification sections of the Bill. The proposed GPOC exactly follows the original drafting into English law. Therefore

GPOC may only be used where no pre-commencement limitation exists. Numerous pieces of legislation will need to be trawled to ensure that no limitation exists. The experience from English councils is that GPOC is not used as a power of first resort, but rather as a 'belt and braces' addition or last resort. Lawyers in Local Government made representations to WG in 2017 about how the power might be remodelled to be of greater benefit to local authorities. It represents a missed opportunity to create a genuinely useful GPOC.

- We are in the process of delivering a transformation strategy with commercialisation as a key factor in maintaining resilient services in the future. Generating 'profit with a purpose' is part of our Social Heart: Commercial Head ethos and the way in which we are aiming to innovatively retain the discretionary services of value to our communities. The Bill does not provide us with the flexibility to do this, by setting conditions for commercialisation does not allow an entrepreneurial approach and will fetter us in our ambitions to provide for sustainable communities. Only allowing commercialisation through a trading arm and, only for discretionary services already provided by the authority, does not allow us to fully explore new markets to deliver a profit to sustain services. Developing a growth mind-set cannot be achieved with a 'feet of clay' traditional public sector response. We would urge that these sections of the Bill are looked at again working with local government lawyers, the WLGA and learning from across the border.

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

- We agree with the new duty to encourage public participation in democracy but disagree that the local authority should be responsible for promoting this for connected authorities.
- We disagree that there is a need for the local authority to prepare a public participation strategy. Our existing mechanisms to encourage involvement are sufficient.
- We agree with the duty to prepare a petition scheme.
- Electronic broadcasting of all meetings need to be balanced against the low level of public engagement with full council meetings, which we already broadcast, and the cost of increasing the contract with the software provider to broadcast all meetings. We agree in principle but need to understand more about the mechanisms to achieve this.
- We agree that remote attendance of members at meetings should be facilitated.

### **Part 4 Local Authority Executives, Members, Officers and Communities**

- There are already performance management arrangements in place for the Chief Executive, there needs to be local flexibility to continue with this. Prescribing an approach could, potentially, have a number of unintended consequences. A single individual having oversight of Chief Executive performance risks loss of objectivity and a reliance on an interpersonal relationship.
- Publishing performance reviews would place Chief Executives under an unprecedented regime. A performance review should be a private record of a discussion between an employee and their manager/executive. It should not be for public consumption. The performance of the local authority, already well-publicised should be the public measure of success. Any such reporting should be exempt from publication.
- We agree that Cabinet should be able to benefit from job-sharing and enhanced personal leave arrangements. We agree that there should be an option to appoint assistants to Cabinet, however our political aim over the past few years has been to minimise the costs of the executive.
- We agree that Group Leaders should have a duty to maintain standards within their group but would like there to be additional training to allow them to understand the role.

#### **Part 5 Collaborative Working by Principal Councils**

- We agree in general with the proposals for CJC's and that they offer an option to collaborate more effectively around the areas listed. This approach aligns with the Cardiff Capital Region City Deal and its objectives. The footprint is likely to follow the City Deal footprint.
- We disagree that the functions to come under the control of CJC's should be mandated by Ministers. It should be a matter for local government to determine which functions could be delivered by CJC's. Local discretion and democratic choice should be the overriding factors.
- We disagree that a CJC is appropriate for school improvement. The Gwent area Education Achievement Service is set up as a company limited by guarantee and has a Joint Executive Group comprising Cabinet Members and senior officers. Its governance is therefore different to other schools improvement services in Wales; in 2016 the WAO recognised that the EAS governance arrangements were the 'most established and comprehensive'.

#### **Part 6 Performance and Governance of Principal Councils**

- We agree with the provisions for self-assessment on an annual basis.
- We disagree with the requirement to conduct a Panel Assessment once every municipal term. We do not believe that this will add value and that it comes from a mistrust of local government. We do not believe that an external view of the 'performance requirements' would add anything to assurance as self-assessment

and that political oversight of this, along with publication of reports will provide for openness, transparency and democratic accountability. The requirement to commission an independent panel is an overly bureaucratic and an unnecessary burden. It will not provide any assurance in the fast paced environment in which we work. A once every 5-year's assessment is likely to detract from a culture of ongoing continuous improvement. It seems to hark back to a local government of several decades ago. We question what value Welsh Government and the public we serve will gain from this. Mandating a panel assessment is not part of a mature beneficially supportive relationship between national and local government, we fail to see what benefit it could have.

- We are encouraged that Welsh Government are exploring enhancing sector lead improvement with the WLGA. Peer assessment on ongoing support will add far more value than an arbitrary inspection by an external panel.
- We disagree that the new Governance and Audit Committee should be comprised of 1/3 lay membership. Lay members have an important role to sit in scrutiny alongside our elected members and we actively support co-option. However stipulating a quota undermines the valuable role of our own elected members.
- We agree that Regulators should coordinate their inspection activity but consider that the AGW should maintain independence.

#### **Part 7 Mergers and Restructuring of Principal Areas**

- We disagree that a merger could be mandated after Special Inspection without any subsequent support and assistance arrangements being put in place to mitigate any concerns. Merger should be a last resort.