



Communities, Equality and Local Government Committee

Local Government (Democracy) (Wales) Bill.



Your name:

Cllr Mariette Roberts
Robert A Robinson FRICS AILCM Secretary

Organisation (if applicable):

North Wales Association of Town and Larger Community Councils

Email address:

wtcouncil@btinternet.com
web site: northwalesassociation.org.uk

Telephone number:

01938 553142 or 07767 267830

Your address:

Triangle House, Union Street, Welshpool, SY21 7PG

10th January 2013

**Response to consultation from
The North Wales Association of Town and Larger Community Councils**

Notes:

The Association represents 34 Town and Community Councils in Mid and North Wales and they have been consulted on the contents included in these responses. The views expressed below are from a Town and Community Council point of view.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?			
Yes	x	No	
<p>The Association recognises the need for some changes and feels that the Bill reflects many of the concerns expressed under the current arrangements.</p> <p>There is a need to ensure that local communities are taken ‘more into account’ when making changes to administrative boundaries.</p>			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)			
Yes	Maybe	No	
<p>The ‘red tape’ which goes with such organisations is often costly, laborious and does not always improve delivery.</p> <p>It is hoped that the provisions of the Bill will achieve the aims and objectives set.</p> <p>The changes to the Commission membership are welcomed and will help the delivery of the Bill.</p>			

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	x	No	
<p>The Association does feel that the changes are appropriate.</p> <p>The changes to the make up of the commission to add an extra member is welcomed (over having a reserve).</p> <p>The requirement to have at least one Welsh Speaker on the group is accepted as an aim. However it should not override the abilities of the applicants for the position.</p> <p>The changes to the operation of Boundary and Electoral divisions are clear and appear workable.</p>			

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	X	No	
<p>The Association supports the contents of Chapters 4 and 5 of the Bill in general.</p> <p>There are two comments which the Association wishes to make which are:</p> <ol style="list-style-type: none"> 1. All boundary changes which affect principal authorities have a large cost implication as well as the problems relating to transfer of assets, staff and more important documents. Such Principal Authority Boundary changes should only take place when essential. 2. Changes in boundaries which affect Town and Community Councils have, in the recent review, been ill received in many cases. The feeling from many or our Member Councils is that communities have been divided on a 'numerical basis' taking little or no account of history or culture. The contents of Chapters 4 and 5 do not cover this issue. 			

Question 5: Do you think the arrangements for local government in relation to:

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

x

No

The Association accepts the general contents of Chapter 1.

The Association is happier with the report and review periods for both County Council and Community Council boundaries. However changes should be made every 20 plus years unless there are compelling reasons why it should be done earlier.

The Commission is currently required to aim for each councillor (in a principal council) to represent, as closely as possible, the same number of electors. However, the Commission is also under an obligation to set boundaries which are easily identifiable and take account of local community ties.

In the most recent review there was much concern expressed by the Association Members. This was due to the fact that local ties, culture and community concerns were overridden in favour of 'numbers' with regard to the allocation of Parliamentary Boundaries. This is not something which the Association would like to see repeated at Principal or Community Council level. Such a numerical basis should only be one consideration and not the overriding one.

Question 6: Do you think the arrangements for local government in relation to:

- Democratic Services Committees (Section 56)
- Audit Committees (Section 57)
- Standards Committees (Section 63)

are appropriate?

Yes

x

No

SECTION 56

The Association is pleased to see that the definition of 'Local Authority' includes 'Community Council'. This enables such a Community to seek a review by approaching the Principal Authority. There should be an obligation upon the Principal Authority to consider such request from a Town or Community Council and to take such review forward if the Town or Community Council has put forward a good case for such review.

SECTION 57

Nothing to add.

SECTION 63

Nothing to add.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	x	No	
<p>The Association supports the general provisions.</p> <p>The Association Members are concerned about:</p> <ul style="list-style-type: none"> a) Payments being made to Town and Community Councillors as an obligation. b) The effect on the precept of such payments. <p>The Association consultation response to the original approach is attached at appendix 1.</p>			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	x	No	
<p>The Association supports these provisions. It is recognised that web sites are the future (if not now) and that Town and Community Councils should embrace this.</p> <p>The Association is of the view that every Town and Community Council should have a basic web site with the following information contained therein:</p> <ul style="list-style-type: none"> a) Contact details b) Dates of Council Meetings c) Location of Council Meetings d) News on local issues <p>The Association is not in favour of such web sites being hosted by others but in in favour of each having its own domain name so that it is easily accessible.</p> <p>The timescale for implementation is acceptable.</p> <p>To encourage the implementation of the proposals grant aid should be made available to include training.</p>			

Chairing of Principal Councils (Chairs and Mayors of Principal Councils)

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?

Yes	X	No	
------------	----------	----	--

The Association feels that standardisation should apply to all Authorities, not have different approaches in each. Either Principal Authorities have a Mayor/Chair or they split the role on the basis of the Mayor being Civic and the Chair being Political.
 The Public need to be able to understand the roles of the two positions and if each authority is different this causes confusion.

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

The Association feels that the provisions will be adopted by Principal Authorities but that it will be more difficult to get full support to implement at Town and Community Council level.

Any cost implication to Town and Community Councils having to implement their aspects of the Bill should be borne by the Welsh Assembly. In particular the reference to web sites.

When considering boundary changes affecting the boundaries of the Town and Community Councils their views should be taken as a 'material consideration' and not just a consultee. If the Town and Community Councils feel that they have been 'taken note of' there will be much more support for any proposals put forward with regard to boundary changes.

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

The cost of the implementation of the Bill itself (ie the Commission) is not an issue to the Association. The affects (including costs) of Boundary Changes are a different matter.

When considering changes in Principal Council boundaries the cost of such changes must be a material consideration. When such boundary changes have taken place the cost, transfer of assets, staff and (more importantly) documents are a major issue. Such boundaries should only be changed where it is essential.

When assessing the changes in boundaries to Principal Authorities it should be noted that in the past the benefits which were envisaged have not been achieved.

Question 12: What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?

The Association agrees with the powers in the Bill for Welsh Ministers with regard to subordinate legislation.

Question 13: Are there any other comments you wish to make about specific sections of the Bill?

The Association strongly objects to any proposal which gives the ability of the Commission to propose electoral divisions which straddle communities except where the Town or Community Council and the Community are in agreement. The Association would like to see something in the Bill to cover this point.

The Association supports the idea of returning officers and polling station staff not being paid twice – ie they either do the job within their own daily work or they take holiday to cover it.

The original consultation response from the Association is attached at appendix 2.

Robert A Robinson FRICS AILCM
Secretary to the
North Wales Association of Town and Larger Community Councils

CELG.committee@wales.gov.uk

Or by post:
Leanne Hatcher
Legislation Office
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Annex 1

NORTH WALES ASSOCIATION OF TOWN AND LARGER COMMUNITY COUNCILS

PROMOTING LOCAL DEMOCRACY



Introduction

This paper covers the proposal to alter the way the Boundary Commission operates and asks about the work that it does. The full proposals can be found on the Welsh Assembly Web Site under consultations.

The Questions and proposed answers

The Commission deals with more than boundaries. The electoral review process is as much about the appropriate number of councillors and their distribution in relation to numbers of electors, as it is to electoral boundaries. It is therefore proposed that the Commission be renamed as the Local Democracy and Boundary Commission for Wales.

Question 1: Do you agree with the Commission being renamed as the Local Democracy and Boundary Commission for Wales?

Proposed answer

The Association agrees with the new name as it is more relevant.

Currently the Commission consists of a Chair, Deputy Chair and up to three other members. However, it has a quorum of two and has in fact only had three members in total in recent times.

Question 2: Do you agree being increased to three, with the appointment of a Chair, Deputy Chair and two other members becoming the norm?

Proposed answer

The Association agrees with the increase in numbers. Such membership should include representation covering Mid and North Wales.

One of these members could be a reserve member, whose services would only be called upon when it was clear the quorum would not be achieved otherwise.

Question 3: What are your views on the appointment of a reserve member?

Proposed answer

The Association feels that there should not be a reserve member but an extra member of the committee so the member is up to date.

It is also proposed that the provisions in relation to the language be modernised. The requirement that at least one member should be a Welsh-speaker.

Question 4: Do you agree that the provisions set out at section 7.3 of the Welsh Government's Welsh language scheme are appropriate with regard to appointing members to the Commission? (i.e. as above)

Proposed answer

The Association agrees that the provision appointments should be on merit alone, however it is desirable to include a Welsh speaker. The language used in proceedings must allow inclusion of all.

Members of the Commission will continue to be appointed by Welsh Ministers following a publicly advertised appointments process, based on the principles of merit, fairness and openness, and be paid at rates decided by Welsh Ministers.

Question 5: What are your views on the Commission having the power to appoint persons to provide expert advice, together with the power to pay any such persons?

Proposed answer

The Association is of the opinion that appointments must be on merit and such pay and conditions at a level which is fair and not extravagant.

It is proposed that whenever the Commission suggests a change to local government areas it must also consider making proposals for consequential changes to electoral arrangements (i.e. the numbers and distribution of councillors within a county area).

Question 6: Do you agree that the Commission should consider consequential changes to electoral arrangements (the numbers and distribution of councillors) when recommending changes to local government areas?

Proposed answer

The number of electors to Councillors should only be one of the parameters and not at the cost of loss of local identity.

It is also proposed that if any of the alterations affect the boundaries of a police area the Commission must inform the Secretary of State for the Home Department, who can, by order, change the police area boundaries to make them coterminous with any proposed fresh county boundaries.

Question 7: Do you agree that the Commission should inform the Home Secretary of any recommendations which affect the boundaries of a police area?

Proposed answer

The Association agrees with this proposal.

It is proposed that this review requirement be tightened so that, once notified of a forthcoming electoral review, a principal council will be required to ensure that its communities have been recently reviewed to the satisfaction of the Commission.

Question 8: Once notified of a forthcoming electoral review, should a principal council be required to ensure that its communities have been recently reviewed to the satisfaction of the Commission?

Proposed answer

The Association is not keen that the Welsh Assembly can over ride the Principle Authority and some clear guidelines on when the Welsh Assembly can step in are needed.

Question 9: If a principal council does not follow the guidance, should the Commission be empowered to carry out the review and charge the principal council for doing so?

Proposed answer

The Association feels such actions should be a last resort with the Principle Authority given a chance to rectify any breach.

Question 10: What are your views on the Commission being empowered to issue guidance to the principal council on the timing and process of community reviews together with the principles to be followed?

Proposed answer

The Association is in support of this proposal.

It is proposed that the Commission be granted order-making powers in relation to community reviews carried out by principal councils.

#Question 11: Should the Commission be granted order-making powers in relation to community reviews carried out by principal councils?

Proposed answer

The Association feels that any such powers should be the subject of strict guidelines to give as much freedom as possible to Principle Councils to set boundaries in consultation with their local communities taking into account local conditions.

The Commission would be required to produce a timetable for a ten year cycle of reviews, during which each principal area will be reviewed. No more than ten years should elapse between each subsequent electoral review of any principal area. The next review is planned for 2014

Question 12: What are your views on the Commission operating a continual cycle of electoral reviews, commencing in 2014, with a timetable for a ten year cycle of reviews being produced?

Proposed answer

The Association is in agreement with a 10 year cycle of reviews of both County Council and Community Council boundaries, however changes should be made every 20 plus years unless there are compelling reasons why it should be done earlier.

The Commission is currently required to aim for each councillor in a principal council to represent, as closely as possible, the same number of electors. However, the Commission is also under an obligation to set boundaries which are easily identifiable and take account of local community ties.

Question 13: When fixing boundaries should local community ties have equal importance to achieving a target ratio of electors to councillors?

Proposed answer

The Association agrees with this proposal and indeed feels that local ties are even more important than numbers.

The following should also be noted:

a) Communities are more important than numbers.

b) If keeping communities together means numbers are uneven, so be it.

c) Ward numbers should take into account future developments and the LDP housing numbers.

d) Population numbers are a better guide than just those on the electoral role.

It is proposed that the current provision preventing the Commission from proposing electoral divisions which straddle community boundaries be abandoned as this can impede the Commission's desire to make proposals in the interests of equalising, as much as possible, the councillor to elector ratio.

It is also proposed that, should it feel it appropriate, the Commission may propose changes to community boundaries as part of an electoral review.

Question 14: Should the Commission be able to propose electoral divisions which straddle community boundaries?

Proposed answer

The Association strongly objects to this proposal except in cases where the Town or Community Council is in agreement.

Question 15: Should the Commission be able to propose changes to community boundaries as part of an electoral review?

Proposed answer

The Association supports this proposal as long as any changes are with the Town or Community Councils support.

There are only 3 more questions which are relevant to the North Wales Association.

Question 33: What are your views on town and community councils being required to ensure their contact and membership details, together with records of their proceedings are accessible via the Internet?

Proposed answer

The Association supports this proposal but such information should also be available in other forms and not exclusively a Web Site.

Town and Community Councils should be able to decide how best to publish contact details, these maybe via direct information or by people being asked to go via the Offices of the Council.

Most County Councils do publish Town and Community Council details on their own Web Sites but only include the Clerks details, this is an acceptable practice.

Question 34: Can you suggest any other communication channels that should be explored to improve individuals' access to information about their town and community councils?

Proposed answer

The Association supports the provision of newsletters but these do not need to be mandatory as part of any Town and Community Council's activities.

Question 35: Do you agree that a local government officer should not receive payment under the terms of returning Officers' fees and changes order whilst also receiving remuneration for the same period of time from their local authority?

Proposed answer

The Association supports this proposal.

The Association confirms that they are willing to give oral evidence to a Committee if required.

**Robert A Robinson FRICS AILCM
Secretary
North Wales Association of Town
and Larger Community Councils.**

Annex 2

Cymdeithas Cyngorau Trefi a Chymdeithasau Mwyaf Gogledd Cymru **North Wales Association of Town and Larger Community Councils**

RENUMERATION PANEL FOR WALES *Consultation*

Association Members Attending

Cllr Brian Bertola (immediate past Chair)

Cllr John McLennan

Cllr T Renshaw

Cllr K Astley

Robert Robinson Secretary

Representation

The Association represents 31 larger Town and Community Councils in Mid and North Wales (many of which are not members of One Voice Wales).

These Councils range from Bangor, Rhyl, Llandudno and Flint along the North Coast down to Welshpool and Newtown in the South and from the west coast to the borders of England.

Member consultation

The member Councils were each individually consulted on the proposals with regard to remuneration for Town or Community Council Councillors.

Introduction

The Association has been very involved in the consultation process with regard to the Local Government (Wales) Measure 2011 and has in particular shown a special interest in the legislation with regard to remuneration for Town and Community Councillors and the effects on the precept of each area.

The proposals

As the Association understands it the allowances proposed with regard to Town and Community Councillors are set out below and are optional.

The proposals are to allow for payments to Town or Community Councillors as follows:

- a) Up to £100 to Councillors for telephone calls, postage etc.*
- b) Payment of mileage allowances (ie 45p per mile up to 10,000 miles pa).*
- c) Subsistence. (ie £28 per day for meals etc)*
- d) Hotel accounts. (£95 per night)*
- e) Attendance allowance for work outside area. (ie £32.46 per day)*
- f) Financial loss allowance (ie £30.05p for up to 4 hours, £60.11p for 24 hours etc)*
- g) Civic allowances for Mayors or Chair as determined by each Council.*

Consultations

The North Wales Association notes that One Voice Wales and the Society of Clerks are the only organisations consulted. This is not considered representative overall and this has been recognised during other consultations.

The Association has pushed for a meeting with the Panel as its membership (of larger Town and Community Councils) is greater than that of One Voice Wales in the Mid and North Wales area.

It is also noted that those Councils not belonging to One Voice Wales have not been consulted and should have that opportunity.

Matters to consider

The Association considered the following aspects of the proposals:

- a) The consultation process.*
- b) The effect on the precept, if any.*
- c) The effect of the proposals being a duty or a power.*
- d) The level of allowances.*
- e) Allowances and pensions if they were applied to Town and Community Councils.*

Effect of payments on the precept

The effect of payments to Town and Community Councillors needs to be assessed against the effect on the precept. The Association would not support any proposal which does not allow all Town and Community Councils to make up their own minds on if and when to introduce any allowances or payments scheme.

Pension payments

Although the proposals do not, at this stage at least, seek to provide pensions for Town and Community Councillors the Association wishes to make it clear that the scheme is not affordable and such Councils would not be able to meet such a commitment if extended to Councillors.

The North Wales Association Viewpoint

The Association wishes to put to the Panel the following:

- a) Consultations should include the Association due to its membership and representation.*
- b) Town and Community Councils must be able to choose if they wish to implement payments or expenses and not have it imposed.*
- c) The allowances as outlined are acceptable to the Association.*
- d) The Association is opposed to attendance allowances for normal Town or Community Council business.*
- e) Any general attendance allowances must be decided by each Town or Community Council individual. It must only be a power, not a duty.*

f) The allowances for Mayors or Chairs should be extended, if a Town or Community Council wishes, to Deputy Mayor or Deputy Chairs of such Councils.

RAR/August 2012

Robert A Robinson FRICS AILCM

Secretary

North Wales Association of Town and Larger Community Councils

Triangle House

Union Street

Welshpool

SY21 7PG