

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
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Wales



As part of its Stage 1 consideration, the National Assembly for Wales' **Communities, Equality and Local Government Committee** is calling for evidence on the general principles of the ***Local Government (Democracy) (Wales) Bill***.

Please return this form to the National Assembly for Wales, by 31 January 2013. Should you have any queries please contact Bethan Davies, Clerk 02920 89 8120 or Leanne Hatcher, Deputy Clerk 029 2089 8147.

Responses should be sent to:

CELG.committee@wales.gov.uk

Or by post:
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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

Please expand on your answer

The Society supports the renaming proposal; we would however assert that such a move should be more than just a name change. The Electoral Reform Society Wales recommends that Welsh Ministers instruct the Local Democracy & Boundary Commission to bring forward plans on how it can be more voter-focused, deliberative and participatory in its conduct.

The Society notes that of the Commission’s previous 22 commissioners, 19 were men and just three were women.

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

X

No

Please expand on your answer

The Society broadly believes that the Bill will improve the delivery of the statutory roles and functions of the Commission.

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)

Yes

X

No

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	<input type="checkbox"/>
Please expand on your answer			
<p>The Society supports the proposal that the Commission should consider consequential changes to the electoral arrangements (the numbers and distribution of councillors) when recommending changes to local government areas. The Society supports the view of the Mathias Review that the current ratio as laid down in the Ministerial Directions in January 2009 for electoral parity of 1:1750 has no obvious logic. It is the same ratio used as in the Ministerial Directions in 1995, which reflected the Welsh average of councillors to electors at that time. The Society further supports the view that the need for a single electoral ratio applied throughout Wales undermines local democracy. A single ratio covering 22 different councils with different geographies, populations and community ties undermines many of the aims of drawing boundaries for effective <i>local</i> government.</p> <p>The Society would therefore support the view that the Local Democracy & Boundary Commission should determine the size of each council (as is the case in England and Scotland). Further, the Local Democracy and Boundary Commission should determine the numbers of councillors deemed necessary in each council, and then ensure an aim of electoral parity within each council.</p> <p>Given the dispersed population, geography and cultural ties that exist within Wales, the Society agrees that local community ties should have equal importance to the achievement of a target ratio of councillors (see paragraph 14 above). The Society concurs with the view of the Mathias Review that existing arrangements equip the Local Democracy & Boundary Commission with fewer options than in England and Scotland, which has created difficulties in meeting and balancing the different aims when drawing new boundaries. As such, it appears sensible that Wales should move in line with Scotland and England on this matter.</p> <p>The Society welcomes the clarification provided by the Bill that equal importance is attached to communities and parity of number of electors.</p> <p>The Society believes the emphasis should be on creating multi-member wards wherever possible and suitable.</p>			

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

No

Please expand on your answer

Regarding Boundary Reviews, the Society remains concerned that the Bill will only require the Commission to provide hard copies of draft reports to Welsh Ministers, mandatory consultees and principal council(s) affected by the proposal. The Bill requires that any other person who has submitted evidence during the review must be notified of the draft report's publication and where it can be viewed. Given levels of access to the internet remains relatively poor in some parts of Wales, the Society firmly believes that any person who has submitted evidence during the review should be provided with hard copies.

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	<input type="checkbox"/>	No	X
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Please expand on your answer

While the Society supports the provisions contained in the Bill, we are of the view that the draft legislation could have been more ambitious; and that taken together the measures do not provide a Bill that will 'ensure local authorities are democratically representative of their communities, are organized in the most effective way and communicate well with the public'.

VOTING SYSTEM

The Society believes that the current system used to elect councillors – First Past The Post (FPTP) is fundamentally unfair and disadvantages voters. FPTP can often deliver “winners” who may be opposed by the vast majority of local voters; creates a situation where uncontested seats are far more common; creates artificially “safe” seats; and “one party states” – councils overly dominated by single parties.

Electoral Reform Society Wales research shows an alarming number of uncontested seats across the country. In the 2012 local elections, 99 electoral divisions (8.1% of the total) were uncontested. All electoral divisions were single member wards for the exception of the two-member division of Aberbargoed (RCT).

Approximately 140,000 voters across Wales were denied a vote due to uncontested seats. Powys was the worst county in Wales with an estimated 32,132 residents denied a vote, followed by: Gwynedd (22,861) and Pembrokeshire (20,038). The Electoral Commission in its report 'Local Elections in Wales 2012' notes that in Powys 23 out of 73 seats were uncontested; with 19 out of 74 in Gwynedd. Across Wales just eight local authorities contained no uncontested seats.

In Sketty, Swansea the Liberal Democrats won all 5 seats despite gaining just 37.4% of the vote. The Labour party (29.2%) and the Conservatives (20%) failed to gain a seat despite strong local support. Under the current system, those who finish third in terms of share of the vote can go on to win the most seats. The starkest example from 2008 was Cardiff, where the Liberal Democrats came first in terms of seats but third in terms of votes.

FPTP distorts election results and can hand a disproportionate amount of power to single parties. In Blaenau Gwent the Labour party secured a mega-landslide of 81% of the seats on 55% of the vote, which equates to 52 out of a total of 64 councillors. With other half of all votes cast in favour of Labour, the party has a mandate to run the council; but the ineffectiveness of FPTP has resulted in just 8 opposition councillors – raising serious concerns around scrutiny and overview. In Torfaen, the ruling party secured 68.2% of the seats on a minority (41.4% of the votes). Independents in Powys secured 65.8% of seats on 47.9% of the vote.

The Society advocates the introduction of the Single Transferable Vote (STV) for local elections in Wales. STV was recommended by the Sunderland Commission (2004) and is the system currently used in Scotland and Northern Ireland.

The Electoral Reform Society Wales recommends the Welsh Government includes within the Bill measures to introduce the Single Transferable Vote.

DEMOCRATIC SERVICES COMMITTEES

The Society supports the Bill's intention to remove the provision that restricts Democratic Services Committees from discharging not contained in the 2011 Local Government Measure.

The Society is currently surveying councilors across all 22 unitary authorities in Wales and hopes to be able to present to the Committee further evidence on

backbench and opposition councilors' attitudes to existing levels of training, development, support and information.

AUDIT COMMITTEES

The Society supports the intention of the Bill to place on a statutory footing the provision that councilor membership of audit committees should be subject to political balance. However, it should be noted that the political balance of a council often does not reflect votes cast at elections (see examples above of Blaenau Gwent and Torfaen).

SCRUTINY COMMITTEES

The Society is disappointed that the Bill does not include a statutory requirement that the chairs of scrutiny committees within all local authorities are allocated on a basis that reflects the political balance within the authority.

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	<input type="checkbox"/>
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Please expand on your answer

The Society would support Welsh Ministers being able to add other public bodies to the remit of the Independent Remuneration Panel for Wales.

The Society supports the proposal to empower the Independent Remuneration Panel for Wales to require local authorities in Wales to publish all information relating to remuneration received by individual councillors in connection with the performance of public duties.

The Society would further advocate that the Independent Remuneration Panel for Wales should direct local authorities on how such information should be published, to ensure consistent transparency across Wales.

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	<input type="checkbox"/>	No	X

Please expand on your answer

The Society is of the view that the measures contained within the Bill regarding Town & Community Councils fail to ensure TCCs are truly democratically representative of their communities, are organized in the most effective way and communicate well with the public.

The Society strongly supports the proposed requirement for town and community councils to publish on the internet contact and membership details, and records of proceedings.

The Society remains concerned at the lack of readily available information on elections to Town & Community Councils. The Society therefore recommends that the legislation includes:

- a. How Town & Community Councils should promote elections (including details of the nomination process, power of the council, and voting arrangements);
- b. A requirement that all Town & Community Councils to publish (either on their own website or the website of the unitary authority) the results of elections (including total votes cast, total for each candidate, number of spoiled ballots);

The Society, whilst supportive of 'sub-local' governance structures like Town and Community Councils, remains concerned that the effectiveness of the current arrangements (in terms of the active participation of citizens; fair representation of communities (geographic and interest) and good governance) remains largely untested.

The Welsh Government cites the Community and Town Councils Survey 2010 (Welsh Government Social Research Number 07/2011) as the basis for evidence, however the Society is concerned that the weak methodology of the survey does not guarantee accurate results. The survey did not include the views of local citizens only Town & Community Councils, of which just 56% responded. Further, the survey results show figures that should concern the Welsh Government: 90% of Town & Community Councils felt they had a good relationship with the local community, yet 30% did not have access to the internet. Just 30% of town/community councillors are women, and just 6% are aged under 25 years old. Confusion remains as to the role and powers of town and community councils amongst the citizens they serve. The survey found that only 34% of responding councils were fully elected. 8% were non-elected.

The Society therefore recommends the Welsh Government establishes an independent review of Town & Community Councils, the remit of which will include but is not limited to: powers, elections, equality of opportunity and diversity, finance and resourcing, code of conduct, skills and training of members and staff, participation of and interaction with communities, interaction with local authorities, interaction with Welsh Government, interaction with other public bodies (such as NHS bodies, police authorities etc.). The review should seek evidence from town and community councils, public bodies which interact with town and community councils, and citizens within town and community council areas; as well as examine local democratic practices in other countries. The review should consider the effectiveness and suitability of alternative sub-local governance structures.

The current Bill looks to creating new 'sub-local' community councils as a voluntary demand, where if a certain amount of people demand a community council it will be created. This is something the Society supports.

However, any review should also look as to the possibility and implications of creating universal structures. The Reid Foundation report 'The Silent Crisis: Failure and Revival in Local Democracy in Scotland' notes that there is a danger in voluntarism in democracy in that some groups are far more likely to take part than others. An effective local democracy should have the structures in place and where it can be shown to do things effectively it can bring in new people into politics.

Community democracy is also ripe ground for innovative democratic practices, such as participatory budgeting and deliberative democracy models. Creating conditions for effective local community democracy where people can use their voice and make real changes in their area could do more to bring people into politics and to illustrate that 'politics' isn't just about elites – and thus help with Welsh democratic culture as a whole.

The findings of the review should be made available to the National Assembly and considered as part of the final Bill.

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

Please expand on your answer

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?

Please expand on your answer

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.

Please expand on your answer

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)?

Please expand on your answer

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

As stated above.

