



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol The Communities, Equality and Local Government Committee

**Dydd Mercher, 23 Ionawr 2013
Wednesday, 23 January 2013**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol
Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jocelyn Davies	Plaid Cymru (yn dirprwyo ar ran Lindsay Whittle) The Party of Wales (substitute for Lindsay Whittle)
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

**Eraill yn bresennol
Others in attendance**

Dr Owain ap Gareth	Swyddog Ymgyrchoedd ac Ymchwil Cymru, Y Gymdeithas Diwygio Etholiadol Cymru Wales Campaigns & Research Officer, Electoral Reform Society Wales
Stephen Brooks	Cyfarwyddwr, Y Gymdeithas Diwygio Etholiadol Cymru Director, Electoral Reform Society Wales
Lyn Cadwallader	Prif Weithredwr, Un Llais Cymru Chief Executive, One Voice Wales
Darren Hughes	Cyfarwyddwr Ymgyrchoedd ac Ymchwil, Y Gymdeithas Diwygio Etholiadol Campaigns & Research Director, Electoral Reform Society
Y Cynghorydd/Councillor Mariette Roberts	Towyn a Bae Cinmel, Dirprwy Gadeirydd Cymdeithas Cynghorau Tref a Chynghorau Cymunedol Mwy Gogledd Cymru Towyn & Kinmel Bay, Vice-chair of the North Wales Association of Town and Larger Community Councils
Robert Robinson	Ysgrifennydd Cymdeithas Cynghorau Tref a Chynghorau Cymunedol Mwy Gogledd Cymru Secretary to the North Wales Association of Town and Larger Community Councils

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Bethan Davies	Clerc Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Leanne Hatcher	Dirprwy Glerc Deputy Clerk

Rhys Iorwerth

Y Gwasanaeth Ymchwil
Research Service

*Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Ann Jones:** I welcome you all to the Communities, Equality and Local Government Committee. I ask Members around the table to switch off their mobile phones and their pagers, as they interfere with the translation and broadcasting equipment. We operate bilingually—the headsets in front of us are channel 0 for the floor language and channel 1 for the translation from Welsh to English. We will not have to touch the microphones, because this is a formal meeting and they are therefore operated for us. We are not expecting the fire alarm to sound, so, if it does, we will take directions from the ushers.

[2] We have received apologies from Lindsay Whittle, so Jocelyn is joining us for the first part of this meeting. Welcome, Jocelyn. Do Members need to declare any interests that they have not already declared, before we start? No? Good. Let us move on to the substantive items on the agenda.

9.32 a.m.

Bil Llywodraeth Leol (Democratiaeth) (Cymru) (Cyfnod 1): Sesiwn Dystiolaeth 3 Local Government (Democracy) (Wales) Bill (Stage 1): Evidence Session 3

[3] **Ann Jones:** We now have our next evidence session to enable us to report at the end of Stage 1 on the Local Government (Democracy) (Wales) Bill. The first set of witnesses to give us evidence is in. Would you introduce yourselves for the record, please? We will then go straight into questions.

[4] **Mr Cadwallader:** Hello. I am Lyn Cadwallader, the chief executive of One Voice Wales.

[5] **Mr Robinson:** I am Robert Robinson, and I am the secretary to North Wales Association of Town and Larger Community Councils.

[6] **Ms Roberts:** I am Councillor Mariette Roberts, vice-chair of the same organisation.

[7] **Ann Jones:** Thank you very much. I will start with the first question, which is to both organisations. To what extent do you believe the Bill is necessary, and are there any general areas of concern to you?

[8] **Mr Robinson:** Generally, the answer from the association is ‘yes’. We did discuss this with the membership at length to see which direction each one was coming from, and a number of concerns came up, a lot of which I think will come out in questions, from looking at the questions on the list that was given to us. There are a couple in particular, one of which is the imposition of things such as websites on community councils, particularly the smaller ones, and the cost implications of that. I know that Lyn has referred to that very much in his evidence.

[9] Secondly, there is the fixation that there has been recently on the numbers of electors, which has taken precedence over local community needs. That has caused deep concern in

communities that have been split up, and we do not believe that this does anything to allay that fear. However, with regard to the general principles behind it all, the answer is ‘yes’.

[10] **Mr Cadwallader:** I concur, really, with Robert’s comments. We in One Voice Wales see the Bill as being necessary to overcome some of the issues that have occurred over recent years in the outcomes of some of the electoral reviews, which have seemed at times a little ill-conceived. Naturally, we welcome the Bill. At face value, it addresses the issues of the Mathias review, and that is to be welcomed.

[11] **Ann Jones:** The Government issued a White Paper for consultation. Do you think that the Government has listened to your concerns as expressed in the consultation on the White Paper and has drafted them into the Bill?

[12] **Mr Cadwallader:** Yes. I think that the responses that we made to the promoting democracy paper have been taken on board. We welcome certain things, such as the potential for increased numbers on the local government boundary commission. So, yes, on the whole, I think that our views were taken into account.

[13] **Ann Jones:** Any other responses?

[14] **Ms Roberts:** No, I think that that sums it up, really.

[15] **Mr Robinson:** Yes, we concur with that.

[16] **Ann Jones:** Okay, thank you.

[17] **Peter Black:** In the original response to the White Paper, the north Wales association supported increasing the quorum of the boundary commission, but said that such membership could include representation covering mid and north Wales. Can you explain the benefits of that and clarify whether you think it should be set out on the face of the Bill?

[18] **Mr Robinson:** Certainly. There are a couple of things that relate to that particular group—I am sorry if I am going slightly off at the moment—in that you had a reserve member, which we do not see the point of. It would be better if someone was within the circuit. That is one part of the equation. The second part is that we in mid Wales feel—I know that north Wales also feels this—that, on occasion, everything is south-Wales-based. It may be a misconception on occasions, but that is the perception. To have no-one from that direction—. We are not saying that all of them should come from there, but one should certainly come from mid and north Wales, because the different regions of Wales are very different. The Cardiff area is very different from Welshpool and also from Rhyl. I think that there needs to be someone who understands the ethos within each area. I am not saying that there should just be someone from mid and north Wales; it is obviously essential that there should also be people there from south Wales. We would not like to see it passed to one end or the other, and we believe that it should be legislated that there should be a spread.

[19] **Peter Black:** So, you are arguing that that should be in the Bill.

[20] **Mr Robinson:** Yes.

[21] **Jocelyn Davies:** On that point, because—[*Inaudible.*]

[22] **Mr Robinson:** Yes.

[23] **Jocelyn Davies:** If you include something that states that there must be a member from mid and north Wales, is that not just building on that misconception?

[24] **Mr Robinson:** No, I do not see it like that.

[25] **Jocelyn Davies:** By saying that, it is as if north Wales is a separate country or something.

[26] **Mr Robinson:** It is not. I would not say the words ‘someone from mid or north Wales’, but ‘someone from each region’, so that every area of Wales is covered on the committee rather than it being bunched from one part or another.

[27] **Ann Jones:** Mike is next and then Joyce.

[28] **Mike Hedges:** Would you see an advantage in having one from each of the five Assembly regions? Also, you may say that you have a problem in north Wales, but, in my part of south Wales, we had a boundary commissioner who did not understand that mountains got in the way. [*Laughter.*]

[29] **Mr Robinson:** It sounds as if you are in the same position as we were.

[30] **Joyce Watson:** My question is along the same lines. What constitutes a region? I am an Assembly Member for Mid and West Wales, and there are parts of my region that you would consider to be north Wales, as would most other people. The question follows on from what you said about not perpetuating myths. How do you see that happening without reinforcing and perpetuating myths that one section of Wales is not represented fairly and equally compared to another? That is, really, what we want to get to.

[31] **Ms Roberts:** ‘Perpetuating myths’ is, I think, an erroneous thing to say, because you are not perpetuating a myth, you are perpetuating an actuality. You have the UK Government announcing that it is improving rail coverage into Wales, but what it means is that there will be an improved line coming in the Cardiff and Swansea way. It does not mean that there will be any improvements to the line going from London to north Wales, although we do have a fairly good service at the moment. With regard to getting from north Wales to south Wales, it took me four hours yesterday. I can get to London in two hours and 40 minutes on the train, but it takes four hours to get to Cardiff. It is not a myth. We are split by communication problems in terms of transport. We are also split by communication problems in terms of the kind of—I should not say ‘the kind of people we are’, but there are different people living in north Wales and south Wales. Our aims might be different, and our perceptions of ourselves are different, I think, in some ways, compared to the people living in this cosmopolitan area down here. Some people in my area certainly identify more with people living in Cheshire and Liverpool than people living in south Wales. I am not sure whose fault that is, but it is certainly what happens in my area. So, I do not think that it is a myth that we see ourselves as not represented down here, because we see ourselves as identifying more with people in England. Perhaps I should not be saying this, because the people of mid Wales might think differently. However, I am sure that the people living on the north Wales coast, where I have lived for 40 years, identify with—

[32] **Ann Jones:** I think that the point is made.

[33] **Ms Roberts:** I do not think that it is a myth. I think that it is just the reality.

[34] **Ann Jones:** Mr Cadwallader, do you agree with the north Wales association that there should be a representative from mid and north Wales?

[35] **Mr Cadwallader:** I think that the issue, really, is having the right calibre of person on the commission. It is about ensuring that that person is going to give the most objective

and impartial consideration to the issues that are put before them. That is the key criterion as far as One Voice Wales is concerned.

[36] **Peter Black:** I have always considered north Wales to be very cosmopolitan myself.

[37] **Ann Jones:** Absolutely.

[38] **Peter Black:** Coming from the Wirral. [*Laughter.*] This question is for both organisations: in your experience, what impact might removing the statutory requirement for one of the commissioners to be a Welsh speaker have on the commission's understanding of Welsh language issues when it is undertaking reviews, particularly in terms of names, boundaries et cetera for councils?

[39] **Mr Robinson:** That is a fairly straightforward one from our point of view. We come to the point that Lyn made about the calibre of the person on the committee. That has to be the first thing. Let us get the committee right. If there is a need to have expertise regarding the Welsh language, there is the ability within here to pull people in on an advisory basis to do that. That would apply to a whole range of things and I would put the Welsh language in that particular section. To say that we have to have a Welsh speaker is a lovely objective, but if you find that the person who is Welsh speaking is not at the same level as the person who is not, then it should be done on merit in the first instance, and the rest should follow.

[40] **Mr Cadwallader:** Obviously, the commission will need to adhere to the Welsh Language Commissioner's targets around the Welsh Language Act 1993. In a perfect world, it would be great to have a Welsh speaker within the commission. The issue is that the organisation itself must have in place sufficient practices that are as inclusive as possible in terms of the Welsh language within the activities of the organisation.

[41] **Peter Black:** You are saying that it should be on the merits of the person as opposed to whether they can speak Welsh. Yet, you have just argued the complete opposite in terms of regional representation.

[42] **Mr Robinson:** Regional representation is another factor of that, in the sense that, yes, I understand the election on merit, but are you telling me that there is not one person in the whole of mid and north Wales that might not meet that? There should be the ideal. Forget the mid and north Wales bit; it is having someone from each region that is more important.

[43] **Rhodri Glyn Thomas:** Mae'r cwestiwn hwn i gynrychiolwyr Cymdeithas Cyngorau Tref a Chyngorau Cymunedol Mwy Gogledd Cymru. Mae'n amlwg o wrando ar yr atebion i'r ddau gwestiwn blaenorol fod gennych chi farn gref iawn ynglŷn â rhai materion sy'n ymwneud â Chymru a Chymreictod. Ai siarad ar ran eich mudiad ydych chi, neu fel unigolion? Ai dyna safbwynt y gymdeithas ar ddaeryddiaeth Cymru a sefyllfa ieithyddol Cymru?

Rhodri Glyn Thomas: This question is to the representatives from the North Wales Association of Town and Larger Community Councils. It is obvious from listening to the answers to the two previous questions that you have very strong views on matters appertaining to Wales and Welshness. Are you speaking on behalf of your association or as individuals? Is that the stance of the association on the geography and linguistic position of Wales?

[44] **Mr Robinson:** All the views that we are expressing this morning are not our own; they are those that have been expressed to us by our membership in the meeting that discussed this. So, yes, it is a north Wales association view that we are expressing this morning. I might have totally different views, but that is certainly not relevant.

[45] **Janet Finch-Saunders:** I attended one of your conferences and it is fair to say that,

during a question and answer session, there was very strong concern about the demographics and how your organisation could become more of a whole-Wales organisation. I would like to put on record my thanks to you for the work of One Voice Wales and the north Wales association, and, indeed, of any community councillors. I say that because I have seen in numerous newspapers the misconception that community councillors receive allowances, expenses or what have you. Let us dispel that myth—

[46] **Ann Jones:** Can you come to your question please?

[47] **Janet Finch-Saunders:** We know the numbers of vacant seats at the last election. Clearly, community councils are a very important level of governance in Wales. How do you think this local democracy Bill can address that issue? With regard to the boundary commission, given that the appointment system happens down in Cardiff or south Wales, do you feel disenfranchised from the actual appointment process?

[48] **Mr Robinson:** What you are asking in the first instance is how we might attract more people to stand for election.

[49] **Janet Finch-Saunders:** How will this democracy Bill address the issues around why you have come here today to give evidence?

9.45 a.m.

[50] **Mr Robinson:** Yes, I suppose that, with regard to the vacant seats that you referred to, at town and community council level, there is a lot of feeling about how much influence they feel that they really have. Again, this may be a perception about smaller councils—and I am sure I will get a brick thrown at me for this—but residents wonder why those councils are there. They do not see them, they do not know how to contact them and, therefore, when it comes to election time, can they be bothered? Whereas, to take Welshpool as an example of where there is a lively council that is doing an awful lot, we have an election every time, because people feel that they can make a difference. There is a certain amount of that at that level. I do not know about the county level, because we have had a lot of vacant seats in Powys. The money is the same as it is everywhere else, so I am not quite sure why that is. That is where that lies. Does that help?

[51] **Janet Finch-Saunders:** Do you feel that this Bill will address those concerns?

[52] **Mr Robinson:** Whatever you write on a piece of paper, it is making it happen on the ground that is the difficult bit. Some guidance to councils as to how they can bring basic representation forward in a way that people can understand may help, but the democracy Bill goes a long way towards helping that, if it can be transposed from a bit of paper to operating on the ground, which is often the difficult bit.

[53] **Mr Cadwallader:** My direct response is that the Bill probably does not go far enough. You will hear from the Electoral Reform Society later, and One Voice Wales concurs with parts of its evidence in that perhaps there needs to be a review of the community and town council sector and the role it plays within governance in communities across Wales. We have mentioned at previous sessions that we feel that the Simpson review did not go far enough, and we are looking for Simpson plus, because One Voice Wales is an advocate for community and town councils having a bigger role to play in the future. There will be some financial pressures and there are probably 30 to 40 specific service areas that should be for local determination. We would look to see a review that would enable clear transparency over which part of government is responsible for which services. That would mean, in terms of encouraging people to engage with the community and town council sector, that when they are paying their precept, they will know what it is paying for and they will know who is

accountable for the delivery of those services.

[54] **Kenneth Skates:** Regarding boundaries, the north Wales association states that it ‘strongly objects’ to proposals to allow the commission to propose electoral divisions that straddle communities, except where a town or community council has agreed to it. What are your views on how the Bill deals with this issue?

[55] **Mr Robinson:** I do not think that it does. Reading through it, it talks about the numbers and ensuring that they are roughly equal, and then it says that it will take into account—so, there are two different levels, as I read that, one is that it should be close to the numbers, and if it happens to fit with the community council, that is fine. I see a difficulty here in the sense that if a town and community council is being difficult, some view has to be taken at some point as to the right thing to do. However, at the moment, certainly in the parliamentary boundary review that we have just had and, perhaps to a slightly lesser extent, in the county council one before, the feeling was that the community and town councils were almost ignored. You were getting boundaries based on numbers rather than on the communities that identify with each other. Montgomeryshire, for instance, has been split into two, and some villages will be aligned with places that are way outside their area—they are miles away and they do not relate to them. So, there is an issue there that needs to be considered. You could say that it is a bit strong to say ‘unless the town and community council agrees’, but I would use the words ‘it should be a material consideration’ rather than just a need to consult.

[56] **Kenneth Skates:** You have pretty much answered my next question, so I will ask you about the provision in the Bill of 30 electors being able to request a change. What are your views on that?

[57] **Mr Robinson:** I do not have an issue with that.

[58] **Mr Cadwallader:** The only risk with the 30 electors is that you could get some malicious groups forcing the hand of the local government boundary commission or principal authority to undertake a community review. That might not necessarily be the best thing for all concerned. Obviously, the Bill allows for principal authorities to not undertake that work, as they see fit, if they think that it will impede the work of local government. That is well highlighted in the Bill.

[59] I will just go back to the question that you directed to the north Wales association in terms of electoral reviews. The Bill offers a real opportunity to put in place some systems of work over a 10-year period for all concerned to work to. Certainly, we would advocate that community reviews need to be undertaken in advance of electoral reviews. We would certainly concur with the local government boundary commission representatives who suggested that a community review should take place within a time frame in advance of any electoral reviews and probably be concluded approximately a year before any electoral reviews are undertaken. So, there is a real opportunity here to put in place a system of consultation and engagement between all parties that is understood and measured and that will deliver the best outcomes for all concerned.

[60] **Kenneth Skates:** To go back to the number of electors, first, do you think that it would be safer to state that they would have to be registered electors? Secondly, do you think that it would be safer to have a percentage rather than a fixed figure? For example, in America, there are propositions that can be brought only if a certain percentage of registered voters sign up to it. Do you think that would be safer?

[61] **Mr Cadwallader:** In terms of the registered voters, I think that is probably the way to go. In terms of the percentages, that would probably align it more clearly with the Local

Government (Wales) Measure 2011, where we have percentages in terms of undertaking community polls and the like. So, that is probably the right way to go.

[62] **Ann Jones:** Okay. Are you happy with that?

[63] **Kenneth Skates:** Yes, very.

[64] **Mike Hedges:** Are the provisions in the Bill sufficient to ensure that local community and town councils get proper involvement at every stage?

[65] **Mr Cadwallader:** One of the concerns for One Voice Wales is that, in undertaking a community review, a community or town council could potentially be 'done to' rather than 'worked with'. We have an opportunity with the Bill to put in place, through guidance, procedures that would enable the coming together of the community and town councils within an area and the unitary authority. We have already in place, through the 2009 Measure, the development of charters. That seems to be the right vehicle for conversations to occur between the two tiers of government. In terms of the procedures themselves, we have some more recent examples that show fairly good practice. Where a unitary authority has begun the process of undertaking a community review, they have gone out initially and consulted on the terms of reference, so that when the review is undertaken, the community and town councils know exactly what is expected of the process upfront and in advance. That is definitely the way to go, rather than, perhaps, as it has been in the past, where community and town councils have been consulted at the back end of a review and they feel as if they have not been a part of the process. If you take people with you, it is more likely that that the outcomes will be endorsed.

[66] **Ann Jones:** Are you happy with that?

[67] **Mike Hedges:** Yes, I am happy with that.

[68] **Rhodri Glyn Thomas:** Mae gennyf gwestiwn i Un Llais Cymru. Rydych yn nodi yn eich tystiolaeth eich bod yn croesawu'r cynigion i ganiatáu i gynghorau tref a chynghorau cymuned apelio i'r Gweinidog ynghylch canlyniadau'r adolygiad ffiniau. Pam ydych yn croesawu hynny a sut y dylid delio â'r mater hwnnw yn y Bil?

Rhodri Glyn Thomas: I have a question for One Voice Wales. You note in your evidence that you welcome the proposals to allow town councils and community councils to appeal to the Minister on the results of the boundary review. Why do you welcome that and how should that matter be dealt with in the Bill?

[69] **Mr Cadwallader:** The reason for asking for the right of appeal within the Bill is that, if, for example, a community review was undertaken by a principal authority and the outcome appeared at face value to be the result of a flat-map exercise or based on just numerical figures, it would be appropriate for community and town councils to have some form of recourse to another body to say that they thought that insufficient weighting had been given to issues around community ties or that, perhaps, the history of that community or the identity of that community had been undermined in some way. So, there needs to be some form of recourse to say that we accept what has been written in the recommendations in the report, but we feel that this needs to be reviewed because not enough heed was paid to the issues that were raised.

[70] **Mr Robinson:** Perhaps I can add to that, if I may. The association agrees with that in principle. The thing about having an appeal there is that the principal authority would know that that ability is there. If it is not there, they know full well that they can do what they like and there is nothing you can do about it. So, I think that it brings a bit of a balance in. Lyn agrees with that. It does bring the balance back. The principles that One Voice Wales have

expressed are the same as ours.

[71] **Rhodri Glyn Thomas:** Mae'r cwestiwn hwn i gymdeithas gogledd Cymru. Rydych yn nodi yn eich tystiolaeth y dylai cost fod yn ffactor allweddol yng nghydestun adolygiadau o ffiniau. A allwch esbonio pam yr ydych yn nodi hynny?

Rhodri Glyn Thomas: This question is for the north Wales association. You note in your evidence that cost should be a key factor in the context of boundary reviews. Can you explain why you note that in particular?

[72] **Mr Robinson:** Certainly. I will give you an example. In north London—which, I know, is nowhere near Wales—they created Barnet London Borough Council from five boroughs. The Hendon part of that borough has no records, because the lorry left with the records and it never made it to the other end. When you start putting these authorities together, you find that things get lost. When you look at the cost savings, I have not yet seen any evidence that shows that by putting these bigger authorities together there is a cost saving. In fact, quite often, there is not. So, when you are looking at these sorts of things, there needs to be a realistic look at how much it is going to cost the electorate to do what you are doing. That needs to be far more robust than what we have seen in the past. We have seen authorities come together and suddenly you find that there are still two planning officers and there are still two housing officers. That is a big factor. At the end of the day—I am not being rude, Madam Chairman—I think that a lot of the public could not give a monkey's whether they are in one authority or another, in most cases. However, they are concerned when the bill comes through the door and they suddenly find that it has gone up because the costing has gone wrong. We see these costings go wrong with monotonous regularity. So, when you come to put these things together, I think that it needs to be a key consideration, if you are doing this, what the benefits are, what it is actually going to cost us, and whether it is worth paying out that cost for what you are achieving.

[73] **Rhodri Glyn Thomas:** A ydych yn credu y dylai hynny gael ei gynnwys yn y Bil, neu ai rhywbeth i ddelio ag ef mewn lle arall yw?

Rhodri Glyn Thomas: Do you believe that that should be included in the Bill, or is it something that should be dealt with elsewhere?

[74] **Mr Robinson:** I think that that is a matter of operation, in the sense of which is the best way to operate it. If it is in the Bill that that should be a material consideration, I think that that would be very worthwhile. I know that in the meetings of the association, when it has been talking about a lot of these various things, including the health boards and so on, cost has been a key feature that comes up the whole time. Are we really saving anything? If we are not saving anything, why are we doing it?

[75] **Mr Cadwallader:** In terms of the cost element, if there are some consequential changes as an outcome of reviews, One Voice Wales very much feels that any costs of asset mergers or administrative changes should be borne by the Welsh Government.

[76] **Janet Finch-Saunders:** Are you, as witnesses, content with the provisions in sections 38 and 39, allowing the commission in respect of community boundary reviews, and principal councils in respect of community electoral arrangements reviews, to implement changes by order?

[77] **Ms Roberts:** Our view is that an order would be a last resort. There should be consideration of the wishes of the people in those areas and, as a last resort, if all else has failed and it was felt to be imperative that these changes were to take place, it might be subject to an order. However, unless it was imperative, local views should trump desire.

[78] **Mr Cadwallader:** On our view on this one, I refer to an earlier answer in some

respects. Our view is that if you have a process that is well set out from the outset and people understand how the consultation and the exercise are going to be planned, and if the process is systemised, then an order should almost be the natural consequence of the activity. If the evidence base is robust and people are taken through the process, then there should be no adversarial issues coming out of the need for orders. The fact that they might be required to change an electoral division is a natural outcome of the growth of a town or a community. The morphology will change and there will be a need to make these changes over time; that is an inevitable outcome.

10.00 a.m.

[79] **Peter Black:** There has been a bit of confusion. As I understand it, the order is the outcome of the process and the Minister currently makes the order, but the order can be made by the local authority. The question is: are you content for the local authority to have that power rather than the Minister?

[80] **Mr Cadwallader:** Yes, but I certainly think that there need to be specific guidelines on how orders are undertaken. There needs to be absolute clarity whether it is going to be the boundary commission or the principal authorities that are making those orders and how those orders are to be carried out. Some guidelines are needed so that everyone understands how the process is undertaken.

[81] **Ann Jones:** We need to make some progress on this because otherwise we will not get to the end of our questions.

[82] **Janet Finch-Saunders:** Why does the north Wales association feel that each local authority should be required to follow the same practice with regard to the splitting of the civic head and presiding member role?

[83] **Mr Robinson:** This comes back to a complaint that has been received by a number of our members from local constituents that when they approached principal authorities and the like, they did not know who did what, and one council next door will be operating differently to the one next door to that. This comes back to the public being able to understand what their local authority does and how it operates. The more standardisation that we felt could come into that level, recognising that there are differences when you come down to the ground, the more people would understand their local authority.

[84] **Mr Cadwallader:** This one is a matter for unitary authorities to determine in many respects. The only caveat that I would add to that is that wherever roles are identified, there will be a need to market them to the public so that they understand the difference between the one and the other. Other than that, I think that it is a matter for the unitary authorities.

[85] **Janet Finch-Saunders:** Do you feel that this Bill will address those sorts of issues that we have all been aware of in the past, when consultation documents from the Welsh Government have arrived with community councils late in the day and, because of your cycle of meetings, you have not been able to have representation to be part of the consultation? Are there enough mechanisms in this Bill to prevent that from happening or to strengthen the role of consultation per se as regards community councils?

[86] **Mr Robinson:** It is fine to ask, 'What can you do?', but there is also a certain onus on the community councils. I had a call the other day from one of our councils asking how it could ensure that the Welsh Government consulted it on these things. I said, 'You've got a website—it is brilliant; you click on 'consultation' and you can see them all', but they told me, 'That takes too much time'. So, I am sorry, but there is a little bit of onus on community councils to keep a lookout and on people like One Voice Wales and us to ensure that our

membership is aware of the consultations when they come out. If that consultation happens to fall between quarterly meetings, you can turn to a thing called a website nowadays. So, you complete your paper, you publish it on the website, you do the consultation by e-mail and then we get back to you. The mechanism is there and town and community councils, to a certain extent, need to embrace that. Is that fair?

[87] **Ann Jones:** Okay; thank you.

[88] **Mr Cadwallader:** There is one point that needs to be raised in terms of the Bill and the elements written into the IRP. On the consultation period for that, the report date will potentially be changed from 31 December to the end of February. That might have some detrimental impacts on community and town councils around precepting arrangements. For example, if the report from the IRP comes out in February and suggests that members' allowances for community and town councils should be x or y, that would be too late because the process of precepting for community and town councils usually takes place in November and has to be finished before the middle of January. So, it effectively could be a year behind for the community and town councils. That is the only issue around consultation that I would raise with regard to the Bill. I would prefer the report to come out on 30 November rather than the 31 December to allow councils to have that period to then precept adequately for any potential impacts of the IRP report's recommendations.

[89] **Gwyn R. Price:** Good morning, everybody. One Voice Wales says that the Bill does not adequately address the barriers to provide certain information electronically, and that there is a lack of understanding in terms of implementation. What are the barriers, and what in your opinion needs to be done to address these?

[90] **Mr Cadwallader:** It is quite simple, really: cost and capacity. I might sound a bit like a scratched record, but, as an organisation, we have said on several occasions that of all public services and statutory bodies in Wales, it is the one body that does not receive direct specific grant support from Ministers. We have a sustainable development Bill and duties around the corner. Eleven authorities have been identified within that Bill, and, again, the community and town council sector is the one without a specific grant being given to it to support its core strategic functions. This is a strategic function, effectively—this is about democracy. If Government wants democracy to work, it has to fund it. These are the core elements of making democracy work. It goes back to some of the earlier discussions about how we encourage democratic renewal. This is one way that community and town councils can be given the adequate resource to undertake that.

[91] There is also a capacity issue. If we are talking about electronic information, computers do not run themselves, and they need someone behind them to type the information in or take information from one place to another. So, there is naturally a resource implication, because for whoever is administering that information, there will be a capacity and resource implication. On those core costs, One Voice Wales certainly feels that, given that 80% of unitary authorities' budgets comes through the revenue support grant, why can 80% of this element not be provided to community and town councils as well?

[92] **Peter Black:** What do you think is the cost of setting up and maintaining a basic website?

[93] **Mr Cadwallader:** One Voice Wales has done some work with a few IT providers over the last 12 months. We have undertaken quite a comprehensive IT survey of all of our members across Wales. It depends on what you want: if you want a basic system, it may cost £400; if you want a slightly more advanced system that allows you to undertake consultation within a website, those costs will escalate. Naturally, the support costs will increase proportionately with the varying scale of software used. If we said £1,000, that would

definitely be an all-in figure, and that would probably include the training required to enable an individual within the community council or town council to adequately manage the content of any electronic system.

[94] **Peter Black:** I have a website that has a lot more information than is required, and it costs me less than £200 a year. I maintain it myself without any training using a content management system. It is not rocket science to set up a website at a reasonably cheap cost.

[95] **Mr Robinson:** It is easy to say that, but when you get to the very small councils, you have to get over the barrier of wanting to do it, bearing in mind that many town and county councillors are at retirement age or beyond and have not come up through the computer era, and there is a certain resistance. In my council, I have 16 councillors and two youth representatives, and, of the 16 councillors, only four of them have an e-mail address. The others do not want to know about it.

[96] Going back to your point about the website, we have just had a new website in Welshpool. It cost us £1,850 to have it all set up, but it is at the luxury end of the market; it is the all-singing, all-dancing, all-there website, and it costs us £300 a year to have it hosted offsite, so that they can do it in PDF format, and so on. That is at the top end of the scale, and I think that Lyn's figures were absolutely right for the general run.

[97] **Mr Cadwallader:** In terms of that £1,000 resource, your figures in terms of website costs are about right, but you must remember that someone still has to administer it, and you still have to pay that person to undertake that task. We have done some work, and for a medium-sized council we estimate that three to four hours a month would be required to update the website—about an hour a week. That is the feedback that we have received in order to update websites so that they are up-to-date, relevant and informing the local electorate about what is going on within the community council or in wider stakeholder organisations. So, we have estimated that that cost and the cost of the software would be around £1,000. If you can find it cheaper, we are all ears.

[98] **Peter Black:** The Bill only asks you to put up information that you would have once every four or five years. The only regular information that you need to put up is your minutes. With a proper content management system, that should take you less than half an hour.

[99] **Ann Jones:** I think that we are getting into the world of IT, and I am not very confident with IT. I think that the points are well made. Peter, we will take your expertise as being—

[100] **Peter Black:** *[Inaudible.]*

[101] **Ann Jones:** No. All right; we will take that on board. Joyce, do you have something? I do not want to labour this point of costs, because I think that the costs are subjective and we need to look at the wider issue.

[102] **Joyce Watson:** The only question that I have is this: as organisations—albeit different ones—that represent the same cohort of people, have you worked together to see how you can reduce the costs of training or of implementing and setting up systems that will serve people well? Also, do you not see this as a widening of something that you mentioned earlier, namely the understanding of what town and community councils do and reaching out to and into those communities?

[103] **Mr Cadwallader:** I would agree with that. If we are going to go down the route of having simplistic information that just says, 'This is the agenda and these are the minutes', that will not really take town and community councils forward at all. If we are talking about

democratic renewal and the 30 or 40 powers that community councils have under the 1972 Act, and providing information on what is happening in relation to those activities, then you are talking about a different thing, and that is certainly where One Voice Wales wants to see town and community councils going, so that they have a defined role, people understand what that defined role is, and they can then engage with their community and town council on what it does and what it is doing for its local community.

[104] **Mr Robinson:** The thing that is important from the point of view of people having access to their town and community council is the way in which the website is set up. With a lot of the town and community councils in our areas, for instance, you can find that they have a little bit of a website by going to the county website, but, if you type in the name of the town, nothing comes up, or it comes up fiftieth down the list. It really needs to be an own-domain name so that, when you put in Towyn and Kinnel Bay Town Council—bang! It is the first one that hits you.

[105] **Peter Black:** That is easy. That is just traffic.

[106] **Mr Robinson:** It is easy, but it is not happening on the ground; that is the point.

[107] **Joyce Watson:** Have you worked together? That is what I asked.

[108] **Mr Robinson:** What, the two of us here?

[109] **Joyce Watson:** Yes.

[110] **Mr Robinson:** Not particularly, I think it is fair to say.

[111] **Ann Jones:** There were a number of questions there about websites. Gwyn, are you happy that yours have been answered?

[112] **Gwyn R. Price:** Yes.

[113] **Ann Jones:** Okay. Mark, you are next.

[114] **Mark Isherwood:** Good morning. This question is to Lyn initially. Why did you state in your evidence that:

[115] ‘The availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information.’?

[116] When you have replied, does the north Wales association agree with that?

[117] **Mr Cadwallader:** I did some work over the past two or three months with some colleagues in Welsh Government who are supporting the Local Government (Democracy) (Wales) Bill work, and I was pointed in the direction of a website company that provides a website free of charge and was told that community and town councils could use that. I duly spent the morning going through the 50 or 60 councils that use the website to find that only three or four of them actually worked and had relevant information. The rest really did not contain anything of any relevance to the local electorate. So, for me, it is about making sure that, whatever is delivered by the community and town council, it is of relevance to the local electorate, because those people will then engage with the community and town council—it will encourage people to engage with the community and town councils.

[118] **Mr Robinson:** I think, in principle, that is right. With a lot of websites—and with a lot of the membership’s websites that I have seen—the date on which the website was last

updated appears on the front page, and some of them you go into and find that they were last updated in 2008. That just puts people off. Even if there is nothing to alter on the website, the date needs putting on to show that it has been looked at regularly, even if it is only once a month, because that at least tells people that it is up to date. That is where the issue lies, with information that is not up to date. People go to a website and it says that the office is open between 9 a.m. and 5 p.m., so they turn up at 9 a.m. and find that the hours have changed to 10 a.m. to 5 p.m., and that the information on the website is not quite correct. So, updating the website is a crucial part of it.

[119] **Mark Isherwood:** Both organisations have given a lot of information on your costs, so I will not labour that point to any great extent. When I was on a community council, our total precept was less than £20,000 a year. So, in that context, £1,000 or £400 is a lot more significant than the sums that some people might be thinking of.

10.15 a.m.

[120] Clearly, we have heard a lot of talk about the expertise engagement of elected members in IT, but what about the role of the clerk? In future, will we need to see within the job's description some degree of IT expertise and willingness not only to set these things up but to service them and keep them live and interactive. Do you believe that the costs, therefore, would represent good value for public money?

[121] **Ms Roberts:** You say that your council had £20,000 a year. Some do not even get that; some get less than £10,000 a year, and even £400 is a massive amount for them to find to provide any kind of service. As you say, things need updating, and then there is the pay for clerks these days. We were just appointing someone to a cemeteries board for one day a week and, at the minimum pay scale for clerks, it was going to cost £3,000 per year, plus all of the add-ons that go with it. You will not be able to employ someone for one day a week to keep this thing up to date, to make things relevant on it, and to make sure that the links are there with the local websites that are relevant to your area. There is not going to be the time to run the council and do all of this for the very minimum amount that some councils get these days. We are not all big; we are not all 78,000 people.

[122] **Mr Robinson:** The idea of having IT as something in which the town clerk will have to have some sort of experience will be essential, because, whether we like it or not, that is the world that we are in. We are moving to the iPod, the tablet and all the rest of it for information. More and more youngsters, in particular, are looking more and more for their information there, rather than anywhere else. So, I think that it will become absolutely essential simply by evolution, irrespective of what we might think. So, the answer, from our point of view, will have to be 'yes' at some point in time and, if it is getting information out there, it has to be good value for money.

[123] **Ann Jones:** The explanatory memorandum indicates that, if town and community councils are having difficulty setting up websites, an organisation such as One Voice Wales, Mr Cadwallader, could host those websites. Is that something that you both agree with?

[124] **Mr Cadwallader:** I would absolutely welcome that and the resources to support that activity for the sector. To make Members aware of the capacity that One Voice Wales has, we are a 4.7 full-time equivalent organisation. With 735 councils in Wales, it is a big ask to support them all. However, One Voice Wales would certainly want to be very much at the heart of improving the IT capacity within the sector. We have a very comprehensive and expanding training programme, and we want to address these issues through that means.

[125] **Ann Jones:** So, is that an answer to your point, Councillor Roberts?

[126] **Ms Roberts:** I think that it all comes down to the actual cost to the council, because you still have to have people on the ground doing the hackwork even if you are being hosted. I do not think that One Voice Wales, as Lyn says, has the facility to download all of the information on to individual websites with 4.7 people. So, I think that the answer is ‘no’.

[127] **Ann Jones:** Ken and Mike each have a supplementary question.

[128] **Kenneth Skates:** I am a little concerned by the apparent reluctance to embrace IT and the potential of the internet when you actually acknowledge that it is the future. I was on a small council with a precept of less than £10,000, and we did not get people elected to the positions to fill them. So, we had to bring people in. With some reluctance, we set up our website for £350, and two members of the council took responsibility for uploading information. I would expect your councillors to produce newsletters, and it only takes three or four buttons to upload the newsletter to a website. This is not a difficult task. There is no huge cost involved in a website.

[129] **Mr Robinson:** Not in that sense. Let me clarify where we are. We see IT as the way forward, absolutely, and every council should be doing that. However, what we are identifying to you is that, for instance, Llangadfan in Powys has three new councillors that would like to have a website, but the reluctance of the older members who have been there for 30 years to having a website is massive.

[130] **Kenneth Skates:** The Bill is actually compelling councils to do this, so that is good, is it not?

[131] **Mr Robinson:** Yes, absolutely. I am just highlighting that there will be some resistance from some of these smaller councils to go down that road, but we have to go down that road. Absolutely.

[132] **Ann Jones:** Mike is next, and then we must move on.

[133] **Mike Hedges:** I have a brief question. Are there community councils, then, that have hand-written agendas and minutes? Secondly, if you do have a role, it might well be as a link. So, you would have however many community councils that are in your body listed and people would come to your site first and search for the relevant link. For example, if they wanted Killay Community Council, they would click on ‘Killay’.

[134] **Mr Robinson:** The way that I have always looked at websites, irrespective of where they are from, is: if I were looking for that product, what would I type in? I do not think that most people in community councils, or wherever they are, would type in ‘North Wales Association of Town and Larger Community Councils’ or ‘One Voice Wales’; they would type in the name of their local community council. It is essential—whether the site is hosted or whatever—that, when you type in your community council name, that is the one that comes up. That can be done; it is very easy to do.

[135] **Mr Cadwallader:** One Voice Wales has the capacity to hold information on individual councils. We do that; we have a mapping facility on our website and a community council can upload information into that area. However, Robert is quite correct: you type in ‘Magor with Undy Community Council’ and One Voice Wales’s website does not come up; Magor with Undy Community Council’s website comes up, and that is the way to go; it is about individual councils having their own websites.

[136] Coming back to Ken’s point, this is about the cost of democracy. We are comparing apples with pears; it happens all the time. Let us consider unitary authorities: I do not see members of unitary authorities coming into the offices and updating unitary authorities’

websites. That work is undertaken by staff. What we are looking for is parity in terms of statutory bodies having the right resources to deliver democracy appropriately. So, it is a small cost. If you are talking about £1 million in terms of Welsh Government spend to enable community and town councils to better deliver democracy, I think that that is a small price to pay. It is a drop in the ocean. We need to get over this issue that community councillors have to do all the work; that is not the norm in unitary authorities and, with respect, it is certainly not the norm in national government. You have officials who will carry out work and support the work of Members. I think that we are looking for exactly the same for the community and town council sector, albeit on a very much drilled-down, smaller scale.

[137] **Mr Robinson:** That is certainly the view of the association as well.

[138] **Jocelyn Davies:** Do you think that this would happen if it was not a provision in the Bill? I do not think, given the costs and the reluctance of some members, that it would happen voluntarily. The Minister said that he had started a piece of work to look at the costs and that he would shortly announce how he can provide support. So, can you tell me what interface you have had with the Minister in terms of influence or announcements that he is likely to make? I use 'interface' to show that I am modern. [*Laughter.*]

[139] **Mr Cadwallader:** One Voice Wales has regular meetings with the Minister and we have a good dialogue with the Minister around the issues facing the sector. At a previous scrutiny committee, we discussed the Local Government Byelaws (Wales) Bill, and one of the implications of administering the bye-laws issue was about having information accessible to the public via websites. So, it certainly was not lost on One Voice Wales and certainly not on the Minister that—

[140] **Jocelyn Davies:** So, you have been able to have—

[141] **Mr Cadwallader:** We have made strong representations to the Minister about specific grants around the whole democracy agenda, not only with regard to websites, but also having specific grants for community engagement activity. If we are seeing huge changes around such things as single integrated planning, with community and town councils having a role in providing evidence bases for community planning by unitary authorities, then there will be some costs and there has to be some support to enable them to do that work.

[142] **Jocelyn Davies:** So, with regard to my first question about whether websites for community councils across Wales would be likely to happen, would they happen if they were not in the Bill?

[143] **Mr Robinson:** Probably not. I think that we then have the difficulty that you can put it on a piece of paper, but it comes down to implementation. Yes, the Bill does at least push community councils a bit and tell them that they have to do it, as opposed to leaving them to get on with it. So, it is going to help, but there will presumably come a point at which there will be those that do not do it that you might have to give a shove at the end. I think that you are absolutely right; without that, it probably would not move as fast as it should.

[144] **Jocelyn Davies:** Okay, so it will not happen unless it is in the Bill. The Minister is thinking about what he can do to support it and you have made representations. So, what would the implications be if the Minister declined to provide the grant funding? It would be a statutory provision; you would have to do it.

[145] **Mr Robinson:** It would stall it.

[146] **Jocelyn Davies:** It would stall it?

[147] **Mr Robinson:** A lot of community councils would say, ‘We cannot afford this’. They would just put it off.

[148] **Jocelyn Davies:** But it would be a statutory provision, so they would defy the law—

[149] **Mr Robinson:** I think that Lyn is quite right here. We have had the conversation in this room on many occasions about imposing things on councils and then asking where the funding comes from. In the case of the smaller community councils in particular, that funding is a big issue to them. It is a big issue for the bigger councils that are being asked to take on services from principal authorities that are cutting them. Things such as tourist information offices and public toilets; they cost a lot of money. That is fine, but if you go to a smaller community, they do not have a cat in hell’s chance. The money is not there. So, what Lyn is saying, and what we have always been saying, is that if you want to impose these things, then, somehow, that funding has to come forward.

[150] **Jocelyn Davies:** So, in some cases, councils would not deliver, even though it was a statutory provision.

[151] **Mr Robinson:** If the money was not there, I think that you would find that that would be the case.

[152] **Jocelyn Davies:** Okay. In relation to the requirement to publish information electronically, how does that impact on councils that operate in just the one language—some just in Welsh and some just in English?

[153] **Mr Robinson:** That goes back to a cost implication, does it not? I quoted the £1,850 figure earlier for a bilingual website. So, yes, it does have a cost implication, particularly in the border councils such as Welshpool and Oswestry—taking them from either side of the border there—and so on. Welsh is not strong along the borderland. Again, some of the councils would take the view that it is a lot of money to spend to make information bilingual, although it should be bilingual. We are all for that, but it does have a cost implication.

[154] **Jocelyn Davies:** Yes, I understand that it has a cost implication. So, even though you have said that it is important for democracy and so on, you think that some councils would prioritise this over other statutory obligations in terms of their spending?

[155] **Mr Robinson:** It may not be the answer you want, but looking at some of the smaller—

[156] **Jocelyn Davies:** I am just asking you for your answer.

[157] **Mr Robinson:** Yes, absolutely. I think that a number of the small community councils that I see in Montgomeryshire would say, ‘I’m not spending that sort of money’, and they would delay it as long as they possibly can. I think that you will get that resistance from some. It is probably a small percentage, but I think that some will fall into that category.

[158] **Mr Cadwallader:** In terms of how this is funded, I think that certain community councils that perhaps do not have electronic means at present would see it unfair that the local electorate has to pay for statutory duties, whereas other statutory bodies receive resource to enable them to—

[159] **Jocelyn Davies:** I know; you have made the point about how much it costs. However, would this be something that some would not do because it would not be on their priority list, even though it would be a statutory obligation? I have painted you the scenario; no funding coming from the Minister. It could completely wrong, but if that happens, would this still be

delivered, if it is a statutory obligation, or would some councils say, 'We've got other priorities and this is not one of them'.

[160] **Mr Cadwallader:** The straightforward answer is 'no'. Some would fail to do it. I think that it needs to be on a statutory footing and it needs to be adequately resourced to make it happen. I will make a comparison; community councils do not precept for their own training needs because they do not want to put a burden on the local electorate in terms of raising the precept. So, it is exactly the same principle. We have to get over this. If we want good-quality local councillors and good-quality local councils, then it has to be resourced adequately.

[161] **Peter Black:** Do community councils precept their expenses?

[162] **Mr Cadwallader:** Not at present.

[163] **Ann Jones:** Do you have another question, Jocelyn?

[164] **Jocelyn Davies:** I was just wondering whether I could have the answer to my question. Are there some councils that would not do it because it would not be on their priority list?

[165] **Mr Roberts:** I have given you the answer. The answer is 'yes, I think that there would be'.

[166] **Jocelyn Davies:** I know you did. I was asking One Voice Wales and I had the same list of reasons why perhaps it would not be a high priority. I understand that. I am just asking you whether there are some that would not do it.

[167] **Mr Cadwallader:** Yes.

[168] **Ms Roberts:** Some councils would not be able to do it because they are currently spending their precept on things that they feel are important for their local area. If you suddenly stick another few hundred pounds on that bill, they cannot get an overdraft and they are spending their money, so something will have to give. That something is something that they have put in their budget because they believe that it is something that their local people want. It has been asked for by local people. So, you are saying that the—

10.30 a.m.

[169] **Jocelyn Davies:** No, I am not. I am asking; I am not saying anything. I think that this is my problem.

[170] **Ms Roberts:** What we are saying here is that this would be desirable, but if you cannot afford it, you cannot afford it. If you spend all your money on other things that are essential for your area, you cannot afford to suddenly add anything extra without somebody providing you with the money to do it, which is what people here are saying. There needs to be some cash injection to enable this to start, at least, and then perhaps to be funded at a lower level of cost later.

[171] **Ann Jones:** So, what would happen if the Government was to put in one-off grant funding to allow every community council to have a website on which to put its information? You would set up your website, but how would you maintain the ongoing costs?

[172] **Mr Robinson:** It is not difficult. As was quite rightly pointed out, it does not take a lot of time. With an all-singing, all-dancing website, it takes half an hour a week to put up all

of these things on—

[173] **Ann Jones:** Would you not have to pay somebody to do that?

[174] **Mr Robinson:** It is not just the cost implication. There are some, and it is perhaps a very small percentage, who are resistant to change, and that has to be borne alongside. That is why I said that I think that there will be some who will not embrace it until they are given a push.

[175] **Rhodri Glyn Thomas:** Ar sail yr atebion rydych wedi eu rhoi, os yw'r Gweinidog yn penderfynu darparu arian i sicrhau bod hyn yn digwydd, a ydych yn dadlau felly y dylai bennu'r arian hwnnw ar gyfer y gwasanaeth hwn, rhag ofn bod cynghorau a chynghorwyr yn penderfynu bod ganddynt flaenoriaethau eraill i ddefnyddio'r arian ar eu cyfer? **Rhodri Glyn Thomas:** On the basis of the responses that you have given, if the Minister decides to provide funding to ensure that this happens, are you arguing, therefore, that he should allocate that money for this service, in case councils and councillors decide that they have other priorities for the use of the money?

[176] **Mr Robinson:** If the Welsh Government was going to give money for a website, it would want to see a website in place and then pay the money. I do not think that it should pay it upfront; it should make sure that the delivery is there, and all community council should be able to cope with that.

[177] **Joyce Watson:** To move on, the Electoral Reform Society suggests that the Bill should include additional requirements for community and town councils to promote elections and to publish the results of those elections. What are your views on that?

[178] **Mr Robinson:** The answer is 'yes, absolutely'. It is part of their role to communicate with their local residents, and there is no reason why they should not. However, again, I am aware of small councils that are reluctant to hold elections. They do exist in the real rural communities. They do not want to publicise an election, because they do not want any candidates to come forward. However, they are the small, very rural ones that are hidden away. In general, it is absolutely right that a town and community council should work with the principal authority to give as much publicity and help to the process as it can.

[179] **Mr Cadwallader:** I partly agree with my colleague—

[180] **Mr Robinson:** That is all right. [*Laughter.*]

[181] **Mr Cadwallader:** Some of the issues around why elections have not been held are to do with cost. Some community councils have avoided undertaking an election and have gone down the co-option route, which is not helpful to democracy, because they have been trying to maintain precepts at a low level. There has been a culture within community and town councils of being risk-averse on precepting to meet their needs. That is partly because community and town councils do not want to burden local taxpayers unnecessarily with precepts when they feel that they are already being taxed in other ways.

[182] **Joyce Watson:** May I put it to you another way? Sometimes, it is just self-serving and, sometimes, the avoidance of an election or advertising a space is because that election might produce a result that might not suit those who are already there.

[183] **Mr Robinson:** At the rural level that I mentioned, yes.

[184] **Joyce Watson:** I am not just talking about rural areas, because I do not live in a

particularly rural area.

[185] **Mr Cadwallader:** That may well be.

[186] **Joyce Watson:** To move on—

[187] **Ann Jones:** We have Councillor Roberts, and Janet has a short supplementary question.

[188] **Ms Roberts:** We had our elections last year, and we had a co-option, because somebody had to resign shortly afterwards, but then somebody else resigned for reasons of ill health. We promoted an election, as we are supposed to do, and one candidate came forward. However, because there was no election, it has cost us several thousands of pounds for the county to set up the system to have an election that did not take place. So, you can see that, for a small community, paying £3,000 for an election, as we did, is quite a significant chunk.

[189] **Mr Robinson:** Going the other way around this, Chair, we had a vacant space in one of our wards and it was not long after the election. We went to the county council and said, 'We want an election'. It said, 'No, you cannot. You have to co-opt'. I said, 'No', and it said, 'Yes'. We had to really fight to get the county council to give us an election. We won, but it was difficult to get it to hold the election. It was not a cost issue, but it was a reluctance issue on its part to do that.

[190] **Ann Jones:** Janet is next. Could you please be brief, Janet?

[191] **Janet Finch-Saunders:** I want to ask this because it is going on public record. Within a time factor of a vacancy, there is a process where the seat has to be advertised and then, if electors themselves sign, they can call an election. That principle does not happen anywhere near often enough. Electors are not aware of this. They do not always see the adverts. We really need to get to grips with this. I have a question for you, Lyn. As part of this community review—and you have rightly pointed out about democracy, and this is called the Local Government (Democracy) (Wales) Bill—do you feel that the time has now come to give the tools for community councillors to hold themselves democratically accountable? Are you suggesting or thinking that the line should be that the Minister or the Welsh Government should look at this with all seriousness and look at providing some kind of settlement, resource or grant so that we can, once and for all, grasp this nettle about democracy and community councils?

[192] **Ann Jones:** Are there any views on that?

[193] **Mr Cadwallader:** The simple answer is 'yes'. It is an argument that has been made over many years. I think that the time has come for a degree of equality and parity with other public services, and we cannot be the forgotten cousin of public services. We are increasingly becoming centre stage over services that are very important to local people. They are visible services. When we talk about grass-cutting, parks or leisure facilities potentially coming into the sector, there will be a need to improve the quality, professionalism and capacity within the sector. That needs to be supported through democracy, which is where the cost should be borne.

[194] **Ann Jones:** Would you like to move on, Joyce, because we are running out of time?

[195] **Joyce Watson:** I will move swiftly on. Section 53 discusses the information that should be kept on the register of members' interests and other matters. Aside from the specific concerns about resource, because I do not want to talk about the resource on this, are the witnesses content with the scope of the information that they will be asked to publish?

[196] **Mr Robinson:** We do not have a difficulty with that.

[197] **Joyce Watson:** Okay. Moving on, the standards committee of a county council happens to be the standards committee of all community councils in that given area. Are the witnesses content with the provision that would allow local authorities to set up joint standard committees under section 63 of the Bill?

[198] **Mr Cadwallader:** Yes, generally. The only caveat is that, naturally in the current environment, within each of the standards committees, there is representation from the community and town council sector. If there was going to be a joining, we would not wish to see a dilution of the level of representation on that joint committee.

[199] **Ann Jones:** Do Members have any more questions that they wish to ask?

[200] **Joyce Watson:** I have one overriding question. We are talking about democracy and joined-up working, which is what this is all about. As two organisations representing this tier of government, how often do you work together? In addition, how many joint meetings do you hold to bridge this gap that you started out with, from the top, about being different and representing different views from different areas, so that you engender a hope or break down some of those barriers that you, as organisations, put there at the start?

[201] **Mr Cadwallader:** It has been two and a half years since I took up the post as chief executive of One Voice Wales. I have met with the north Wales association on three or four occasions. Our agenda, as One Voice Wales, is about growing the representative role of One Voice Wales. That has happened in those two and a half years; we have increased our membership quite considerably and we have increased our membership of larger councils quite considerably in the south of Wales. The north Wales association is a body that represents a group of councils in north-east Wales along the coastal area, and we are open to having further discussions and conversation with the north Wales association to ensure that the views of the sector are, naturally, fed back into government in a cohesive fashion.

[202] **Mr Robinson:** We are very happy to work together.

[203] **Joyce Watson:** How many joint meetings have you had?

[204] **Mr Robinson:** Not very many, if we were really honest. There is certainly a will on behalf of the north Wales association to work together, not to merge.

[205] **Joyce Watson:** I did not talk about merging; I just asked about joint meetings.

[206] **Mr Robinson:** We would like to work together.

[207] **Mr Cadwallader:** It is about recognising as well that One Voice Wales has 16 area committees that cover the whole of Wales. We see ourselves as a national body rather than a regional body.

[208] **Joyce Watson:** Okay. That will answer it.

[209] **Ann Jones:** Thank you very much for that. I thank you for coming to give evidence today. We will take recognition of what you have said as part of the report for Stage 1. We will send you a copy of the transcript to check for accuracy, in case we include anything that you have not said; I am sure we will not. I thank all three of you for coming in today.

Gohiriwyd y cyfarfod rhwng 10.41 a.m. a 10.48 a.m.

The meeting adjourned between 10.41 a.m. and 10.48 a.m.

**Bil Llywodraeth Leol (Democratiaeth) (Cymru) (Cyfnod 1): Sesiwn Dystiolaeth 3
Local Government (Democracy) (Wales) Bill (Stage 1): Evidence Session 3**

[210] **Ann Jones:** I ask Members to check that they have not switched on their mobile phones during the break, and, if they have, to turn them off again, please, as it affects the translation equipment. We will continue to take evidence on the Local Government (Democracy) (Wales) Bill at Stage 1. We are delighted to have the Electoral Reform Society with us for our next session. I ask its director, Stephen Brooks, to introduce himself and his colleagues, please. We will then go straight to questions.

[211] **Mr Brooks:** I am Steve Brooks. I am the director of the Electoral Reform Society in Wales. To my right is Darren Hughes, our UK campaigns and research director. Something that might be interesting for the purpose of today's meeting is that Darren was a Member of Parliament in New Zealand and served in Helen Clark's administration when it introduced the option of the single transferable vote in local government. To my left is Owain ap Gareth, our Wales campaigns and research officer.

[212] **Ann Jones:** Thank you very much for that. I will start with the first question. As a society, you suggest that the Bill will not achieve its overall aim of ensuring that local authorities are democratically representative of their communities, organised in the most effective way and communicate well with the public. That was in your evidence to us. Can you expand on how you would want to see the Bill being amended to achieve that?

[213] **Mr Brooks:** As it stands, we are content with most of the measures contained within the Bill, and there are a few amendments that could improve what is in there. However, in terms of the Bill being a transformative piece of legislation that would open up local democracy in Wales, I do not think that it is quite there yet, and more work needs to be done. We are broadly content with some of the recommendations on the boundary commission.

[214] The first of the two areas where we would like to see improvements—and perhaps you would expect us to say this, because we are the Electoral Reform Society—is the electoral system. Our view is that we would like to see the single transferrable vote—the Scottish system—being introduced for Wales. We will come on to why we think that would be a good idea in terms of good governance in particular, and for opening up the culture, form and function of Welsh local government. I appreciate that Members might have a slightly different view as to whether that is a good thing or a bad thing.

[215] **Ann Jones:** I think that that is a fair summation.

[216] **Mr Brooks:** The second area where there might be more consensus is the issue of scrutiny. It links back to how you elect members of local government, but, in some respects, it stands regardless of how you elect members of local government. The scrutiny development fund report produced by Cardiff University and commissioned by the Welsh Government showed quite large holes in the state of scrutiny across local government in Wales. We have done a survey of local councillors across Wales, and 52% said that they do not feel that they have the right information to hold executives to account. The trend of public policy over the past 10 to 15 years has been to strengthen the executive, and this Bill could arguably do a lot more to strengthen the role of governing party backbenchers and opposition members in local government in holding the executive to account.

[217] Finally, a lot of the Bill is quite technocratic and talks about institutional functions and workings. The Bill could do more in terms of encouraging the participation of people in

local politics, such as how to get more people engaged at election times and between election times, and on aspects such as the boundary commission's review process.

[218] **Peter Black:** I certainly agree with you on electoral reform. [*Laughter.*]

[219] **Ann Jones:** You might be the only one.

[220] **Peter Black:** The Minister has told us that he does not have the power to do that under the current devolution of powers. Is that your understanding as well?

[221] **Mr Brooks:** I have heard conflicting legal advice as to whether this place has the power to alter the electoral arrangements of local government. There seems to be quite a strong political desire that this place should have the competency to alter its own arrangements, so if you want the power to alter your own arrangements, it would seem logical that you would want the power to alter the arrangements for local government as well.

[222] **Peter Black:** Moving on to the questions that I have been allocated, you say in your paper that plans should be brought forward to make the boundary commission more voter-focused, deliberative and participatory in its conduct. To what extent do you feel that the proposals in the Bill are conducive to this?

[223] **Mr Brooks:** We are broadly supportive of some of the reforms that have been made to the commission, and we know about some of the problems that the Mathias review identified in terms of how the commission relates to the Welsh Government, principal authorities and town and community councils. The fact that community identity will be there alongside electoral parity could, and hopefully will, improve the way that the boundary commission relates to communities.

[224] However, we think that more can be done on sections 34, 35 and 36 of the Bill—the sections on pre-review, consultation, investigation and reporting on the review—to encourage public engagement across those three sections. Everyone here will have examples from their local authorities, but some local authorities are very good at engaging citizens and people in their areas. My council is consulting at the moment on the development of retail district centres and is using quite interesting new mechanisms to talk to people and engage the community. We would like to see the boundary commission taking on some of that best practice that local government is already following.

[225] **Mike Hedges:** I tend to agree with what you have just said. One of the difficulties of this Bill is trying to legislate against stupidity. [*Laughter.*] We saw what happened last time with mountains being ignored and people having to make a 12 or 15-mile journey to get to two parts that were joined together because they would be only a mile apart if you could tunnel under the mountain. Is it not one of the difficulties that you cannot legislate against stupidity with the boundary commission? [*Laughter.*]

[226] **Mr Brooks:** Perhaps not, but looking at the parts of the Bill that talk about periods of representation, again, in sections 34, 35 and 36 there does not seem to be an onus on the boundary commission to really go out and talk to people. There is an expectation that people will come to the boundary commission and talk to it. Some of these reviews might be relatively uncontroversial. Actually, some of these reviews might be more controversial; some of the reviews might not appear to be controversial, but when you start to think through what the end result will be, then citizens might have a view. We are quite open to what that looks like. We have been discussing whether there should be some kind of onus on the boundary commission to perhaps convene a public meeting, so that voices of stupidity, but also voices of wisdom, could be heard in that process, or whether there could be a mechanism for local electors to convene a public meeting themselves. However, there definitely needs to be a

mechanism for that interaction.

[227] **Peter Black:** I was going to do Mike's question in reverse: are there specific provisions that you want to put in those sections that would do that? You have mentioned a public meeting or meetings; is there anything else that you think would enhance those sections and improve participation?

[228] **Mr Brooks:** Again, we are open to that discussion. Public meetings seemed to be the most appropriate forum, but I have heard discussions—I think that perhaps there were discussions this morning—about whether there could be a kind of proposition system put forward by citizens. We would certainly encourage the committee to explore what other mechanisms can be developed; after all, public meetings work in some communities, but in other communities it is perhaps slightly more difficult. However, there should definitely be some mechanism. We can certainly go away, think more and come back to committee.

[229] **Peter Black:** You note in your evidence that 19 of the commission's previous 22 commissioners have been men. Should the Bill make any provision that would ensure a more balanced representation in this respect? If so, how would you put that in the legislation?

[230] **Mr Brooks:** We noted that 19 of the commissioners have been men, and only three have historically been female, just as part of our wider work on women's representation in Welsh politics. Arguably, you could say that that is indicative of an organisation that is not the most open, transparent and inclusive, but the boundary commission is by no means on its own there. My understanding is—and committee members will have more up-to-date knowledge on this—that the Welsh Government will at some point bring forward legislation on quotas for public appointment, so it would seem appropriate that the boundary commission would be covered by that legislation.

[231] **Kenneth Skates:** What are your views on increasing the quorum from two to three?

[232] **Dr ap Gareth:** I think the boundary commission stated last week that it was against increasing the quorum on the basis of cost. I think that its evidence was that it would prefer to have more commissioners rather than fewer commissioners—at least four commissioners rather than three—on the basis that it would then be able to have meetings with at least three of the commissioners there. This is not a very big point for us. We are happy to defer to the boundary commission on that. What I would note is that having more commissioners being appointed might possibly make it easier to appoint women, and possibly to appoint a Welsh speaker.

[233] **Mike Hedges:** I just wanted to say that what I could not understand about the boundary commission's evidence last week was why you cannot have a group of five people and choose three of them to attend, as councils do all the time. Would you see any problem with that?

[234] **Dr ap Gareth:** No, I do not think that there would be a huge problem with that. It would depend what the meeting was discussing and so on, but in principle I do not see a problem with that.

[235] **Kenneth Skates:** You mentioned the language issue. What is your view on the requirement to have a Welsh speaker?

[236] **Dr ap Gareth:** We think that it is vital to have a Welsh-speaking commissioner. The Welsh-speaking heartlands, after all, cover a fair number of councils, and my understanding is that the boundary commission would appoint a lead commissioner for each of the councils, and obviously it would make sense for those councils to have a lead commissioner who is a

Welsh speaker. It would be essential given that the Bill is looking to engage more with the public, and to be seen as more participative, and so on. It is essential that there would be a Welsh speaker as a commissioner.

[237] I can understand the logic of taking away the provision of the Local Government Act 1972 on the basis that there was not a Welsh language Act at the time. However, I think that rationale only really works if the situation as it is now means that the commission would have to have a Welsh speaker.

11.00 a.m.

[238] The Bill refers to the Welsh Government's corporate language policy, and not to the Welsh Language (Wales) Measure 2011 or the Welsh Language Commissioner. Where that policy deals with public appointments, it does not seem to guarantee a Welsh speaker; it seems to depend on the Welsh Government's own assessment of the skills necessary for the team to do its work. It is probably unlikely that the Welsh Government would not see it as an essential skill for the commission as a whole to need a Welsh speaker as commissioner, but it still seems to water down the equality guarantee that is in the 1972 Act. So, it seems to me that it would be the wrong signal in terms of the language and in terms of engagement with the Welsh-speaking communities. It also seems slightly perverse, in light of the fact that Welsh is now an official language, for that provision to be watered down, if it were to be taken away by this Bill. In the end, whether guaranteed by legislation or whether the committee and Government decides that it should be decided through the norms and practices of public appointments, it is our view that one of the commissioners must be a Welsh speaker.

[239] **Mike Hedges:** The society says that the commission should be able to determine the number of councillors deemed necessary in each council, as it does now, and then look at electoral parity within each council, again, as it does now. To what extent does the Bill keep the current system going, where Swansea, for example, was told it would have 72 councillors, it divided 72 into the numbers of the population, came up with a quota, and then went through and warded those that made the quota?

[240] The other question on this relates to the fact that the population changes continually. I know of a ward in Swansea that has two members, but has a smaller population than its neighbouring ward with only one member. Should it be looking at these issues continually in order to stop that happening?

[241] **Dr ap Gareth:** On your first question, the Bill allows quite a bit of flexibility in terms of how you would interpret which considerations are important when setting boundaries, and electoral parity is one such consideration. We have mentioned that we would like numbers for each council to be decided first, followed by electoral parity. The Bill allows for that to happen, but there is also the possibility of a different interpretation. In a way, that is right and proper in that these arguments need to be based on consensus and allow for political argument in some respect. However, the good thing about the Bill is that it sets out that any interpretation and rationale for the criteria in order to make the review are arrived at openly through consultation with the key stakeholders so that the principal council involved, the Minister and the commission are all clear about what the aims and direction of the review are. That is what has caused confusion previously.

[242] In terms of the legislation, it is good that that is clear and I think that it is also good that it is clear that it puts forward these different considerations, which at times are competing against each other. On intentions, the need for electoral parity and the need to preserve community identity are often equal, but competing issues. In terms of that, it is quite right for there to be flexibility for different interpretations to be made, but also for the rationale for whatever interpretation is taken by the commission to be made clear and open and

transparent.

[243] On electoral parity in councils between, for example, different wards in the same council, that is a consideration that needs to be balanced. To some degree, it would depend on the council's interpretation of the importance of that versus community identity and where the boundaries of the community should lie and so on.

[244] **Janet Finch-Saunders:** Could the society explain why it says that the emphasis should be on creating multimember wards wherever possible and suitable?

[245] **Dr ap Gareth:** By making that statement, we were looking to balance some of the discussion that happens along the lines of single-member wards versus multimember wards. We wanted to challenge some assumptions about the competing ideas behind single-member wards and multimember wards.

[246] One of the key ideas behind having single-member wards, or one of the clear rationales, is often the community link, where you have one member to serve a whole community, as it were. However, we would point out that it is possible to look at that differently. By having a choice of different councillors, you, as a voter, might have a better choice of who you want to approach and you might have a diversity of opinion and different political persuasions to approach. In that sense, multimember wards have the potential to represent the community's diversity of opinion in a better way than a single-member ward might. The problem that you encounter once you go down that route, of course, is the voting system. In a way, our argument for the multimember wards is coupled with our recommendation for the single transferrable vote. So, in order to have that diversity of opinion, you would require a voting system that could reflect that opinion properly.

[247] **Joyce Watson:** Leading on from where you just left off, if you have multimember wards and you do not change the system, are you not leaving it wide open for minority groups with extreme views to come through the middle? If you are using the first-past-the-post system and you split two candidates' votes, are you not in danger of giving a result that might not be necessarily what the majority of the electorate want? You have those two that have split, which is the majority vote, against the one that might have come right through the middle with the most votes. You can see what I am getting at. To me, that is a real danger. That is my view.

[248] **Mr Brooks:** I would point out that that is also a danger in single-member wards, where a party can effectively gain 18% or 19% of the vote and still win that seat, as the vast opposition to that party is split in other ways. We have seen how that works for some of the extremist parties. That is obviously a dynamic and that is why that is one of the arguments for the single transferrable vote—you can actually look at which parties you prefer and express that kind of preference. I would urge the committee to think less about party politics, although I know that that is difficult to do when it is in the context of elections. I will give one example. I know that Peter said that he was a supporter of proportional representation, so I hope this does not put him off. The electoral division of Sketty, which Mike will know well as it is in his city, is a five-member ward. There, I think that the Liberal Democrats got 37% of the vote. So, nearly two thirds of people in Sketty did not vote for the Liberal Democrats. However, the Liberal Democrats won all five of the seats. It is a dynamic that runs across all the parties and you all perform like that in different parts of Wales. So, there are questions about the 30% of Labour voters and the 20% of Conservative voters in Sketty who are not represented on the council in that direct way. Our argument is that the single transferrable vote would probably have given Labour one seat, if perhaps not two.

[249] **Dr ap Gareth:** Just as an aside, the Welsh Government and the commissioners on Anglesey have linked electoral arrangements with practices of better governance and good

governance by having multimember wards there. It will be quite interesting to see what happens in May. The level at which you can take general points from Anglesey is, of course, questionable, but I think that the Welsh Government has clearly made the link between electoral arrangements and good governance there and it should be interesting to see what happens.

[250] **Mike Hedges:** Single-member wards are the ones most likely to be elected unopposed. In many cases, it can be a friends-and-family election. Your friends and family can constitute the majority of people going to vote when you have 800, 900 or 1,000 electors. Within multimember wards, you actually have to go and convince people whom you do not know.

[251] **Dr ap Gareth:** So, if you have a big family, you have an advantage?

[252] **Ann Jones:** There is nothing wrong with that. [Laughter.]

[253] **Dr ap Gareth:** Our study from last year noted that 140,000 people on the electoral register were not given the opportunity to vote because of uncontested seats. Around 8% of seats throughout Wales were uncontested.

[254] **Mike Hedges:** Ninety per cent of which were single member.

[255] **Dr ap Gareth:** More. I think that there were one or two two-member wards that were uncontested seats. Scotland had the same problem as we have with uncontested seats, but that has been solved, essentially, by the single transferable vote. So, there are no uncontested seats in Scotland now.

[256] **Mike Hedges:** And very large wards in rural areas.

[257] **Dr ap Gareth:** That is one of the issues of balance, is it not? It is very similar to the different considerations in making boundaries: you have to balance size and representation of diversity of opinion and that sort of thing.

[258] **Mr Brooks:** Perhaps I could add that I think that that is where the conversation about town and community councils comes in, and about what the government structure below the principal authority looks like, particularly in rural areas.

[259] **Ann Jones:** Would you like to move on, Janet?

[260] **Janet Finch-Saunders:** Yes. What are the witnesses' views on the fact that the commission will now be able to alter community boundaries when undertaking electoral reviews of principal areas? It is under section 29.

[261] **Dr ap Gareth:** That seems a reasonable provision to us, as long as there are counterweights to make sure that we do not end up with irrational decisions. So, essentially, we come back to the issue—I think that there is a theme developing—that there needs to be good consultation at work so that we can make sure that questionable or possibly controversial decisions can be questioned properly. So, I think that it is completely rational, if the electoral review finds that moving community boundaries to go along with any changes to the electoral division makes sense, as long as that boundary makes sense in the first place. Again, I think that it is a question of consultation, the policies and practices of the commission, and the capacity of the commission to do that job effectively. Again, we come back to that point.

[262] **Janet Finch-Saunders:** The word 'consultation' is used frequently. Historically,

certainly in Wales, we do not have good evidence to support effective consultations taking place, particularly with community councils over the years. How do you feel that this Bill addresses those concerns?

[263] **Dr ap Gareth:** One of the things that we are a bit worried about in terms of the Bill is the fact that, when it comes to the reporting stage and the consultation stage, much of it seems to be around the Ministers, the principal councils, and the commission. The reporting is also to the people who have given evidence. So, it is, essentially, to the people who are on the inside of the circle. We would be interested in finding ways to go outside that circle in many ways. I think that there could be a provision, for example, if there are changes to a community boundary, that a duty for public engagement—more than consulting, perhaps—would be for there to be a public meeting in the community affected, that there would be a duty to do that, and that there would be time for an appeal, with time for that community to make an alternative proposal if it so wished. There is a difference here, and there are issues of cost and of how you go about it, but there is also the issue of whether you are expecting people to come to you with that, and whether that information is freely available to everyone in the community, or whether they simply find out about it almost once it has happened. If you were to put the emphasis on having a public meeting, which would then have to be publicised on any local internet sites or in any local papers, that would put the emphasis on the commission giving out that information, if you like. Proper engagement involves a better and free flow of information. Also, under section 35, I think, at the reporting stage, if there are any changes to any communities, the councillor who represents that community should also be given the report, and also possibly the Assembly Member and Member of Parliament. That should be done electronically, so there would not be too much impact in terms of cost, but the information would be disseminated more effectively and so there would be a better chance of any problems being seen by people outside that slightly closed circle. That would be a safeguard against the possibility of irrational decisions, such as having two halves of the same street in different communities, or a community with a mountain in the middle of two villages or that sort of thing.

11.15 a.m.

[264] **Mike Hedges:** We already have two halves of the same street in different constituencies. [*Laughter.*]

[265] **Ann Jones:** It is not our job to do the boundary commission's work; it is our job to see that it has the tools to do its work. Gwyn, do you want to ask your questions on reporting?

[266] **Gwyn R. Price:** Yes. Good morning. The boundary commission told the committee that it disagreed with the restriction in section 29(7) that no electoral review should take place or report published within nine months of an ordinary council election. Does the society support the principles in the Bill, or does it agree with the commission that the restriction is unnecessary?

[267] **Dr ap Gareth:** The evidence from last week was that the commission saw this as a problem that would affect its need to have a consistent workload over the 10 years and that having nine months in which it would, effectively, not be conducting reviews would have an impact on that, and, with regard to staffing and having temporary staff and so on, would have cost implications. We should separate the publication and proposals of reviews from the ongoing work of reviews here. Certainly, there should be an appropriate time period for any publication of reviews or proposals, and the nine-month period should be upheld for that. I am not privy to the detailed work that goes into a review on a day-to-day basis, but, if the boundary commission can give assurances that there is work that is not so public-facing and does not have an effect on an electoral campaign in any way, I would have no problem with the review bubbling away, as it were, over those nine months of the electoral period. That

would need clear timetabling, with clarity about the work that would be appropriate. There might need to be safeguards whereby the Minister could postpone the review, perhaps, if it became an issue during the electoral campaign, and any public meetings and so on that we have talked about in relation to public engagement that would have to be postponed due to an electoral period would have to be picked up again after the election. As long as the boundary commission could make it clear that the work that it is doing would not have an effect on an election, and those safeguards are in place, I think that we would be reasonably happy with it.

[268] **Mr Brooks:** The flipside of that is that I think that there needs to be a decent amount of time before an ordinary election for political parties—for any candidates, so for independents as well—to be able to form a manifesto, for parties to select candidates and for the electorate to know, basically, what the competition will look like. Nine months—it is slightly arbitrary, it could be eight months or 10 months—feels about right to give candidates enough time to get ready for those important elections.

[269] **Gwyn R. Price:** Section 29(10) introduces new terminology in that ‘electoral divisions’ are now to be called ‘electoral areas’, and ‘multimember electoral divisions’ are to be called ‘multiple member areas’. Does the society have any views on what impact this change might have on people’s understanding of local democracy?

[270] **Mr Brooks:** We do.

[271] **Gwyn R. Price:** I know that it is going to confuse you and me, but there we are. *[Laughter.]*

[272] **Mr Brooks:** The danger here is that we already use the two terms ‘electoral divisions’ and ‘wards’ interchangeably. If we add the word ‘area’ into the mix, we will be using three terms interchangeably. The particular danger with the word ‘area’ is that we already talk about such things as school catchment areas, and I think that, in the minds of citizens, it would become even more confusing, not less confusing. Changing the name of the subdivision of a principal authority will not revolutionise people’s engagement with the political process, so I would discourage that.

[273] **Gwyn R. Price:** Thank you.

[274] **Rhodri Glyn Thomas:** Yn eich tystiolaeth, rydych yn codi pryderon nad yw’n ofynnol i gyflwyno copi papur o adroddiad drafft i unrhyw un sydd wedi cyflwyno tystiolaeth ar gyfer adolygiad. A allwch egluro pam bod hynny yn eich poeni?
Rhodri Glyn Thomas: In your evidence, you raise concerns that it is not a requirement for hard copies of draft reports to be sent to all those who have submitted evidence to a review. Can you please explain why that concerns you?

[275] **Mr Brooks:** It is more a point of principle, and builds on Owain’s comments about taking the process beyond the closed circle. If you look at the detail of the Bill as it stands, you will see that it talks about sending hard copies to the mandatory consultees, to Ordnance Survey and to Welsh Ministers. For others, the people who input into the review, the report is available for inspection at the principal council office and people are told merely that they can obtain a copy and how to do so. Our question is: why should the mandatory consultees, Ordnance Survey and Welsh Ministers automatically receive a copy, but members of the public who are trying to engage in this process, or even third sector organisations and local businesses, be treated differently? So, it is more a point of principle than anything else.

[276] Also, in terms of the two practical problems, the first thing is that, if the assumption is that ordinary members of the public will access this information digitally, we know that levels of digital inclusion are quite poor—worryingly so—across Wales. The 2011 Welsh

Government survey showed that, in places such as Merthyr Tydfil, 40% of adults are not accessing the internet. So, to assume that the internet will be a pathway for everybody is wrong. The second is that, while placing a copy in the offices of the principal authority might seem accessible, Members will be aware from their own constituencies and regions that, if you are dependent on public transport, making that trek on two, three, or God knows how many buses to get to the office to look at that report can be quite an onerous task. So, we merely say that anyone who has submitted evidence as part of the review should be offered the opportunity to receive a hard copy. It seems a point of principle that everyone should be treated equally.

[277] **Rhodri Glyn Thomas:** O ran y gweithdrefnau eraill sy'n gysylltiedig â'r broses ymgynghori ac adrodd, a ydych yn credu bod y ddarpariaeth yn y Bil yn gwella'r gweithdrefnau hynny o'u cymharu â'r gweithdrefnau presennol?

Rhodri Glyn Thomas: With regard to the other procedures connected to the consultation and reporting process, do you believe that the provision in the Bill is an improvement on those procedures compared with the current procedures?

[278] **Dr ap Gareth:** Maent yn gwneud pethau ychydig yn gliriach. Rydym yn gefnogol o'r darn hwnnw sy'n sôn bod y Gweinidog, y cyngor a'r comisiwn yn gorfod siarad mwy gyda'i gilydd er mwyn gwneud yn sicr eu bod yn gwybod pa ffordd maent yn mynd gydag unrhyw adolygiad. Mae hynny, yn ei dro, yn gwneud y broses o ymgynghori yn haws gan fod pawb efallai yn mynd i gael anghytuno ar bethau nad ydynt, efallai, yn egwyddorion cychwyn yr adolygiad. Felly, mae hynny'n beth da.

Dr ap Gareth: They make things a little clearer. We are supportive of the section that mentions that the Minister, the council and the commission have to communicate with each other more in order to ensure that they know the direction of travel of any review. That, in turn, makes the consultation process easier because it allows everyone to perhaps disagree on issues that are not necessarily fundamental principles of the review. So, that is positive.

[279] Byddwn yn ategu nad oes llawer am y cyhoedd yn y Bil. Rydym wedi sôn yn barod am y pethau y gellir eu cynnwys er mwyn helpu. Byddwn hefyd yn awyddus i'r adroddiad gael ei ddsbarthu'n fwy eang na'r *closed circle*—nid wyf yn siŵr iawn beth yw hynny yn Gymraeg—sy'n derbyn copi ar hyn o bryd.

I would reiterate that there is not a lot about the public in the Bill. We have already talked about the things that could be included in order to assist. We would also be keen to see the report distributed more widely than the closed circle—I am not sure what the term for 'closed circle' is in Welsh—that receives a copy at present.

[280] **Mark Isherwood:** Why do you believe that a requirement for community and town councils to promote elections and publish the results of elections should be set out on the face of the Bill?

[281] **Mr Brooks:** We are content with section 53 of the Bill, which prescribes that basic contact information for town and community councils and councillors—contact details for the town and community council itself, but also the contact details for councillors, their political affiliation and other items of business, such as the minutes from previous meetings and audited accounts—should be available electronically. So, we support section 53 of the Bill. However, we think that the Bill could go further and, as you said, the internet can be a platform for the promotion of elections and for publishing such things as results. For us, it basically comes down to the fact that it is just good practice in terms of democracy and transparency. I cannot imagine any other democratically elected public institution in Wales that would not publish information about its elections on a website, would not publish the names of the candidates on a website, and would not publish the results of those elections on a website. So, it seems to me that it is just a very basic thing that we ought to expect from a

public institution that is democratically elected. If we are serious about making sure that people know that they live in an area with town and community councils—Members will no doubt have constituents who are not aware of that—and raising the general understanding that town and community councils exist and of what their roles and responsibilities are, and if we are really serious about empowering local communities to make decisions on their behalf, increasing election turnout for town and community councils and even making their membership more diverse and reflective of society as a whole, then this is very basic, fundamental stuff that needs to be tackled.

[282] **Mark Isherwood:** Why do you feel we need to safeguard having that on the face of the Bill?

[283] **Mr Brooks:** There is a bigger question, I suppose, which is: what do we actually want town and community councils to do? That is a bigger question, which is perhaps not for this Bill. From our perspective, promoting the elections is a small step that could potentially make quite an interesting and big difference in some communities by opening that up. I was contacted during the last elections by a number of people across Wales expressing dissatisfaction with how their town and community council was being run. It was basic things such as, ‘I didn’t realise that such and such was actually a member of a political party—they said to me that they were an independent’ and questions such as, ‘Are independents allowed to put out joint leaflets and manifestos? I didn’t realise they could’, ‘I didn’t realise there was a town and community council election on—I would have fancied standing myself’. So, it is not going to revolutionise the democratic characteristics of town and community councils, but I think that it would go some way towards addressing that democratic deficit that exists at a very basic level.

[284] I think that it should go in the Bill, because, again, I cannot contemplate any other public institution in which those basic levels of openness and transparency would not be assured. I cannot imagine this place getting away with not publishing the results of elections or the political affiliations of Members. You might have one or two more responsibilities than town and community councils, but the principle holds true, whatever the level of government: citizens have a basic right to access that information.

[285] **Mark Isherwood:** How would you like to see the Bill improved to address your concern that it fails to ensure that community and town councils

[286] ‘are truly representative of their communities, are organized in the most effective way and communicate well with the public’?

[287] That follows on from what you were saying.

[288] **Mr Brooks:** If section 53 of the Bill is retained, and if the Bill is amended to stipulate that basic electoral information should be provided by town and community councils, that would go some way towards addressing the concerns that we have raised about how representative and democratic town and community councils are. However, and, again, perhaps this is not for this Bill, there needs to be a root-and-branch review of the role, responsibilities and resourcing of town and community councils, because we are increasingly seeing principal authorities passing assets and services down to town and community councils, and they are, quite often, not passing on the resources alongside that. So, town and community councils are under increasing pressure. That is perhaps outside the scope of the Bill, and, if I can tag onto that, in case I do not get an opportunity to say it—

[289] **Ann Jones:** I think that Joyce has a question on that, so you will be all right.

[290] **Mr Brooks:** Okay. I will stop there.

[291] **Ann Jones:** I will call Joyce, as this is moving in to her question.

[292] **Joyce Watson:** You say that you want an independent review, and you started talking about an independent review of the role of community and town councils within local democracy in Wales. How exactly could that feed into this Bill, and, if it could, what do you hope it might achieve?

[293] **Mr Brooks:** To be frank, given the kind of work that would be needed to do that review, the timeframe would make it impossible for it to feed into this Bill. So, I see this Bill as merely being an opportunity to make some improvements, but that fundamental question about what you want town and community councils to do and what you want principal authorities to do, how many of those you want and how much they relate to each other in terms of scrutiny and oversight needs to be asked.

[294] **Peter Black:** There was, in fact, a review carried out about 10 years ago by Michael Woods of Aberystwyth University. Just for clarification, are you saying that that needs to be updated?

[295] **Mr Brooks:** Yes. We looked at the Aberystwyth study and I can write to the committee with some of our concerns about that study in detail. That was largely a university-led survey of town and community councils, so it was self-selecting in terms of who responded to that survey. There are some rather good results in terms of how they feel that they are communicating with the public and how they engage citizens and so on. What I would be more interested in is how citizens feel about their town and community councils. So, we need that evidence base, but, also, it is less about a survey and more a political question as to what you want that level of government to do.

11.30 a.m.

[296] **Ann Jones:** Is there anything that you wanted to say that we have not asked you about, or are you quite content?

[297] **Mr Brooks:** I will just return to my first comment, which was that the Bill can do more in terms of scrutiny within principal authorities. Regardless of whether we have a first-past-the-post system or a single transferrable vote system, we have situations like that in Blaenau Gwent, where the Labour Party achieved a great result—it won 55% of the vote—but over 80% of the seats in that authority are held by the Labour Party. So, out of 64 council seats, only 12 are held by the opposition.

[298] **Ann Jones:** Not a bad problem. [*Laughter.*]

[299] **Mr Brooks:** You might fly the flag for that, but you do question what impact that has on good governance and the ability of the opposition to hold the executive to account. Cultural issues can develop from that and we have seen examples in places such as Glasgow, where the leader of the authority, who is in the Labour Party, now welcomes STV, because, although the Labour Party still controls Glasgow outright with an overall majority, that system has made things more competitive, has kept his party on its toes and has made things more open to challenge. He thinks that that is better for the Labour Party. You do not necessarily have to change the voting system to improve scrutiny, although we think that it is an important step. However, the Bill can look at other things, for example, how you can build on some of the provisions contained in the Local Government (Wales) Measure 2011 on scrutiny and strengthen matters in that way. We would look forward to working with the committee to boost those elements of the Bill.

[300] **Ann Jones:** A part of me would say that it does not matter what system you use; it is about whether you get the right result at the end of the process. When someone is facing an election petition in a particular area because the counting staff could not get it right, it does not matter what system you use. I have some views on that.

[301] **Kenneth Skates:** Is that a local issue, Chair?

[302] **Ann Jones:** It may be a local issue, yes. I think that it has been resolved somewhere along the line.

[303] **Mr Brooks:** We have had conversations with a variety of local councillors, executive members, chairs of scrutiny committees and former executive members—and some of you here will have direct experience of those roles—and it seems an incredible task that we are asking backbench governing party councillors and opposition councillors to do just in terms of accessing information to be able to hold the executive to account. In our survey, 52% of councillors said that they did not feel that they had the appropriate information to hold the executive to account. So, I come back to that point: there is much more that we can do in that regard.

[304] **Ann Jones:** Thank you for that. Do Members have any more questions?

[305] **Joyce Watson:** Yes. Taking that further, I have been the leader of the opposition, and would have been starved of oxygen, if the ruling party could have had their way, but nonetheless was starved of information. You mention the problem. What do you think are the solutions? I have some firm ideas, but the Minister has talked about corporate services trying to provide support. I know what I think the solutions are, but what do you think they are? If you were to give an example of something you thought might help with scrutiny—and let us talk about independent members as well as Labour members in the name of balance—what would it be? What do you think the solutions are? Give an example.

[306] **Mr Books:** One issue is resources. For example, all backbench Members of the Assembly have access to support staff and to the Members' research service. As leader of the opposition in a council, you do not have any of that support. So, we should ask questions about whether it would be appropriate to provide some kind of officer support. Clearly, that would be within boundaries, because you would not want officer support to be used purely for party-political ends, but, just in terms of scrutiny and oversight, there might be a question to ask as to whether more officer support could be provided for that role.

[307] Again, anecdotally, from conversations with councillors—from across all parties, and including both opposition and governing party councillors—there is a general queasiness about the allocation of resources to scrutiny. Here, there was a separation of powers, so backbench Assembly Members can draw on National Assembly for Wales staff for support, and that is separate to the executive. Obviously, councils are single entities, so backbenchers are, effectively, drawing support from the corporate entity. In effect, you have a staff body that is both delivering services and investigating the delivery of services. There may well be questions there about whether you can go further with the innovations in democratic services that were contained in the 2011 Measure to somehow firewall staff between the executive and, almost, the legislative side of local councils. It is a resource question, I think.

[308] **Ann Jones:** It is interesting that Councillor Roberts of the North Wales Association of Town and Community Councils seemed reluctant for community councils to spend any of their precept on providing a website or on additional officer time, and did not want to put up the precept either. From what I gathered, a lot of community councils would not do it. So, what you were saying about member support is all fine at principal council level, but how is that going to happen in community councils when there seems to be a reluctance on the part

of community councillors to come and play in the big world in terms of IT as well?

[309] **Mr Brooks:** There might be two motivations for that. There might genuinely be an issue in that they just do not value the results of that kind of investment and so would not choose to do it. Perhaps the other motivator would be, ‘Well, if we have a principal authority that is giving us more assets and more services to deliver, our budget is strained. We simply do not have the resources, and we would rather maintain the local path or the local cemetery than provide a website that might get 100 hits a month’. I understand that dynamic. For me, that is one reason why this place needs to do a more of a root-and-branch review of town and community councils, because, if you are serious about them delivering services, then people have a right to be able to go on to that council’s website and find out how they are doing it.

[310] **Ann Jones:** I have Mark and then Rhodri Glyn Thomas.

[311] **Mark Isherwood:** I just want to go back to one of your previous comments about the lack of separation of powers, and therefore the lack of scrutiny of the executive. Without naming them, hypothetically, a number of local authorities have executive officers who do not volunteer information and do not provide information unless it is requested, and then provide only the minimum of responses, certainly to members outside the executive, and even, occasionally, to members within the executive. Here we have, as you indicate, through the separation of powers, a research service, for instance, that is independent and available to all Members—whereas members’ services departments in most local authorities are tiny, with perhaps two, three or four full-time equivalent staff servicing 40 to 70 members. Could there be a role—should there be a role—to ensure that all members, inside or outside the executive, can access independent research within the resources available to a local authority or a coalition of local authorities?

[312] **Mr Brooks:** Absolutely. That is one of the key things. The added driver, or the added problem, for local councillors is that the role is not full time, although some councillors do the role full time. To do all of that work themselves on a part-time basis, within the council chamber or a council committee, and to try to do that forensic drilling-down to find that information and evidence to hold the executive to account, on top of the work that councillors do out in the electoral division in terms of surgeries, police and community together meetings, residents association meetings, and all the rest of it, is a huge task. So, I think that it comes down to resources and making sure that proper resources are allocated to it.

[313] One of the things that we looked at was the number of scrutiny committees in different authorities, and, again, this might touch on your part. The 2011 Measure states that chairs of scrutiny committees should be allocated according to party balance. When we have looked at some of the detail, we have seen that some authorities are quite canny at getting around the spirit of that Measure. I think that it is Powys that only has two scrutiny committees, for example, and there are a number of other authorities that have only three scrutiny committees. Again, it puts a burden on the local councillors on that committee to monitor all the functions. This place would not function if you had only two committees holding the Welsh Government to account, so goodness knows how those authorities where they have only a small number do the same.

[314] **Ann Jones:** Rhodri Glyn has the last question.

[315] **Rhodri Glyn Thomas:** Mae gennyf ddau gwestiwn penodol, mewn gwirionedd. O ran y Bil hwn, a ydych yn meddwl y dylid ac y gellid cynwys rhywbeth a fyddai’n mynd i’r afael â’r math o broblemau rydych wedi sôn amdanynt, er enghraifft, pan fo **Rhodri Glyn Thomas:** I have two specific questions, really. In terms of this Bill, do you think that something should and could be included that would tackle the sorts of problems that you have been talking about, for example, when the administration of a

gweinyddiaeth cyngor fel pe bai'n gwasanaethu'r bwrdd gweithredol yn unig, ac nid y cyngor i gyd? Gellid cael sefyllfa lle mae'r brif blaid mewn gwrthblaid—y blaid sydd â'r mwyaf o gefnogaeth yn ffurfio'r wrthblaid—a bod clymblaid o fwy nag un blaid leiafrifol yn rhedeg y cyngor. A oes angen rhywbeth i ddiogelu yn erbyn y sefyllfa honno, fel nad yw holl weinyddiaeth y cyngor yn gwasanaethu'r bwrdd gweithredol yn unig? Yn benodol, a ydych yn meddwl y gellid ac y dylid cynnwys rhywbeth yn y Bil hwn a fydd yn sicrhau bod y broses o bennu cyflog y prif weithredwr a'r swyddogion uwch yn annibynnol?

council seems to serve only the executive board, and not the whole council? You could have a situation where the main party is in opposition—the party with the most support sitting as the opposition—and a coalition of more than one minority party running the council. Is there a need for something to safeguard against such a situation, so that all the council's administration is not servicing only the executive? Specifically, do you think that something could and should be included in this Bill that would ensure that the process of setting the salaries of chief executives and senior officials was independent?

[316] **Mr Brooks:** On that second point in terms of setting the salary of chief executives, we are aware of some of the controversies that have gone on around Wales on that matter. We would not have any comment about what the process should be: I think that there are people who are better qualified than the society to comment on that. However, what I will say is that my own view on it has been that a lot of those decisions appear to have been taken in cultures of secrecy; so, again, it comes back down to how much information, how empowered and how able are opposition councillors and governing party backbenchers to hold the executive to account when those conversations between the chief executive and leader are occurring.

[317] To answer your question about servicing councillors who are not members of the executive: yes, we are increasingly of the view that, within law, there could be some kind of standard set. We need more of a discussion about what exactly that would look like, but it should be something that would build on what happened in the 2011 Measure and preserve a resource that opposition councillors and governing party backbenchers would be able to draw on, in terms of how they function within their wards and in committees and full council chambers. So, it is definitely something that needs to be explored for this Bill.

[318] **Ann Jones:** Thank you very much. We have run out of time; we always knew that we would. Thank you very much for coming in and giving us evidence. You will receive a copy of the transcript to check for accuracy and you will receive a copy of our report; I am sure that you will feature in it. Thank you very much. That was the final item on the agenda. Therefore, the meeting has now come to an end. Thank you.

Daeth y cyfarfod i ben am 11.42 a.m.

The meeting ended at 11.42 a.m.