

**Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol**

Bil Llywodraeth Leol (Democratiaeth) (Cymru)

**Ymatebion i'r Ymgynghoriad
Chwefror 2013**

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**Communities, Equality and Local Government
Committee**

Local Government (Democracy) (Wales) Bill

**Consultation Responses
February 2013**

**Bil Llywodraeth Leol
(Democratiaeth) (Cymru)**

**Local Government
(Democracy) (Wales) Bill**

Ymatebion i'r Ymgynghoriad

Consultation Responses

* Ar gael yn Gymraeg /Available in Welsh

LGD 1	Ymateb gan unigolyn	Individual response
LGD 2	Cyngor Cymuned Cenarth	Cenarth Community Council
LGD 3	Cyngor Cymuned Myddfai	Myddfai Community Council
LGD 4	Cyngor Cymuned Llangatwg Feibion Afel	Llangattock Vibon Avel Community Council
LGD 5	Cyngor Cymuned Defawden	Devauden Coummunity Council
*LGD 6	Comisiwn Ffiniau Llywodraeth Leol Cymru	Local Government Boundary Commission for Wales
*LGD 7	Cymdeithas Ysgrifenyddion a Chyfreithwyr Cynghorau, Cangen Cymru ("ACSeS")	Association of Council Secretaries and Solicitors Wales Branch ("ACSeS")
LGD 8	Cymdeithas Llywodraeth Leol Cymru	Welsh Local Government Association
LGD 8a	Cymdeithas Llywodraeth Leol Cymru	Welsh Local Government Association
LGD 8b	Tystiolaeth Atodol	Supplementary Evidence
LGD 9	Cymdeithas Cynghorau Tref a Chynghorau Cymuned Mwy Gogledd Cymru	North Wales Association of Town and Larger Community Councils
LGD 10	Cymdeithas Diwygio Etholiadol Cymru	Electoral Reform Society Wales
LGD 11	Un Llais Cymru	One Voice Wales
LGD 12	Dienw	Anonymous
LGD 13	Cyngor Tref Cei Conna	Connah's Quay Town Council
LGD 14	Cyngor Tref Dinbych	Denbigh Town Council
LGD 15	Cyngor Cymuned Llandyfaelog	Llandyfaelog Community Council
*LGD 16	Swyddfa Archwilio Cymru	Wales Audit Office
LGD 17	Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol	Independent Remuneration Panel for Wales
LGD 18	Ombwdsmon Cymru	Ombudsman for Wales
LGD 19	Cyngor Cymuned Llanharan	Llanharan Community Council
LGD 20	Cyngor Cymuned Pencraig	Old Radnor Community Council
LGD 21	Cyngor Cymuned Llandochau	Llandough Community Council
LGD 22	Cyngor Cymuned Llanarthne	Llanarthne Community Council
LGD 23	Cyngor Tref Bwcle	Buckley Town Council
*LGD 24	Cyngor Tref Frenhinol	Caernarfon Royal Town Council

	Caernarfon	
LGD 25	Cyngor Tref Llanelli	Llanelli Town Council
LGD 26	Cyngor Tref Penarth	Penarth Town Council
LGD 27	Cyngor Tref Llanfairfechan	Llanfairfechan Town Council
LGD 28	Cyngor Tref Pontardawe	Pontardawe Town Council
LGD 29	Cyngor Tref y Barri	Barry Town Council
LGD 30	Cyngor Cymuned yr Ystog	Churchstoke Community Council
LGD 31	Cyngor Gwledig Llanelli	Llanelli Rural Council
LGD 32	Cyngor Cymuned Pont-y-pŵl	Pontypool Community Council
LGD 33	Cyngor Sir y Fflint	Flintshire County Council
LGD 34	Cyngor Tref Caernarfon	Caernarfon Town Council
LGD 35	Cyngor Cymuned Henllanfallteg	Henllanfallteg Community Council
LGD 36	Cyngor Cymuned Treamlod	Ambleston Community Council
LGD 37	Cyngor Tref y Fenni	Abergavenny Town Council
LGD 38	Cyngor Cymuned Casmael	Puncheston Community Council
LGD 39	Gyngor Caerdydd	Cardiff Council
LGD 40	Cyngor Cymdeithas Cyngor Cymuned Llangoedmor	Cyngor Cymdeithas Llangoedmor Community Council
LGD 41	Cyngor Cymuned Mochdre gyda Phenystrywaid	Mochdre with Penstrowed Community Council
LGD 42	Cyngor Tref Rhuddlan	Rhuddlan Town Council

LGD 1 Gwen Cleaver (Individual Response)

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name: Gwen Cleaver

Organisation (if applicable):

Email address: gwendacleaver@gmail.com

Telephone number: 01550 777 049

Your address: Highgate, High St, Llangadog SA19 9EF

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Please expand on your answer			
<u>All is working well as it is, therefore what benefits are there for change!!!</u>			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

No - if it's not broken, why do we need to mend it and change !!!

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

Yes

No

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

The local councillor already has a large rural area to cover. Extending the area means further for members to make contacts.

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

We in rural areas are getting on with the job in hand. Continuous changes create extra cost and work. "leave all alone"

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

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

are appropriate?

Yes

No

Please expand on your answer Cross examining executive decisions via DSC, audit and standards committee are good and healthy in a democratic world !!!

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer Independent bodies are always good/ necessary and healthy			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer The more we know the better the response to Service + Support in local communities are !!			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer Rural small community councils only have chairs and they do well in our community			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?			
Please expand on your answer AS I see. moving boundaries will create barriers !!			

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.			
Please expand on your answer No comment !!			

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

Please expand on your answer

Personally I believe major decisions should be made centrally i.e. in London + not in Wales.

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

Wales is a small nation. Independence, recognition is good. Law making, legislation and monetary aspects will not work if we become isolated to run + go alone.

LGD 2 Cenarth Coummunity Council

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Annexe 1

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CELG.committee@wales.gov.uk

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

Your name:

MR. KEN DAVIES.

Organisation (if applicable):

CENARTH COMMUNITY COONCIL.

Email address:

KEN.ARWELFA@RESQNET.CO.UK.

Telephone number:

01559370539.

Your address:

"ARWELFA" CAPEL IWAN. NEWCASTLE EMAYN
CARMYS. SA389LS.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?

Yes

No

Please expand on your answer.

We feel that the boundaries should be left as they are.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes No

Please expand on your answer

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

Yes No

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes No

Please expand on your answer

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes No

Please expand on your answer

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

- Democratic Services Committees (Section 56)
- Audit Committees (Section 57)
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are appropriate?

Yes No

Please expand on your answer

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes No

Please expand on your answer

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes No

Please expand on your answer

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

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

Yes No

Please expand on your answer

General Provisions of the Bill

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

Please expand on your answer *YES.*

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

Please expand on your answer

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

Please expand on your answer *Appropriate.*

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

LGD 3 Myddfai Community Council

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
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CELG.committee@wales.gov.uk

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

Your name: *S. A BEARD.*

Organisation (if applicable): *Myddfai Community Council.*

Email address:

Telephone number: *01550 720192*

Your address: *Prestbury Lodge Llandoverly SA20 0ST*

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Please expand on your answer			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes No

Please expand on your answer

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

Yes No

Please expand on your answer

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes No

Please expand on your answer

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes No

Please expand on your answer

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

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

are appropriate?

Yes No

Please expand on your answer

Appropriate as it is.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<i>Please clarify this.</i>			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<i>As a community council we have a chairperson</i>			

General Provisions of the Bill

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Please expand on your answer	

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

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

Please expand on your answer

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

OPPOSED to larger C.C. areas. especially in Rural areas. oppose local Gov. areas increasing in size as this will increase carbon foot print. More money is required to be invested in Rural areas as Urban areas prioritise in this moment in time .

17TH December 2012

LGD 4 Llangattock Vibon Avel Community Council

Cynulliad
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Or by post:
Leanne Hatcher
Legislation Office

Llangattock Vibon Avel Community Council
Cyngor Cymuned Llangatwg Feibion Afel

Roy G Nicholas

Clerk to the Council
Proper Officer of the Council

16 Rushey Meadow
MONMOUTH NP25 5BT



(01600) 714181

Clerc y Cyngor
Swyddog Priodol y Cyngor

16 Dôl Frwynog
TREFYNWY NP25 5BT

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The Local Government Boundary Commission

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Yes

No



Please expand on your answer

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Yes

No

Please expand on your answer

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

Yes

No

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

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

- Duties of the Commission
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are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

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

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are appropriate?

Yes

No

Please expand on your answer

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Yes No

Please expand on your answer

Access to information (Town and Community Councils)

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Yes No

Please expand on your answer

Correspondence between Principal Authority & Community Councils. Checking is inadequate by District Audit. Have they ever checked with a Community Council?

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Yes No

Please expand on your answer

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Please expand on your answer

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

Please expand on your answer

No subordinate legislation, please.
When will it all end !!

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

No

CONSULTATION WITH OUR ELECTORATE

We are not on-line.

We consist of 6 villages/hamlets with fewer than 400 residences covering an area of about 15 square kilometres. We are the 2nd most geographically deprived in Wales for services and facilities. Not a single shop; many residents have a return journey of 18 miles even for a loaf of bread!

A Monthly Meeting is held at alternating locations. The minutes are distributed to Councillors and placed on the six notice-boards the next day following the Meeting. A copy is provided to the Editor of the community magazine which has a 300-copy print to enable him to select matters of interest.

Our Community Councillors know their neighbours well and get involved with local activities in this agricultural community.

COPY AGM

M1 Introductions

All present introduced themselves. The Clerk explained that he was also the Proper Officer of the Council. As such, he was responsible for ensuring that it adhered to established good business practice and did not stray from the roles permitted for Community Councils.

His production of Minutes were designed to be citizen-friendly in 12-point print with ample spacing. Each *Item* was separately highlighted and in the same sequence month by month to allow anyone looking at the notice-boards to find their chosen subject easily. They were posted promptly following Meetings and displayed on the notice-boards. This obviated the need for Members to make notes at the meetings. "

LGD 5 Devauden Community Council

Annexe 1

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

Your name:

C. Martini Clark

Organisation (if applicable):

Devauden C.C.

Email address:

clerk@devaudencc.org.uk

Telephone number:

01600 713126

Your address:

32 Kingswood Road
Monmouth NP25 5BX

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Yes

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Please expand on your answer

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Yes No

Please expand on your answer

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Yes No

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Yes No

Please expand on your answer

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Please expand on your answer

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Please expand on your answer

Access to information (Town and Community Councils)

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Please expand on your answer

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

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Please expand on your answer

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

LGD 6 Comisiwn Ffiniau Llywodraeth Leol

At: y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol, Cynulliad Cenedlaethol Cymru

Ymateb Comisiwn Ffiniau Llywodraeth Leol i Gymru i'r Bil Llywodraeth Leol (Democratiaeth) (Cymru)

Cyflwyniad

Mae'r Comisiwn Ffiniau Llywodraeth Leol i Gymru (y Comisiwn) yn croesawu'r cyfle hwn i gynnig sylwadau ar y Bil Llywodraeth Leol (Democratiaeth) (Cymru) sydd wedi'i gyflwyno i Gynulliad Cenedlaethol Cymru. Noda'r Comisiwn fod y trefniadau a'r gweithdrefnau presennol sy'n effeithio ar y Comisiwn wedi'u deddfu ddeugain mlynedd yn ôl. Mae'n derbyn bod y sylfeini sylfaenol ar gyfer arolygu'r trefniadau etholiadol yn eu lle; mae o'r farn fod y mesur yn fodd i wella a moderneiddio'r ffyrdd y bydd y Comisiwn a'i bartneriaid yn gweithredu yn y dyfodol, fel bod y gwaith o arolygu'r trefniadau hynny'n cael ei wneud yn fwy effeithiol ac effeithlon er budd llywodraeth leol gadarn a democratiaeth leol. Rydym yn cydnabod gwerth a dilysrwydd yr argymhellion a wnaed gan Mr Glyn Mathias yn ei Adroddiad yn 2011 ac yn gyffredinol fe wnaethom dderbyn y cynigion hynny yn ein hymateb cynharach i'r Gweinidog. Roedd y Comisiwn wedi cyflwyno sylwadau manwl ar y Papur Gwyn, ac mae'n falch o weld fod y Bil wedi mynd i'r afael â nifer o'i bryderon. Prin yw'r cyfle sy'n codi i gorff fel y Comisiwn allu cynnig sylwadau a dylanwadu ar y ddeddfwriaeth sy'n pennu ein bodolaeth ac sy'n diffinio ein ffordd o weithredu, ac rydym o'r farn fod y Bil yn gyfle unigryw i gyflwyno gwelliannau. Dymunwn felly wneud sylwadau pellach er mwyn helpu Cynulliad Cenedlaethol Cymru i lunio darn o ddeddfwriaeth sy'n gadarn ac yn addas i'r diben.

Er mwyn cynorthwyo'r broses o gasglu a dadansoddi pob un o'r ymatebion i'r ymgynghoriad ar y Bil, rydym wedi defnyddio holiadur yr ymgynghoriad fel templed ar gyfer ein hymateb.

Ymateb

C1 A oes angen Bil i wneud newidiadau i gyfansoddiad a swyddogaethau'r Comisiwn Ffiniau Llywodraeth Leol i Gymru ("y Comisiwn") ac i wneud amrywiol ddarpariaethau mewn perthynas â llywodraeth leol?

Oes. Mae'r Comisiwn yn cytuno'n gyffredinol â chanfyddiadau adroddiad Mathias mewn perthynas â newidiadau sydd eu hangen i gyfansoddiad a swyddogaethau'r Comisiwn. O ystyried ehangder y newidiadau y mae'n ofynnol eu gwneud i'r ddeddfwriaeth bresennol er mwyn gweithredu'r newidiadau hyn, cytunir y cyflawnir hyn yn fwy effeithiol gan Fil newydd yn hytrach na thrwy wneud mân newidiadau i'r ddeddfwriaeth bresennol.

C2 A ydych o'r farn y bydd y Bil yn gwella'r dull o gyflawni rolau a swyddogaethau statudol y Comisiwn? (paragraff 3.1 o'r memorandwm esboniadol)

Ydyn, mewn nifer o ffyrdd. Er hynny mae rhai darpariaethau o'r Bil yr ydym o'r farn y byddent, o'u gadael heb eu newid, yn cael effaith niweidiol ar allu'r Comisiwn i ymgymryd â'i rolau a'i swyddogaethau statudol. Mae ein prif feysydd pryder fel a ganlyn:

Y ddarpariaeth (Adran 26 (3) (b)) i'r Comisiwn ystyried newidiadau ôl-ddilynol i drefniadau etholiadol y prif gyngor wrth arolygu ffiniau cymunedol;

Y ddarpariaeth (Adran 29 (7)) lle mae'n rhaid i'r Comisiwn beidio â chynnal arolwg na chyhoeddi cynigion trefniadau etholiadol yn unrhyw gyfnod o 9 mis o etholiad;

Y gofyniad (Adran 30 (2) (a)) i'r Comisiwn ystyried unrhyw anghysondeb rhwng nifer y rhai ar y gofrestr etholiadol a'r nifer sydd yn gymwys i bleidleisio.

Mae ystyriaeth fanwl o bob un o'r materion hyn yn cael ei rhoi yn ein hymatebion i'r cwestiynau isod.

Rydym o'r farn fod darpariaethau'r Bil yn rhoi mwy o gydnabyddiaeth i'r pwysigrwydd o gyflawni ffiniau cymunedau a threfniadau etholiadol priodol cyn cynnal arolwg o drefniadau etholiadol prif ardal. Ym marn y Comisiwn, fodd bynnag, nid yw'n mynd yn ddigon pell i sefydlu perthynas benodol rhwng arolygon cymunedol ac arolygon etholiadol prif ardal. Hoffem weld trefniadau lle mae gofyniad ar brif gynghorau i fod wedi cynnal arolwg cymunedol o fewn pum mlynedd i arolwg etholiadol prif ardal fel a bennir yn rhaglen 10 mlynedd y Comisiwn, a gofyniad iddynt adrodd i'r Comisiwn nid llai nag 1 flwyddyn cyn dyddiad cychwyn arolwg etholiadol. Byddai hyn yn rhoi un system integredig ar gyfer arolygon cymunedol ac arolygon prif gynghorau. Byddai pob un o'r rhanddeiliaid yn deall yn glir pa bryd mae arolygon i'w cynnal, a byddai'n galluogi ymgysylltu mwy â'r broses.

Rydym yn cydnabod y byddai angen cyfnod trosiannol ar gyfer y ddarpariaeth hon fel ei bod yn clymu i mewn â rhaglen gyntaf 10 mlynedd y Comisiwn, naill ai drwy roi gollyngiad i'r awdurdodau hynny yn hanner gyntaf y rhaglen neu drwy fod y Comisiwn yn rhoi dechrau dwys i'r rhaglen gydag awdurdodau sydd wedi cynnal arolygon cymunedol yn fwyaf diweddar (os oes modd).

C3 A ydych chi o'r farn bod y newidiadau sy'n cael eu gwneud i'r Comisiwn yn briodol? (Rhan 2 y Bil)

Ydyn, yn gyffredinol. Byddem, fodd bynnag, yn dymuno gwneud y sylwadau a'r awgrymiadau canlynol:

Adran 2 - Comisiwn Ffiniau a Democratiaeth Leol Cymru

O ran statws y Comisiwn, cynigiwn sylw mewn perthynas ag Adran 3, isod. O ran Adran 2(1), awgrymir bod y geiriau "Mae'r corff corfforaethol a enwir yn" yn cael eu dileu ac y dylai'r adran ddechrau gyda "Mae'r Comisiwn Ffiniau Llywodraeth Leol...".

O ran Adran 2(2), mae'r Comisiwn yn derbyn yr enw arfaethedig.

Rydym wedi ystyried y gost ychwanegol un tro'n unig a fyddai i'w thalu o ganlyniad i'r newid enw, ac rydym o'r farn na fydd hyn yn fwy na £5,000 ac y bydd cyllideb y Comisiwn yn ei thalu fel y cytunwyd gyda Llywodraeth Cymru.

Adran 3 – Statws

Awgrymir y gellir gwneud y drafft o'r darpariaethau mewn perthynas â statws y Comisiwn yn fwy eglur. Mae cynnig wedi'i wneud uchod ar gyfer diwygio Adran 2. Awgrymir, o ganlyniad, y dylid cyflwyno darpariaeth ychwanegol fel Adran 3(1):-
"Bydd y Comisiwn yn gorff corfforaethol, yn cynnwys cadeirydd, dirprwy gadeirydd ac ni fydd yn cynnwys mwy na phedwar aelod yn gyffredinol".
Caiff y ddwy isadran nesaf eu hail-rifo o ganlyniad i hyn.

Mae'r diwygiad i'r Bil drafft yn ailddeddfu i bob pwrpas y ddarpariaeth a geir yn Neddf Llywodraeth Leol 1972, Atodlen 8 (1) (1); yn yr achos penodol hwn, ni welir unrhyw fantais dros y ddarpariaeth wreiddiol yng ngeiriad arfaethedig Adran 2(1). Byddai diddymu'r darpariaethau'n ymwneud â statws y Comisiwn nawr yn Neddf 1972 yn creu ansicrwydd pe bai Adran 2(1) fel y'i drafftiwyd yn aros.

Mae'r diwygiad hefyd am ddileu amwyster a geir yn Adran 4(1)(a), yr ymdrinnir ag ef isod. Mae'r mater yn ymwneud â nifer yr aelodau'n cael ei ystyried o dan Adran 4.

Adran 4 - Aelodaeth

Mae'r amwyster y cyfeirir ato yn Adran 3 yn ymwneud â'r ymadrodd "aelod cadeirio" a geir yn Adran 4(1)(a). Mae'r Cytundeb Fframwaith rhwng y Gweinidog a'r Comisiwn yn pennu cyfrifoldebau ffurfiol ar gyfer Cadeirydd y Comisiwn a'r aelodau yn y drefn honno. Mae gan y Cadeirydd atebolrwyddau sy'n wahanol i rai'r aelodau. Mae'r ymadrodd yn amwys ac nid yw'n cydnabod goblygiad dyletswyddau'r Cadeirydd. Awgrymir, fel sy'n arferol, y dylai'r geiriad fod fel y pennir uchod, mewn perthynas ag Adran 3(1).

Mae'r Bil yn dileu'r gofyniad presennol y dylai o leiaf un aelod fod yn siaradwr Cymraeg. Mae'r Memorandwm Esboniadol yn datgan y bydd aelodau'r Comisiwn, yn lle hynny, yn cael eu penodi yn unol â Chynllun Iaith Gymraeg Llywodraeth Cymru a Safonau Iaith Gymraeg yn y dyfodol yn ymwneud â phenodiadau cyhoeddus. Mae'r Comisiwn wedi gwella'i arferion drwy benodi Comisiynwyr Arweiniol, sydd â swyddogaethau'n ymwneud ag arolygon unigol, ac mae'n dymuno ymgysylltu a chyfathrebu mewn ffyrdd gwell â'r cyhoedd a'i bartneriaid allweddol. Fel rhan o'r dull gweithredu newydd hwn byddai'r Comisiwn yn cael ei gryfhau drwy benodi aelod â sgiliau iaith. Mae'r Comisiwn o'r farn, yn unol â hynny, y dylid cyfeirio'n benodol yn Adran 4(2) at benodi aelodau mewn perthynas â Chynllun Iaith Gymraeg Llywodraeth Cymru.

Adran 6 – Trafodion

Deallir y gellid ystyried ei bod yn amhriodol i benderfyniadau sy'n effeithio ar broses cynnal arolygon neu reolaeth y Comisiwn gael eu gwneud gan ddau aelod yn unig, a thrwy gynyddu'r cworwm o 2 i 3, a thrwy ddarparu'r opsiwn i benodi aelodau ychwanegol byddai'r risg hon yn cael ei dileu. Rydym o'r farn, fodd bynnag, y byddai cynyddu'r cworwm ynghyd â'r trefniant presennol o 3 aelod, yn cynyddu'r risg y bydd diffyg cworwm mewn cyfarfodydd. Byddai cynyddu'r aelodaeth i 4 neu 5 aelod yn lleihau'r risg hon, ond byddai'n cynyddu cost rhedeg y Comisiwn. Rydym o'r farn, er mwyn sicrhau bod cworwm mewn cyfarfodydd ac i osgoi mynd i gostau ychwanegol, y

dylai'r cworwm aros yn 2. Rydym o'r farn mai 3 ddylai aelodaeth arferol y Comisiwn fod (gan gynnwys y cadeirydd a'r dirprwy) ond cytunwn, er mwyn cyflenwi yn ystod unrhyw absenoldeb hirdymor, y dylid cadw darpariaeth ar gyfer penodi aelodau ychwanegol.

Adran 8 - Prif Weithredwr

Cytunir bod dynodiad prif swyddog y Comisiwn yn cael ei newid o Ysgrifennydd i Brif Weithredwr. Byddai'n well gan y Comisiwn pe bai'r holl benodiadau i'w staff yn cael eu gwneud gan y Comisiwn, fodd bynnag, cydnabyddir yn achos y prif weithredwr, a all fod yn Swyddog Cyfrifyddu ar gyfer y Comisiwn, yn atebol i'r Cyfarwyddwr Cyffredinol yn Llywodraeth Cymru, bod cyfiawnhad i'r penodiad gael ei wneud yn enw'r Gweinidog. Mae'r Comisiwn yn croesawu'r ddarpariaeth yn adran 8(3) yr ymgynghorir ag ef cyn gwneud penodiad, a gobeithir y byddai'r Comisiwn yn anhepgor i'r broses sy'n arwain at y penodiad.

Adran 9 – Staff eraill

Er budd cysylltiadau staff, mae'r Comisiwn yn awgrymu y dylid gwneud datganiad, naill ai yn y Bil, neu drwy lythyr yn enw'r Gweinidog, i'r perwyl nad yw pasio'r ddeddfwriaeth hon yn effeithio ar hawliau cyflogaeth y staff presennol. Gan y bydd rhaid i unrhyw benodiadau staff gael eu hariannu o'r gyllideb flynyddol a gytunir gyda Llywodraeth Cymru, nid yw adran 9(3) yn angenrheidiol a gellir ei dileu.

Adran 10 - Arbenigwyr

Mae'r Bil yn gwneud darpariaeth i'r Comisiwn benodi (a thalu) unigolion i ddarparu cyngor arbenigol. Mae'r ddeddfwriaeth bresennol yn caniatáu i Lywodraeth Cymru benodi unigolion i ddarparu cyngor arbenigol. Mae'r Bil drafft yn dirprwyo'r pŵer hwn i'r Comisiwn. Mae dogfen Fframwaith y Comisiwn gyda Llywodraeth Cymru'n darparu'r trefniadau diogelu angenrheidiol ar gyfer sicrhau Llywodraeth Cymru y byddai'r pŵer dirprwyedig hwn yn cael ei reoli'n briodol. Awgrymir felly nad yw Adrannau 10 (2) a 10 (5) yn angenrheidiol.

Adran 14 - Cyfarwyddiadau

Awgrymwn fod y ddarpariaeth gyfwerth ag a geir yn Adran 48(8) sydd wedi'i chyfyngu i Ran 3 yn unig o'r Bil, yn cael ei chynnwys gydag effaith debyg mewn perthynas â Rhan 2. Geiriad awgrymedig y ddarpariaeth fyddai

“Adran 14(2) Ond, cyn rhoi cyfarwyddyd o dan yr adran hon mewn perthynas â'r Rhan hon, rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn.”

Adran 18 - Pwyllgor Archwilio: aelodaeth

Mae Adran 18 (1) (a) yn mynnu penodi aelod llewyg o'r Pwyllgor Archwilio, ond nid oes unrhyw ddarpariaeth yn cael ei gwneud ar gyfer gwneud y penodiad. Awgrymir y canlynol fel ychwanegiad at yr adran:

“Adran 18 (3) Gall y Comisiwn benodi unigolyn i fod yn aelod lleyg o’r pwyllgor archwilio.”

Byddai’r Comisiwn yn gwneud y penodiad ar sail profiad ac arbenigedd perthnasol, a chan ddilyn gweithdrefnau penodiadau cyhoeddus.

(Byddai is-gymalau’n cael eu hail-rifo o ganlyniad i hyn.)

C4 Ydych chi o’r farn bod y darpariaethau mewn perthynas â gweithdrefnau ar gyfer arolygon llywodraeth leol yn briodol (Pennod 4 a 5)

Ydyn, yn gyffredinol. Byddem, fodd bynnag, yn dymuno gwneud y sylwadau canlynol, ac ystyriwn ei bod yn briodol yma i gynnig sylwadau ar y darpariaethau ym Mhenodau 2 a 3 sydd hefyd yn ystyried darpariaethau ar gyfer arolygon llywodraeth leol.

PENNOD 2

Adran 26 - Arolygu ffiniau cymuned gan y Comisiwn

Mae’r ddarpariaeth yn bodoli o dan y ddeddfwriaeth bresennol i’r Comisiwn ystyried newidiadau ôl-ddilynol i’r trefniadau etholiadol prif gyngor wrth arolygu ffiniau cymunedol, ac mae’n hanfodol ar gyfer tacluso ffiniau adrannau etholiadol. Mae angen ychwanegu’r ddarpariaeth at 26.3(b). Os na chaiff ei hychwanegu, yna bydd gweithredu newidiadau ffiniau cymunedol yn arwain at anghysondebau rhwng ffiniau cymunedol a ffiniau adrannau etholiadol na fyddant yn cael eu datrys nes bod arolwg etholiadol o’r brif ardal wedi’i gynnal a’i roi ar waith.

PENNOD 3

Adran 29 - Arolygu trefniadau etholiadol ar gyfer prif ardal

Ystyrir y gallai teitl yr adran hon ddarllen yn well fel ‘*Arolygu trefniadau etholiadol prif ardal*’.

Mae’r Comisiwn o’r farn, o ystyried ei amserlen waith bresennol, y byddai dyddiad cychwyn cynharach nag 1 Mai 2014 yn fuddiol. Ystyriwn fod Medi 2013 (neu cyn gynted ag y bo modd ar ôl i’r Bil gael Cydsyniad Brenhinol) yn ddyddiad cychwyn priodol ar gyfer y cyfnod 10 mlynedd.

Nid yw’r Comisiwn yn cytuno â darpariaethau Adran 29 (7) gan y bydd hyn yn cyfyngu’r amserlen. I bob pwrpas, byddai’r ddarpariaeth yn golygu na fydd unrhyw adroddiadau’n cael eu cyhoeddi yn ystod y cyfnod o Awst 2016 i Fai 2017, ac ar gyfer etholiadau dilynol. Gallai hyn olygu bod arolygon sydd ar waith yn cael eu hatal am 9 mis. Er mwyn osgoi hyn, byddai’n rhaid i’r Comisiwn amserlennu’r arolygon fel bod arolygon naill ai wedi’u cwblhau erbyn cychwyn y cyfnod, neu heb eu dechrau nes ar ôl yr etholiad. Cytunir efallai na fydd yn briodol cyhoeddi argymhellion ar ôl dyddiad hysbysiad swyddogol am etholiad. Ystyriwn y byddai’n bosibl paratoi rhaglen o arolygon sy’n bodloni Gweinidogion Cymru heb y cyfyngiad hwn. Byddai dileu’r cyfyngiad hwn yn galluogi’r Comisiwn i sicrhau ffrwd waith gyson dros y cyfnod, a byddai hyn yn cynorthwyo cadw staff a dyrannu cyllideb. Mae Tabl Un yn Atodiad A

yn dangos y rhaglen arolygon gyda'r cyfnod 9 mis, ac mae Tabl Dau yn dangos rhaglen heb y cyfyngiad hwn.

Mae Adran 29 (10) yn diffinio'r derminoleg. Nodir bod yr hyn a ddynodwyd yn flaenorol fel 'adrannau etholiadol' bellach yn 'ardaloedd etholiadol', ac mae 'adrannau etholiadol aml-aelod' bellach yn 'aelod-ardaloedd' lluosog. Ni roddwyd unrhyw esboniad ynghylch pam mae'r derminoleg wedi newid. Mae'r Bil yn cyflwyno newidiadau i derminoleg a wnaed ers tro (ers Deddf 1972) ac mae'r Comisiwn yn pryderu y gallai hyn achosi dryswch, ond nid oes ganddo wrthwynebiad mewn egwyddor.

Adran 30 - Ystyriaethau ar gyfer arolwg o drefniadau etholiadol prif ardal

Mae Adran 30 (2) (a) yn ei gwneud yn ofynnol i'r Comisiwn ystyried unrhyw anghysondeb rhwng nifer y rhai ar y gofrestr etholiadol a'r nifer sy'n gymwys i bleidleisio. Mae hyn yn ychwanegu elfen newydd i'r ystyriaeth y mae'n rhaid i'r Comisiwn ei rhoi wrth gynnal arolygon etholiadol. Awgrymir y byddai'r elfen hon yn galluogi mwy o amrywio yn y gymhareb etholwyr llywodraeth leol i nifer yr aelodau, ond nid yw'n glir faint o bwyslais a ddylid rhoi i'r elfen hon a faint o amrywio a ganiateir. Pennwyd y gofyniad hwn hefyd ar arolygon o drefniadau etholiadol cymunedol yn Adran 33. Er bod yr ystadegau ar gyfer nifer yr etholwyr cofrestredig ar gael yn gyson ac i lefel fanylder sy'n ofynnol at ddibenion arolygon, rydym yn pryderu nad yw'r ystadegau ar gyfer nifer y rhai sy'n gymwys i fod yn etholwyr ar gael ar yr un sail. Rydym o'r farn y dylid dileu'r ddarpariaeth yn Adran 30 (2) (a) a'r ddarpariaeth gyfwerth yn Adran 33 (5) o'r Bil.

Os digwydd i'r ddarpariaeth gael ei deddfu, byddai'r Comisiwn o blaid cynnal trafodaethau gyda'r Adran gyda golwg ar ddatblygu arweiniad ar gyfer rhoi'r darpariaethau hyn ar waith. Er mwyn ychwanegu tryloywder a dealltwriaeth, dylid cynnwys cyrff priodol eraill wrth ddrafftio neu wrth ymgynghori ar unrhyw ganllawiau o'r fath.

Adran 31 - Arolygu trefniadau etholiadol i gymunedau gan brif gyngor

Ystyrir y gallai teitl yr adran hon ddarllen yn well fel '*Arolygu trefniadau etholiadol cymunedau gan brif gyngor*'.

Adran - 32 Arolygu trefniadau etholiadol cymuned gan y Comisiwn

Ystyrir y gallai teitl yr adran hon ddarllen yn well fel '*Arolygu trefniadau etholiadol cymunedau gan y Comisiwn*'.

PENNOD 4

Adran 35 - Ymgynghori ac ymchwilio

Mae Adran 35 (3) yn gwneud darpariaeth i'r adroddiad cynigion drafft gael ei gyhoeddi'n electronig, ac mae paragraffau pellach yn sôn am 'gopiâu' o'r adroddiad.

Efallai yr awgrymir bod y copïau pellach hyn yn gopïau electronig hefyd yn hytrach na rhai papur. Mae'r un peth yn wir o dan Adran 36 ar gyfer yr adroddiad cynigion terfynol. Os mai'r bwriad yw i gopïau electronig yn unig gael eu cynhyrchu, yna dylid dweud hyn yn glir ar gyfer pob cyfeiriad at adroddiad. Er ein bod o'r farn fod manteision cost i'w cael o gynhyrchu copïau electronig o'r adroddiad yn unig, rydym yn pryderu y gallai fod nifer o ymgynghoreion o hyd nad yw'r ddarpariaeth ganddynt i dderbyn gwybodaeth yn y dull hwn. Byddem yn dymuno, yn y tymor byr, i barhau i ddarparu rhai copïau papur o'n hadroddiadau o leiaf, ond rydym yn gytûn mai symud tuag at gyhoeddi popeth yn electronig y byddem yn dymuno'i wneud yn y pen draw.

Adran 36 - Adrodd ar yr Arolwg

Mae Adran 36 (6) (c) yn gwneud y Comisiwn yn awdurdod gweithredu mewn perthynas ag arolygon o dan Adran 25 (Arolygu ffiniau cymuned gan brif gyngor). O dan y trefniadau presennol, mae arolygon o ffiniau cymunedol yn amlach na pheidio yn mynnu bod newidiadau ôl-ddilynol yn cael eu gwneud i drefniadau etholiadol y brif ardal (er mwyn osgoi anghysondebau rhwng ffiniau cymunedol a ffiniau adrannau etholiadol). Caiff hyn ei reoli ar hyn o bryd gan y Comisiwn yn gwneud cynigion ar gyfer newidiadau ôl-ddilynol wrth wneud cynigion i Weinidogion Cymru ar ôl ystyried cynigion y cyngor i'r Comisiwn. Fel y nodwyd uchod (wrth ystyried Adran 26.3(b)), nid oes unrhyw ddarpariaeth ar gyfer yr ystyriaeth hon yn y Bil drafft. Mae'r Comisiwn o'r farn y dylai fod. Byddai hyn, fodd bynnag, yn cynnwys goblygiadau i'r Comisiwn fel yr awdurdod gweithredu mewn perthynas ag arolygon ffiniau cymunedol, gan y gall y rhain wneud newidiadau i drefniadau etholiadol prif gyngor. O dan y ddeddfwriaeth bresennol a'r Bil drafft, Llywodraeth Cymru yw'r awdurdod gweithredu ar gyfer newidiadau i drefniadau etholiadol prif gyngor. A fyddai angen i hyn barhau pe bai Adran 26 (3) (b) yn cael ei newid fel y cynigir gan y Comisiwn?

PENNOD 5 GWEITHREDU YN DILYN AROLWG

Dylai fod darpariaeth i'r awdurdod gweithredu hysbysu awdurdodau lleol yr effeithir arnynt pan gaiff Gorchymyn ei wneud.

C5 A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Dyletswyddau'r Comisiwn
- Dyletswyddau prif gynghorau yn briodol? (Pennod 1)

Ydyn, yn gyffredinol. Byddem yn dymuno gwneud y sylwadau canlynol, fodd bynnag:

PENNOD 1

Adran 21 - Dyletswydd y Comisiwn i fonitro trefniadau ar gyfer llywodraeth leol

Mae'r ddarpariaeth o dan Adran 21 (3) sef '...rhaid i'r Comisiwn geisio sicrhau llywodraeth leol effeithiol a chyfleus' yn wahanol i'r ddarpariaeth yn Neddf Llywodraeth Leol 1972 i'r perwyl fod rhaid iddo 'wneud cynigion weithredu newidiadau sy'n ymddangos i'r Comisiwn yn rhai sy'n ddymunol er budd llywodraeth leol effeithiol a

chyfleus'. Byddai'r datganiad newydd i weld yn awgrymu bod gan y Comisiwn gylch gwaith ehangach nag sydd ganddo (naill ai ar hyn o bryd neu'n dilyn y Bil) ac mae'n mewnosod dyletswydd sy'n mynd ymhellach na'r pwerau a roddwyd i'r Comisiwn gan y Bil. Byddai hyn yn arwain at ansicrwydd ynghylch swyddogaethau'r Comisiwn. Awgrymir bod geiriad Deddf 1972 yn cael ei ddilyn yma, a bod cyfeiriadau at 'sicrhau' yn cael eu dileu. Mae gofyniad hefyd i brif gynghorau o dan Adran 22(3).

Adran 22 - Dyletswyddau prif gynghorau mewn perthynas ag ardal

Dylai testun y teitl yn Adran 22 ddarllen '*Dyletswyddau prif gynghorau mewn perthynas â chymunedau yn eu hardal*'.

C6 i C9

Dim sylwadau

C10 Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith (os ydynt yn bodoli), ac a yw'r Bil yn rhoi ystyriaeth ddigonol iddynt?

Fel y nodwyd yn ateb i gwestiwn 4 uchod, nid oes unrhyw ddarpariaeth i'r Comisiwn ystyried newidiadau ôl-ddilynol i drefniadau etholiadol prif gyngor wrth arolygu ffiniau cymunedol.

C11 Beth yw goblygiadau ariannol y Bil, os ydynt yn bodoli? Wrth ateb y cwestiwn hwn, mae'n bosibl y byddwch am ystyried Rhan 2 o'r Memorandwm Esboniadol (yr Aseiad Effaith) sy'n cynnwys amcangyfrif o'r costau a'r buddion sy'n gysylltiedig â rhoi'r Bil ar waith.

Mewn perthynas â chostau ychwanegol i'r Comisiwn, rydym yn cytuno â'r asesiadau yn y Memorandwm Esboniadol.

Mae'r Memorandwm Esboniadol adran 5 (139(ii)), yn ystyried arbedion cost tebygol o gyhoeddi'r adroddiadau drafft ar ffurf electronig yn unig. Mae'r Bil drafft, fodd bynnag, yn cynnig bod yr adroddiadau terfynol yn cael eu cyhoeddi'n electronig hefyd. Os yw ein dehongliad ni o'r Bil yn gywir (gweler uchod) yna'r gofyniad yw i bob copi o'r adroddiadau gael eu darparu fel copïau electronig. Os felly, yna bydd mwy o arbedion mewn perthynas ag argraffu a dosbarthu. Os mai'r bwriad, fodd bynnag, yw cynhyrchu copïau caled ar gyfer yr ymgynghoreion gorfodol ac eraill, yna ni fydd yr arbedion yn rhai mor sylweddol.

C12 Beth yw eich barn am y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (hynny yw, offerynnau statudol, gan gynnwys rheoliadau a gorchmynion) (adran 5 y Memorandwm Esboniadol)?

Noda'r Comisiwn y pwerau arfaethedig i wneud is-ddeddfwriaeth, ac mae'n cytuno â mesurau a fydd yn galluogi gweithredu'n briodol.

C13 A oes unrhyw sylwadau eraill yr hoffech eu gwneud am rannau penodol o'r Bil?

Adran 45 - Newid ardal heddlu

Mae Adran 45 (2) yn rhoi pŵer ychwanegol i'r Comisiwn i argymhell newidiadau i ardaloedd heddlu. Ar hyn o bryd mae'r Comisiwn yn hysbysu'r awdurdodau heddlu a'r Swyddfa Gartref (Uned Diwygio'r Heddlu) am newidiadau arfaethedig i ffiniau prif ardaloedd. Gwaith y Swyddfa Gartref wedyn yw ystyried newidiadau ôl-ddilynol i'r ardaloedd heddlu.

Mae'r ddarpariaeth yn Adran 45 3(b) yn galluogi'r Ysgrifennydd Gwladol i gyfarwyddo'r Comisiwn i gynnal arolwg pellach o ffiniau prif ardal ar ôl addasu ffiniau'r ardal heddlu. Mae problem bosibl yn gymaint ag y gall gofynion yr Ysgrifennydd Gwladol mewn perthynas ag ardaloedd heddlu fod yn wahanol i'r gofynion ar gyfer llywodraeth leol effeithiol a chyfleus sy'n ofynnol gan Weinidogion Cymru. Byddai anhawster posibl o ran datrys y gwahaniaethau hyn a allai achosi oedi ac ansicrwydd.

Adran 50 - Arolygon o gyrff cyhoeddus cymwys

Yn ymateb y Comisiwn i'r Papur Gwyn, dywedom, pe bai'r cynnig hwn yn cael ei ddeddfu, y byddem yn croesawu trafodaethau gyda'r Llywodraeth i ddiffinio'n llawn natur y swyddogaeth arfaethedig ac i ddatblygu'r fethodoleg a'r prosesau ar gyfer ymgymryd â'r swyddogaeth hon. Er bod y Bil drafft yn rhoi ychydig mwy o fanylion, mae'n dal i adael pethau'n agored iawn ac yn amodol ar unrhyw gyfarwyddiadau y gall Gweinidogion Cymru benderfynu eu gwneud. Mae'r Comisiwn yn awgrymu ei bod yn ofynnol cynnal trafodaethau gyda Llywodraeth Cymru i greu canllawiau a fydd yn galluogi rhoi'r darpariaethau hyn ar waith er budd tryloywder a dealltwriaeth y cyrff yr effeithir arnynt.

Tabl Dau: Rhaglen Arolygon heb gyfnod 9 mis cyn etholiad (yn dechrau yn 2013)

	2013		2014				2015				2016				2017				2018				2019				2020				2021				2022				2023			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
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E

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S - Start of review
 D - Draft Proposals
 F - Final Proposals

LGD 6 Local Government Boundary Commission

To: the Communities, Equality and Local Government Committee, National Assembly for Wales

Response of the Local Government Boundary Commission for Wales to the Local Government (Democracy) (Wales) Bill

Introduction

The Local Government Boundary Commission for Wales (the Commission) welcomes this opportunity to comment on the Local Government (Democracy) (Wales) that has been introduced to the National Assembly for Wales. The Commission notes that the current arrangements and procedures affecting the Commission were enacted forty years ago. It accepts that the basic building blocks for reviewing electoral arrangements are in place; it is of the view that the measure presents the means to improve and modernise the ways in which the Commission and its partners operate in the future, so that the work of reviewing those arrangements is made more effective and efficient in the interests of sound local government and local democracy. We recognise the value and validity of the recommendations made by Mr Glyn Mathias in his Report of 2011 and generally accepted those proposals in our earlier response to the Minister. The Commission had submitted detailed comments on the White Paper and is pleased to find that a number of its concerns have been addressed in the Bill. It is rare that the opportunity arises for a body such as ours to be able to comment on and influence the legislation that determines our existence and defines our operation and are of the view that the Bill presents an unique opportunity to introduce improvements. We wish therefore to make further comments in order to help the National Assembly for Wales to make a piece of legislation that is robust and fit for purpose.

In order to assist the process of collating and analysing all of the responses to the consultation on the Bill we have used the consultation questionnaire as a template for our response.

Response

Q1 Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Yes. The Commission is in broad agreement with the findings of the Mathias report in respect of changes required to the constitution and functions of the Commission. Given the breadth of the changes required to the existing legislation in order to implement these changes it is agreed that this will be more effectively achieved by a new Bill rather than by making piecemeal changes to the existing legislation.

Q2 Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes, in a number of respects. There are however some provisions of the Bill that we consider that, if left unchanged, would have a detrimental effect on the Commission’s ability to undertake its statutory roles and functions. The following are the areas of our main concerns:

The provision (Section 26 (3) (b)) for the Commission to consider consequential changes to the principal council electoral arrangements when reviewing community boundaries;

The provision (Section 29 (7)) whereby the Commission must not conduct a review or publish electoral arrangements proposals within 9 months of an election;

The requirement (Section 30 (2) (a)) for the Commission to take account of any discrepancy between the number of those on the electoral register and the number of those eligible to vote.

A detailed consideration of each of these issues is given within our responses to the questions below.

We consider that the provisions of the Bill give greater recognition to the importance of achieving appropriate community boundaries and electoral arrangements prior to a review of principal area electoral arrangements. In the view of the Commission however it does not go far enough to set up a specific relationship between community reviews and principal area electoral reviews. We would like to see arrangements whereby there is a requirement on principal councils to have conducted a community review within five years of a principal area electoral review as set out in the Commission's 10-year programme and for them to report to the Commission not less than 1 year prior to the scheduled start of the electoral review. This would provide a single integrated system for community and principal council reviews. All of the stakeholders would be clear about when reviews are scheduled to take place and would allow for greater engagement with the process.

We recognise that there would need to be a transitional period for this provision so that it ties in with the Commission's first 10-year programme either by giving a dispensation for those authorities in the first half of the programme or by the Commission front-loading the programme with authorities who have most recently undertaken community reviews (if possible).

Q3 Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)

Yes, in general. We would wish however to make the following comments and suggestions:

Section 2 - Local Democracy and Boundary Commission for Wales

With regard to the status of the Commission, comment is made in respect of Section 3, below. With regard to Section 2(1), it is suggested that the words "The body corporate called the " be deleted and the section should begin "The Local Government Boundary Commission...".

With regard to Section 2(2), the Commission accepts the proposed name.

We have considered the one-off additional cost that will be incurred as a result of the name change and consider that this will not exceed £5,000 and will be met from the Commission's budget as agreed with Welsh Government.

Section 3 – Status

It is suggested that the drafting of the provisions relating to the status of the Commission can be made clearer. A proposal for amending Section 2 has been made above.

It is suggested, as a consequence, that an additional provision should be introduced as Section 3(1):-

“The Commission will be a body corporate, consisting of a chairman, a deputy chairman and being comprised of not more than four members overall”.

The next two sub-sections are re-numbered as a consequence.

The amendment to the draft Bill essentially re-enacts the provision found in the Local Government Act 1972, Schedule 8 (1) (1); in this particular case no advantage over the original provision is seen in the proposed wording of Section 2(1). The repeal of the provisions relating to the status of the Commission now in the 1972 Act would create an uncertainty were Section 2(1) as drafted to remain.

The amendment also seeks to remove an ambiguity found in Section 4(1)(a), dealt with below. The matter relating to number of members is considered under Section 4.

Section 4 - Membership

The ambiguity referred to in relation to Section 3 concerns the phrase “chairing member” found in Section 4(1)(a). The Framework Agreement between the Minister and the Commission sets out formal responsibilities for the Chairman of the Commission and the members respectively. The Chairman has accountabilities differing from those of the members. The phrase is ambiguous and does not recognise the implication of the duties of the Chairman. It is suggested that, as in normal practice, the wording should be as set out above, in respect of Section 3(1).

The Bill removes the present requirement that at least one member be a Welsh-speaker. The Explanatory Memorandum states that, instead, Commission members will be appointed in accordance with the Welsh Government's Welsh Language Scheme and future Welsh Language Standards regarding public appointment. The Commission has improved its practices by appointing Lead Commissioners, having functions relating to individual reviews, and wishes to engage and communicate in better ways with the public and its key partners. As part of this new approach the Commission would be strengthened by the appointment of a member with language skills. The Commission is of the view, accordingly, that reference to the appointment of members with regard to the Welsh Government's Welsh Language Scheme should be specifically referred to in Section 4(2).

Section 6 – Proceedings

It is understood that it may be considered inappropriate for decisions affecting the review process or the management of the Commission to be made by two members only and by increasing the quorum from 2 to 3, and by providing the option of appointing additional members this risk would be eliminated. We consider however that the increase in the quorum combined with the existing arrangement of 3 members would increase the risk of meetings being inquorate. Increasing the membership to 4 or 5 members would reduce this risk but would increase the cost of running the Commission. We are of the view that in order to ensure meetings are quorate and to avoid incurring additional costs the quorum should remain at 2. We consider that the normal membership of the Commission should be 3 (including the chair and deputy) but agree that in order to cover any long-term absence provision should be retained for appointing additional members.

Section 8 - Chief Executive

It is agreed that the designation of the Commission's chief officer be changed from Secretary to Chief Executive. The Commission would prefer that all appointments to its staff should be made by the Commission, however it is recognised that in the case of the chief officer, who may be nominated Accounting Officer for the Commission, answerable to the Director General in Welsh Government, there is justification for the appointment to be made in the name of the Minister. The Commission welcomes the provision in section 8(3) that it will be consulted before an appointment is made and it is hoped that the Commission would be integral to the process leading to the appointment.

Section 9 – Other staff

In the interests of staff relations, the Commission suggests that a statement be made, either in the Bill, or by a letter in the name of the Minister, to the effect that the employment rights of existing staff are unaffected by the passing of this legislation. As any appointments of staff will have to be funded from the annual budget agreed with Welsh Government, section 9(3) is not necessary and can be deleted.

Section 10 - Experts

The Bill makes provision for the Commission to appoint (and pay) persons to provide expert advice. The current legislation allows the Welsh Government to appoint persons to provide expert advice. The draft Bill delegates this power to the Commission. The Commission's Framework document with Welsh Government provides the necessary safeguards for assuring Welsh Government that this delegated power would be managed appropriately. It is therefore suggested that Sections 10 (2) and 10 (5) are not necessary.

Section 14 - Directions

We suggest that the equivalent provision as is found in Section 48(8) which is restricted to Part 3 only of the Bill, is included with similar effect in respect to Part 2. The suggested wording of the provision would be

“Section 14(2) But, before making a direction under this section relating to this Part, the Welsh Ministers must consult with the Commission.”

Section 18 - Audit Committee: membership

Section 18 (1) (a) requires the appointment of a lay member of the Audit Committee but no provision is made for making the appointment. The following is suggested as an addition to the section:

“Section 18 (3) The Commission may appoint a person to be the lay member of the audit committee.”

The Commission would make the appointment on the basis of experience and relevant expertise and following the public appointment procedures.

(Consequential re-numbering of sub-clauses would ensue.)

Q4 Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes, in general. We would wish however to make the following comments and consider that it is appropriate here to comment on provisions in Chapters 2 and 3 which also consider provisions for local government reviews.

CHAPTER 2

Section 26 - Review of community boundaries by the Commission

The provision exists under the current legislation for the Commission to consider consequential changes to the principal council electoral arrangements when reviewing community boundaries and is essential for tidying up the boundaries of electoral divisions. This provision needs to be added to 26.3(b). If it is not added then the implementation of community boundary changes will result in anomalies between community boundaries and electoral division boundaries that will not be resolved until a principal area electoral review has been carried out and implemented.

CHAPTER 3

Section 29 - Review of electoral arrangements for principal area

It is considered that the title of this section may read better as *‘Review of principal area electoral arrangements’*.

The Commission considers that given its current timetable of work an earlier start date than 1 May 2014 would be beneficial. We consider that September 2013 (or as soon as possible after the Bill receives Royal Assent) is an appropriate start date for the 10 year period.

The Commission does not agree with the provisions of Section 29 (7) as this will restrict the timetable. In effect the provision would mean that no reports will be published during the period from August 2016 through to May 2017 and for

subsequent elections. This may mean that reviews that are underway are suspended for 9 months. To avoid this, the Commission would have to timetable the reviews so that reviews are either completed by the start of the period or not begun until after the election. It is agreed that it may not be appropriate to publish recommendations after the date of official notification of a poll. We consider that it would be possible to prepare a programme of reviews to the satisfaction of Welsh Ministers without this restriction. The removal of this restriction would allow the Commission to ensure a steady stream of work over the period which would aid staff retention and budgetary allocation. Table One at Appendix A shows the programme of reviews with the 9-month period and Table Two shows a programme without this restriction.

Section 29 (10) defines the terminology. It is noted that what were previously designated as 'electoral divisions' are now 'electoral areas' and 'multi-member electoral divisions' are now multiple 'member areas'. There has been no explanation given as to why the terminology has changed. The Bill is introducing changes to terminology that is of long-standing (since the 1972 Act) and the Commission is concerned that this may cause confusion but has no objection in principle.

Section 30 - Consideration for a review of principal area electoral arrangements

Section 30 (2) (a) requires the Commission to take account of any discrepancy between the number of those on the electoral register and the number of those eligible to vote. This adds a new element to the consideration that has to be given by the Commission when conducting electoral reviews. It is implied that this element would allow a greater variance in the ratio of local government electors to the number of members but it is not clear as to what weight this element should be given and the extent of the variance allowed. This requirement has also been placed on reviews of community electoral arrangements in Section 33. We are concerned that whereas the statistics for the number of registered electors are available on a regular basis and to a level of detail required for review purposes, the statistics for the number of those eligible to be electors are not available on the same basis. We are of the view that the provision at Section 30 (2) (a) and the equivalent at Section 33 (5) should be removed from the Bill.

In the event that the provision is enacted, the Commission would favour entering into discussions with the Department with a view to developing guidance for the implementation of these provisions. To add transparency and understanding, other appropriate bodies should be involved in drafting or in a consultation upon any such guidelines.

Section 31 - Review of electoral arrangements for community by principal councils

It is considered that the title of this section may read better as '*Review of community electoral arrangements by principal councils*'.

Section – 32 Review of electoral arrangements for community by the Commission

It is considered that the title of this section may read better as '*Review of community electoral arrangements by the Commission*'.

CHAPTER 4

Section 35 - Consultation and investigation

Section 35 (3) makes provision for the draft proposals report to be published electronically and further paragraphs make mention of 'copies' of the report. It may be implied that these further copies are also electronic copies rather than paper ones. The same is true under Section 36 for the final proposals report. If the intention is for only electronic copies to be produced this should be made explicit for each reference to a report. Whilst we are of the view that there are cost benefits to be gained from only producing electronic copies of the report we are concerned that there still exists a number of potential consultees who lack the provision to receive information in this form. We would wish, in the short term, to continue to provide, at least some, paper copies of our reports but are agreed that all-electronic publication is something we wish to move towards.

Section 36 - Reporting on Review

Section 36 (6) (c) makes the Commission the implementing authority in respect of reviews under Section 25 (Review of community boundaries by principal council). Under existing arrangements, Community boundary reviews more often than not require consequential changes to be made to the electoral arrangements of the principal area (to avoid anomalies between community and electoral division boundaries). This is currently managed by the Commission making proposals for consequential changes when making proposals to the Welsh Ministers following consideration of the council's proposals to the Commission. As noted above (when considering Section 26.3(b)), there is no provision for this consideration in the draft Bill. The Commission are of the view that it should be. This however would have implications for the Commission being the implementing authority in respect of community boundary reviews as these may make changes to the principal council electoral arrangements. Under both the current legislation and the draft Bill the implementing authority for changes to principal authority electoral arrangements is Welsh Government. Would this still need to be the case if Section 26 (3) (b) is changed as proposed by the Commission?

CHAPTER 5 IMPLEMENTATION FOLLOWING REVIEW

There should be a provision for the implementing authority to notify affected local authorities when an Order is made.

- Q5** Do you think the arrangements for local government in relation to:
- Duties of the Commission
 - Duties of a principal council
- are appropriate? (Chapter 1)

Yes, in general. We would wish however to make the following comments:

CHAPTER 1

Section 21 - Duty of the Commission to monitor arrangements for local government

The provision under Section 21 (3) that ‘...the Commission must seek to ensure effective and convenient local government’ is different to the provision in the Local Government Act 1972 to the effect that it must ‘make proposals for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government’. The new statement would seem to imply the Commission has a wider remit than it has (either currently or following the Bill) and inserts a duty that goes further than the powers vested in the Commission by the Bill. This would lead to uncertainty as to the functions of the Commission. It is suggested that the wording of the 1972 Act is followed here and that references to ‘ensure’ are deleted. This is also a requirement for principal councils under Section 22(3).

Section 22 - Duties of principal councils in relation to area

The title text at Section 22 should read ‘*Duties of principal councils in relation to communities in its area*’.

Q6 to Q9

No Comment

Q10 What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

As noted in answer to question 4 above, there is no provision for the Commission to consider consequential changes to the principal council electoral arrangements when reviewing community boundaries.

Q11 What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

In respect of additional costs to the Commission we are in agreement with the assessments in the Explanatory Memorandum.

The Explanatory Memorandum section 5 (139(ii)), considers the likely cost savings of only publishing the draft reports electronically. The draft Bill however proposes that the final reports are also published electronically. If our interpretation of the Bill is correct (see above) then the requirement is for all copies of the reports to be provided as electronic copies. If that is the case then there will be greater savings in respect of printing and distribution. If however the intention is that hard copies are to be

produced for the mandatory consultees and others then the savings will not be so significant.

Q12 What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?

The Commission notes the proposed powers to make subordinate legislation and is in agreement with measures that will enable appropriate action to be taken.

Q13 Are there any other comments you wish to make about specific sections of the Bill?

Section 45 - Police area change

Section 45 (2) gives an additional power to the Commission to recommend changes to police areas. Currently the Commission notifies the police authorities and the Home Office (Police Reform Unit) of proposed changes to principal area boundaries. It is then for the Home Office to consider consequential changes to the police areas.

The provision at Section 45 3(b) allows the Secretary of State to direct the Commission to carry out a further review of principal area boundaries following modification of the police area boundaries. There is a potential problem in that the requirements of the Secretary of State in respect of police areas may be different to the requirements for effective and convenient local government required by the Welsh Ministers. There would be a possible difficulty in resolving these differences which may cause delays and uncertainty.

Section 50 - Reviews of qualifying public bodies

In the Commission's response to the White Paper we said that we would welcome, if this proposal is enacted, discussions with the Government to define fully the nature of the function proposed and to develop the methodology and processes for undertaking this function. Whilst the draft Bill gives a little bit more detail it does leave it still very open and subject to any directions the Welsh Ministers may decide to make. The Commission suggests that discussions are required with Welsh Government to create guidelines that will allow the implementation of these provisions in the interests of transparency and understanding of the bodies affected.

Table Two: Review Programme without a 9-month pre-election period (starting in 2013)

	2013		2014				2015				2016				2017				2018				2019				2020				2021				2022				2023			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
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E

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S - Start of review
 D - Draft Proposals
 F - Final Proposals

LGD 7 Association of Council Secretaries and Solicitors Wales Branch (“ACSeS”)

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Organisation (if applicable):

Association of Council Secretaries and Solicitors Wales Branch (“ACSeS”)

Your name:

Ian Medicott, Policy Officer

Email address:

ianmed@yahoo.co.uk

Introduction:

The Association of Council Secretaries and Solicitors (“ACSeS”) is the professional association for managers of corporate governance (legal, administrative, democratic, scrutiny and standards functions) and statutory monitoring officers and their deputies in local authorities in England and Wales.

The Association plays a leading role in developing governance arrangements in local government and works closely with other associations, Government Departments and agencies. The Association provides a network for its members to enable discussion, consultation, training and development on legal and governance matters.

The Wales Branch of ACSeS represents Heads of Legal Services and Monitoring Officers for Unitary, National Park, Fire & Rescue, and Police and Crime Commissioners in Wales.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
ACSeS has no comments on this point			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
ACSeS has no comments on this point			

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
ACSeS has no comments on this point			

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
ACSeS has no comments on this point			

Question 5: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council 			
are appropriate? (Chapter 1)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
ACSeS has no comments on this point			

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

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

are appropriate?

Yes

No

Please expand on your answer

(a) Democratic Services Committee.

ACSeS feels that giving statutory authority for extending statutory terms of reference is appropriate. This will however need an amendment of s.16 of the Local Government Measure to reflect this extension of powers.

(b) Audit Committee

ACSeS has strongly supported this since the implementation of the Measure.

(c) Standards Committee.

ACSeS supports the power to establish joint standards committees.

It would also welcome an *additional* clear power for an authority to refer a matter to another authority's standards committee where there might be a difficulty in the 'home' authority's standards committee dealing with a case.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Clause 60:
 The changes of dates proposed in this clause seem to use May (AGMs) as the critical date for local authorities in order to justify the proposed publication and implementation dates. This is an incorrect premise, as the critical period for local authorities is that of Budget preparation (beginning December) and council tax/ Budget decision (Feb/March). ACSeS has three comments:

1. to change the Report date to 28th February leaves it too late for authorities to responsibly budget for any changed determinations in the Report
2. in the current economic climate, authorities have more restricted flexibility in budgets, so a three month backdating may well result in financial difficulties in implementing changes
3. there may well be justification for late or mid-year changes for an individual council, or for circumstances requiring a supplementary report. In these cases, councils will usually have anticipated the changes, and will have had an opportunity to budget for them

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Ss 53-55:
 The only issue is with the heading to these sections. The term “Access to information” has an existing definition within local government (Part VA Local Government 1972) and if applied to community councils could raise an expectation in the public to equal rights of access to documents that exist in relation to principal councils, but **not** in relation to community councils.

 Changing the heading to “publicity for information” would solve this. A similar change is needed in the Explanatory Notes.

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

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Clause 51
 The Bill contains a power in cl.51 to split the ‘chairing of meetings’ and the ‘civic’ roles, by the creation of a “presiding member”. The civic head is then either a “mayor” (if entitled to use the term) or otherwise a “civic chair”.

The concern of ACSeS is about the term of office of elected members.

1. S.26 Local Government Act 1972 says that councillors end their term on the fourth day after ordinary elections
2. S.22(3) Local Government Act 1972 says that the Chairman of the council remains in office until their successor is appointed. It has always been assumed that this ensures that there is a Chair to lawfully start the AGM of a council following elections. It also maintains a ceremonial/civic head, if one is needed in the interregnum. So far the distinction has been irrelevant, and there has been no need to address the point
3. As a result of this clause, there is no longer a ‘chairman’ for the purpose of s.22(3) Local Government Act 1972. The Democracy Bill doesn’t seem to address who qualifies for the s.22(3) exemption – the cl.51 presiding member, or the cl.51(3) mayor/civic chair – neither now fits the definition of ‘chairman’ in s.22(3) Local Government Act 1972.

ACSeS submits that this simply needs a drafting change in the Bill to amend s.22(3) Local Government Act 1972, but there is an issue about which of the two should get the benefit of the extended term – or both of them?

Councils might need a constitutional head **or** a ceremonial head in the period between elections and AGM; they will certainly need the constitutional head for the AGM, especially if the outgoing Chairman (under existing law) did not stand for re-election or was not elected.

Given the definition of term of office in cl 51’s new section 24A (6)(b), there is in any event a need for the presiding member’s term to be extended, but there is an argument that for ceremonial purposes, the mayor/civic chair’s term should also be extended.

General Provisions of the Bill

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

Please expand on your answer

These concerns are covered elsewhere in this document.

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

Please expand on your answer

Please see the comments in Q.7 in relation to cl.60 of the Bill

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

Please expand on your answer

ACSeS has no comments on this point

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

1. Clause 66(1) Interpretation:

For clarity, the definition of “local authority” need the addition of the words “..in Wales”.

2. Term of office of councillor members of standards committees:

ACSeS feels that it would be of assistance to the efficient administration of standards committees that the term of appointment of councillor members of standards committees would be for the term of office for the time being of that councillor, rather than for four years, and that this rule should be applied to current incumbents.

This would accommodate the situation where the date of ordinary elections for a principal council is delayed by one year, as is the case currently.

3. Remote attendance, s. 4 Local Government Measure 2011:

ACSeS expressed concerns during the scrutiny of the Measure about the legal implications of the loss of connection to one or more remote attendance councillors during a meeting of a council. These issues were not addressed in the Measure, and ACSeS is extremely concerned that the legal (and possibly serious financial) consequences should be addressed.

These issues cannot be adequately addressed in an authority’s Standing Orders, and must be addressed in statute.

This Bill offers an ideal opportunity to amend the Measure to address these issues, and Assembly members are strongly urged to take this opportunity to legislate to avoid these consequences.

These are the issues:

- i) There is no provision in the Measure governing the validity or otherwise of a decision taken by a meeting where the connection to a ‘remote’ member or members is lost. The legislation should specify whether a decision can be taken in the “electronic absence” of a member or members, and if “yes”, then the right of a disenfranchised member to complain or challenge should be excluded.
- ii) ACSeS prefers statutory provision that the Council can continue to make a decision, with the ‘remote’ member being treated as absent from the meeting. This view is taken by ACSeS because of the potential serious consequences to an authority of:
 - (a) a failure to take a time-critical decision (e.g. council tax resolution or a decision affecting current litigation, or
 - (b) the decision of a regulatory committee (planning or licensing) decision potentially being invalid

LGD 7 Cymdeithas Ysgrifenyddion a Chyfreithwyr Cyngorau, Cangen Cymru

Bil Llywodraeth Leol (Democratiaeth) (Cymru)

Ffurflen Ymateb i'r Ymgynghoriad

Eich enw: **Ian Medicott, Swyddog Polisi**

Sefydliad (os yw'n berthnasol): **Cymdeithas Ysgrifenyddion a Chyfreithwyr Cyngorau, Cangen Cymru ("ACSeS")**

Cyfeiriad e-bost: **ianmed@yahoo.co.uk**

Rhagarweiniad:

Mae Cymdeithas Ysgrifenyddion a Chyfreithwyr Cyngorau ("ACSeS") yn gorff proffesiynol ar gyfer rheolwyr llywodraethu corfforaethol (swyddogaethau cyfreithiol, gweinyddol, democratiaeth, craffu a safonau) a swyddogion monitro statudol a'u dirprwyon mewn awdurdodau lleol yng Nghymru a Lloegr.

Mae'r Gymdeithas yn chwarae rhan arweiniol mewn datblygu trefniadau llywodraethu mewn llywodraeth leol ac yn gweithio'n agos gyda chymdeithasau eraill, adrannau ac asiantaethau'r llywodraeth. Mae'r Gymdeithas yn darparu rhwydwaith i'w aelodau i ganiatau trafodaeth, ymgynghoriad, hyfforddiant a datblygiad ar faterion cyfreithiol a llywodraethu.

Mae Cangen Cymru o ACSeS yn cynrychioli Penaethiaid Gwasanaethau Cyfreithiol a Swyddogion Monitro awdurdodau unedol, parciau cenedlaethol, tân ac achub, a Chomisiynwyr Heddlu a Throseddau yng Nghymru.

Comisiwn Ffiniau Llywodraeth Leol

Cwestiwn 1: A oes angen Bil i wneud newidiadau i gyfansoddiad a swyddogaethau'r Comisiwn Ffiniau Llywodraeth Leol i Gymru ("y Comisiwn") ac i wneud amrywiol ddarpariaethau mewn perthynas â llywodraeth leol?			
Oes		Nac oes	
Ymhelaethwch ar eich ateb			
Nid oes gan ACSeS sylwadau ar y pwynt hwn			

Cwestiwn 2: A ydych o'r farn y bydd y Bil yn gwella'r dull o gyflawni rolau a swyddogaethau statudol y Comisiwn? (paragraff 3.1 o'r Memorandwm Esboniadol)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Nid oes gan ACSeS sylwadau ar y pwynt hwn

Cwestiwn 3: A ydych o'r farn bod y newidiadau sy'n cael eu gwneud i'r Comisiwn yn briodol? (Rhan 2 y Bil)

Ydw

Nac ydw

Nid oes gan ACSeS sylwadau ar y pwynt hwn

Trefniadau Llywodraeth Leol

Cwestiwn 4: A ydych o'r farn bod y darpariaethau mewn perthynas â gweithdrefnau ar gyfer adolygiadau llywodraeth leol yn briodol? (Pennod 4 a 5)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Nid oes gan ACSeS sylwadau ar y pwynt hwn

Cwestiwn 5: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Dyletswyddau'r Comisiwn
- Dyletswyddau prif gynghorau

yn briodol? (Pennod 1)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Nid oes gan ACSeS sylwadau ar y pwynt hwn

Cwestiwn 6: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Pwyllgorau Gwasanaethau Democraidd (Adran 56)
- Pwyllgorau Archwilio (Adran 57)
- Pwyllgorau Safonau (Adran 63)

yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

(a) Pwyllgor Gwasanaethau Democraidd.

Teimla ACSeS fod rhoi awdurdod statudol i ymestyn y cylch gorchwyl statudol yn addas. Fodd bynnag, bydd angen diwygio adran 16 o Fesur Llywodraeth Leol i adlewyrchu'r pwerau estynedig.

(b) Pwyllgor Archwilio

Mae ACSeS wedi cefnogi hyn yn gryf ers gweithredu'r Mesur

(c) Pwyllgor Safonau

Mae ACSeS yn cefnogi'r pwrer i sefydlu cyd-bwyllgorau safonau. Byddai hefyd yn croesawu pwrer clir *ychwanegol* i awdurdod gyfeirio mater i bwyllgor safonau awdurdod arall mewn achosion lle cyfyd anhawster i'r pwyllgor safonau "cartref" ymdrin â'r achos

Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol

Cwestiwn 7: A ydych o'r farn bod y darpariaethau mewn perthynas â Phanel Annibynnol Cymru ar Gydnabyddiaeth Ariannol yn briodol? (Pennod 5, Adrannau 58-62)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Cymal 60:

Mae'r newidadau i'r dyddiadau a gynigir yn y cymal hwn fel petaent yn defnyddio Mai (Cyfarfodydd Blynnyddol) fel y dyddiad allweddol i awdurdodau lleol er mwyn cyfiawnhau y dyddiadau a gynigir ar gyfer cyhoeddi a gweithredu. Mae hyn yn dybiaeth anghywir, gan mai'r cyfnod allweddol i awdurdodau lleol ydi cyfnod paratoi'r gyllideb (dechrau Rhagfyr) a phenderfynu ar y dreth gyngor a'r gyllideb (Chwefror/Mawrth). Mae gan ACSeS dri sylw:

1. Byddai newid dyddiad yr Adroddiad i 28 Chwefror yn ei gadael yn rhy hwyr i awdurdodau gyllido'n gyfrifol ar gyfer unrhyw benderfyniadau diwygiedig yn yr Adroddiad
2. Yn yr hinsawdd ariannol bresennol, mae gan awdurdodau lai o hyblygrwydd mewn cyllidebau, felly fe all cyfnod ôl-ddyddio o dri mis arwain at anawsterau ariannol wrth weithredu newidiadau
3. Efallai fod yna gyfiawnhad dros newidiadau hwyr neu ganol-blwyddyn i awdurdod unigol, neu mewn amgylchiadau sy'n galw am adroddiad atodol. Yn yr achosion hyn, bydd cynghorau fel arfer wedi rhagweld y newidiadau, ac wedi cael cyfle i gyllido ar eu cyfer

Mynediad at wybodaeth (Cynghorau Tref a Chymuned)

Cwestiwn 8: A ydych o'r farn bod y darpariaethau mewn perthynas â hwyluso mynediad at wybodaeth (Cynghorau Tref a Chymuned) yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Adrannau 53 -55:

Yr unig ddadl ydi gyda'r pennawd i'r adrannau hyn. Mae gan y term "Mynediad at Wybodaeth" ("*Access to Information*") ddiffiniad yn barod o fewn llywodraeth leol (Rhan VA Deddf Llywodraeth Leol 1972) ac os y'i defnyddir mewn perthynas â chynghorau cymuned fe allai greu disgwyliad ymysg y cyhoedd o hawliau cyfartal i fynediad at ddogfennau; hawliau sy'n bodoli mewn perthynas â phrif gynghorau ond **nid** mewn perthynas â chynghorau cymuned.

Byddai newid y pennawd i "cyhoeddusrwydd i wybodaeth" yn datrys hyn. Mae angen newid tebyg yn y Nodiadau Esboniadol.

Cadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau)

Cwestiwn 9: A ydych o'r farn bod y darpariaethau mewn perthynas â Chadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau) yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Cymal 51

Mae'r Bil yn cynnwys pwer yng nghymal 51 i wahanu'r rolau "cadeirio cyfarfodydd" a "dinesig", trwy greu "aelod llywyddol". Mae'r pennaeth dinesig wedyn naill ai yn "faer" (os oes hawl i ddefnyddio'r term) neu fel arall yn "gadeirydd dinesig"

Mae pryder ACSeS ynglyn â thymor mewn swydd aelodau etholedig.

1. Dywed adran 26 Deddf Llywodraeth Leol 1972 bod tymor cynghorwyr yn dod i ben ar y pedwerydd ddiwrnod ar ôl etholiadau cyffredin.
2. Dywed adran 22(3) Deddf Llywodraeth Leol 1972 fod Cadeirydd cyngor yn parhau mewn swydd hyd nes y penodir ei olynydd. Tybiwyd bob amser fod hyn er mwyn sicrhau fod yna Gadeirydd i ddechrau cyfarfod blynyddol cyngor yn gyfreithiol wedi etholiadau. Mae hefyd yn cynnal pennaeth dinesig neu seremoniol, os oes angen un, yn y cyfamser. Hyd yma roedd y gwahaniaeth yn amherthnasol ac ni fu angen cyfarch y pwynt
3. O ganlyniad i'r cymal yma, nid oes bellach "gadeirydd" at ddibenion adran 22(3) Deddf Llywodraeth Leol 1972. Nid yw'r Bil Democratiaeth yn cyfarch pwy sy'n cymhwyso ar gyfer yr eithriad adran 22(3) – ai'r "aelod llywyddol" dan gymal 51 ynteu'r maer/gadeirydd dinesig dan gymal 51 – nid yw'r naill na'r llall yn ffitio'r diffiniad o "gadeirydd" yn adran 22(3) Deddf Llywodraeth Leol 1972.

Cynigia ACSeS mai'r hyn sydd ei angen yw newid drafftio syml yn y Bil i ddiwygio adran 22(3) Deddf Llywodraeth Leol 1972, ond mae cwestiwn ynglyn â pha un o'r ddau ddylai gael budd y tymor estynedig – ynteu'r ddau ohonynt?

Fe all cynghorau fod angen pennaeth cyfansoddiadol **neu** bennaeth seremoniol yn y cyfnod rhwng etholiadau a chyfarfodydd blynyddol; byddant yn sicrhau angen pennaeth cyfansoddiadol ar gyfer y cyfarfod blynyddol, yn arbennig os na wnaeth y Cadeirydd sy'n ymadael (dan y gyfraith bresennol) sefyll etholiad neu na chafodd ei ethol.

Gan gymryd y diffiniad o'r tymor mewn swydd a geir yn yr adran 24A (6)(b) newydd yng nghymal 51, mae angen beth bynnag ymestyn tymor yr aelod llywyddol, ond mae yna ddadl y dylai tymor y maer/cadeirydd dinesig gael ei ymestyn hefyd at ddibenion seremoniol.

Darpariaethau Cyffredinol y Bil

Cwestiwn 10: Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith (os ydynt yn bodoli), ac a yw'r Bil yn rhoi ystyriaeth ddigonol iddynt?

Ymhelaethwch ar eich ateb

Mae'r pryderon hyn wedi eu trafod mewn mannau eraill yn y ddogfen hon.

Cwestiwn 11: Beth yw goblygiadau ariannol y Bil, os ydynt yn bodoli? Wrth ateb y cwestiwn hwn, mae'n bosibl y byddwch am ystyried Rhan 2 o'r Memorandwm Esboniadol (yr Aseiad Effaith) sy'n cynnwys amcangyfrif o'r costau a'r buddion sy'n gysylltiedig â rhoi'r Bil ar waith.

Ymhelaethwch ar eich ateb

Gweler y sylwadau ar Gwestiwn 7 mewn perthynas â chymal 60 o'r Bil

Cwestiwn 12: Beth yw eich barn am y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (hynny yw, offerynnau statudol, gan gynnwys rheoliadau a gorchmynion) (adran 5 y Memorandwm Esboniadol)?

Ymhelaethwch ar eich ateb

Nid oes gan ACSeS sylwadau ar y pwynt hwn

Cwestiwn 13: A oes unrhyw sylwadau eraill yr hoffech eu gwneud am rannau penodol o'r Bil?

1. Cymal 66(1) Dehongli

Er eglurder, dylid ychwanegu'r geiriau "...yng Nghymru" at y diffiniad o "awdurdod lleol"

2. Tymor mewn swydd aelodau o bwyllgorau safonau sy'n gynghorwyr:

Teimla ACSeS y byddai o gymorth i weinyddiaeth effeithlon pwyllgorau safonau pe bai tymor penodiad aelodau o'r pwyllgorau safonau sy'n gynghorwyr yn cyd-redeg gyda thymor mewn swydd am y tro y cynghorydd hwnnw, yn hytrach nag am bedair blynedd, ac y dylid gweithredu'r rheol hon ar gyfer deiliaid presennol.

Byddai hyn yn cyfarch y sefyllfa lle mae dyddiad etholiadau cyffredin prif gyngor wedi ei ohirio am flwyddyn, fel sydd wedi digwydd yn bresennol.

3. Mynychu o bell, adran 4 Mesur Llywodraeth Leol 2011:

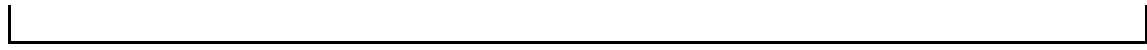
Mynegodd ACSeS bryderon pan gafodd y Mesur ei graffu ynglyn â'r goblygiadau cyfreithiol o golli cysylltiad yn ystod cyfarfod cyngor gydag un neu ragor o gynghorwyr oedd yn mynychu o bell. Ni chafodd y materion hyn eu cyfarch yn y Mesur, ac mae ACSeS yn bryderus iawn y dylid cyfarch y canlyniadau cyfreithiol (ac o bosib cyllidol difrifol).

Ni ellir cyfarch y materion hyn yn ddigonol trwy Reolau Sefydlog awdurdod, a rhaid eu cyfarch mewn statud.

Mae'r Bil hwn yn cynnig cyfle delfrydol i ddiwygio'r Mesur i gyfarch y materion hyn, ac anogir aelodau'r Cynulliad yn gryf i gymryd y cyfle hwn i ddeddfu er mwyn osgoi'r canlyniadau.

Dyma'r materion i'w cyfarch:

- i) Nid oes unrhyw ddarpariaeth yn y Mesur yn ymdrin â dilysrwydd (neu beidio) penderfyniad a gymerwyd mewn cyfarfod lle y collir cyswllt gydag aelod neu aelodau sy'n mynychu o bell. Dylai'r ddeddfwriaeth ddatgan a ellir cymryd penderfyniad yn "absenoldeb electroneg" aelod neu aelodau, ac os y caniateir hynny, yna dylid eithrio hawl aelod sydd wedi ei ddifreinio i gwyno neu herio
- ii) Byddai'n well gan ACSeS ddarpariaeth statudol sy'n caniatu i'r cyngor barhau i gymryd penderfyniad, gyda'r aelod sy'n mynychu o bell yn cael ei drin fel bod yn absennol o'r cyfarfod. Mae ACSeS o'r farn hon oherwydd y canlyniadau difrifol posib i awdurdod o:
 - (a) fethu â chymryd penderfyniad lle mae amser yn gritigol (e.e. penderfyniad ar y dreth gyngor neu benderfyniad yn effeithio ar ymgyfreithiad); neu
 - (b) benderfyniad annilys posib gan bwyllgor rheoleiddio (cynllunio neu drwyddedu)



LGD 8 Welsh Local Government Association

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Organisation (if applicable):

Welsh Local Government Association (WLGA)

Your name:

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Your address:

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Introduction:

The following is a provisional response from the WLGA; WLGA members have not yet had the opportunity to consider the Local Government (Democracy) (Wales) Bill formally and will not be able to do so until its Coordinating Committee meeting of 25th January. Any further comments on the Bill will be submitted to the Communities, Equality and Local Government Committee ahead of the 15th February consultation deadline.

The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. It represents the 22 local authorities in Wales and the 3 fire and rescue authorities and 3 national park authorities are associate members.

The WLGA's primary purposes are to promote better local government and its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

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

Yes			
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The WLGA supports the Welsh Government’s commitment to reform and modernize the Local Government Boundary Commission for Wales (the Commission).

The Bill seeks to implement a number of the recommendations from the Mathias Review which the WLGA welcomed. The WLGA has a constructive ongoing relationship with the recently appointed Commission, however, legislation is required to implement the Mathias recommendations to enhance the capacity, powers and resources of the Commission.

In its response to the Welsh Government’s White Paper, the WLGA was not however convinced of the need to rename the Commission. Although this is not a significant concern, the Commission’s role will fundamentally remain around boundary and electoral review matters, a change of name therefore will be inconsistent with the other Local Government Boundary Commissions in the UK and the inclusion of ‘Democracy’ may cause confusion with the wider remit of the Electoral Commission.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes			
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Please expand on your answer

The WLGA supports the Welsh Government’s intention to improve the procedures for undertaking boundary, community and/or electoral reviews. The Bill seeks to implement a number of the recommendations from the Mathias Review.

The WLGA welcomes and supports the Welsh Government’s clarification through the Bill that, in the electoral review process, community identity and community ties have equal importance to the aim of establishing that each councillor is to represent (as closely as possible) the same number of electors.

The Bill proposes a number of amendments to clarify, improve and streamline review procedures which are supported. The Welsh Government has also taken on board a number of comments provided during the White Paper consultation, for example the clarification for a route of ‘appeal’ around the Commission’s fees charged on local authorities where it undertakes Community Reviews (see S26 (5)).

There is a need for further consideration however around the commencement of provisions regarding community reviews. As noted in the Explanatory Memorandum, community reviews are due to be received by the Commission by July 2015 and, given 2013 is a non-election year, some authorities are planning to undertake community reviews shortly. However, the Bill’s Commencement Provisions (S69) state that the parts of the Bill relating to Community Reviews will be commenced 2 months following Royal Assent. There is a concern therefore that community reviews already commenced or concluded (yet not formally implemented or approved) which were undertaken under current guidance and legislation may be affected by the new provisions under the Bill (particularly the issuing of the Commission’s guidance on community reviews). It is therefore suggested that the Bill only applies to Community Reviews which are commenced after the Bill has been introduced.

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

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

are appropriate?

Yes			
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Please expand on your answer

- Democratic Services Committee.

The WLGA supports the amendment to the Measure which broadens the power and remit Committees. The Welsh Government has responded to feedback from local authorities following the establishment of Democratic Services Committees following the Measure; in summary, the interpretation of specific provisions in the Measure regarding the powers and functions of the Democratic Services Committee could, unintentionally, constrain the remit and ambition of a Committee. The Bill seeks to give greater local flexibility which is welcomed.

- Audit Committee

The WLGA supports the proposed amendments to ensure Audit Committees are politically balanced.

- Standards Committee.

The WLGA supports the power to establish joint standards committees. The WLGA would also echo ACSeS' proposal to include an additional power for an authority to refer a matter (subject to prior agreement of relevant parties) to another authority's standards committee where there might be a difficulty in the 'home' authority's standards committee dealing with a case.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes

The WLGA supports most of the proposed changes to the Independent Remuneration for Wales (the Panel).

The WLGA understands and supports the proposed changes to timescales for publication and consultation around the Panel’s reports; the WLGA welcomes the proposal to allow the back-dating of allowances, however, there is an issue around linking the Panel’s reports into councils’ financial planning arrangements which currently works well. Whilst minor adjustments to members’ allowances can be accommodated by councils, a significant and fundamental overhaul by the Panel of the allowances framework could provide a financial challenge if councils have already set their budget in advance of the Panel’s recommendations. In its response to the White Paper consultation, the WLGA suggested that legislation or Ministerial guidance could state that when the Panel undertakes a wholesale review of an existing allowances framework, that these determinations should be reported by 31st December, to allow authorities an opportunity to take into account any necessary financial implications within its budget setting process.

The WLGA does not support the proposed amendment to the Measure to allow the Panel to prescribe the numeric limitation on those entitled to senior salary payments. The established approach had hitherto worked well and allowed local discretion and flexibility set within an overall cap; whilst the WLGA supports the independence of the Panel and recognizes that there should be a cap on senior salaries, the proposed approach as outlined allows the Panel to constrain and effectively determine the governance arrangements for each local authority. Local authorities are best placed to decide on the most appropriate governance arrangements required to conduct local business effectively, this includes the appropriate constitutional structures as well as the number of members required to exercise executive, scrutiny and statutory functions accordingly. The WLGA would propose that the legislation is amended to the pre-2011 Measure position where no more than 50% of council members could receive a senior salary.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes			
<p>The WLGA supports these proposals, although would echo ACSeS' point regarding rewording this section of the Bill as 'Publicity for Information' rather than 'Access to Information' which has a much broader and specific application which would not necessarily be appropriate for community and town councils.</p>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes			
<p>The WLGA supports this part of the Bill. ACSeS have highlighted an issue which will require further consideration and some redrafting, however, around terms of office of elected members and who should chair the first AGM following a council election prior to a new Chair being appointed.</p>			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?			
Please expand on your answer			
<p>Other than the points of clarification outlined above, there are no specific barriers to implementing the provisions of the Bill other than the inherent complexity of some of the processes over which it seeks to legislate, notably the community and electoral review processes. However, the Bill seeks to better resource these arrangements and aims to clarify and improve current procedures.</p>			

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

Please expand on your answer

The financial implications are covered in the Explanatory Memorandum. The only area of some uncertainty is around the new charges that could be levied by the Local Government Boundary Commission on authorities for undertaking a community area review. The costs for such reviews vary, and the Explanatory Memorandum estimates that this would cost between £8,000 to £15,000 and that it should not be in excess of the cost should the authority have undertaken a review itself. Most of the costs incurred undertaking a community review relate to local authority staff time; where an authority requests that the Commission undertakes a community review on its behalf or the Commission decides to undertake a review due to delays, it is likely to be due to internal capacity constraints within the authority in question. Any reviews undertaken by the Commission are therefore likely to be an additional cost to an authority.

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

Please expand on your answer

The WLGA has no comments.

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

The WLGA has no comments at this stage.

**LGD 8a Welsh Local Government Association
Supplementary Evidence**

Carl Sargeant AC / AM
Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref SF/CS/0102/13

To:
Leaders, County and County
Borough Councils

Chairs, Fire and Rescue
Authorities

Chairs, National Park Authorities

15th January 2013

LOCAL GOVERNMENT ETHICAL FRAMEWORK

I am writing to follow up aspects of last year's 'Promoting Local Democracy' White Paper covering matters relating to the operation of the ethical framework established under the Local Government 2000 ("the 2000 Act").

The 'Programme for Government', published in September 2011, included a commitment to review the process for making a complaint under the local government member code of conduct to ensure that it is used only for the purpose for which it was intended.

Last year's White Paper conveyed our view that the current framework in Wales, founded upon a common set of guiding principles and a statutory model code of conduct, provides an appropriate balance between guiding members on standards of conduct and giving reassurance to the public that misconduct will be dealt with consistently and appropriately. However, I believe that there is scope for a more local approach to the resolution of low-level complaints, without immediate resort to the full and potentially costly investigatory role of the Public Services Ombudsman for Wales, in some circumstances.

With this in mind, the White Paper welcomed discussions that had already taken place on the voluntary adoption by local authorities of a common, national approach to informal local processes for dealing with member-on-member and officer-on-member complaints. The White Paper indicated that the Welsh Government wished to see such processes

implemented by all county and county borough councils, national park authorities and fire and rescue authorities as soon as practicable following last year's local elections.

The White Paper also welcomed discussions that have taken place on the introduction of a voluntary cap of £20,000 on the level of indemnity offered by authorities to members subject to misconduct proceedings under the 2000 Act. Authorities powers to provide indemnities are derived from the 'Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006'. These powers would enable them to set such a limit and, again, the White Paper indicated that the Welsh Government wished to see this implemented soon after last year's elections.

I understand that some authorities have responded positively to these proposals. However, I am concerned that perhaps not all authorities have made progress and, through this letter, I want to impress upon those who have yet to do so the importance that I place on taking this forward.

In order that I have a complete picture of the current position across Wales, I ask that you report back to me on what steps your authority has taken, or plans to take (with timescales), to introduce a local resolution process and to adopt the voluntary cap on indemnities for member code of conduct proceedings. This information should be sent by email by the end of February to: CorrespondenceMail-CS@Wales.GSI.Gov.UK.

To facilitate the introduction of local resolution processes, I intend to remove the obligation on members contained in paragraph 6(1)(c) of the model code of conduct to report potential breaches of the code to the Ombudsman. The Ombudsman has issued guidance on how he will deal with low-level alleged breaches made to his office and this obligation need not, therefore, give cause for delay in the introduction of local resolution processes where this has yet to be done.

In addition to removing the obligation to report breaches to the Ombudsman, I intend to address concerns arising from the interpretation of paragraph 10(2)(b) by removing this from the model code. Members taking decisions, whether acting collectively or individually, would still be required by paragraph 8 of the code to act objectively and in the public interest when doing so. I consider, therefore, that paragraph 10(2)(b) can be removed without detriment to the code.

Also in relation to the code, you will no doubt be aware of the High Court ruling last year – *R (Calver) v the Adjudication Panel for Wales* - in relation to the requirement in paragraph 4(b) of the code for members to show respect and consideration for others. The Ombudsman has revised his guidance to take account of the ruling, but I have also asked my officials to consider whether any modification of the code is necessary.

Whilst writing, I note with concern that the Ombudsman has again found it necessary to make reference in his latest annual report to the number of member on member complaints which might be regarded as vexatious. Paragraph 6(1)(d) of the code could not be clearer in stipulating that members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for their authority. If unchecked, such actions have potential to clog up the system and divert resources from more important matters. I would ask that this issue is given some prominence when refresher training on the code is arranged for members.

Also, you will not have failed to have seen recent reporting in the media of unfortunate events arising from the inappropriate use of social media. The Ombudsman's guidance on the code makes clear the circumstances in which use of electronic and social media is covered by the code. This is a continually evolving area and again it is timely, I believe, to

encourage members to avail themselves of the training which authorities provide on the use of social media and the potential pitfalls to be avoided.

Any observations or comments that you may wish to make in relation to these or other aspects of the code when responding as requested above would be most welcome.

Finally, I would like to take this opportunity to mention an issue that has been raised with me recently regarding the publication of registers of members' interests maintained under section 81 of the 2000 Act. At present, registers must be available at an office of the authority for inspection by members of the public at all reasonable hours. However, citizens increasingly expect to be able to access information about councils and their elected members via the internet. Consequently, I have sympathy with the view expressed to me that authorities should be required to additionally publish these registers on their websites to facilitate access and to improve transparency. I am, therefore, minded to bring forward an amendment to the Local Government (Democracy) (Wales) Bill to give effect to this. There is a brief window of opportunity for bringing forward such an amendment but, before doing so, I would welcome any views that you may have on this.

A handwritten signature in black ink, appearing to be 'CS', written in a cursive style.

Carl Sargeant AC / AM

Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities

Local Government (Democracy) (Wales) Bill

Purpose

1. To seek members' views about the Local Government (Democracy) (Wales) Bill and proposed (non-legislative) reforms to the ethical framework in Wales.

Background

2. The Local Government (Democracy) (Wales) Bill [the Bill] was published on 26th November 2012. The Bill is currently being considered in the National Assembly at 'Stage 1 - Committee consideration of general principles'.
3. The Bill is based on the Welsh Government's 'Promoting Local Democracy' White Paper, which was issued for consultation in the summer of 2012. Broadly the consultation feedback from local government and the WLGA was supportive of many of the proposals. Some of the more controversial proposals, notably regarding Returning Officers' fees, are not included in the Bill.
4. Some policy proposals do not require legislation, notably those around the reform of the ethical framework which have been outlined in a letter to Leaders from the Minister for Local Government and Committees (15th January) which seeks authorities' responses to proposals by the end of February.

Local Government (Democracy) (Wales) Bill

5. In summary, the Bill:
 - 5.1 In the main, focuses on the reform of the Local Government Boundary Commission for Wales. This is in light of the Mathias Report into the Boundary Commission, which seeks not only to increase the capacity, expertise and improved processes around the Commission, but proposes a broader remit, including reviewing the membership of other public bodies in Wales.
 - 5.2 Proposes new powers for councils to separate the role of Mayor and Council Chair, where appropriate
 - 5.3 Proposes new powers for councils to establish joint Standards Committees, where appropriate

- 5.4 amends the Local Government (Wales) Measure 2011 regarding political balance in audit committees and the functions of Democratic Services Committees
- 5.5 amends the Measure in relation to the responsibilities of the Independent Remuneration Panel for Wales, including allowing the Panel to set numerical caps on senior salaries in councils, as well as setting the allowances for members of other public bodies in Wales.
- 5.6 Introduces provisions concerning community and town councils' information to be published online.

WLGA Response to the Bill

6. Given the Bill is based largely on the White Paper, which in turn sought to reform the Boundary Commission in light of the Mathias Report, feedback from authorities has been broadly supportive. Authorities have been invited to submit written evidence to the Assembly's Communities, Equality and Local Government Committee by 15th February.
7. The WLGA was invited to give Committee evidence on 17th January, and presented provisional evidence (subject to further discussion at WLGA Council) with ACSes (Association of County Secretaries and Solicitors). The WLGA's provisional evidence, based on the response to the White Paper and feedback from authorities, is included at Annex 1.

Reform of the Local Government Boundary Commission

8. The Bill's main focus is the reform of the Local Government Boundary Commission and the community and electoral review process (this reform covers Sections 2-50 out of the Bill's 70 Sections). The WLGA has hitherto supported the Welsh Government's intention to improve the procedures for undertaking boundary, community and/or electoral reviews, as well as the recommendations of the Mathias Review.
9. The Welsh Government clarifies through the Bill that, in the electoral review process, community identity and community ties have equal importance to the aim of establishing that each councillor is to represent (as closely as possible) the same number of electors. This clarity is welcomed and was a key area of concern from the previous, aborted electoral review process.
10. The Bill proposes a number of amendments to clarify, improve and streamline review procedures, as well as increase the capacity of the Commission (including additional Commissioners) which are supported. The Welsh Government has also taken on board a number of comments provided during the White Paper consultation, for example the clarification for a route of 'appeal' around the Commission's fees charged on local authorities where it undertakes Community Reviews (see S26 (5)).

11. Some councils have raised a concern regarding the timing of commencements around community reviews. Given 2013 is a non-election year, some authorities are planning to undertake community reviews shortly and there was concern that if the Bill was commenced half-way through this process, authorities would have to either wait (and miss a valuable opportunity) or restart reviews that hadn't been concluded. The Welsh Government has however reassured the WLGA that the Bill's powers would only apply to reviews started after the Bill was commenced.
12. Although councils were broadly supportive of the proposal (as outlined originally in the White Paper) that Ministers could direct the Commission to review other public bodies whose membership includes elected members, this proposal does raise other issues or queries:
 - 12.1 Capacity of the Commission - It is not clear from the face of the Bill which bodies would be included within the Commission's powers. Such public bodies would be those where membership is required under any law to include a councillor or a person appointed by a local authority and it exercises functions conferred by an Act or Measure. This therefore raises an issue of capacity within the Commission, given it already has a complex and resource intensive role conducting its core business around boundary, community and electoral reviews.
 - 12.2 Expertise/Relevance of the Commission – notwithstanding the above, the Bill proposes that the Commission should report 'whether it recommends that changes should be made to the public body's membership' which might include: 'the number of members of the body (or bodies)...consider any categories of membership (including lay membership) and the number of members in each category...[and] consider the attributes, experiences, skills or qualifications which members should possess'. It is unclear how the Commission, without wider expertise and support, could determine what experiences, skills or qualifications were appropriate for technically specific or highly specialised public bodies, for example.

Audit Committees, Democratic Services Committees, Joint Standards Committees and Presiding Members (Sections 51, 56, 57 and 63)

13. The WLGA supports these parts of the Bill given they have largely been in response to feedback from local authorities.
14. Proposed amendments to the functions of Democratic Services Committees is in direct response to feedback from authorities following the establishment of Democratic Services Committees following the Measure; in summary, the interpretation of specific provisions in the Measure regarding the powers and functions of the Democratic Services Committee could, unintentionally, constrain the remit and ambition of a

Committee. The Bill seeks to give greater local flexibility which is welcomed.

15. Similarly, feedback from authorities following implementation of the Measure since May's elections has been that Audit Committees should be politically balanced in line with other committees.
16. Proposed council powers to establish joint standards committees, either to supplement or, where councils viewed it as appropriate, to replace local standards committees are welcome. It should be noted that this is a permissive power. ACSeS has proposed that an additional power might be included for an authority to refer a matter to another authority's standards committee where there might be a difficulty in the 'home' authority's standards committee dealing with a case.
17. The increased flexibility around the proposal to allow councils to separate the roles of the Mayor and Council Chair, according to local circumstance and choice, is also welcome. ACSeS have highlighted an issue which will require further consideration and some redrafting, however, around terms of office of elected members and who should chair the first AGM following a council election prior to a new Chair being appointed.

Independent Remuneration Panel for Wales

18. The WLGA supports a number of the proposed changes to the Independent Remuneration for Wales (the Panel).
19. The WLGA previously supported the proposed changes to timescales for publication and consultation around the Panel's reports; the proposal to allow the back-dating of allowances is also welcomed, however, there is an issue around linking the Panel's reports into councils' financial planning arrangements which currently works well. Whilst minor adjustments to members' allowances can be accommodated by councils, a significant and fundamental overhaul by the Panel of the allowances framework could provide a financial challenge if councils have already set their budget in advance of the Panel's recommendations. In its response to the White Paper consultation, the WLGA suggested that legislation or Ministerial guidance could state that when the Panel undertakes a wholesale review of an existing allowances framework, that these determinations should be reported by 31st December, to allow authorities an opportunity to take into account any necessary financial implications within its budget setting process.
20. In its response to the White Paper, the WLGA stated that it did not support the proposed amendment to the Measure to allow the Panel to prescribe the numeric limitation on those entitled to senior salary payments. The established approach had hitherto worked well and allowed local discretion and flexibility set within an overall cap; whilst the WLGA

supports the independence of the Panel and recognizes that there should be a cap on senior salaries, the proposed approach as outlined allows the Panel to constrain and effectively determine the governance arrangements for each local authority. Local authorities are best placed to decide on the most appropriate governance arrangements required to conduct local business effectively, this includes the appropriate constitutional structures as well as the number of members required to exercise executive, scrutiny and statutory functions accordingly. The WLGA would propose that the legislation is amended to the pre-2011 Measure position where no more than 50% of council members could receive a senior salary.

21. The Bill also proposes to expand the responsibilities of the Independent Remuneration Panel to oversee payments made to other public bodies which include councillors in their membership. Such bodies will be prescribed by Ministers. Whilst this should allow some consistency between the considerations around public service payments and was broadly welcomed by councils in the White Paper, it is unclear at this stage which bodies would be covered and the consequent implications on the Panel's capacity, experience and expertise; the Panel's current workload (particularly given the more recent remit around community and town councils) is significant and the current Panel has been appointed with a focus around local government experience and expertise.

Local Government Ethical Framework – Ministerial Letter

22. Following on from the publication of the Bill, the Local Government Minister has written to Leaders on 15th January (see Annex 2) outlining a number of proposed changes to the ethical framework, many of which were included in last year's 'Promoting Democracy White Paper', that would not require legislation and some of which he is keen for councils to introduce voluntarily.

23. The Minister has indicated that he intends to amend the Code of Conduct to remove the requirement on members to report alleged breaches of the code of conduct to the Ombudsman (paragraph 6(1)(c) and to remove paragraph 10(2)(b) from the Code. These are welcome amendments, notably the removal of paragraph 10(2)(b), the interpretation of which has caused concern for some time and has confused and constrained some members regarding balancing their local representational role and their decision-making roles.

24. Members' views are therefore requested on the below proposals.

Capping of Indemnities for members

25. WLGA Council agreed on 24th February 2012 that all councils should seek to set a voluntary cap on indemnities provided for members. This decision followed concerns about the scale of indemnity provided to some

members when defending themselves against alleged breaches of the code of conduct. WLGA Council agreed that councils should:

- Set a cap of up to £20,000, though there was recognition that some councils had insurance arrangements
- Standards Committees (or other local mechanisms) should approve any request for indemnity (up to a maximum of the cap) on a case by case basis, with the level depending on the nature of any case
- Ombudsman's costs should be set at any cap applied to individual cases.

26. Although not all councils have formally adopted a cap, most councils currently operate well within this cap where they provide an indemnity. However, some do not regard member indemnities as a significant issue as these are decided and moderated on a case by case basis, often by the Standards Committee. A number of councils' wider insurance arrangements also provide indemnity cover, which is not covered by the voluntary cap (one authority has specifically asked for this to be capped and the insurance company has refused to alter the policy).

27. The Minister could set a cap within regulations, however, is minded to support a consistent voluntary approach across councils. The Minister's letter states that he is '...concerned that perhaps not all authorities have made progress and...impress upon those who have yet to do so the importance that I place on taking this forward.'

28. It is recommended that members agree to recommit to the WLGA Council decision of February 2012 and that those councils without a voluntary cap seek to introduce a cap at or before their next AGMs.

Local Resolution Protocols

29. A number of authorities have established informal, local resolution protocols and procedures to manage 'low-level' complaints regarding members' conduct. These have been introduced to provide speedy, informal resolution of relatively minor issues rather than escalating the matter to the Ombudsman. This approach has been welcomed by the Ombudsman and WLGA officials have worked with ACSeS to develop common principles and models and to share experiences. The Minister, both in the White Paper and in his recent letter to leaders, also welcomed this but challenged all authorities to introduce similar models.

30. The WLGA is aware that, to date, 8 councils (Anglesey, Blaenau Gwent, Denbighshire, Gwynedd, Monmouthshire, Rhondda Cynon Taf, Swansea and Torfaen) have introduced local resolution arrangements of some form and 2 further councils are currently consulting on or developing models

(Cardiff and Pembrokeshire). Experience suggests that, on the whole, the approaches have worked well (and some have not even had to be triggered), that they can take the 'heat out' of complaints and lead to speedier, more proportionate resolution and they have not created significant workload that would not have otherwise been expected if the issues had been referred to the Ombudsman.

31. Feedback from those councils that have not introduced arrangements have however highlighted a number of issues of concern:

- that current informal arrangements where the relevant members discuss low-level issues with Monitoring Officer involvement works well (although these rely on inter-personal relationships and informal arbitration);
- the Code of Conduct currently requires members to report any alleged breach directly to the Ombudsman; and
- there is some concern that local arrangements, whilst relieving the burden on the Ombudsman, will increase the local burden and workload of members and officers.
- There should be a clear, common set of national principles underpinning any local approaches, if not a common model process.

32. The Minister's letter confirms that he intends to revise the Code to remove the obligation on members to report alleged breaches of the Code to the Ombudsman in the first instance, which in turn would encourage local processes. The Ombudsman has also issued guidance on how he intends to deal with 'low-level' alleged breaches:

"Typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraphs 4b and 6(1)(d) I am likely to refer the matter back to the Council's Monitoring Officer for consideration under this process."

33. Some councils have expressed concern about the practicability of extending local resolution processes to cover community and town councils (in particular where there are a number of councils in the unitary authority area). Although the Welsh Government asked this question in its White Paper, it appears from the Minister's letter that he is content that local resolution protocols would apply only to 'county and county borough councils, national park authorities and fire and rescue authorities'.

34. Given experiences of those councils with protocols in place have been positive, ACSeS will be discussing local resolution processes at its meeting on 1st March and the Annual Welsh Standards Conference in April will

include a session promoting the learning from authorities who have processes in place.

- 35. It is recommended that members agree that the WLGA and ACSeS continue to develop a consistent set of local resolution principles, and that all councils seek to introduce local resolution protocols and processes at or before their next AGMs.**

Publication of Registers of Members' Interests online

36. The Minister's letter indicates his intention to bring forward an amendment to the Local Democracy (Wales) Bill to place a duty on councils to publish Members' Interests on council websites. Councils currently have to make the registers 'available at an office of the authority for public inspection by members of the public at all reasonable hours'. To date, the WLGA is aware of at least 11 councils who already or in the process of or are considering publishing Registers online (Anglesey, Bridgend, Caerphilly, Cardiff, Conwy, Merthyr Tydfil, Monmouthshire, Pembrokeshire, Powys, Swansea and Torfaen). Feedback from other Monitoring Officers suggests support for this in principle. The National Assembly for Wales and UK Parliament also publishes Registers of Members' Interests online.

- 37. It is recommended that members agree that all councils should take steps to publish the Registers of Members' Interests on council websites at or before their next AGMs.**

Recommendations

38. Members are asked to:

- 38.1 Endorse the WLGA response to the consultation on the Local Government (Democracy) (Wales) as outlined above and at Annex 1, subject to additional views expressed at the meeting;**
- 38.2 Endorse the recommendations in response to the Minister's letter on the Ethical Framework in Local Government as per paragraphs 28, 35 and 37 above.**

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Communities, Equality and Local Government Committee

Local Government (Democracy) (Wales) Bill.



Your name:

Cllr Mariette Roberts
Robert A Robinson FRICS AILCM Secretary

Organisation (if applicable):

North Wales Association of Town and Larger Community Councils

Email address:

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

Telephone number:

01938 553142 or 07767 267830

Your address:

Triangle House, Union Street, Welshpool, SY21 7PG

10th January 2013

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

Notes:

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

The Local Government Boundary Commission

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

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

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

Local Government arrangements

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

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

x

No

The Association accepts the general contents of Chapter 1.

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

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

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

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

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

are appropriate?

Yes

x

No

SECTION 56

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

SECTION 57

Nothing to add.

SECTION 63

Nothing to add.

Independent Remuneration Panel for Wales

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

Access to information (Town and Community Councils)

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

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

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

Yes	X	No	
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The Association feels that standardisation should apply to all Authorities, not have different approaches in each. Either Principal Authorities have a Mayor/Chair or they split the role on the basis of the Mayor being Civic and the Chair being Political.
 The Public need to be able to understand the roles of the two positions and if each authority is different this causes confusion.

General Provisions of the Bill

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

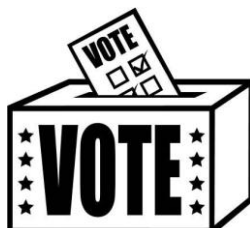
CELG.committee@wales.gov.uk

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National Assembly for Wales
Cardiff Bay
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Annex 1

NORTH WALES ASSOCIATION OF TOWN AND LARGER COMMUNITY COUNCILS

PROMOTING LOCAL DEMOCRACY



Introduction

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

The Questions and proposed answers

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

Proposed answer

The Association agrees with this proposal.

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

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

Proposed answer

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

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

Proposed answer

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

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

Proposed answer

The Association is in support of this proposal.

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

Proposed answer

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

The following should also be noted:

a) Communities are more important than numbers.

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

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

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

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

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

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

Proposed answer

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

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

Proposed answer

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

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

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

Proposed answer

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

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

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

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

Proposed answer

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

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

Proposed answer

The Association supports this proposal.

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

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

Annex 2

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

RENUMERATION PANEL FOR WALES *Consultation*

Association Members Attending

Cllr Brian Bertola (immediate past Chair)

Cllr John McLennan

Cllr T Renshaw

Cllr K Astley

Robert Robinson Secretary

Representation

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

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

Member consultation

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

Introduction

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

The proposals

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

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

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

Consultations

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

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

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

Matters to consider

The Association considered the following aspects of the proposals:

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

Effect of payments on the precept

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

Pension payments

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

The North Wales Association Viewpoint

The Association wishes to put to the Panel the following:

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

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

RAR/August 2012

Robert A Robinson FRICS AILCM

Secretary

North Wales Association of Town and Larger Community Councils

Triangle House

Union Street

Welshpool

SY21 7PG

LGD 10 Electoral Reform Society Wales

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name: Stephen Brooks

Organisation (if applicable): Electoral Reform Society (Wales)

Email address: stephen.brooks@electoral-reform.org.uk

Telephone number: 029 2078 6522

Your address: Temple Court, Cathedral Road, Cardiff, CF11 9HA

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

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

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

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

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

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

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

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

Yes	X	No	<input type="checkbox"/>
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Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

The Society supports the proposal that the Commission should consider consequential changes to the electoral arrangements (the numbers and distribution of councillors) when recommending changes to local government areas. The Society supports the view of the Mathias Review that the current ratio as laid down in the Ministerial Directions in January 2009 for electoral parity of 1:1750 has no obvious logic. It is the same ratio used as in the Ministerial Directions in 1995, which reflected the Welsh average of councillors to electors at that time. The Society further supports the view that the need for a single electoral ratio applied throughout Wales undermines local democracy. A single ratio covering 22 different councils with different geographies, populations and community ties undermines many of the aims of drawing boundaries for effective *local* government.

The Society would therefore support the view that the Local Democracy & Boundary Commission should determine the size of each council (as is the case in England and Scotland). Further, the Local Democracy and Boundary Commission should determine the numbers of councillors deemed necessary in each council, and then ensure an aim of electoral parity within each council.

Given the dispersed population, geography and cultural ties that exist within Wales, the Society agrees that local community ties should have equal importance to the achievement of a target ratio of councillors (see paragraph 14 above). The Society concurs with the view of the Mathias Review that existing arrangements equip the Local Democracy & Boundary Commission with fewer options than in England and Scotland, which has created difficulties in meeting and balancing the different aims when drawing new boundaries. As such, it appears sensible that Wales should move in line with Scotland and England on this matter.

The Society welcomes the clarification provided by the Bill that equal importance is attached to communities and parity of number of electors.

The Society believes the emphasis should be on creating multi-member wards wherever possible and suitable.

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

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

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

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

are appropriate?

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

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

VOTING SYSTEM

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

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

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

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

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

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

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

DEMOCRATIC SERVICES COMMITTEES

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

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

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

AUDIT COMMITTEES

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

SCRUTINY COMMITTEES

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

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

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

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

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

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

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	X

Please expand on your answer

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes

X

No

Please expand on your answer

General Provisions of the Bill

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

Please expand on your answer

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

Please expand on your answer

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

Please expand on your answer

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

As stated above.

LGD 11 One Voice Wales

Your name: Mr Lyn Cadwallader

Organisation (if applicable): Un Llais Cymru / One Voice Wales

Email address: lyn.cadwallader@onevoicewales.org.uk

Telephone number: 01269 595400

Your address: 24 College Street, Ammanford, SA18 3AF

Introduction

One Voice Wales is recognised by the Welsh Assembly Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 70% of the 735 community and town councils are in membership. As well as our representative role, we also provide support and advice to councils on an individual basis and with Welsh Assembly Government support deliver a modular training programme for councillors. We believe strongly that community and town councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as strategic planning, partnership working and their role and place within the public sector generally.

Whilst individual councils might respond to this consultation exercise, One Voice Wales wishes to submit this provisional response on behalf of the sector although it has not had an opportunity due to the timing of the consultation period to consult with its individual membership organisations. However over the next month it will be seeking the views of National Executive Members of One Voice Wales. Any further comments on the Bill will be submitted to the Communities, Equalities and Local Government Committee ahead of the 15 February 2013 consultation deadline.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
One Voice Wales supports the Welsh government’s commitment to reform and modernize the Local Government Boundary Commission for Wales. Legislation is required to enable the enhancement of the capacity, powers and resources of the Commission.			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

The Bill sets out a range of legislative changes that will improve the clarity of role and purpose of the Commission in relation to its work with Welsh Government and local government whilst at the same time allowing for future flexibility in the scope of the Commission to deal with other public bodies.

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

Yes

No

The Bill sets out clear processes for the improvement of the functions of the Commission and is appropriate and welcomed.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

One Voice Wales will support the changes proposed in these sections - in particular the requirement of the commission to follow a set consultation procedure on their proposals - provided that local Community and Town Councils are to be given proper involvement at every stage of any review. All such arrangements should ensure that both tiers of local government are treated equally in this regard. One Voice Wales supports an approach based on true partnership. Additionally One Voice Wales would welcome proposals that allow a right of appeal to the Minister by community or town councils on the outcome of local government reviews. With regard to a review of communities being undertaken One Voice Wales would wish to see proposals that require the Commission to publish its approach prior to the review being undertaken.

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

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

Please refer to Question 4.

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

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

are appropriate?

Yes	√	No	<input type="checkbox"/>
-----	---	----	--------------------------

Please expand on your answer

One Voice Wales agrees in principle with the proposals contained in these sections provided that local Community and Town Councils are to be safeguarded against any adverse implications as a result of the wider geographical areas created in response to the establishment of joint standards committees. A large number of local councillors already live a significant distance away from the administrative centres for these activities. Currently Standards Committees have community council member representation and any changes brought about as a result of the establishment of joint committees should ensure this representation is not diluted in any way.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Yes - One Voice Wales has no further comment to add in relation to this question.			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>One Voice Wales agrees in principle with the direction and outcomes sought in relation to Community and Town Council information within this bill. However, there is a clear lack of understanding in terms of the implications of this direction for the smaller authorities, and there must be a clear set of guidelines in place, based on robust analysis of the needs and requirements of the sector, prior to any enactment.</p> <p>Furthermore, it is anticipated that as a result of this analysis there will be a resource implication for the Welsh Government. These aspects are expanded in Questions 11 and 13.</p> <p>One Voice Wales considers that the Bill should allow for specific grant support be provided to all community and town councils in Wales to cater for the requirements to provide electronic access to information and should account for 80% of the resources to deliver information electronically. This would place the sector on an equal footing with other public service providers who receive revenue support to facilitate this element of the democratic process.</p>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
One Voice Wales has no further comment to add in relation to this question.			

General Provisions of the Bill

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

Please expand on your answer

Overall the Bill introduces many new processes that are welcomed and which will improve current arrangements.

However, the proposals involving access to information from Community and Town Councils do include potential barriers in terms of capacity, expertise, training and/or sufficient finance on the part of smaller authorities. The Bill in its current format does not adequately address these barriers. The response to question 8 sets out the sectors view on how the current resource deficit should be addressed.

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

Please expand on your answer

As outlined in Question 10, the potential barriers for many councils would include issues such as capacity, expertise and the need for training and these issues have direct financial implications.

The availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of council websites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that local people would potentially require of them.

Statements are included in the explanatory memorandum on how a technical solution to these challenges could be approached, but little to assist councils in terms of what skills, capacity or other facets would be required of them in order to meet the information demands of the public at large.

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

Please expand on your answer

One Voice Wales has no comment to add in relation to this question.

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

These comments relate to the proposals involving access to information from Community and Town Councils.

The overview in the explanatory memorandum asserts that it is now common practice amongst large sections of the public to use the Internet, e-mail and social networking sites to obtain information about their local area, identify available services and contact public bodies and that, in turn, public bodies routinely publish information relating to their business, structure and functions in electronic format. What is not stated is the fact that a significant proportion of those searches for information do not conclude with the sought outcomes being established directly from the relevant public sector source. An example of this might be someone seeking information about the opening times of their local surgery or alternatively their local library, who could quite possibly come upon the relevant information without directly accessing the website of the local health board or unitary council. Indeed, this very example provides a degree of justification for such knowledge transfers to occur via a collaborative platform, rather than encouraging individual bodies to upload often overlapping tranches of information.

The overview also establishes the claim that approximately a half of community and town councils already have websites and there is a clear implication in the explanatory memorandum that this number should grow quickly. However, the analysis presented here misses the fundamental point that the availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of the sites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that people would potentially require of them.

The impact assessment proceeds to elaborate on some of these issues, making the presumption that introducing a bill will accelerate that which is likely to occur naturally over a period of time. This may well be the case, and in that sense that would in itself not be an inappropriate aim, but there is no clarity in the explanatory memorandum as to what is actually needed in respect of a community or town council website. Statements are included in terms of how a technical solution could be contemplated, but little to assist councils in terms of what skills, capacity or other facets to this challenge would be required of them and how the task of content management should best be approached.

The section on costs and benefits continues to present arguments in the manner described above, with insufficient regard given to those features of information delivery that will be most important to deal with in this domain. The various suggestions to make the task easier for councils involve mainly ideas that include third party contribution. However, it is unlikely that third party providers will have the full local knowledge to enable the information

content to be exactly as communities wish.

Therefore, the ministerial guidance promised in relation to this aspect needs to be extremely comprehensive.

Communities, Equality and
Local Government Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

By 31-1-12

29 November 2012

Dear Sir / Madam

Consultation on the *Local Government (Democracy) (Wales) Bill*

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

What is a Bill?

Under Part 4 of the Government of Wales Act 2006 the National Assembly can pass laws in areas where it has legislative powers to do so.

When a proposal for a new law is introduced in the National Assembly, it is called a 'Bill'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

When a Bill is passed by the National Assembly and receives Royal Assent it becomes an 'Act of the Assembly'.

What does this Bill seek to achieve?

See on National Assembly's
website →

The Explanatory Memorandum that accompanies the Bill states:

"The overarching objective of the Bill is to ensure local democracy operates as efficiently as possible and to improve the democratic process in local government. It is intended to ensure local authorities are democratically representative of their communities, are organised

Ffon / Tel: 029 2089 8147
Ffacs / Fax: 029 2089 8021
Minicom: 029 2082 3280

E-bost / E-mail: celg.committee@wales.gov.uk

in the most effective way and communicate well with the public. Robust local scrutiny will be a strong driver for the improvement of public services and allow the public to have greater confidence in the democratic system.”

What is the committee’s role?

The role of the committee is to consider and report on the general principles of the Bill. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the need for a Bill to deliver:
 - reform to the organisation and functions of the Local Government Boundary Commission for Wales;
 - amendments to the Local Government (Wales) Measure 2011 in relation to the responsibilities of the Independent Remuneration Panel for Wales and the structure of local authority audit committees;
 - provisions concerning the public’s access to information concerning town and community councils;
 - amendments to Part III of the Local Government Act 2000 to facilitate the creation by local authorities of joint standards committees;
 - provision concerning the role of the Chairman or Mayor of principal councils; and
 - recasting and consolidating existing local government provisions in relation to the Boundary Commission and therefore progresses the development of a Welsh Statute Book.
- ii) the key provisions set out in the Bill and whether they are appropriate to deliver its stated objectives;
- iii) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- iv) the views of stakeholders who will have to work with the new arrangements.

How you can help – the consultation questions

Further details of the Bill and the accompanying Explanatory Memorandum can be found on the National Assembly's website at:

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?IId=5052&AIID=8648>

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, we would welcome your views on the questions attached at **Annexe 1**.

If you wish to submit evidence, please send an electronic copy of your submission to CELG.committee@wales.gov.uk

Alternatively, you can write to:

Leanne Hatcher, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

Provisional consultation deadline: 31 January 2013 (subject to change). It may not be possible to take into account responses received after this date.

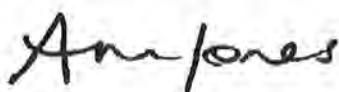
When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee.;
- the National Assembly normally makes responses to public consultation available on its website and responses may also be seen and discussed by Assembly Members at Committee meetings. **If you do not want your response or name published, it is important that you clearly specify this in your submission;**
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in Welsh and English.

If you have any queries, please contact Bethan Davies, Committee Clerk on 029 2089 8120 or Leanne Hatcher, Deputy Clerk on 029 2089 8147.

Yours faithfully



Ann Jones AM

Ffon / Tel: 029 2089 8147
Ffacs / Fax: 029 2089 8021
Minicom: 029 2082 3280

E-bost / E-mail: celg.committee@wales.gov.uk

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name:

Organisation (if applicable):

Email address:

Telephone number:

Your address:

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Please expand on your answer			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes No

Please expand on your answer

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

Yes No

Please expand on your answer

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes No

Please expand on your answer

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes No

Please expand on your answer

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

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

are appropriate?

Yes No

Please expand on your answer

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Please expand on your answer			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			

General Provisions of the Bill

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

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

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

Please expand on your answer

Not necessary.

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

LGD 13 Connah's Quay Town Council

The town council considered the consultation documents at its meeting last evening and wish to make the following response.

Q1 YES

Q8 YES

Kind regards

Ian

Ian Jones ACIS, BA Hons.

Clerk of the Council & Financial Officer

Connah's Quay Town Council

LGD 14 Denbigh Town Council

Denbigh Town Council is in receipt of Ann Jones' letter.

The council's documents scrutiny sub committee has considered the documentation and I have been instructed to respond as follows:

- Q1. Yes – without further comment
- Q2. Yes – comment: to take into account Mathias Report
- Q3. Yes – comment: the situation would remain the same
- Q4. Yes – comment: the guidance given was sound advice
- Q5. Yes – comment: the length of time (15 years) is a concern. It was felt it should be shorter.
- Q6. Yes – comment: S.56 – self monitoring – regulating vague; S.57 No comment; S.63 No comment.
- Q7. No – comment: alternative versions needed for it to be inclusive of all needs, e.g. Braille, blind, large print, deaf.
- Q8. Yes – comment: update electronic media on a regular basis and other forms of communications.
- Q9. Yes – no comment
- Q10. Same comments as to question 8.
- Q11. Costings needed, Benefits would outweigh costs. ?? who would oversee implementations and updates.
- Q12. Possibility of a great deal of good could be done. As they would be more aware of needs and usage.
- Q13. No.

If you require any clarification please let me know.

Medwyn Jones
Clerc y Dref a Swyddog Cyllid / Town Clerk & Finance Officer
Cyngor Tref Dinbych / Denbigh Town Council

LGD 15 Llandyfaelog Community Council

Dear all

Many thanks for your consultation letter in relation to the Local Government (Democracy) (Wales) Bill. The members of Llandyfaelog Community Council have discussed the document and wish to make the following points:

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes

Please expand on your answer:

The Local Government Act 1972 requires a summons signed by the Clerk to be left at or sent by post to the usual residence of every member of Council. This does not allow for such a document to be sent by email. Could we therefore ask for clarification on whether this bill will amend this requirement in Wales? Should these changes be put in place, what actions will be undertaken in relation to areas with poor internet coverage? Several Community and Town Clerks live in such areas and would currently be unable to carry out work on line?

Question 3: Do you think the changes being made to the Commission are appropriate?

Yes

Please expand on your answer:

In the view of Llandyfaelog Community Council, it will remain extremely important to ensure consultation is undertaken with relevant partners such as County and Community and Town Councils whenever changes are recommended by the Commission.

Kind regards
Arfon Davies
Clerc / Clerk

LGD 16 Swyddfa Archwilio Cymru

Eich enw: Martin Peters

Sefydliad (os yw'n berthnasol): Swyddfa Archwilio Cymru

Cyfeiriad e-bost: martin.peters@wao.gov.uk

Rhif Ffôn: 02920 320 526

Eich cyfeiriad: 24 Heol y Gadeirlan, Caerdydd, CF11 9LJ

Comisiwn Ffiniau Llywodraeth Leol

Cwestiwn 1: A oes angen Bil i wneud newidiadau i gyfansoddiad a swyddogaethau'r Comisiwn Ffiniau Llywodraeth Leol i Gymru ("y Comisiwn") ac i wneud amrywiol ddarpariaethau mewn perthynas â llywodraeth leol?

Oes

Nac oes

Ymhelaethwch ar eich ateb

Un o'r prif resymau pam fod angen deddfwriaeth yw oherwydd, o dan y deddfwriaeth presennol, fod rhaid i'r Comisiwn gwblhau adolygiadau o fewn amserlen afresymol o drwm ac o fewn y cyfyngiad anefnyddiol o beidio gallu newid ffiniau cymunedau. Tra y gellir mynd i'r afael â mater yr amserlen drwy orchmynion gan Weinidog o dan Ddeddf 1972, ni fyddai'r gorchmynion yn delio â'r broblem o ran ffiniau cymunedau. Mewn unrhyw achos, gall dibynadwyedd ar orchmynion gan Weinidog fod yn annymunol o safbwynt hyder cyhoeddus yng ngwaith y Comisiwn.

Rydym hefyd yn ystyried fod deddfwriaeth newydd yn ffordd rhesymol o gyflymu darpariaeth mynediad electronig at wybodaeth cynghorau cymuned i'r fath raddau fel y gellir sicrhau hyn o fewn amserlen gymharol fer (tua 2 flynedd). Mae hwn yn briodol, gan fod diffyg cyfathrebu electronig â'r cyhoedd ymysg nifer sylweddol o gynghorau cymuned.

Cwestiwn 2: A ydych o'r farn y bydd y Bil yn gwella'r dull o gyflawni rolau a swyddogaethau statudol y Comisiwn? (paragraff 3.1 o'r Memorandwm Esboniadol)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Er mwyn caniatáu cylched barhaus o adolygu, dylai'r Bil helpu'r Comisiwn i sicrhau dull mwy cyson a chynaliadwy o weithio. Dylai'r Bil hefyd helpu drwy gefnogi gweithdrefnau ymgynghori gwell o ran cynigion adolygu ffiniau.

Cwestiwn 3: A ydych o'r farn bod y newidiadau sy'n cael eu gwneud i'r Comisiwn yn briodol? (Rhan 2 y Bil)

Ydw

Nac ydw

Yn gyffredinol, ydw. Dylai codi'r cworwm i dri helpu i sicrhau safon dda o ran gwneud penderfyniadau. Ond er mwyn helpu i sicrhau fod y Comisiwn yn cael ei weinyddu'n gyson, efallai y byddai'n well pe bai'r Prif Weithredwr yn cael ei benodi gan y Comisiwn yn hytrach na Gweinidogion Cymru.

Trefniadau Llywodraeth Leol

Cwestiwn 4: A ydych o'r farn bod y darpariaethau mewn perthynas â gweithdrefnau ar gyfer adolygiadau llywodraeth leol yn briodol? (Pennod 4 a 5)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Yn gyffredinol, ydw. Mae'n ymddangos yn briodol fod y darpariaethau ar gyfer adolygiadau llywodraeth leol yn nodi fod angen i'r Comisiwn ymgynghori ar y weithdrefn arfaethedig a dull yr adolygiad, yn arbennig o ran sut i bennu nifer priodol aelodau'r cynghorau. Dylai, fodd bynnag, fod o gymorth o ran tryloywder ac ymgysylltu â'r cyhoedd os oedd rhaid i'r Comisiwn hefyd gyhoeddi ei weithdrefnau a dulliau arfaethedig yn electronig (ac mewn cyfryngau eraill ar gais).

Mae hi hefyd yn ymddangos yn briodol fod rheidrwydd ar gyrff sy'n adolygu i ymgynghori ar gynigion drafft ar gyfer yr ardal sydd yn cael ei adolygu, yn cynnwys eu cyhoeddi yn electronig.

Dylai fod o gymorth i dryloywder ac ymddiriedaeth a hyder cyhoeddus os oedd darpariaeth ychwanegol yn y Bil, yn nodi fod rhaid i Weinidogion Cymru a'r Comisiwn, wrth dderbyn adroddiadau (fel y gallai'r achos fod) i gyhoeddi rhesymau dros beidio rhoi argymhellion mewn lle, neu eu gweithredu ag addasiadau.

Cwestiwn 5: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Dyletswyddau'r Comisiwn
- Dyletswyddau prif gynghorau

yn briodol? (Pennod 1)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Ar y cyfan, ydw, ond ynghyd â cheisio sicrhau llywodraeth leol effeithiol a chyfleus, byddai'r briodol i'r Comisiwn a'r prif gynghorau fod yn ymwybodol o'r angen am economi ac effeithlonedd o fewn llywodraeth leol. Byddai darpariaeth ychwanegol o'r fath yn diogelu'r Comisiwn a'r cynghorau rhag gwneud cynigion sydd yn effeithiol a chyfleus, ond sydd yn ddiangen o ddrud. Rydym o'r farn fod ystyriaeth o'r fath yn debygol o fod ar y gweill, ond gall darpariaeth pendant fod yn amddiffynfa ychwanegol ddefnyddiol.

Cwestiwn 6: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Pwyllgorau Gwasanaethau Democrataidd (Adran 56)
- Pwyllgorau Archwilio (Adran 57)
- Pwyllgorau Safonau (Adran 63)

yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Mae'r darpariaethau o ran pwyllgorau gwasanaethau democrataidd yn ymddangos fel petaent yn fuddiol yn nhermau penderfyniad lleol o arferion gweithio er mwyn gweddu y sefyllfaoedd presennol orau.

Dylai'r eglurhad o gyfansoddiad y pwyllgorau archwilio fod o gymorth o safbwynt osgoi dadl hirfaith.

Dylai'r darpariaeth ar gyfer pwyllgorau safonau rhanbarthol fod yn ddefnyddiol o ran sicrhau argaeledd aelodau annibynnol addas, effeithlonrwydd a chysondeb dulliau gweithio.

Panel Annibynnol Cymru ar Gynabyddiaeth Ariannol

Cwestiwn 7: A ydych o'r farn bod y darpariaethau mewn perthynas â Phanel Annibynnol Cymru ar Gynabyddiaeth Ariannol yn briodol? (Pennod 5, Adrannau 58-62)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Ymddengys fod y darpariaethau yn lliflinio, yn ddefnyddiol, fanyleb o derfynau cyflogau uwch-weithwyr ac wrth roi ystyriaeth i achosion penodol.

Mynediad at wybodaeth (Cyngorau Tref a Chymuned)

Cwestiwn 8: A ydych o'r farn bod y darpariaethau mewn perthynas â hwyluso mynediad at wybodaeth (Cyngorau Tref a Chymuned) yn briodol?			
Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>
Ymhelaethwch ar eich ateb			
<p>Mae hi'n glir nad yw nifer sylweddol o gynghorau cymuned yn darparu lefel ddigonol o gyfathrebu electronig ynglŷn â'u trafodion. Byddai deddfwriaeth yn fodd realistig o gyflymu'r darpariaeth a fyddai o gymorth wrth hybu ymgysylltu â'r cyhoedd. Dylai'r cwmpas ar gyfer rhannu darpariaeth gwefan fod o gymorth i alluogi dull economaidd o gyfathrebu, er gallai fod o help pe bai darpariaethau yn gwneud hyn yn fwy eglur drwy gyfeirio ato'n bendant. Gallai rhai gasglu o deitl yr adran "gwefannau cynghorau cymuned" fod rhaid i gynghorau unigol gynnal a chadw eu gwefan eu hunain. Gall "Darpariaeth wybodaeth yn electronig gan gynghorau cymuned" fod yn deitl gwell.</p> <p>Mae'n debyg fod yr amserlen a ragwelir (Mai 2015) yn realistig, ond gall fod yn ddefnyddiol, er eglurdeb, i roi'r dyddiad dechrau ar gyfer y darpariaethau hyn ar wyneb y Bil.</p>			

Cadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau)

Cwestiwn 9: A ydych o'r farn bod y darpariaethau mewn perthynas â Chadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau) yn briodol?			
Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>
Ymhelaethwch ar eich ateb			
<p>Mae'n ymddangos fod y darpariaethau yn cwrdd â'u hamcan o ganiatáu gwahanu'r swyddogaethau seremonïol oddi wrth lywyddu cyfarfodydd, sydd yn ei hun yn ymddangos yn rhesymol.</p>			

Darpariaethau Cyffredinol y Bil

Cwestiwn 10: Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith (os ydynt yn bodoli), ac a yw'r Bil yn rhoi ystyriaeth ddigonol iddynt?

Ymhelaethwch ar eich ateb

Rydym o'r farn mai'r prif rwystr i roi hyn ar waith fydd o ran mynediad electronig gan gynghorau cymuned. Mae'r nodiadau eglurhad yn nodi, yn ddefnyddiol, y bydd y darpariaethau hyn (adrannau 53 a 54) yn dechrau ym mis Mai 2015, a ddylai ganiatáu amser digonol i'r cynghorau cymuned wneud trefniadau, ond nid yw hyn ar wyneb y Bil.

Mae swm sylweddol o glercod cyngor yn debygol o fod angen rhyw fath o hyfforddiant neu gymorth er mwyn sicrhau eu bod yn medru darparu deunyddiau yn electronig, hyd yn oed os ydyn nhw am gael gwefan wedi ei ddarparu gan berson arall. Mae hi hefyd yn bosib y byddai peth inertia diwylliannol i'w oroesi, yn cynnwys pryderon cynghorau y bydd gormod o ymholiadau yn cael eu hanfon atynt ar ebost. Gallai arweiniad gan y Llywodraeth fod yn ddefnyddiol i fynd i'r afael â'r materion hynny, ac yn arbennig i gynnwys dulliau o ran sicrhau digon o ddarpariaeth i ddelio â chyfatebiaeth annifyr.

Gallai'r costau posib sy'n gysylltiedig â darparu mynediad arlein i ddogfennau hefyd fod yn broblem i gynghorau bychan. Mae oddeutu 22% o gynghorau cymuned yn gwario llai na £5,000 y flwyddyn, a 19% arall yn gwario rhwng £5,000 a £10,000 y flwyddyn. Gallai cost ychwanegol o £1,000 y flwyddyn gael ei weld fel cost ychwanegol sylweddol i'r cynghorau hyn.

Cwestiwn 11: Beth yw goblygiadau ariannol y Bil, os ydynt yn bodoli? Wrth ateb y cwestiwn hwn, mae'n bosibl y byddwch am ystyried Rhan 2 o'r Memorandwm Esboniadol (yr Aseiad Effaith) sy'n cynnwys amcangyfrif o'r costau a'r buddion sy'n gysylltiedig â rhoi'r Bil ar waith.

Ymhelaethwch ar eich ateb

Mae goblygiadau ariannol y Bil yn ymddangos fel petaent, yn gyffredinol, wedi eu hasesu yn rhesymol yn y memorandwm esboniadol. Nid ydym yn credu, fodd bynnag, ei bod hi'n debygol y byddai rhoi rheidrwydd ar gynghorau cymuned i ddarparu gwybodaeth yn electronig yn arwain at arbedion wrth gael gwared ar yr angen am bapurau a chopïau caled. Bydd dal angen am rybuddion papur a chofnodion ayyb. Mae hi hefyd yn debygol y byddai peth cost ychwanegol yn deillio o'r cynnydd yn y lefelau o ymgysylltu gan y cyhoedd, megis amser y clerwr wrth ddelio ag ymholiadau ebost.

Gwelwn werth o adolygiad ehangach yn dilyn rhoi'r darpariaethau mewn lle. Er enghraifft, mewn perthynas â mynediad cynghorau cymuned i ddarpariaethau gwybodaeth, gellir adnabod gwersi defnyddiol ar gydweithredu ac ymgysylltu â'r cyhoedd drwy gynnal astudiaeth werthuso o drefniadau mynediad cynghorau cymuned, yn cynnwys asesu caffael a'r effaith ar y cyhoedd. Rydym yn amcangyfrif y byddai astudiaeth werthuso o'r fath yn costio tua £50,000, ond y gallai arwain at rai arbedion o ganlyniad i wersi caffael a gwasanaethau gwell.

Cwestiwn 12: Beth yw eich barn am y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (hynny yw, offerynnau statudol, gan gynnwys rheoliadau a gorchmynion) (adran 5 y Memorandwm Esboniadol)?

Ymhelaethwch ar eich ateb

Maen nhw'n ymddangos yn briodol.

Cwestiwn 13: A oes unrhyw sylwadau eraill yr hoffech eu gwneud am rannau penodol o'r Bil?

Mae'r darpariaethau ariannol ar gyfer y Comisiwn, yn cynnwys ar gyfer cyfrifon ac archwilio, (cymalau 15 i 20) yn briodol.

LGD 16 Swyddfa Archwilio Cymru

Eich enw: Martin Peters

Sefydliad (os yw'n berthnasol): Swyddfa Archwilio Cymru

Cyfeiriad e-bost: martin.peters@wao.gov.uk

Rhif Ffôn: 02920 320 526

Eich cyfeiriad: 24 Heol y Gadeirlan, Caerdydd, CF11 9LJ

Comisiwn Ffiniau Llywodraeth Leol

Cwestiwn 1: A oes angen Bil i wneud newidiadau i gyfansoddiad a swyddogaethau'r Comisiwn Ffiniau Llywodraeth Leol i Gymru ("y Comisiwn") ac i wneud amrywiol ddarpariaethau mewn perthynas â llywodraeth leol?

Oes

Nac oes

Ymhelaethwch ar eich ateb

Un o'r prif resymau pam fod angen deddfwriaeth yw oherwydd, o dan y deddfwriaeth presennol, fod rhaid i'r Comisiwn gwblhau adolygiadau o fewn amserlen afresymol o drwm ac o fewn y cyfyngiad annefnyddiol o beidio gallu newid ffiniau cymunedau. Tra y gellir mynd i'r afael â mater yr amserlen drwy orchmynion gan Weinidog o dan Ddeddf 1972, ni fyddai'r gorchmynion yn delio â'r broblem o ran ffiniau cymunedau. Mewn unrhyw achos, gall dibynadwyedd ar orchmynion gan Weinidog fod yn annymunol o safbwynt hyder cyhoeddus yng ngwaith y Comisiwn.

Rydym hefyd yn ystyried fod deddfwriaeth newydd yn ffordd rhesymol o gyflymu darpariaeth mynediad electronig at wybodaeth cynghorau cymuned i'r fath raddau fel y gellir sicrhau hyn o fewn amserlen gymharol fer (tua 2 flynedd). Mae hwn yn briodol, gan fod diffyg cyfathrebu electronig â'r cyhoedd ymysg nifer sylweddol o gynghorau cymuned.

Cwestiwn 2: A ydych o'r farn y bydd y Bil yn gwella'r dull o gyflawni rolau a swyddogaethau statudol y Comisiwn? (paragraff 3.1 o'r Memorandwm Esboniadol)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Er mwyn caniatáu cylched barhaus o adolygu, dylai'r Bil helpu'r Comisiwn i sicrhau dull mwy cyson a chynaliadwy o weithio. Dylai'r Bil hefyd helpu drwy gefnogi gweithdrefnau ymgynghori gwell o ran cynigion adolygu ffiniau.

Cwestiwn 3: A ydych o'r farn bod y newidiadau sy'n cael eu gwneud i'r Comisiwn yn briodol? (Rhan 2 y Bil)

Ydw

Nac ydw

Yn gyffredinol, ydw. Dylai codi'r cworwm i dri helpu i sicrhau safon dda o ran gwneud penderfyniadau. Ond er mwyn helpu i sicrhau fod y Comisiwn yn cael ei weinyddu'n gyson, efallai y byddai'n well pe bai'r Prif Weithredwr yn cael ei benodi gan y Comisiwn yn hytrach na Gweinidogion Cymru.

Trefniadau Llywodraeth Leol

Cwestiwn 4: A ydych o'r farn bod y darpariaethau mewn perthynas â gweithdrefnau ar gyfer adolygiadau llywodraeth leol yn briodol? (Pennod 4 a 5)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Yn gyffredinol, ydw. Mae'n ymddangos yn briodol fod y darpariaethau ar gyfer adolygiadau llywodraeth leol yn nodi fod angen i'r Comisiwn ymgynghori ar y weithdrefn arfaethedig a dull yr adolygiad, yn arbennig o ran sut i bennu nifer priodol aelodau'r cynghorau. Dylai, fodd bynnag, fod o gymorth o ran tryloywder ac ymgysylltu â'r cyhoedd os oedd rhaid i'r Comisiwn hefyd gyhoeddi ei weithdrefnau a dulliau arfaethedig yn electronig (ac mewn cyfryngau eraill ar gais).

Mae hi hefyd yn ymddangos yn briodol fod rheidrwydd ar gyrff sy'n adolygu i ymgynghori ar gynigion drafft ar gyfer yr ardal sydd yn cael ei adolygu, yn cynnwys eu cyhoeddi yn electronig.

Dylai fod o gymorth i dryloywder ac ymddiriedaeth a hyder cyhoeddus os oedd darpariaeth ychwanegol yn y Bil, yn nodi fod rhaid i Weinidogion Cymru a'r Comisiwn, wrth dderbyn adroddiadau (fel y gallai'r achos fod) i gyhoeddi rhesymau dros beidio rhoi argymhellion mewn lle, neu eu gweithredu ag addasiadau.

Cwestiwn 5: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Dyletswyddau'r Comisiwn
- Dyletswyddau prif gynghorau

yn briodol? (Pennod 1)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Ar y cyfan, ydw, ond ynghyd â cheisio sicrhau llywodraeth leol effeithiol a chyfleus, byddai'r briodol i'r Comisiwn a'r prif gynghorau fod yn ymwybodol o'r angen am economi ac effeithlonedd o fewn llywodraeth leol. Byddai darpariaeth ychwanegol o'r fath yn diogelu'r Comisiwn a'r cynghorau rhag gwneud cynigion sydd yn effeithiol a chyfleus, ond sydd yn ddiangen o ddrud. Rydym o'r farn fod ystyriaeth o'r fath yn debygol o fod ar y gweill, ond gall darpariaeth pendant fod yn amddiffynfa ychwanegol ddefnyddiol.

Cwestiwn 6: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Pwyllgorau Gwasanaethau Democrataidd (Adran 56)
- Pwyllgorau Archwilio (Adran 57)
- Pwyllgorau Safonau (Adran 63)

yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Mae'r darpariaethau o ran pwyllgorau gwasanaethau democrataidd yn ymddangos fel petaent yn fuddiol yn nhermau penderfyniad lleol o arferion gweithio er mwyn gweddu y sefyllfaoedd presennol orau.

Dylai'r eglurhad o gyfansoddiad y pwyllgorau archwilio fod o gymorth o safbwynt osgoi dadl hirfaith.

Dylai'r darpariaeth ar gyfer pwyllgorau safonau rhanbarthol fod yn ddefnyddiol o ran sicrhau argaeledd aelodau annibynnol addas, effeithlonrwydd a chysondeb dulliau gweithio.

Panel Annibynnol Cymru ar Gynabyddiaeth Ariannol

Cwestiwn 7: A ydych o'r farn bod y darpariaethau mewn perthynas â Phanel Annibynnol Cymru ar Gynabyddiaeth Ariannol yn briodol? (Pennod 5, Adrannau 58-62)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Ymddengys fod y darpariaethau yn lliflinio, yn ddefnyddiol, fanyleb o derfynau cyflogau uwch-weithwyr ac wrth roi ystyriaeth i achosion penodol.

Mynediad at wybodaeth (Cyngorau Tref a Chymuned)

Cwestiwn 8: A ydych o'r farn bod y darpariaethau mewn perthynas â hwyluso mynediad at wybodaeth (Cyngorau Tref a Chymuned) yn briodol?			
Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>
Ymhelaethwch ar eich ateb			
<p>Mae hi'n glir nad yw nifer sylweddol o gynghorau cymuned yn darparu lefel ddigonol o gyfathrebu electronig ynglŷn â'u trafodion. Byddai deddfwriaeth yn fodd realistig o gyflymu'r darpariaeth a fyddai o gymorth wrth hybu ymgysylltu â'r cyhoedd. Dylai'r cwmpas ar gyfer rhannu darpariaeth gwefan fod o gymorth i alluogi dull economaidd o gyfathrebu, er gallai fod o help pe bai darpariaethau yn gwneud hyn yn fwy eglur drwy gyfeirio ato'n bendant. Gallai rhai gasglu o deitl yr adran "gwefannau cynghorau cymuned" fod rhaid i gynghorau unigol gynnal a chadw eu gwefan eu hunain. Gall "Darpariaeth wybodaeth yn electronig gan gynghorau cymuned" fod yn deitl gwell.</p> <p>Mae'n debyg fod yr amserlen a ragwelir (Mai 2015) yn realistig, ond gall fod yn ddefnyddiol, er eglurdeb, i roi'r dyddiad dechrau ar gyfer y darpariaethau hyn ar wyneb y Bil.</p>			

Cadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau)

Cwestiwn 9: A ydych o'r farn bod y darpariaethau mewn perthynas â Chadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau) yn briodol?			
Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>
Ymhelaethwch ar eich ateb			
<p>Mae'n ymddangos fod y darpariaethau yn cwrdd â'u hamcan o ganiatáu gwahanu'r swyddogaethau seremonïol oddi wrth lywyddu cyfarfodydd, sydd yn ei hun yn ymddangos yn rhesymol.</p>			

Darpariaethau Cyffredinol y Bil

Cwestiwn 10: Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith (os ydynt yn bodoli), ac a yw'r Bil yn rhoi ystyriaeth ddigonol iddynt?

Ymhelaethwch ar eich ateb

Rydym o'r farn mai'r prif rwystr i roi hyn ar waith fydd o ran mynediad electronig gan gynghorau cymuned. Mae'r nodiadau eglurhad yn nodi, yn ddefnyddiol, y bydd y darpariaethau hyn (adrannau 53 a 54) yn dechrau ym mis Mai 2015, a ddylai ganiatáu amser digonol i'r cynghorau cymuned wneud trefniadau, ond nid yw hyn ar wyneb y Bil.

Mae swm sylweddol o glercod cyngor yn debygol o fod angen rhyw fath o hyfforddiant neu gymorth er mwyn sicrhau eu bod yn medru darparu deunyddiau yn electronig, hyd yn oed os ydyn nhw am gael gwefan wedi ei ddarparu gan berson arall. Mae hi hefyd yn bosib y byddai peth inertia diwylliannol i'w oroesi, yn cynnwys pryderon cynghorau y bydd gormod o ymholiadau yn cael eu hanfon atynt ar ebost. Gallai arweiniad gan y Llywodraeth fod yn ddefnyddiol i fynd i'r afael â'r materion hynny, ac yn arbennig i gynnwys dulliau o ran sicrhau digon o ddarpariaeth i ddelio â chyfatebiaeth annifyr.

Gallai'r costau posib sy'n gysylltiedig â darparu mynediad arlein i ddogfennau hefyd fod yn broblem i gynghorau bychan. Mae oddeutu 22% o gynghorau cymuned yn gwario llai na £5,000 y flwyddyn, a 19% arall yn gwario rhwng £5,000 a £10,000 y flwyddyn. Gallai cost ychwanegol o £1,000 y flwyddyn gael ei weld fel cost ychwanegol sylweddol i'r cynghorau hyn.

Cwestiwn 11: Beth yw goblygiadau ariannol y Bil, os ydynt yn bodoli? Wrth ateb y cwestiwn hwn, mae'n bosibl y byddwch am ystyried Rhan 2 o'r Memorandwm Esboniadol (yr Aseiad Effaith) sy'n cynnwys amcangyfrif o'r costau a'r buddion sy'n gysylltiedig â rhoi'r Bil ar waith.

Ymhelaethwch ar eich ateb

Mae goblygiadau ariannol y Bil yn ymddangos fel petaent, yn gyffredinol, wedi eu hasesu yn rhesymol yn y memorandwm esboniadol. Nid ydym yn credu, fodd bynnag, ei bod hi'n debygol y byddai rhoi rheidrwydd ar gynghorau cymuned i ddarparu gwybodaeth yn electronig yn arwain at arbedion wrth gael gwared ar yr angen am bapurau a chopïau caled. Bydd dal angen am rybuddion papur a chofnodion ayyb. Mae hi hefyd yn debygol y byddai peth cost ychwanegol yn deillio o'r cynnydd yn y lefelau o ymgysylltu gan y cyhoedd, megis amser y clerwr wrth ddelio ag ymholiadau ebost.

Gwelwn werth o adolygiad ehangach yn dilyn rhoi'r darpariaethau mewn lle. Er enghraifft, mewn perthynas â mynediad cynghorau cymuned i ddarpariaethau gwybodaeth, gellir adnabod gwersi defnyddiol ar gydweithredu ac ymgysylltu â'r cyhoedd drwy gynnal astudiaeth werthuso o drefniadau mynediad cynghorau cymuned, yn cynnwys asesu caffael a'r effaith ar y cyhoedd. Rydym yn amcangyfrif y byddai astudiaeth werthuso o'r fath yn costio tua £50,000, ond y gallai arwain at rai arbedion o ganlyniad i wersi caffael a gwasanaethau gwell.

Cwestiwn 12: Beth yw eich barn am y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (hynny yw, offerynnau statudol, gan gynnwys rheoliadau a gorchmynion) (adran 5 y Memorandwm Esboniadol)?

Ymhelaethwch ar eich ateb

Maen nhw'n ymddangos yn briodol.

Cwestiwn 13: A oes unrhyw sylwadau eraill yr hoffech eu gwneud am rannau penodol o'r Bil?

Mae'r darpariaethau ariannol ar gyfer y Comisiwn, yn cynnwys ar gyfer cyfrifon ac archwilio, (cymalau 15 i 20) yn briodol.



Ms L Hatcher
Deputy Committee Clerk
Legislation Office
National Assembly for Wales
Cardiff Bay
CF99 1NA

Our Ref: qA753050/A4316845

16th January 2013

Dear Ms Hatcher

Local Government (Democracy) (Wales) Bill

The members of the Independent Remuneration Panel for Wales are grateful for the opportunity to provide evidence to the Communities, Equalities and Local Government Committee on the elements of the Bill relating their work.

The Local Government (Wales) Measure 2011 made significant changes to the remit and operation of the Panel and as a result we have been able to construct a consistent framework for the remuneration of members of relevant authorities. However, some operational issues emerged during the development of the First Annual Report under the Measure. These were mostly in respect of practical application but some issues of fairness and accountability (to the electorate) also emerged.

We provided the Welsh Government with our findings and these have been incorporated into the proposals in the Bill. For the information of the Committee we have set out our views in answer to the relevant questions in the pro forma provided at Annex 1.

If required, we would gladly come along to Committee to provide oral evidence.

Regards

Yours sincerely

Chair
Independent Remuneration Panel for Wales

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IRP response to CE&LG Call for Evidence on LG (Democracy)(Wales) Bill

Consultation Response Form

Responses should be sent to: CELG.committee@wales.gov.uk

Your name: **Fiona Middleton**

Organisation (if applicable): **Secretariat, Independent Remuneration Panel for Wales**

Email address: IRPMailbox@wales.gsi.gov.uk

Telephone number: 029 2080 1047

Your address: c/o Scrutiny, Democracy & Participation Team, Democracy, Ethics & Partnership Division, 1st floor, North Wing, Pillar M05, Cathays Park, Cardiff. CF10 3NQ

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	X	No	
<p><u>Section 58</u></p> <p>We support this proposal.</p> <p>We understand the reason for the wording of the Measure but it became clear in our deliberations on the First Annual Report under the Measure that there would be presentational issues relating to the determination of a maximum proportion of a council whose members could receive a senior salary. The variation in the numbers of councillors within the 22 principal authorities is significant and is not, in many instances, related to their population. The basis of our framework is heavily influenced by population and in terms of the level of senior salaries for the Executives of councils it was a determining factor. Similarly we used population to establish the proportion of a council membership that could be paid a senior salary. We considered that it would be both inconsistent and unfair to set the same proportion for all councils; therefore we had to provide a specific percentage for each council that would produce the appropriate numerical product for each population band. The result is a range of percentages from 24% to 50%.</p> <p>We believe that the alternative of setting the maximum as a number is more easily understood and would demonstrate a consistent application within the national framework of remuneration.</p>			

IRP response to CE&LG Call for Evidence on LG (Democracy)(Wales) BillSection 59

Although we did not suggest this proposal, we believe that it has merit. It has the potential to create a level playing field for the remuneration of members of public bodies sponsored by the Welsh Government. It will assist the Panel to provide a more consistent (and therefore more equitable) framework than currently exists. Most importantly the detailed analysis and comparison of such bodies would be undertaken by an independent and impartial body.

In our First Annual Report (effective from April 1st) following the Measure we introduced a restriction on members of council executives receiving additional payments if they were also nominated to National Park or Fire and Rescue Authorities. The justification for this is the fact that we have determined that the remuneration of Council Leaders and Executive members (the amounts are now prescribed) are based on full time commitment. It is therefore unreasonable for the public purse to make additional payments to a councillor already getting a full time salary. We have been made aware that such members can and do receive payments for serving on other public bodies in Wales. We believe that this is inconsistent but as these other bodies are outside our remit we cannot intervene.

However, subsection (b) (6) (c) proposes a qualification relating to which public bodies could be included. This appears restrictive and could create inconsistencies in application that would be difficult to justify in the public arena.

IRP response to CE&LG Call for Evidence on LG (Democracy)(Wales) BillSection 60

As this section applies both to the Annual and Supplementary Reports of the Panel we suggest that this should be reflected in the heading.

We support the proposal to amend the timing of the publication of the Annual Report. The current requirement for publication means that the consultation on the draft report is during the summer months, a time when it is difficult for authorities to obtain a council/authority wide view because of the recess. Changing the date to the end of February will enhance the consultation process and allow improved information on the operation of the Panel's determinations from the previous year. As the implementation date for each Report is the Annual Meeting of the authority, it should not create administrative issues for authorities. We are aware that some concern has been raised that this amendment will have implications on budget setting. Our view is that this should not be a major factor as any year on year changes are likely to be very modest in financial terms and would be signalled in the draft Report which would be published prior to budget setting.

We support the backdating of determinations made by Supplementary Reports in the interest of fairness. There will be specific requests for additions to the framework which are justified and approved. These are most likely to be effected by a Supplementary Report which requires a draft for consultation and cannot come into force earlier than three months from the date of publication of the final version of the Supplementary Report. Backdating is currently prohibited by the Measure results in individual members being unable to receive payments for many months despite undertaking a role for which a senior salary is considered appropriate.

Allowing the Panel discretion to set a date for implementation will rectify this unfairness but as the proposal in the Bill is a maximum of three months there could be occasions when the consultation process leads to a longer timescale. We suggested in our response to the white paper consultation that backdating to a maximum of six months would be more appropriate. We still hold that view.

Section 61

The majority of the Supplementary Reports to date have been specific to individual authorities and deal with matters brought to our attention by those authorities. It is likely that this will continue to be the case. It would be beneficial to the individual authority that we make a decision as speedily as possible so it is in their interest to have a shorter consultation period. We welcome the flexibility proposed which will allow a longer period when we deal with issues that may have a wider application than an individual authority.

IRP response to CE&LG Call for Evidence on LG (Democracy)(Wales) BillSection 62

We have previously expressed strong views on this point. We consider that the citizens of an authority have a right to know the extent of payments received from public bodies by members they have elected (either directly or indirectly). We hope that this would be implemented by all authorities voluntarily but empowering the Panel will ensure consistency of application throughout Wales.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes

X

No

Section 53

We agree with this proposal. In preparation for the Annual Report, December 2012 we gathered evidence and consulted with a range of organisations regarding a remuneration framework for community councils.

We were surprised by the number of councils that did not have websites or internet communication. It made the initial consultation more difficult and more costly, but more importantly may have resulted in many community councillors not being aware that we were gathering evidence and seeking their views on remuneration issues.

Community and town councils are important public bodies with a crucial role in community cohesion and should be using modern communication methods to function efficiently.

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

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

Yes

X

No

Section 51

We agree with the proposal to recognise the role of Presiding member as this has been raised with us in respect of the payment of a senior salary for such individuals.

**Evidence of the Public Services Ombudsman for Wales
to the National Assembly for Wales's Communities, Equality and
Local Government Committee
on the Local Government (Democracy) (Wales) Bill**

1. Introduction

- 1.1 I pleased to have the opportunity to provide evidence in respect of the Communities, Equality and Local Committee's scrutiny of the Local Government (Democracy) (Wales) Bill.
- 1.2 As Public Services Ombudsman for Wales, I have two roles. The first is to investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction. The second is to consider complaints alleging that members of local authorities have broken their Code of Conduct. My comments are based on my experience in both of these roles.

2. The Local Government Boundary Commission

- 2.1 The current Local Government Boundary Commission for Wales is outside of the jurisdiction of the Public Services Ombudsman for Wales. This has previously been identified as something of an anomaly. I am pleased therefore that the Bill brings the Commission in its new form of the Local Democracy and Boundary Commission for Wales within the Ombudsman's jurisdiction. This means that the Ombudsman will in future be able to accept for consideration complaints about maladministration or service failure by this public body.

3. Other Changes to Local Government

- 3.1 **Access to Information** – I welcome the elements of the Bill that require community councils to make available electronically information on how to contact the council to the public. Community councils come within the jurisdiction of my office. Finding up to date contact details and information about the 730 or so town and community councils in Wales is not always easy. It also presents difficulties when seeking to signpost members of the public making enquiries about these authorities to the right place. A website presence of some form is important in today's world. Whilst I understand that some town and community councils are small and have limited resource, there are possibilities that other organisations, such as principal authorities, could host these on their behalf. However, they would need to do so in a way that would enable the relevant web pages to be returned prominently in any results from an internet search engine.

3.2 Joint Standards Committees –

3.2.1 In my role of considering complaints alleging that members of local authorities have broken their Code of Conduct I have on a number of occasions expressed my concern about certain aspects of the current local government ethical framework. The proposal in relation to joint standards committees will at least address some of those concerns.

3.2.2 By way of background information, outcomes of cases which I have referred to standards committees over recent years are as follows:

Year	No. of referrals	Outcome and Sanction applied by Standards Committee (if any)
2012/13 to date	12	Breach x 3: <ul style="list-style-type: none"> • 3 month suspension x 1 • 28 day suspension x 1 • Censure x 1 (9 cases yet to be heard)
2011/12	15	Breach x 14: <ul style="list-style-type: none"> • 6 month suspension x 1 • 18 week suspension x 1 • Censure x 8 • No action x 4 (1 case yet to be heard)
2010/11	16	Breach x 14: <ul style="list-style-type: none"> • 6 month suspension x 1 • 3 month suspension x 1 • 2 month suspension x 1 • 1 month suspension x 1 • 28 day suspension x 1 • Censure & training x 1 • Censure x 5 • No action x 3 No evidence of breach x 1 No case to answer x 1

3.2.3 Some of the problems that I as Ombudsman have witnessed in relation to the current standards committee arrangements are:

- (a) Standards committees sometimes face problems in forming suitably ‘independent’ committees. For example, sometimes the whole council has been involved in the matter complained about. This occurred in a recent complaint I investigated which concerned remarks which had been made during a council meeting and the members who were present at the meeting were witnesses who had been contacted by my investigator during the investigation. I consider that the rules of natural justice dictate that it would not be appropriate for those members who witnessed the events and who are also members of the council’s standards committee to play any part in any subsequent hearing of the matter. One member who was a witness in the recent case was extremely unhappy about this and whilst he eventually heeded his Monitoring Officer’s advice to play no part in the hearing had he not done so the hearing might have been prejudiced.

- (b) Some local authority standards committees are rarely called to consider code of conduct complaints. This leads to a position where members are insufficiently au fait with procedures and that lack of familiarity can lead for example to lenient sanctions in what I consider to be serious breaches of the Code. A couple of case examples to illustrate this point are:

A member of a community council attended meetings of his council and of the relevant national park authority concerning the draft Local Development Plan (LDP), despite having both a personal and prejudicial interest in the matter because he had submitted land in his ownership to be included in the LDP. He should therefore have declared his interest and taken no part in any discussions concerning the draft LDP. I considered the breaches of the code to be serious and ones that would cause public concern. However, the Standards Committee took the view that no action needed to be taken against the member.

A member of a county borough council disclosed confidential information which had been revealed to her in her role as cabinet member for education relating to a fellow councillor's employment during an exchange she had with him in a council meeting. Although the cabinet member was a very experienced member and the information which was disclosed in the public arena could have affected the fellow councillor's future employment prospects the standards committee censured the member and did not impose any period of suspension.

- (c) Some authorities, such as fire authorities, have called into question the need for them to constitute standards committees so rarely do they have call to meet to discuss complaints about failure by their members to adhere to their Code of Conduct, if ever.

3.2.4 In each of these scenarios above, the proposed arrangement for joint standards committees would help to resolve the issues identified. Joint standards committees could:

- overcome the problems of conflict of interest and constituting appropriately 'independent' committees for standards hearings and issues
- build the necessary expertise so that unduly lenient sanctions of the type that currently happen do not occur in the future
- address the concerns of those authorities who feel that they are unnecessarily required to constitute a standards committee because they rarely if ever have to meet. The proposal contained in the Bill would allow such authorities to access a joint standards committee should they require it.

3.2.5 I also believe that a joint standards committee arrangement would strengthen public confidence in high standards of conduct within local democracy.

Finally, if the National Assembly for Wales's Communities, Equality and Local Government Committee would find it helpful, I would be happy to discuss further the above comments.

**Public Services Ombudsman for Wales
January 2013**

LGD 19 Llanharan Community Council

Llanharan Community Council supports the clauses in the Bill affecting Town and Community Councils

Peter Davies
Clerk to the Council

OLD RADNOR COMMUNITY COUNCIL

CLERK: MRS. ANGELA JAUNCEY
Telephone (01544) 230247

Burlingjobb Farm
Burlingjobb
Presteigne
Powys
LD8 2PW

21st January, 2013

Leanne Hatcher,
Legislation Office,
National Assembly for Wales,
Cardiff Bay,
Cardiff.
CF99 1NA

Dear Ms. Hatcher,

I enclose the completed consultation response form in respect of proposed draft Local Government (Democracy) (Wales) Bill.

Yours sincerely,

A Jauncey
Clerk

p.p. Old Radnor Community Council

Enc.

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name:

Organisation (if applicable):

Email address:

Telephone number:

Your address:

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
WE THINK REVISIONS MUST SQUARE REPRESENTATION			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

WE HOPE SO

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

Yes

No

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

HOW ARE WE SUPPOSED TO JUDGE
THESE THINGS?

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

SEE ANSWERS

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

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

are appropriate?

Yes

No

Please expand on your answer

SEE ANSWERS

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes No

Please expand on your answer

*THIS WILL COST TO UNIFORMITY
ACROSS ALL COUNCILS*

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes No

Please expand on your answer

*WE ARE CONCERNED WITH WHAT THIS WILL
COST (EXTRA COUNCIL HOURS ETC),*

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

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

Yes No

Please expand on your answer

General Provisions of the Bill

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

Please expand on your answer

*LACK OF I.T. KNOWLEDGE
FINANCIAL CONSTRAINT*

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

Please expand on your answer

*THAT IS GOING TO BE DUPLICATION, AS WE
WILL HAVE TO ISSUE INFO COPY AROUND
OUR AREA + ADDITIONAL COST OF
I.T. AS EXPANDED IN Q 8 & 10.*

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

Please expand on your answer

WE ARE UNDERWHELMED

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

DO YOU INTEND THAT SUBTRONIC
MEANS THAT YOU WILL TAKE WILL
SUPPRESS THE PREVIOUS TRADITIONAL
SUCCESSFUL MISTERY OF COMMUNICATING
WITH OUR PUBLIC IN THE PAST?

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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CELG.committee@wales.gov.uk

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

Your name: Paul Egan

Organisation (if applicable): Llandough Community Council

Email address: p.egan67@ntlworld.com

Telephone number: 01446 409294

Your address: 63 Woodham Park, Barry, Vale of Glamorgan CF62 8FJ

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Yes

No

Please expand on your answer

The Community Council supports the Welsh government’s commitment to reform and modernise the Local Government Boundary Commission for Wales. Legislation is required to enable the enhancement of the capacity, powers and resources of the Commission.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

No further comment.

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The Bill sets out clear processes for the improvement of the functions of the Commission and is appropriate and welcomed.			
Local Government arrangements			
Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Full and proper consultation will be required with Community and Town Councils as well as with One Voice Wales.			
Question 5: Do you think the arrangements for local government in relation to: <ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council are appropriate? (Chapter 1)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
No further comments.			
Question 6: Do you think the arrangements for local government in relation to: <ul style="list-style-type: none"> • Democratic Services Committees (Section 56) • Audit Committees (Section 57) • Standards Committees (Section 63) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
The Community Council supports the arrangements relating to Democratic Services Committees and Audit Committees. However, in relation to Standards Committees, it is considered vitally important that representation by Community and Town Councils is not diluted through the establishment of Joint Committees.			

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
No further comments to add.			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes

✓

No

Please expand on your answer

The Community Council fully supports the proposal but considers that the Welsh Government should make available grants for the smaller councils to enable them to cover the initial set-up costs.

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

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

Yes

✓

No

Please expand on your answer

No further comments.

General Provisions of the Bill

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

Please expand on your answer

Overall the Bill introduces many new processes that are welcomed and which will improve current arrangements.

However, the proposals involving access to information from Community and Town Councils do include potential barriers in terms of capacity, expertise, training and/or sufficient finance on the part of smaller authorities. The Bill in its current format does not adequately address these barriers. The response to question 8 sets out the sectors view on how the current resource deficit should be addressed.

<p>Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.</p>
<p>Please expand on your answer</p> <p>The costs of developing and maintaining a website would stretch the capacity of those councils with low level precepts.</p>
<p>Question 12: What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments including regulations and orders) (section 5 of the Explanatory Memorandum)?</p>
<p>Please expand on your answer</p> <p>No specific comments.</p>
<p>Question 13: Are there any other comments you wish to make about specific sections of the Bill?</p>
<p>No specific comments.</p>

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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

Your name: Mr Gethin James - Clerk

Organisation (if applicable): Llanarthne Community Council

Email address: gethin.james@btconnect.com

Telephone number: 01558 668143

Your address: Troed y Bryn, Llanarthne, Carmarthen, SA32 8JE

Introduction

We believe strongly that community and town councils are well-placed to develop the economic, social and environmental well-being of the areas we serve and, as such, are active and proactive in debating key issues such as strategic planning, partnership working and our role and place within the public sector generally.

Whilst individual councils might respond to this consultation exercise, It is understood that One Voice Wales wishes to submit a provisional response on behalf of the sector although it has not had an opportunity due to the timing of the consultation period to consult with its individual membership organisations. However over the next month they will be seeking the views of National Executive Members of One Voice Wales. Any further comments on the Bill will be submitted to the Communities, Equalities and Local Government Committee ahead of the 15 February 2013 consultation deadline.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Yes

No

Please expand on your answer

Our council supports the Welsh government’s commitment to reform and modernize the Local Government Boundary Commission for Wales. Legislation is required to enable the enhancement of the capacity, powers and resources of the Commission.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

The Bill sets out a range of legislative changes that will improve the clarity of role and purpose of the Commission in relation to its work with Welsh Government and local government whilst at the same time allowing for future flexibility in the scope of the Commission to deal with other public bodies.

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

Yes

No

The Bill sets out clear processes for the improvement of the functions of the Commission and is appropriate and welcomed.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>Llanarthne Community Council will support the changes proposed in these sections - in particular the requirement of the commission to follow a set consultation procedure on their proposals - provided that local Community and Town Councils are to be given proper involvement at every stage of any review. All such arrangements should ensure that both tiers of local government are treated equally in this regard. Our Council supports an approach based on true partnership. Additionally our Council would welcome proposals that allow a right of appeal to the Minister by community or town councils on the outcome of local government reviews. With regard to a review of communities being undertaken Llanarthne Community Council would wish to see proposals that require the Commission to publish its approach prior to the review being undertaken.</p>			

Question 5: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council are appropriate? (Chapter 1)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Please refer to Question 4.			

Question 6: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Democratic Services Committees (Section 56) • Audit Committees (Section 57) • Standards Committees (Section 63) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>Our council agrees in principle with the proposals contained in these sections provided that local Community and Town Councils are to be safeguarded against any adverse implications as a result of the wider geographical areas created in response to the establishment of joint standards committees. A large number of local councillors already live a significant distance away from the administrative centres for these activities.</p> <p>Currently Standards Committees have community council member representation and any changes brought about as a result of the establishment of joint committees should ensure this representation is not diluted in any way.</p>			

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
No further comments			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>Our council agrees in principle with the direction and outcomes sought in relation to Community and Town Council information within this bill. However, there is a clear lack of understanding in terms of the implications of this direction for the smaller authorities, and there must be a clear set of guidelines in place, based on robust analysis of the needs and requirements of the sector, prior to any enactment.</p> <p>Furthermore, it is anticipated that as a result of this analysis there will be a resource implication for the Welsh Government. These aspects are expanded in Questions 11 and 13.</p> <p>Our council considers that the Bill should allow for specific grant support be provided to all community and town councils in Wales to cater for the requirements to provide electronic access to information and should account for 80% of the resources to deliver information electronically. This would place the sector on an equal footing with other public service providers who receive revenue support to facilitate this element of the democratic process.</p>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Our council has no further comment to add in relation to this question.			

General Provisions of the Bill

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

Please expand on your answer

Overall the Bill introduces many new processes that are welcomed and which will improve current arrangements.

However, the proposals involving access to information from Community and Town Councils do include potential barriers in terms of capacity, expertise, training and/or sufficient finance on the part of smaller authorities. The Bill in its current format does not adequately address these barriers. The response to question 8 sets out the sectors view on how the current resource deficit should be addressed.

The poor broadband coverage especially in rural areas of Wales for some is a potential barrier to electronic communication. Community Councils need to address this issue at every opportunity in the hope that something can be addressed nationally.

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

Please expand on your answer

As outlined in Question 10, the potential barriers for many councils would include issues such as capacity, expertise and the need for training and these issues have direct financial implications.

The availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of council websites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that local people would potentially require of them.

Statements are included in the explanatory memorandum on how a technical solution to these challenges could be approached, but little to assist councils in terms of what skills, capacity or other facets would be required of them in order to meet the information demands of the public at large.

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

Please expand on your answer

Our council has no comment to add in relation to this question.

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

These comments relate to the proposals involving access to information from Community and Town Councils.

The overview in the explanatory memorandum asserts that it is now common practice amongst large sections of the public to use the Internet, e-mail and social networking sites to obtain information about their local area, identify available services and contact public bodies and that, in turn, public bodies routinely publish information relating to their business, structure and functions in electronic format. What is not stated is the fact that a significant proportion of those searches for information do not conclude with the sought outcomes being established directly from the relevant public sector source. An example of this might be someone seeking information about the opening times of their local surgery or alternatively their local library, who could quite possibly come upon the relevant information without directly accessing the website of the local health board or unitary council. Indeed, this very example provides a degree of justification for such knowledge transfers to occur via a collaborative platform, rather than encouraging individual bodies to upload often overlapping tranches of information.

The overview also establishes the claim that approximately a half of community and town councils already have websites and there is a clear implication in the explanatory memorandum that this number should grow quickly. However, the analysis presented here misses the fundamental point that the availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of the sites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that people would potentially require of them.

The impact assessment proceeds to elaborate on some of these issues, making the presumption that introducing a bill will accelerate that which is likely to occur naturally over a period of time. This may well be the case, and in that sense that would in itself not be an inappropriate aim, but there is no clarity in the explanatory memorandum as to what is actually needed in respect of a community or town council website. Statements are included in terms of how a technical solution could be contemplated, but little to assist councils in terms of what skills, capacity or other facets to this challenge would be required of them and how the task of content management should best be approached.

The section on costs and benefits continues to present arguments in the manner described above, with insufficient regard given to those features of information delivery that will be most important to deal with in this domain. The various suggestions to make the task easier for councils involve mainly ideas that include third party contribution. However, it is unlikely that third party providers will have the full local knowledge to enable the information

content to be exactly as communities wish.

Therefore, the ministerial guidance promised in relation to this aspect needs to be extremely comprehensive.

LGD 23 Buckley Town Council

Buckley Town Council

Council Offices, Buckley, Flintshire. CH7 2JB
Telephone and Fax: 01244 544540
www.buckleytc.org.uk

Town Clerk and Financial Officer:
Martin B. Wright CPFA AFA MAAT
E mail: mbw@buckleytc.org.uk



Cyngor Tref Bwcle

Swyddfa'r Cyngor, Bwcle, Sir y Fflint. CH7 2JB
Rhif Ffôn a Ffacs: 01244 544540
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Clerc y Dref a Swyddog Cyllid:
Martin B. Wright CPFA AFA MAAT
E bost: mbw@buckleytc.org.uk

Our Ref/Ein Cyf

MBW/LG

Your Ref/Eich Cyf

Date/Dyddiad

23rd January 2013

Leanne Hatcher
Legislation Office
National Assembly for Wales
Cardiff Bay
CARDIFF
CF99 1NA

Dear Ms Hatcher,

Local Government (Democracy) (Wales) Bill

I refer to the consultation process with regard to the above and enclose for your information a completed questionnaire form which was approved for onward transmission to yourself by the General Purposes Committee of this Town Council at its meeting held on 22nd January 2013.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Wright', written over a horizontal line.

Town Clerk and Financial Officer

Enc

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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

Your name: *M. B. WRIGHT*

Organisation (if applicable): *BUCKLEY TOWN COUNCIL*

Email address: *tjrbuckley@bt.com*

Telephone number: *01244 544540*

Your address: *COUNCIL OFFICES, MOLD ROAD, BUCKLEY,
FLINTSHIRE CH7 2JB*

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?

Yes



No



Please expand on your answer

*WITHOUT A BILL THE MATHIAS RECOMMENDATIONS
CANNOT BE IMPLEMENTED*

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

Please expand on your answer

SEE PREVIOUS ANSWER

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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CHANGES PROPOSED SO FAR ARE POSITIVE

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

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

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

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

PROCEDURES ARE MUCH CLEARER UNDER THE NEW PROPOSALS

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

- Democratic Services Committees (Section 56) YES NO
- Audit Committees (Section 57) YES NO
- Standards Committees (Section 63) YES NO

are appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Please expand on your answer *THE SECTIONS REFERRED TO DO NOT CORRELATE WITH THE EXPLANATORY MEMORANDUM NUMBERING OF SECTIONS*

* THIS ASSUMES A MOVE TOWARDS REGIONALISATION OF LOCAL GOVERNMENT WHICH NOT CURRENTLY BEING DEBATED.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<i>THE MEASURES PROPOSED SUPPORT OPENNESS TRANSPARENCY AND ACCOUNTABILITY</i>			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<i>THE PROPOSALS MODERNISE COMMUNICATIONS CHANNELS AND ALSO PROVIDE FOR OPENNESS, TRANSPARENCY & ACCOUNTABILITY</i>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Please expand on your answer			
<i>BOTH ROLES SHOULD REMAIN COMBINED</i>			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?	
Please expand on your answer	
<i>THE LACK OF REFERENCE TO REGIONALISATION MAY CAUSE DIFFICULTIES (SEE STANDARDS COMMITTEE ANSWER)</i>	

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.	
Please expand on your answer	
<i>NONE THIS ORGANISATION CAN DETERMINE</i>	

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

Please expand on your answer *SUBORDINATE LEGISLATION RIGHTS ARE ESSENTIAL TO SWIFTLY CORRECT ERRORS OR ANOMALIES IN PRIMARY LEGISLATION AS THEY APPEAR*

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

No .

LGD 24 Cyngor Tref Frenhinol Caernarfon

Eich enw: Katherine Owen

Sefydliad (os yw'n berthnasol): Cyngor Tref Frenhinol Caernarfon

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Comisiwn Ffiniau Llywodraeth Leol

Cwestiwn 1: A oes angen Bil i wneud newidiadau i gyfansoddiad a swyddogaethau'r Comisiwn Ffiniau Llywodraeth Leol i Gymru ("y Comisiwn") ac i wneud amrywiol ddarpariaethau mewn perthynas â llywodraeth leol?

Oes

Nac oes

Ymhelaethwch ar eich ateb

Mae Cyngor Tref Caernarfon yn cefnogi ymrwymiad Llywodraeth Cymru i ddiwygio a moderneiddio Comisiwn Ffiniau Llywodraeth Leol Cymru. Mae angen deddfwriaeth er mwyn gallu cryfhau gallu, grymoedd ac adnoddau'r Comisiwn.

Cwestiwn 2: A ydych o'r farn y bydd y Bil yn gwella'r dull o gyflawni rolau a swyddogaethau statudol y Comisiwn? (paragraff 3.1 o'r Memorandwm Esboniadol)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Mae'r Bil yn cyflwyno nifer o newidiadau deddfwriaethol fydd yn gwella eglurder rôl a phwrpas y Comisiwn o ran ei waith gyda Llywodraeth Cymru a llywodraeth leol, tra ar yr un pryd yn caniatáu hyblygrwydd i'r dyfodol o ran gallu'r Comisiwn i ddelio â chyrrff cyhoeddus eraill.

Cwestiwn 3: A ydych o'r farn bod y newidiadau sy'n cael eu gwneud i'r Comisiwn yn briodol? (Rhan 2 y Bil)

Ydw

Nac ydw

Mae'r Bil yn esbonio prosesau clir ar gyfer gwella swyddogaethau'r Comisiwn ac maent yn briodol ac i'w croesawu.

Trefniadau Llywodraeth Leol

Cwestiwn 4: A ydych o'r farn bod y darpariaethau mewn perthynas â gweithdrefnau ar gyfer adolygiadau llywodraeth leol yn briodol? (Pennod 4 a 5)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Bydd Cyngor Tref Caernarfon yn cefnogi'r newidiadau a awgrymir yn yr adrannau hyn – yn benodol felly'r angen i'r Comisiwn ddilyn gweithdrefn benodol ar gyfer eu cynigion – ar yr amod fod Cyngorau Cymuned a Thref yn cael cyfle llawn i gyfrannu i bob cam o bob adolygiad. Dylai unrhyw drefniadau o'r fath ofalu fod dwy haen llywodraeth leol yn cael eu trin yn gyfartal yn hyn o beth. Rydym yn cefnogi ffordd o weithio sy'n seiliedig ar wir bartneriaeth. Byddem hefyd yn croesawu cynigion sy'n rhoi hawl i gyngorau cymuned a thref apelio i'r Gweinidog yn erbyn canlyniadau adolygiadau llywodraeth leol. O ran yr adolygiad o gymunedau a gynhelir, byddai Un Llais Cymru yn awyddus i weld cynigion sy'n mynnu fod y Comisiwn yn cyhoeddi sut y bwriada gynnal yr adolygiad cyn mynd ati i wneud hynny. Ange sicrhau amser digonol I Gyngorau cymuned a Thref ymateb

Cwestiwn 5: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Dyletswyddau'r Comisiwn
- Dyletswyddau prif gyngorau

yn briodol? (Pennod 1)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Trowch at Gwestiwn 4.

Cwestiwn 6: A ydych o'r farn bod y trefniadau ar gyfer llywodraeth leol mewn perthynas â:

- Pwyllgorau Gwasanaethau Democraidd (Adran 56)
- Pwyllgorau Archwilio (Adran 57)
- Pwyllgorau Safonau (Adran 63)

yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Mae Cyngor Tref Caernarfon yn cytuno ag egwyddor y cynigion a gynhwysir yn yr adrannau hyn, ar yr amod fod Cyngorau Cymuned a Thref yn cael eu diogelu yn erbyn unrhyw oblygiadau andwyol oherwydd yr ardaloedd daearyddol ehangach gaiff eu creu yn sgîl sefydlu cyd bwyllgorau safonau. Mae nifer fawr o gynghorwyr lleol eisoes yn byw gryn bellter o'r canolfannau gweinyddol ar gyfer y gweithgareddau hyn.

Ar hyn o bryd mae Pwyllgorau Safonau yn cynnwys cynrychiolaeth gan gynghorau cymuned a thref a dylai unrhyw newidiadau sy'n digwydd yn sgîl creu cyd bwyllgorau sicrhau nad yw'r gynrychiolaeth hon yn cael ei gwanhau mewn unrhyw ffordd.

Panel Annibynnol Cymru ar Gynabyddiaeth Ariannol

Cwestiwn 7: A ydych o'r farn bod y darpariaethau mewn perthynas â Phanel Annibynnol Cymru ar Gynabyddiaeth Ariannol yn briodol? (Pennod 5, Adrannau 58-62)

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Ydw -

Mynediad at wybodaeth (Cyngorau Tref a Chymuned)

Cwestiwn 8: A ydych o'r farn bod y darpariaethau mewn perthynas â hwyluso mynediad at wybodaeth (Cynghorau Tref a Chymuned) yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Mae Cyngor Tref Caernarfon yn cytuno ag egwyddor y cyfeiriad a'r canlyniadau yr anelir atynt o ran gwybodaeth i Gynghorau Cymuned a Thref yn y Bil hwn. Fodd bynnag, mae diffyg dealltwriaeth amlwg o ran goblygiadau'r cyfeiriad hwnnw i'r awdurdodau llai, ac mae angen cael casgliad o ganllawiau pendant, yn seiliedig ar ddadansoddiad cadarn o anghenion a gofynion y sector, cyn gweithredu unrhyw gynigion i'r perwyl hwn.

Rhagwelir hefyd, yn dilyn y cyfryw ddadansoddiad, y bydd hynny'n creu goblygiadau adnoddau i Lywodraeth Cymru. Manylir ymhellach ar yr agweddau hynny yng Nghwestiynau 11 ac 13.

Mae Cyngor Tref Caernarfon yn credu y dylai'r Bil ganiatáu ar gyfer darparu cymorth grant penodol i bob cyngor cymuned a thref yng Nghymru er mwyn darparu ar gyfer yr angen i greu cyswllt electronaidd i wybodaeth ac y dylai gyfrif am 80% o'r adnoddau angenrheidiol i ddarparu gwybodaeth yn electronaidd. Byddai hynny'n gwneud y sector yn gydradd â darparwyr gwasanaethau cyhoeddus eraill sy'n derbyn cymorth refeniw i hwyluso'r elfen hon o'r broses ddemocrataidd.

Cadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau)

Cwestiwn 9: A ydych o'r farn bod y darpariaethau mewn perthynas â Chadeirio Prif Gynghorau (Cadeiryddion a Meiri Prif Gynghorau) yn briodol?

Ydw

Nac ydw

Ymhelaethwch ar eich ateb

Nid oes unrhyw sylwadau y mae am eu hychwanegu ar y cwestiwn hwn.

Darpariaethau Cyffredinol y Bil

Cwestiwn 10: Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith (os ydynt yn bodoli), ac a yw'r Bil yn rhoi ystyriaeth ddigonol iddynt?

Ymhelaethwch ar eich ateb

Yn gyffredinol, mae'r Bil yn cyflwyno nifer o brosesau newydd yr ydym yn eu croesawu ac a fydd yn gwella'r trefniadau presennol.

Fodd bynnag, mae'r cynigion ar gyfer galluogi Cynghorau Cymuned a Thref i allu derbyn gwybodaeth yn cynnwys rhwystrau posibl o ran capasiti, arbenigedd, hyfforddiant a/neu gyllid digonol ar ran yr awdurdodau llai. Nid yw'r Bil yn ei fformat presennol yn rhoi sylw digonol i'r rhwystrau hyn. Mae'r ymateb i gwestiwn 8 yn cyflwyno barn y sector ar sut ddylid mynd i'r afael â'r diffyg adnoddau presennol.

Cwestiwn 11: Beth yw goblygiadau ariannol y Bil, os ydynt yn bodoli? Wrth ateb y cwestiwn hwn, mae'n bosibl y byddwch am ystyried Rhan 2 o'r Memorandwm Esboniadol (yr Asesiad Effaith) sy'n cynnwys amcangyfrif o'r costau a'r buddion sy'n gysylltiedig â rhoi'r Bil ar waith.

Ymhelaethwch ar eich ateb

Fel y nodwyd yng Nghwestiwn 10, byddai'r rhwystrau posibl i nifer o gynghorau yn cynnwys materion fel capasiti, arbenigedd a'r angen am hyfforddiant ac mae gan y materion hyn oblygiadau ariannol uniongyrchol.

Nid yw darparu gwefan o reidrwydd yn gwarantu darparu gwybodaeth fanwl-gywir, ddibynadwy, briodol, gynhwysfawr a chyfredol. Dichon fod nifer fawr o wefannau cynghorau yn cynnwys gwybodaeth ddiddorol, ond mae'n waith anodd iawn i sefydliadau bychain gadw rheolaeth lawn a chyson ar y gwaith o ddarparu'r holl wybodaeth y gallai pobl leol ddisgwyl iddynt ei darparu.

Ceir datganiadau yn y memorandwm esboniadol ar sut ellid cael ateb technegol i'r heriau hyn, ond prin yw'r cymorth a gynigir i gynghorau o ran pa sgiliau, capasiti neu elfennau eraill fyddai'n ddisgwyliedig ganddynt er mwyn bodloni gofynion gwybodaeth y cyhoedd yn gyffredinol.

Cwestiwn 12: Beth yw eich barn am y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (hynny yw, offerynnau statudol, gan gynnwys rheoliadau a gorchmynion) (adran 5 y Memorandwm Esboniadol)?

Ymhelaethwch ar eich ateb

Nid oes unrhyw sylwadau y mae am eu hychwanegu ar y cwestiwn hwn.

Cwestiwn 13: A oes unrhyw sylwadau eraill yr hoffech eu gwneud am rannau penodol o'r Bil?

Mae'r sylwadau hyn yn ymwneud â'r cynigion ar gyfer galluogi Cynghorau Cymuned a Thref i gael gafael ar wybodaeth.

Mae'r trosolwg yn y memorandwm esboniadol yn dweud bod cyfran helaeth o'r cyhoedd erbyn hyn yn defnyddio'r Rhyngwrdd, e-bost a safleoedd rhwydweithio cymdeithasol i ddod o hyd i wybodaeth am eu hardal leol, cael gwybod pa wasanaethau sydd ar gael a chysylltu â chyrrff cyhoeddus a bod cyrrff cyhoeddus hwythau'n cyhoeddi llawer iawn o wybodaeth am eu gwaith, eu trefniadaeth a'u cyfrifoldebau mewn fformat electronaidd. Yr hyn na ddywedir mohono yw nad yw cyfran sylweddol o'r chwiliadau hynny'n arwain at gael gafael ar yr wybodaeth angenrheidiol yn uniongyrchol oddi wrth y corff sector cyhoeddus perthnasol. Enghraifft bosib o hynny yw rhywun yn chwilio am wybodaeth am oriau agor eu meddygfa leol neu eu llyfrgell leol, pan allent fod wedi dod o hyd i'r wybodaeth berthnasol heb orfod defnyddio gwefan y bwrdd iechyd lleol neu'r cyngor unedol lleol. Yn wir, mae'r union enghraifft honno'n cynnig rhyw gymaint o gyfiawnhad o blaid galluogi trosglwyddiadau gwybodaeth o'r fath trwy lwyfan cydweithredol, yn hytrach nac annog cyrrff unigol i lwytho darnau o wybodaeth sydd yn aml yn gorgyffwrdd â'r hyn a ddarperir gan gyrrff eraill.

Mae'r trosolwg yn dweud hefyd fod gan tua hanner cynghorau cymuned a thref wefannau yn barod, a cheir awgrym pendant yn y memorandwm esboniadol y dylai'r nifer hwnnw dyfu'n gyflym. Fodd bynnag, nid yw'r dadansoddiad a gyflwynir yma'n gwneud y pwynt sylfaenol nad yw darparu gwefan o reidrwydd yn golygu darparu gwybodaeth fanwl-gywir, ddibynadwy, briodol, gynhwysfawr a chyfredol. Efallai fod nifer fawr o'r gwefannau yn cynnwys gwybodaeth ddiddorol, ond mae'n waith anodd iawn i sefydliadau bychain gadw rheolaeth lawn a chyson ar y gwaith o ddarparu'r holl wybodaeth y gallai pobl ddisgwyl iddynt ei darparu.

Mae'r asesiad effaith yn mynd ati i fanylu ar rai o'r materion hyn, gan ragdybio y bydd cyflwyno bil yn cyflymu'r hyn sy'n debygol o ddigwydd yn naturiol dros gyfnod o amser. Mae'n ddigon posib fod hynny'n wir, ac yn yr ystyr honno ni fyddai hynny ynddo'i hun yn nod amhriodol, ond nid oes unrhyw eglurder yn y memorandwm esboniadol o ran beth yn union sydd angen ei gynnwys mewn gwefan cyngor cymuned neu dref. Cynhwysir datganiadau ynghylch sut ellid ystyried ateb technegol, ond ychydig iawn a geir er mwyn helpu cynghorau gyda pha fath o sgiliau, capasiti neu agweddau eraill ar yr her hon fyddai eu hangen arnynt a sut orau ddylid mynd ati i gynllunio'r dasg o reoli cynnwys y wefan.

Mae'r adran ar gostau a manteision yn parhau i gyflwyno dadleuon yn y modd a ddisgrifir uchod, heb roi ystyriaeth ddigonol i'r agweddau hynny ar ddarparu gwybodaeth y mae'n bwysicaf ymdrin â nhw yn y cyswllt hwn. Mae'r awgrymiadau gwahanol ar gyfer gwneud y dasg yn haws i gynghorau yn cynnwys yn bennaf syniadau sy'n galw am gyfraniad gan drydydd parti. Fodd bynnag, mae'n annhebyg y bydd gan ddarparwyr trydydd parti yr holl

wybodaeth leol fyddai ei hangen er mwyn darparu'r union math o gynnwys y byddai cymunedau yn chwilio amdano.

Felly, mae angen i'r canllawiau gan y gweinidog a addawyd yn y cyd-destun hwn fod yn gynhwysfawr iawn.

LGD 24 Caernarfon Royal Town Council

Your name: Katherine Owen

Organisation (if applicable): Caernarfon Royal Town Council

Email address: clericydref@caernarfontowncouncil.gov.uk

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The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

Yes No

Please expand on your answer
Caernarfon Town Council supports the Welsh Government’s commitment to reform and modernise the Local Government Boundary Commission for Wales. Legislation is required to enable the strengthening of the Commission’s ability, powers and resources.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes No

Please expand on your answer
The Bill introduces a number of legislative changes that will improve clarity in relation to the Commission’s role and purpose in terms of its work with the Welsh Government and local government, while at the same time allowing flexibility for the future in terms of the Commission’s ability to deal with other public bodies.

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

Yes No

The Bill explains clear processes for improving the Commission’s functions. They are appropriate and to be welcomed.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>Caernarfon Town Council will support the changes suggested in these sections – specifically, therefore, the need for the Commission to follow a specific procedure for their proposals – subject to the condition that community and town councils have full opportunity to contribute at every stage of every review. Any such arrangements should ensure that the two layers of local government are treated equally in this regard. We support a way of working that is based on true partnership. We would also welcome proposals that give community and town councils the right to appeal to the Minister against the outcomes of local government reviews. In terms of the review of communities, One Voice Wales would wish to see proposals that insist that the Commission publishes how it intends to conduct the review before doing so. There is a need to ensure that community and town councils have adequate time to respond.</p>			

Question 5: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council 			
are appropriate? (Chapter 1)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Please refer to Question 4.			

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

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

are appropriate?

Yes

No

Please expand on your answer

Caernarfon Town Council agrees with the principle of the proposals included in these sections, subject to community and town councils being protected from any detrimental implications as a result of the wider geographical areas that will be created in the wake of establishing joint standards committees. A large number of local councillors already live a considerable distance from the administrative centres where these activities are held.

At the moment, the Standards Committee includes representations from community and town councils and any changes that are introduced as a result of creating joint committees should ensure that this representation is not weakened in any way.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Yes -			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>Caernarfon Town Council agrees with the principle of the direction and outcomes which are aimed for in terms of information for community and town councils in this Bill. However, there is a lack of clear understanding with regard to the implications of that direction for smaller authorities, and a series of definite guidelines, based on a robust analysis of the needs and requirements of the sector, is required before implementing any proposals to this end.</p> <p>It is also foreseen that following such analysis this will have resource implications for the Welsh Government. These aspects are detailed further in Questions 11 and 13.</p> <p>Caernarfon Town Council believes that the Bill should allow for specific grant provision for every community and town council in Wales in order to provide for establishing an electronic information link and that it should account for 80% of the resources required to provide information electronically. That would ensure that the sector is equal with other public service providers that receive revenue aid to facilitate this element of the democratic process.</p>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
There are no comments that we wish to add to this question.			

General Provisions of the Bill

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

Please expand on your answer

On the whole, the Bill introduces a number of new processes that we welcome and that will improve the current arrangements.

However, the proposals that enable community and town councils to receive information include potential barriers relating to capacity, expertise, training and / or sufficient funding on behalf of the smaller authorities. In its current format the Bill does not give adequate attention to these barriers. The response to Question 8 sets out the sector's view on how the lack of current resources should be addressed.

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

Please expand on your answer

As noted in Question 10, the potential barriers for many councils would include matters such as capacity, expertise and the need for training and these matters have direct financial implications.

Providing a website does not necessarily guarantee that the information provided is totally correct, dependable, appropriate, comprehensive and current. It may be the case that a large number of council websites contain interesting information, but it is very difficult work for small institutions to fully and consistently manage the work of providing all the information that local people may expect them to provide.

The explanatory memorandum includes statements on how technical solutions are available to meet these challenges. However, the support offered to councils in terms of the skills, capacity or other elements expected of them to satisfy the public's requirements in general is scarce.

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

Please expand on your answer

There are no comments that we wish to add to this question.

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

These comments relate to the proposals for enabling community and town councils to get hold of information.

The overview included in the explanatory memorandum states that a vast proportion of the public now use the internet, e-mail and social networking sites to find information about their local area, to discover what services are available and to contact public bodies. Public bodies themselves also publish a great deal of information about their work, their organization and responsibilities in electronic format. What is not said is that a substantial proportion of those searches do not lead to accessing the required information directly from the relevant public sector body. A possible example of that would be someone looking for information regarding their local surgery or library opening times, when they could have found the relevant information without having to use the local health board or unitary council website. Indeed, that very example offers some justification in favour of allowing such information transfers on a collaborative stage, rather than encouraging individual bodies to load pieces of information that often overlap with what is being provided by other bodies.

The overview also states that about half of community and town councils have websites already, and there is a clear suggestion in the explanatory memorandum that this figure should increase rapidly. However, the analysis presented here does not make the fundamental point that providing a website does not necessarily mean providing totally accurate, reliable, appropriate, comprehensive and current information. Perhaps, a large number of council websites contain interesting information, but it is very difficult for small institutions to fully and consistently manage the task of providing all the information that local people may expect them to provide.

The impact assessment details some of these matters, by assuming that introducing a Bill will speed up what is likely to happen naturally over a period of time. It is quite possible that that is true, and in that sense, that in itself would not be an inappropriate aim, but there is no clarity in the explanatory memorandum in terms of what exactly needs to be included on community or town council websites. Statements on how technical solutions can be considered are included, but very little is available to help councils with the kind of skills, capacity or other aspects of this challenge that they will require and how best to go about planning the task of regulating the website.

The section on costs and benefits continues to present arguments in the way described above, without giving adequate consideration to those aspects of information provision it most importantly deals with in this regard. The various suggestions for making the task easier for councils includes, mainly, ideas that require contributions from a third party. However, it is unlikely that third party providers will have all the local information required to provide exactly the kind of information that communities would be looking for.

Therefore, there is a need for the guidelines pledged by the Minister in this context to be very comprehensive.

LGD 25 Llanelli Town Council

This matter was considered by the Planning, Licensing and Consultation committee of Llanelli Town Council at its meeting on 7th January 2013.

In relation to Question 8:

Llanelli Town Council believes that the provisions relating to improving access to information (Town and Community Councils) are appropriate.

Regards,

Mel Edwards

Clerc y Dref / Town Clerk

Cyngor Tref Llanelli / Llanelli Town Council

LGD 26 Penarth Town Council

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name: Mrs Shan E Bowden, Town Clerk

Organisation (if applicable): Penarth Town Council

Email address: sbowden@penarthtowncouncil.gov.uk

Telephone number: 02920 713844

Your address: West House, Stanwell Road, Penarth, CF64 2YG

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?

Yes

No

Please expand on your answer

The Town Council supports the comment as submitted by One Voice Wales

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

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

The Town Council supports the comment as submitted by One Voice Wales

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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The Explanatory Memorandum states in Section 21:
Remit of the Commission
 A number of public bodies in Wales other than councils also include elected councillors or council appointees in their structure. The Welsh Government considers it would be advantageous to have an independent body able to review and make proposals in relation to the constitution of such bodies. The Bill will give the Welsh Ministers the power to name other public bodies in Wales whose structure includes elected councillors or council appointees, as being subject to review by the Commission.

As reported in the Explanatory Memorandum this appears too wide an additional function in so far as it relates, as described in Section 50 of the Bill, to attributes and qualifications. There is nothing to suggest membership of the Commission otherwise confined to boundary review and administrative process will have any expertise in relation to attributes and qualifications.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

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

The Town Council supports the comment as submitted by One Voice Wales

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

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

The Town Council supports the comments submitted by One Voice Wales

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

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

are appropriate?

Yes

No

Please expand on your answer

The Town Council supports the comments submitted by One Voice Wales

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes

No

Please expand on your answer

No further comment

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>In light of the Minister for Local Government and Communities announcement on 29th January 2013 to provide £1.25 million to county and county borough councils across Wales to improve local democracy. There should be clear guidance to the principal councils to ensure that there is the resolve to work with and support town and community councils to enable those councils to comply with the requirements of the Local Government (Democracy) (Wales) Bill.</p> <p>In addition to assisting with funding clerks and staff of town and community councils will require support by way of training in the development and/or up keep of a website and in the use of digital media. There will also be a need to have regard to the size and capacity of town and community councils in relation to the sophistication level of the website to be developed given the resources required to maintain and up keep a current website through which to communicate with the local community.</p> <p>What will be required is the resolve of the principal councils to provide the support required by community and town councils but this also presupposes a clear statement about roles and functions, There is need to combine the consideration of roles with the use of the internet and digital media generally. Guidance is referred to but this presupposes other guidance promised in the Aberystwyth Report and sorely needed in relation to the Well Being provisions for community and town councils, which goes far beyond the minimal level of information required here.</p> <p>As the impact analysis indicates there is no estimate of the cost of providing any guidance. See Q11.</p>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
The Town Council supports the comment submitted by One Voice Wales			

General Provisions of the Bill

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

Please expand on your answer

The Town Council supports the comment submitted by One Voice Wales

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

Please expand on your answer

With reference to Town and Community Councils and access to information the Research Service Review states:

The Explanatory Memorandum states that it is the intention of the Welsh Government to work with community councils and their organisations, and to produce guidance so as both to identify cost effective methods of implementation and to see how collaborating together this policy may be pursued in the most effective manner. The Explanatory Memorandum states that there would be reviews of the implementation of these provisions, supported by searches of the internet by Welsh Government officials. **However, there is no estimation of the cost to the Welsh Government of providing this guidance, support and monitoring.**

The impact assessment proceeds to elaborate on some of these issues, In terms of how technical solutions could be contemplated, as noted in relation to Q8 these rely on others, could lead to confusion and perpetuate the lack of identity of the Sector. If the WG is to work with the Sector as noted above there needs to be early guidance built into cost estimates covering content management and attendant capacity. It is as much the prioritisation of guidance and ensuring that officials take this seriously as the cost estimates of technical implementation ,which will reduce over time .that is required This should cover the whole digital environment and how it can assist Councils.

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

Please expand on your answer

The Town Council has no comment in relation to this Question

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

The Town Council supports the comment submitted by One Voice Wales

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name: Cllr RAY JONES .

Organisation (if applicable): LLANFAIRFECHAN TOWN COUNCIL

Email address: llanfairfechan@ukgateway.net

Telephone number: 01248 681697 .

Your address: TOWN HALL, VILLAGE RD, LLANFAIRFECHAN.
LL33 0AB .

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input checked="" type="checkbox"/> x 9	No	<input type="checkbox"/>
Please expand on your answer			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

x9

No

Please expand on your answer

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

Yes

x9

No

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

x9

No

Please expand on your answer

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

x9

No

Please expand on your answer

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

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

are appropriate?

Yes

x9

No

Please expand on your answer

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/> 29	No	<input type="checkbox"/>
Please expand on your answer			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/> 29	No	<input type="checkbox"/>
Please expand on your answer			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<i>n/a</i>			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?	
Please expand on your answer	
<i>negative responses owing to lack of consultation</i>	

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.	
Please expand on your answer	
<i>To ensure Assembly allocate funding adequate to implement the proposals</i>	

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

Please expand on your answer

fine so long as there is adequate drafting of any measures prior to implementation .

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

Agree with appointment of Welsh speaking ministers .

LGD 28 Pontardawe Town Council

Your name: Mrs D Phillips

Organisation (if applicable): Pontardawe Town Council

Email address: pontardawetc@aol.co.uk

Telephone number: 01792 863422

Your address: 4 Herbert Street, Pontardawe, Swansea, SA8 4EB

Introduction

Pontardawe Town Council have reviewed the response provided by 'One Voice Wales' and have agreed with the majority of the points made. We do however wish to add to the points made.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	√	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Question 5: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council 			
are appropriate? (Chapter 1)			
Yes	√	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Question 6: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Democratic Services Committees (Section 56) • Audit Committees (Section 57) • Standards Committees (Section 63) 			
are appropriate?			
Yes	√	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales However they wish to add that cost of translation to comply with the Welsh Language schemes may be considerable and will require additional funding.			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Pontardawe Town Council agree with the comments made by One Voice Wales			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?			
Pontardawe Town Council agree with the comments made by One Voice Wales However they wish to add that cost of translation to comply with the Welsh Language schemes may be considerable and will require additional funding.			

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.			
Pontardawe Town Council agree with the comments made by One Voice Wales However they wish to add that cost of translation to comply with the Welsh Language schemes may be considerable and will require additional funding.			

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

Pontardawe Town Council agree with the comments made by One Voice Wales

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

Pontardawe Town Council agree with the comments made by One Voice Wales

However they wish to add that cost of translation to comply with the Welsh Language schemes may be considerable and will require additional funding.

LGD 29 Barry Town Council

Your name: Mr Cliff Lewis

Organisation (if applicable): Barry Town Council

Email address: clifflewis@barrytowncouncil.gov.uk

Telephone number: 01446 409754

Your address: 7 Gladstone Road, Barry, Vale of Glamorgan, CF62 8AN

Introduction

Barry Town Council welcome the consultation exercise carried out by the National Assembly for Wales’ Communities, Equality and Local Government Committee. We contacted One Voice Wales as the national representative body for community and town councils in Wales. We received a copy of their reply and endorse the comments they make.

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales (“the Commission”) and to make various provisions relating to local government?

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

The Town Council supports the Welsh government’s commitment to reform and modernize the Local Government Boundary Commission for Wales. Legislation is required to enable the enhancement of the capacity, powers and resources of the Commission.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

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

The Bill sets out a range of legislative changes that will improve the clarity of role and purpose of the Commission in relation to its work with Welsh Government and local government whilst at the same time allowing for future flexibility in the scope of the Commission to deal with other public bodies.

Question 3: Do you think the changes being made to the Commission are appropriate? (Part 2 of the Bill)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The Bill sets out clear processes for the improvement of the functions of the Commission and is appropriate and welcomed.			

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>The Town Council will support the changes proposed in these sections - in particular the requirement of the commission to follow a set consultation procedure on their proposals - provided that local Community and Town Councils are to be given proper involvement at every stage of any review. All such arrangements should ensure that both tiers of local government are treated equally in this regard. We support an approach based on true partnership. Additionally we would welcome proposals that allow a right of appeal to the Minister by community or town councils on the outcome of local government reviews. With regard to a review of communities being undertaken we would wish to see proposals that require the Commission to publish its approach prior to the review being undertaken.</p>			

Question 5: Do you think the arrangements for local government in relation to:			
<ul style="list-style-type: none"> • Duties of the Commission • Duties of a principal council are appropriate? (Chapter 1)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
Please refer to Question 4.			

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

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

are appropriate?

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

We agree in principle with the proposals contained in these sections provided that local Community and Town Councils are to be safeguarded against any adverse implications as a result of the wider geographical areas created in response to the establishment of joint standards committees. A large number of local councillors already live a significant distance away from the administrative centres for these activities.

Currently Standards Committees have community council member representation and any changes brought about as a result of the establishment of joint committees should ensure this representation is not diluted in any way.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

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

Yes – We have no further comment to add in relation to this question.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Please expand on your answer			
<p>We agree in principle with the direction and outcomes sought in relation to Community and Town Council information within this bill. However, there is a clear lack of understanding in terms of the implications of this direction for the smaller authorities, and there must be a clear set of guidelines in place, based on robust analysis of the needs and requirements of the sector, prior to any enactment.</p> <p>Furthermore, it is anticipated that as a result of this analysis there will be a resource implication for the Welsh Government. These aspects are expanded in Questions 11 and 13.</p> <p>We consider that the Bill should allow for specific grant support be provided to all community and town councils in Wales to cater for the requirements to provide electronic access to information and should account for 80% of the resources to deliver information electronically. This would place the sector on an equal footing with other public service providers who receive revenue support to facilitate this element of the democratic process.</p>			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
<p>We have no further comment to add in relation to this question.</p>			

General Provisions of the Bill

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

Please expand on your answer

Overall the Bill introduces many new processes that are welcomed and which will improve current arrangements.

However, the proposals involving access to information from Community and Town Councils do include potential barriers in terms of capacity, expertise, training and/or sufficient finance on the part of smaller authorities. The Bill in its current format does not adequately address these barriers. The response to question 8 sets out the sectors view on how the current resource deficit should be addressed.

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

Please expand on your answer

As outlined in Question 10, the potential barriers for many councils would include issues such as capacity, expertise and the need for training and these issues have direct financial implications.

The availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of council websites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that local people would potentially require of them.

Statements are included in the explanatory memorandum on how a technical solution to these challenges could be approached, but little to assist councils in terms of what skills, capacity or other facets would be required of them in order to meet the information demands of the public at large.

We question the financial viability for this proposal.

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

Please expand on your answer

We have no comment to add in relation to this question.

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

These comments relate to the proposals involving access to information from Community and Town Councils.

The overview in the explanatory memorandum asserts that it is now common practice amongst large sections of the public to use the Internet, e-mail and social networking sites to obtain information about their local area, identify available services and contact public bodies and that, in turn, public bodies routinely publish information relating to their business, structure and functions in electronic format. What is not stated is the fact that a significant proportion of those searches for information do not conclude with the sought outcomes being established directly from the relevant public sector source. An example of this might be someone seeking information about the opening times of their local surgery or alternatively their local library, who could quite possibly come upon the relevant information without directly accessing the website of the local health board or unitary council. Indeed, this very example provides a degree of justification for such knowledge transfers to occur via a collaborative platform, rather than encouraging individual bodies to upload often overlapping tranches of information.

The overview also establishes the claim that approximately a half of community and town councils already have websites and there is a clear implication in the explanatory memorandum that this number should grow quickly. However, the analysis presented here misses the fundamental point that the availability of a website does not necessarily imply the availability of accurate, reliable, appropriate, comprehensive and up-to-date information. A large number of the sites may well contain information of interest, but it is a difficult task for very small organisations to be in full and constant control over the delivery of all of the information that people would potentially require of them.

The impact assessment proceeds to elaborate on some of these issues, making the presumption that introducing a bill will accelerate that which is likely to occur naturally over a period of time. This may well be the case, and in that sense that would in itself not be an inappropriate aim, but there is no clarity in the explanatory memorandum as to what is actually needed in respect of a community or town council website. Statements are included in terms of how a technical solution could be contemplated, but little to assist councils in terms of what skills, capacity or other facets to this challenge would be required of them and how the task of content management should best be approached.

The section on costs and benefits continues to present arguments in the manner described above, with insufficient regard given to those features of information delivery that will be most important to deal with in this domain. The various suggestions to make the task easier for councils involve mainly ideas that include third party contribution. However, it is unlikely that third party providers will have the full local knowledge to enable the information

content to be exactly as communities wish.

Therefore, the ministerial guidance promised in relation to this aspect needs to be extremely comprehensive.

LGD 30 Churchstoke Community Council

Cynulliad
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Wales

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name: E J Humphreys

Organisation (if applicable): Churchstoke Community Council

Email address: n/a

Telephone number: 01686-668790 eve & w/ends

Your address: 2 Rows Terrace, Plough bank, Montgomery, Powys, SY15 6QD

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?

Yes

No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

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

Yes

No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

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

- Duties of the Commission
- Duties of a principal council

are appropriate? (Chapter 1)

Yes

No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

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

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

are appropriate?

Yes

No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Yes No

Please expand on your answer

CCC replies to this question as follows:

a) Community Council websites

Town & Community Councils should be required to ensure their contact and membership details for Members and contact details for the Clerk are available on Internet websites in addition to, but not instead of traditional methods of notice boards, but it does NOT support the requirement to provide a postal address on the internet for Members or Clerk which is also the home address of Members or of the Clerk.

b) Requirement to give public notices electronically

Town & Community Councils should be required to provide public notices electronically to the Internet websites in addition to, but not instead of traditional methods of notice boards.

c) Meetings and Proceedings of communities

Records of their proceedings should be accessible via the Internet website in addition to, but not instead of, traditional methods of notice boards.

d) Communications

Town & Community Councils should use email communications in addition to, but not instead of, traditional methods of correspondence by letter and telephone.

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

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

Yes No

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

General Provisions of the Bill

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

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

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

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

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

Please expand on your answer

Churchstoke Community Council does not wish to respond to this question.

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

Churchstoke Community Council does not wish to respond to this question.

LGD 31 Llanelli Rural Council

Dear Sir/Madam,

Thank you for your covering letter dated 29 November 2012.

The Council has now had an opportunity to consider the general implications for the Bill in so far as the proposed arrangements affect the Town and Community Council sector. The Council has studied extracts of the Explanatory Memorandum and generally agrees with question 8 of the consultation response form that the proposed provisions relating to improving access to information (Town and Community Councils) are appropriate.

National support and guidance will need to be put in place to mitigate costs and to allow smaller town and community councils time to comply with the provision. The Council notes such arrangements are to be introduced to allow the sector to comply by May 2015. This is welcomed as many councils have very small budgets and perhaps their Clerks only work a few hours per week so national support will be necessary as they may not have the wherewithal to embrace change. This particular Council already complies with the proposed provision and has no issues with what is being proposed. Publishing information electronically is seen as a prerequisite in modern society and can only aid public accountability and general transparency.

Thank you for consulting the Council.

Yours faithfully,

Mr Mark Galbraith
Clerk to Llanelli Rural Council
Vauxhall Buildings
Vauxhall
Llanelli
SA15 3DP

LGD 32 Pontypool Community Council

Local Government (Democracy) (Wales) Bill

Consultation Response:

Responses to sections that specifically affect Community and Town Councils.

Question 7: Local Government Boundary Commission

Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales and to make various provisions relating to Local Government?

Response: Yes – this will ensure greater transparency in the process.

Question 4 – Local Government Arrangements

Do you think the provisions relating to procedures for Local Government reviews are appropriate?

Response: Yes, there is definitely a need for change to the procedures based on past history when the reviews have not been completed in a timely manner by the local authority. The commission's power to undertake the Community review in place of the local authority if necessary is welcomed.

Question 7 – Independent Remuneration Panel for Wales

Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate?

Response: - The council would support any measure that speeds up the process.

It is also important that the IRP addresses allowances payable to Community and Town Councils as a matter of urgency taking on board the diversity and range of services provided by the sector and the size of the Councils. It is appreciated that this will not be a quick process.

Question 8 – Access to Information (Town and Community councils)

Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Response: Yes - the proposal is brilliant and Community and Town Councils must be enabled to have websites to advertise the services they offer and Council meetings.

However there must be specific provisions for the councils to have the power to acquire the hardware not just for the Council but for Councillors as well. Genuine savings on postages, stationery or photocopying will not be achieved if the members do not have the opportunity or the Council be given the resources to achieve the objectives of communicating mainly through IT.

Advice, support and training must also be widely available to enable Community and Town Councils to achieve the 2015 deadline.

LGD 33 Flintshire County Council

LOCAL GOVERNMENT (DEMOCRACY) (WALES) BILL

Your Name: Flintshire County Council

Organisation (if applicable):

Email address: peter.j.evans@flintshire.gov.uk

Telephone number: 01352 702304

Your address: Flintshire County Council, County Hall, Mold,
Flintshire, CH7 6NR

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

In order to implement the proposed changes

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

In order to implement some of the recommendations in the Mathias review

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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It reflects the White Paper which the Council largely supported in its response to consultation on it.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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The provisions are very complex and there is a need for clear guidance on them. Most importantly Flintshire, like other authorities, is keen to undertake a community review during 2013 and the Bill as drafted could lead to work on this proving abortive unless the Bill is amended so that the provisions detailing how a community review should be conducted only apply to those authorities who have not commenced a community review when the Bill receives Royal

Assent. The Bill contains detailed provisions as to how a County Council should conduct a community review and whilst Flintshire intends to follow these detailed provisions they could change during the progress of the Bill through the parliamentary process. Any such change would result in work done on a community review being abortive and a waste of resources. In order for the Council to proceed with its intended community review without the risk of it proving abortive the Bill should be amended so that these provisions do not apply to any authorities who have commenced a community review prior to the Bill receiving Royal Assent.

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

- Duties of the Commission
- Duties of a principal Council

are appropriate? (Chapter 1)

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

The provisions are very complex and there is a need for clearer guidance on them.

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

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

Are appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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The Council does not believe there is a need for Section 57 as it believes political balance has always been required since the 1989 Act. As long as joint standards committees are in addition to the existing arrangements rather than a replacement for them there is no objection to this.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

It does not agree with the proposed requirement for Councils to publish information relating to all payments made to Members by other public bodies. This will merely confuse the public. It should be for each public body to publicise the payments it makes. If nevertheless there is to be such a provision it should be confined to allowances not all payments made to Members by other public bodies and those bodies must be required to provide such information by an appropriate date.

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
It should be left to the individual choice of the Town or Community Council			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
The Council sees no need for this. If however it proceeds there will have to be drafting changes to the Bill so that the civic chair has the same meaning as is given to the chairman in the Local Government Act 1972. It is also believed that the presiding member's term of office should continue until their successor is appointed so that they can chair the start of the Council meeting following elections.			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
The provisions dealing with the various types of review need to be explained more clearly.			

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
It is not understood how joint standards committees will lead to fewer members on individual Council standards committees which is referred to as a saving.			

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
An inevitable requirement			

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Annexe 1

Local Government (Democracy) (Wales) Bill

Consultation Response Form



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

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

Responses should be sent to:

CELG.committee@wales.gov.uk

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

Your name: **ARNOLD WYN BOHANA**
Organisation (if applicable): **CAERNARFON TOWN COUNCIL.**
Email address: **KATHLEENBOHANA AT AOL.COM**
Telephone number: **01286 673958**
Your address: **5 BRYN HYFRID,
HENDRE PARK,
CAERNARFON,
GWYNEDD, LL55 2UU.**

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer			
I SUPPORT THE WELSH GOVERNMENT TO REFORM AND MODERNIZE THE LOCAL GOVERNMENT BOUNDARY COMMISSION.			

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes No

Please expand on your answer
 THE BILL SETS OUT A RANGE OF LEGISLATIVE CHARGES THAT WILL IMPROVE ROLE AND PURPOSE OF THE BOUNDARY COMMISSION IN IT RELATION TO ITS WORK AS COMMISSION.

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

Yes No

THE BILL SETS OUT CLEAR PROCESSES FOR THE IMPROVEMENT OF THE ROLE AND FUNCTIONS OF THE COMMISSION.

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes No

Please expand on your answer
~~THE BILL SETS OUT CLEAR PROCESSES FOR THE IMPROVEMENT~~
 I SUPPORT THE SET CHARGES IN PROPOSED BILL AS LONG AS LOCAL COMMUNITY AND TOWN COUNCIL ARE GIVEN PROPER CONSULTATIONS

Question 5: Do you think the arrangements for local government in relation to:
 • Duties of the Commission
 • Duties of a principal council
 are appropriate? (Chapter 1)

Yes No

Please expand on your answer
 PLEASE REFER TO MY ANSWER IN QUESTION 4.

Question 6: Do you think the arrangements for local government in relation to:
 • Democratic Services Committees (Section 56)
 • Audit Committees (Section 57)
 • Standards Committees (Section 63)
 are appropriate?

Yes No

Please expand on your answer I AGREE IN PRINCIPLE WITH BILL THAT CONTAINED IN THESE SECTIONS PROVIDED THAT THE LOCAL COMMUNITY AND TOWN COUNCIL ARE TO BE SAFEGUARDED AGAINST ANY ADVERSE IMPLICATIONS ON A GEOGRAPHICAL AREA.

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer THE PANEL SHOULD LOOK INTO REMUNERATION PACKAGE FOR COMMUNITY + TOWN COUNCILS. AS NO COUNCILLORS SHOULD BE OUT POCKETS.			

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer I AGREE IN PRINCIPLE WITH THE DIRECTION IN RELATIONS TO COMMUNITY AND TOWN COUNCIL INFORMATION WITHIN THE BILL.			

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

Question 9: Do you think the provisions relating to the Chairing of Principal Councils (Chairs and Mayors of Principal Councils) are appropriate?			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Please expand on your answer I HAVE NO FURTHER COMMENT IN RELATION TO THIS QUESTION.			

General Provisions of the Bill

Question 10: What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?			
Please expand on your answer THIS BILL ACCOUNT MANY NEW PROCESSES AND ACCESS TO NEW INFORMATION FROM TOWN AND COMMUNITY COUNCILS IN WALES.			

Question 11: What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.			
Please expand on your answer AVAILABILITY TO SET UP WEBSITE AND COMMUNICATION BY SMALLER COMMUNITY COUNCIL WILL HAVE FINANCIAL IMPLICATIONS.			

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

Please expand on your answer

I HAVE NO COMMENT TO ADD ON IS
QUESTION.

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

I AGREE WITH BILL BUT WELSH GOVERNMENT SHOULD HELP
WITH ANY FINANCIAL IMPLICATION FOR TOWN AND COMMUNITY
COUNCIL.

LGD 35 Henllanfallteg Community Council

Local Government (Democracy) (Wales) Bill Consultation Response Form

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

Please return this form to the National Assembly for Wales, by 31 January 2013.

Should you

have any queries please contact Bethan Davies, Clerk 02920 89 8120 or Leanne Hatcher,

Deputy Clerk 029 2089 8147.

Responses should be sent to:

CELG.committee@wales.gov.uk Or by post:

Leanne Hatcher

Legislation Office

National Assembly for Wales

Cardiff Bay

Cardiff

CF99 1NA

Your name: Dave King (chair)

Organisation (if applicable): Henllanfallteg Community Council

Email address: davemking@clara.co.uk

Telephone number: 07980579503

Your address: Taf House Llanfallteg SA34 0UN

The Local Government Boundary Commission

Question 1: Is there a need for a Bill to make changes to the constitution and functions of the Local Government Boundary Commission for Wales ("the Commission") and to make various provisions relating to local government?

Yes

Please expand on your answer - no comment

Question 2: Do you think the Bill will improve the delivery of the statutory roles and functions of the Commission? (paragraph 3.1 of the explanatory memorandum)

Yes

Please expand on your answer – no comment

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

Yes

Local Government arrangements

Question 4: Do you think the provisions relating to procedures for local government reviews are appropriate? (Chapter 4 and 5)

Yes

Please expand on your answer.

Must be as there is no constraint on meeting an election timetable, the reviews will just “role along”

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

- Duties of the Commission
 - Duties of a principal council
- are appropriate? (Chapter 1)

Yes

Please expand on your answer – no comment

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

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

Yes

Please expand on your answer – no comment

-

Independent Remuneration Panel for Wales

Question 7: Do you think the provisions relating to the Independent Remuneration Panel for Wales are appropriate? (Chapter 5, Sections 58-62)

Yes

Please expand on your answer

Access to information (Town and Community Councils)

Question 8: Do you think the provisions relating to improving access to information (Town and Community Councils) are appropriate?

Not fully

Please expand on your answer

The roles of small Community Councils are very varied and very different to those of Town Councils, in terms of responsibility, numbers of electors, staff numbers and finance turnover. The small councils have part time officer(s) compared with Town councils that may have full time officer and support staff. There is a danger of information overload and excessive expectation for these small councils. This needs careful consideration in recognising the roles of the clerk, and the members, and their remuneration and time availability

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

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

Yes

Please expand on your answer - none

General Provisions of the Bill

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

Please expand on your answer.

Is there a will to undertake the changes at all levels, in the manner intended, or will there be a “fudged” response????

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

Please expand on your answer

No comment

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

Please expand on your answer

The Welsh situation is evolving, be it slowly and this seems to be an inevitable requirement to keep abreast of the ever changing situation.

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

LGD 36 Ambleston Community Council

AMBLESTON COMMUNITY COUNCIL CYNGOR CYMUNED TREAMLOD

Tel 01437 731339
e-mail/e-bost : amblestoncc@btinternet.com

Please reply to/Atebwch i
The Clerk/Y Clerc
Y Garn
Ambleston
HAVERFORDWEST
Pembrokeshire
SA62 5RA

31st January 2013

Communities, Equality and Local Government Committee
Legislation Office
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Sirs

Consultation on the Local Government (Democracy) (Wales) Bill

This is the evidence submitted by Ambleston Community Council in response to this consultation, Ann Jones AM's letter dated 29th November 2012 refers. We confine our evidence to Sections 53 – 55 in Part 5 of the Bill, i.e. the Sections requiring community councils to set up websites and to give public notices electronically and to put copies of our minutes on a website.

The Council is totally opposed to these proposals and request that these Sections be removed from the Bill in their entirety.

These proposals are opposed because for small rural community councils such as Ambleston Community Council these requirements are too onerous and are not proportionate to the activities of these councils. This community council meets once a month for ten months of the year. It has one part-time Clerk and a total precept of £2,200.00 per annum and is fairly typical of the small rural community councils within Wales.

Also a website is totally unnecessary. The Pembrokeshire County Council has an excellent website which gives the names of all town and community councils Clerks within the county, and also their addresses, telephone numbers and e-mail addresses. Admittedly the names and details of our Councillors are not shown on the County Council website, however if any local resident wishes to have this information, which is known to the majority of our 260 residents on the electoral roll, then all they have to do is to telephone me or to e-mail me. The Pembrokeshire County Council website is updated on a regular basis.

I have been Clerk to the Community Council for twenty-six years and in that time I have not received any requests for copies of the minutes of any of our meetings. If any such request should be received then I would be able to provide a copy or copies by hard copy or by e-mail.

The cost of maintaining an up-to-date website would be totally disproportionate to our Community Council in terms of both time and money and in the end these costs would have to be borne by the Council Tax and Income Tax payers i.e. the members of the public. We were informed yesterday by Mr Frank Cuthbert, Head of Scrutiny, Democracy & Participation Team, Welsh Government, that £1.25 million additional funding had been released by the Minister for Local Government and Communities to support local democracy and public engagement so this gives some indication of the high costs involved. This funding will probably be welcomed by those community councils who perhaps were already contemplating setting up websites of their own. Many of the larger Town and Community Councils already have websites but to make it a legal requirement for all community councils to have to set up websites is unnecessary and wrong.

One Voice Wales has kindly forwarded to us a copy of their response to you and we generally agree with their comments. We cannot expect One Voice Wales to object to these demands because they represent most of the Town and Community Councils in Wales, both large and small and those with and those without websites. However in their reply to Question 13 they have drawn to your attention some of the problems and difficulties involved.

Yours faithfully

Margaret A Griffiths
Clerk

LGD 37 Abergavenny Town Council

This Council wishes to be associated with the response made by One Voice Wales on behalf of local councils. It will not be making a separate response.

Regards

Peter Johns

Town Clerk

Abergavenny

LGD 38 Puncteston Community Council

Cyngor Cymuned Casmael ***Puncteston Community Council***

Please reply to

Clerc/Clerk

Mr John M Griffiths
Y Garn, Ambleston
HAVERFORDWEST

Pembrokeshire

SA62 5RA

Telephone: 01437 731339

E-mail/E-bost: punctestoncc@btinternet.com

Cadeirydd/Chairman

Mr Wyn Williams
Wern, Puncteston
HAVERFORDWEST

Pembrokeshire

SA62 5RT

Telephone: 07504 048406

31st January 2013

Communities, Equality and Local Government Committee
Legislation Office
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Sirs

Consultation on the Local Government (Democracy) (Wales) Bill

This is the evidence submitted by Puncteston Community Council in response to this consultation, Ann Jones AM's letter dated 29th November 2012 refers. We confine our evidence to Sections 53 – 55 in Part 5 of the Bill, i.e. the Sections requiring community councils to set up websites and to give public notices electronically and to put copies of our minutes on a website.

The Council is totally opposed to these proposals and request that these Sections be removed from the Bill in their entirety.

These proposals are opposed because for small rural community councils such as Puncteston Community Council these requirements are too onerous and are not proportionate to the activities of these councils. This community council meets once a month for ten months of the year. It has one part-time Clerk and a total precept of £2,000.00 per annum and is fairly typical of the small rural community councils within Wales.

Also a website is totally unnecessary. The Pembrokeshire County Council has an excellent website which gives the names of all town and community councils Clerks within the county, and also their addresses, telephone numbers and e-mail addresses. Admittedly the names and details of our Councillors are not shown on the County Council website, however if any local resident wishes to have this information, which is known to the majority of our 411 residents on the electoral roll, then all they have to do is to telephone me or to e-mail me. The Pembrokeshire County Council website is updated on a regular basis. I am confident that most of the other twenty-one Unitary Authorities in Wales will have similar excellent websites.

I have been Clerk to the Community Council for six years and in that time I have received only one request to have a copy of the minutes of one of our meetings. This was sent to the resident by means of e-mail within one hour of the request being received. This satisfied the resident involved, and should I receive any similar requests in the future, they could be satisfied in the same manner.

The cost of maintaining an up-to-date website would be totally disproportionate to our Community Council in terms of both time and money and in the end these costs would have to be borne by the Council Tax and Income Tax payers i.e. the members of the public. We were informed yesterday by Mr Frank Cuthbert, Head of Scrutiny, Democracy & Participation Team, Welsh Government, that £1.25 million additional funding had been released by the Minister for Local Government and Communities to support local democracy and public engagement so this gives some indication of the high costs involved. This funding will probably be welcomed by those community councils who perhaps were already contemplating setting up websites of their own. Many of the larger Town and Community Councils already have websites to make it a legal requirement for all community councils to have to set up websites is unnecessary and wrong.

I will make one further more general point and that is a point which we have made to the National Assembly for Wales in the past. And that is it is quite evident that the staff at the National Assembly have very little idea of how the small rural community councils in Wales operate. This has again been demonstrated by the letter from Ann Jones AM. This letter was dated 29th November 2012 and was received by me on 3rd December 2012. Puncteston Community Council meets on the last Wednesday of each month but does not meet in December or August. The letter was received five days after the November meeting and our next meeting, the January meeting took place last night 30th January 2013. The letter states that the provisional consultation deadline is today 31st January 2013. So in effect we have been given one day to consider and reply. The National Assembly has summer and Christmas recesses. Well community councils also have summer and Christmas recesses. What is sauce for the goose is sauce for the gander.

I attach hereto examples of our minutes, agendas and financial reports which are in word documents and can easily be sent to anyone who wishes to see them at no expense.

John M Griffiths
Clerk

PUNCHESTON COMMUNITY COUNCIL

Notice of Ordinary Meeting to be held at Puncheston School on Wednesday 30th January 2013 at 8.0 p m.

AGENDA

1. Apologies for Absence
2. Minutes of the last meeting
3. Matters arising from the minutes
4. Highway Matters
5. Planning
6. Pembs Single Integrated Plan 2013 - 2018
7. Proposed Changes to Pembs CC Electoral Wards
8. Correspondence
9. Any other business

PUNCHESTON COMMUNITY COUNCIL

A meeting of Punctheston Community Council was held on Wednesday 28th November 2012 at Punctheston School at 8.00 p m.

Present were:- Mr Wyn Williams (Chairman), Messrs Dewi Lewis, Ian Griffiths, Peter Lilley, Mrs Alison Evans, Mrs Anne Thomas, Councillor Bob Kilmister Pembrokeshire County Council and John Griffiths (Clerk).

1. Apologies

There were no apologies as all members were present.

2. Minutes of the Last Meeting.

Copies of the minutes of the meeting held on Wednesday 31st October 2012 had been distributed to members. The minutes were agreed as being a true record and were signed.

3. Matters Arising from the Minutes

(a) TELEPHONE KIOSK LITTLE NEWCASTLE. The Clerk reported that on 3rd November he had sent the completed contract together with a cheque for £1.00 and a covering letter to BT Payphones, 4th Floor – Monument Telephone Exchange and he had also sent an e-mail to Linda Kennedy at Payphones Planning Office to keep her in the picture. No further response had been received.

(b) FREQUENT FLOODING OF PUNCHESTON TO MORVIL ROAD. The Clerk reported that Dewi Lewis had phoned him to say that this road was badly flooded on Monday 26th November and was impassable for some cars. The Clerk had sent an e-mail to Cllr Bob Kilmister who in turn had e-mailed Mr Robert Evans, Highways Asset Manager, Pembs County Council. An e-mail reply had been received from Mr Evans stating that the minor works to concrete two channels would be carried out in the next few weeks and that an extension to the drainage system would be carried out sometime in the coming financial year.

(c) ROAD ACCIDENT ON B4329 AT TUFTON. The Clerk confirmed that he had written a letter to Mr John Price, Traffic Manager, Pembs County Council advising him of the accident on 19/10/2012.

(d) FLOODING OF B4329 SOUTH OF TUFTON. The Clerk reported that he had written a letter to Mr Darren Thomas, Head of Highways & Construction, Pembs County Council. A letter of reply had been received from Mr Thomas which stated that the specific matter of flooding has been passed direct to the Area Maintenance Manager to review and address. As to the Community Council's disquiet over maintenance works, Mr Thomas has raised the matter with Mr Richard Brown, Head of Service overseeing the maintenance teams.

4. Highway Matters.

(a) The Clerk reported that on 1st November he had been contacted by Mr Ernest Harries who requested that the unclassified road past Poll Tax be swept prior to the funeral of Mrs Brenda Harries, Poll Tax. The Clerk had contacted the Feidr Castell Highways Depot who had arranged for the road to be swept.

(b) STREET LAMPS. On 6th November Alison Evans had reported that street lamp 803/394, Llygad-yr-Haul – Evergreen, Little Newcastle was faulty. The Clerk had reported this lamp to the Service Line. On 16th November the Clerk had observed that lamps 804/3651 and 803/394 at Little Newcastle were working satisfactorily. On 26th November Dewi Lewis reported that lamp 803/418 at Nantylfynnon, Punctheston, was faulty once more. The Clerk had reported this lamp to the Service Line.

(c) WORKS TO UNCLASSIFIED ROAD U3334 BY DWR CYMRU WELSH WATER.

On 27th November Ian Griffiths had contacted the Clerk to say that Mr Paul Vaughan, Pantycabal had reported to him that road U3334 had now reopened but that there was a great mess left on the road and on

the grassy road island triangle at the junction with the U3370. The Clerk had reported the matter to Mr Ben Blake, Road Traffic, Pembs County Council, who had promised to have the area inspected.

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(d) Dewi Lewis reported that it had been brought to his attention that there was flood debris on the Puncheston to Llanychaer road near Fagwrfran. Cllr Bob Kilmister stated that he would inspect this area on his way home from the meeting and that he would take any necessary follow-up action.

5. Planning

There was no item of planning.

6. Financial Report.

The Clerk presented a financial report as at 28th November 2012 with projected figures to the end of the financial year. A copy of the report is attached as an annexe to these minutes.

7. Clerk's Salary and Expenses.

Ian Griffiths declared an interest and took no part in the discussion. It was proposed by Dewi Lewis, seconded by Alison Evans and agreed to pay the Clerk a salary of £592.50 for the period 1st July to 31st December 2012. It was proposed by Dewi Lewis, seconded by Alison Evans and agreed to pay the Clerk's expenses of £11.13 for the period 28th June to 30th November 2012.

8. Precept 2013/14.

It was proposed by Ian Griffiths, seconded by Dewi Lewis and agreed that a precept of £2,000.00 should be requested for 2013/14 in the light of the facts that the balance in hand on 1st April 2012 had been £2,092.33, the projected balance in hand on 31st March 2013 would be £1,720.69 and the projected expenditure for 2012/13 would be £2,560.50.

9. Correspondence.

(a) PEMBS COUNTY COUNCIL CONSULTATION ON REVIEW OF GAMBLING POLICY. The Clerk reported that he had studied the proposed policy and there was very little difference to the existing policy. He saw no need for any changes to the policy as far as Puncheston Community Council was concerned because there were no casinos or betting shops and only one gaming machine within the Community.

(b) COMMON LAND CL/85 MYNYDD CASTLEBYTHE. Copy letter received from Mrs Lynne Curcio, Common Land Officer, Pembs County Council confirming that hand gliding and para-gliding cannot take place on Mynydd Castlebythe.

(c) PALC. Notification of free training for Councillors at Yr Hen Ysgol, Dinas on 22nd November 2012. The Clerk had notified all Councillors by e-mail and telephone prior to the training

(d) The following items of correspondence were received for information:-

- (i) Barclays Bank Plc offer of Barclaycard Business credit card.
- (ii) BDO LLP notification of changes to their extranet.
- (iii) Clerks and Councils Direct November 2012.
- (iv) Play for Wales magazine.
- (v) Pembrokeshire Housing Annual Report 2011/2012.
- (vi) North Pembs Transport Forum News Briefing October 2012.

10. Any Other Business.

There was no item of any other business.

There being no further business the Chairman wished everyone a Happy Christmas and a Prosperous New Year and declared the meeting closed at 8.40 p m.

Date of next meeting agreed as Wednesday 30th January 2013.

Puncheston Community Council

Financial Report 28th November 2012

	£
Balance in hand 1 st April 2012	2,092.33
Receipts to date	
Precept	1,333.50
Total receipts to date	<u>3,425.83</u>
Expenditure to date	
Insurance	555.81
Charitable donations	485.00
Playing Field rent	30.00
Clerk's salary	622.50
Clerk's expenses	18.90
Audit fee	60.00
PALC Membership	27.00
Adoption of Kiosk	1.00
Expenditure total to date	<u>1,800.21</u>
Balance in hand 28 th November 2012	1,625.62
Receipts still to come	
Precept	666.50
Way-leave payment	178.86
VAT repayment	10.00
Projected receipts to end of year	<u>2,480.98</u>
Payments due to be made	
Clerk's salary	592.50
Clerk's expenses	11.13
Christmas Lights	6.66
Caretaker	50.00
Hire of room for meetings	100.00
Projected payments to end of year	<u>760.29</u>
Projected Balance in hand at end of year	1,720.69

Notes

Projected expenditure 2012/13 = £2,560.50

LGD 39 Cardiff Council

Cardiff Council's Response to Consultation on the Local Government (Democracy) (Wales) Bill

Re: section on changes to Chair of Council/Lord Mayor

Cardiff Council is supportive of the new proposed section 51 of the Bill.

The Council already has a desire to split these roles and is actively taking steps to do so. A report debated at the full Council meeting on the 17 May 2012 resolved that:

1. the proposals to pursue the separation of the functions of the Chairman into two distinct functions: a "Chair of Council" (with a political governance and administrative remit) and a "Lord Mayor" (with ceremonial and civic functions) as set out in the report be approved;

2. delegated authority be granted to the Chief Officer Legal & Democratic Services to pursue such separation of functions."

Both the administrative and civic functions are key roles for the Council. The Chair of Council is the focus for effective governance and impartial chairing to ensure the smooth running of the Council meeting and that all members have a voice in the Council proceedings. This includes:

- (a) upholding and promoting the purposes of and interpreting the Constitution;
- (b) ensuring the business of meetings is dealt with efficiently, with respect for the rights of Councillors and in the interests of the community; and
- (c) ensuring that Council meetings provide the opportunity for proper debate and for Councillors who are not members of the Cabinet are able to hold the Cabinet to account.

Separation of the administrative functions would enable the Chair to carry out their duties and be chosen on the basis of their suitability for ensuring good governance free from the civic functions that may be distracting, competing or requiring a different skill set.

Similarly, separation of functions would enable the civic functions of the Lord Mayor to stand in their own right – recognising the importance of the civic functions to the city. The position of Lord Mayor is seen as providing a sense of tradition and continuity to civic functions that is believed to be beneficial to the city's commercial and social interests and tourism. It is proposed that separation of functions would enable the Lord Mayor to concentrate on and be selected solely on their suitability for these civic functions.

We note that the creation of the Presiding Officer position would enable such separation and are therefore fully supportive of the proposal.

LGD 40 Cyngor Cymdeithas
Llangoedmor Community Council



Eich cyf./Your ref. :

Dyddiad/Date :

Fy nghyf./My ref. :

Clerc y Cyngor/Clerk to the Council :

DIANE QUINNELL

58 Parc y Plas, Aberporth, Aberteifi / Cardigan, Ceredigion. SA43 2BJ
Ffôn/Tel.: (01239) 811432

To: Leanne Hatcher
Legislation Office
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Consultation Response to Local Government (Democracy) (Wales) Bill

Llangoedmore Community Council were unable to review the proposals at their January meeting due to difficulties in downloading the information from the internet, but they were able to discuss them at their meeting on the 4th February.

Although the date for response has passed we hope that you will be able to take account of the comments below.

Question 4

Section 35, sub-section (4)

The Council believes that the minimum period for representations should be 9 weeks. The rationale for this is that most Councils meet on a monthly cycle. If a proposal is published just after a meeting it could be 4 weeks before it can be presented to another meeting for consideration and allowing time for members to read and consider a proposal another month before an informed decision can be made. Allowing another week for the decision to be communicated gives the 9 weeks we propose as a minimum.

Question 8, (also applies to Questions 10 and 11)

Sections 53 and 54

The Council accepts and welcomes the use of web sites to publish information, but there are several aspects which will need consideration. Community Councils may be quite small, with part-time Clerks as the only employee and no in-built expertise in electronic publishing. There will be financial costs involved in setting up the sites and in training the Clerk to manage the site or to pay for a commercial body to manage the site on behalf of the Council. There could be a need for the Assembly or Principal Councils to set up "umbrella" sites which could be used by smaller Councils.

The requirement in Section 53 (1) (c) for all documents referred to in the minutes would hopefully be satisfied by links to other sites, rather than reproducing the documents themselves.

Diane Quinell
Clerk

LGD 41 Mochdre with Penstrowed Community Council

Dear Bethan,

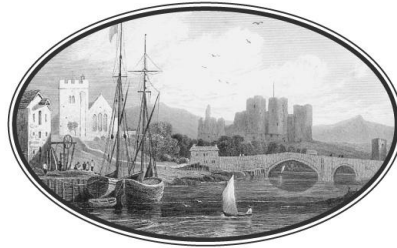
With regard to the above Bill, I have been instructed to write to you by the Council. Rather than respond to the questionnaire (as it feels such questions were answered adequately during the consultation period) it wishes to express its concern about the proposed expenditure on a Commission which it feels is unnecessary and a total waste of money which could be better spent elsewhere.

Yours sincerely,

Kath Wigley

Clerk to Mochdre with Penstrowed Community Council

Cyngor Tref **RHUDDLAN** *Town Council*



Clerc y Dref / Town Clerk
Karen Short

15 February 2013

Dear Sir/Madam

Local Government (Democracy) (Wales) Bill

At it's meeting on Thursday 14 February Town Councillors considered the above Bill and the public consultation and wished the following responses to be made:

- i) It was not easy to see the main points of the Bill
- ii) It was felt that the Town Council conformed with many of the points
- iii) It was also felt that Town Council would follow the directions of the Local Authority.

Yours faithfully

Karen Short
Town Clerk