



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

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

**Dydd Mercher, 6 Chwefror 2013
Thursday, 6 February 2013**

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Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y
Cyfarfod
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Remainder
of the Meeting

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Eraill yn bresennol
Others in attendance

Frank Cuthbert	Pennaeth y Tîm Craffu, Democratiaeth a Chyfranogi, Llywodraeth Cymru Head of Scrutiny, Democracy and Participation Team, Welsh Government
Louise Gibson	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
Carl Sargeant	Aelod Cynulliad, Llafur (Y Gweinidog Llywodraeth Leol a Chymunedau) Assembly Member, Labour (The Minister for Local Government and Communities)

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

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

Dechreuodd y cyfarfod am 9.15 a.m.
The meeting began at 9.15 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Ann Jones:** Good morning everybody and welcome to the Communities, Equality and Local Government Committee. I ask Members to switch off their mobile phones, BlackBerrys and pagers as they may affect the translation and broadcasting equipment. This is a formal session and the committee meets bilingually. If you need to use the translation equipment, please use channel 1 for translation from Welsh to English and channel 0 for the floor language. We are not expecting the fire alarm to sound, so, should it do so, we will take our instructions from the ushers, or you can follow me, as I always say. Do Members wish to declare any interests that they have not already declared? I see that they do not.

9.17 a.m.

Bil Llywodraeth Leol (Democratiaeth) (Cymru) (Cyfnod 1): Sesiwn Dystiolaeth gyda'r Gweinidog Llywodraeth Leol a Chymunedau Local Government (Democracy) (Wales) Bill (Stage 1): Evidence Session with the Minister for Local Government and Communities

[2] **Ann Jones:** This is the final session in Stage 1 of the Local Government (Democracy) (Wales) Bill. I am delighted to have the Minister for Local Government and Communities back for the final session. I welcome you and your team, Minister. Would you introduce yourself and the team for the record? We will then move to questions.

[3] **The Minister for Local Government and Communities (Carl Sargeant):** Good morning, Chair. I am Carl Sargeant, the Minister for Local Government and Communities.

[4] **Mr Cuthbert:** My name is Frank Cuthbert, and I deal with local government and democracy issues for the Welsh Government.

[5] **Ms Gibson:** My name is Louise Gibson, and I am the lawyer for the Bill.

[6] **Ann Jones:** Thank you. Are you happy to move straight to questions? I see that you are. In this final session, we will try to get you to respond to some of the issues that people have raised with us during our evidence sessions. First, how would you respond to the boundary commission's suggestion that its quorum should remain at two?

[7] **Carl Sargeant:** I do not agree with that. With the previous commission, it appeared that there was a very powerful chair and a supporting member. I think that a minimum of three members for the commission to be quorate would be reasonable, and that is why I have imposed that.

[8] **Ann Jones:** The commission said that if there were to be a quorum of three, it would require the appointment of additional commissioners. This would incur what it says is an unnecessary cost. Do you share that view?

[9] **Carl Sargeant:** No, I do not.

[10] **Rhodri Glyn Thomas:** Rydym wedi trafod gyda nifer o dystion yr angen i gael comisiynydd neu gomisiynwyr sy'n medru'r Gymraeg oherwydd bod awdurdodau ar fwy nag un lefel yn cael eu gweinyddu trwy gyfrwng y Gymraeg a bod angen cyfathrebu **Rhodri Glyn Thomas:** We have discussed with many witnesses the need to have a commissioner or commissioners who can speak Welsh because authorities on more than one level are administered through the medium of Welsh and there is a need to

â'r cynghorau hynny. Mae'r gofyniad am gael o leiaf un comisiynydd sy'n medru'r Gymraeg wedi cael ei ddileu o'r Bil hwn. Rydych yn dadlau y bydd polisi iaith Llywodraeth Cymru yn sicrhau bod un neu fwy ohonynt yn medru'r Gymraeg. Fodd bynnag, yr awgrym sydd wedi cael ei wneud yw bod hynny'n gwanhau Deddf Llywodraeth Leol 1972.

communicate with those councils. The requirement to have at least one commissioner who can speak Welsh has been removed from this Bill. You argue that the Welsh Government's language policy will ensure that one or more commissioners will be able to speak Welsh. However, the suggestion has been made is that that weakens the Local Government Act 1972.

[11] **Carl Sargeant:** Thank you for your question, Rhodri Glyn. We believe that this is progress, and I would not want any member of the committee, or anyone giving evidence, to think that we are trying to water down the effects on the Welsh language. We took new steps regarding the Local Government Act 1972 before the provisions were in place. Since then, with the passage of time, the Welsh Language (Wales) Measure 2011 has come through, and we believe that the commission, as a public body, has to comply with those rules. What we are saying is that, for all appointments, consideration should be given to the Welsh language, as opposed to thinking that one person—who may not attend the public meeting—is a Welsh speaker and therefore we have ticked the box in terms of consideration of the 1972 Act. With the Welsh language Measure, we believe that there should be compliance by the Welsh Government and all public bodies, and that the commission should also be included in that process. There should therefore be consideration of the Welsh language across the whole organisation of the commission and its appointments, not just one person ticking the box as a Welsh-language speaker. We believe that this strengthens that position, but if Members think that that is not correct, then I am more than happy to listen to your views.

[12] **Rhodri Glyn Thomas:** Diolch am yr ateb hwnnw, Weinidog. Rydych yn sôn am roi ystyriaeth i'r iaith Gymraeg. Beth yw ystyr hynny mewn gwirionedd? Rwy'n credu ei fod yn dibynnu i raddau helaeth ar y diffiniad o beth yn union yw 'ystyriaeth o'r iaith Gymraeg'. A yw'n gwarantu bod ganddo gomisiynwyr sy'n medru'r Gymraeg a bod y comisiwn yn medru cyfathrebu drwy gyfrwng y Gymraeg ar bob achos y mae galw am hynny?

Rhodri Glyn Thomas: Thank you for that reply, Minister. You talk about giving consideration to the Welsh language. What does that mean in reality? I think that it depends to a large extent on the definition that you have of 'consideration of the Welsh language'. Does it guarantee that there will be Welsh-speaking commissioners and that the commission will be able to communicate through the medium of Welsh whenever that is required?

[13] **Carl Sargeant:** As the Member is aware, the Welsh language Measure is very clear on the process of that. I think that I have the comments around that. The public appointments procedure is covered by the Welsh Government's Welsh language scheme, which ensures that the need for Welsh-speaking commissioners is taken into account during the recruitment process. I believe that the scope of that is covered in the Measure, unless you are suggesting that the Welsh language Measure is incorrect.

[14] **Rhodri Glyn Thomas:** Na, nid wyf yn awgrymu hynny. Rwy'n cwestiynu'r diffiniad o gwmpas rhoi ystyriaeth i'r iaith Gymraeg a sicrhau bod yr iaith Gymraeg yn cael ei hystyried mewn penodiadau. Y cwestiwn mae tystion wedi gofyn i ni yw: a yw hynny'n sicrhau y bydd comisiynydd neu gomisiynwyr sy'n medru'r Gymraeg, neu a fyddai modd defnyddio gofynion y Mesur i osgoi'r hyn a oedd yn ofynnol yn Neddf

Rhodri Glyn Thomas: No, I am not suggesting that. I am questioning the definitions around giving consideration to the Welsh language and ensuring that the Welsh language is considered in appointments. The question that witnesses have asked us is: does that ensure that there will be a Welsh-speaking commissioner or commissioners, or would it be possible to use the requirements of the Measure to avoid what was required by

Llywodraeth Leol 1972?

the Local Government Act 1972?

[15] **Carl Sargeant:** As I said, we have a cross-party agreement on the Welsh language Measure and there are clear guidelines and provisions within it that public bodies—including the commission, the Welsh Government, and other organisations of public order—have to comply with. On a serious note, if witnesses or others are suggesting that compliance with the Welsh language Measure is incorrect for appointments and processes, while that is not a matter for me, it certainly is one that we should take very seriously.

[16] **Rhodri Glyn Thomas:** Diolch yn fawr, Weinidog; rwy'n credu ein bod wedi trafod hynny hyd y gallwn. Bydd rhaid i ni weld beth fydd yn digwydd o ganlyniad i'r system apwyntiadau. Rwy'n mawr hyderu y bydd y Mesur yn sicrhau bod gan y comisiwn y gallu i gyfathrebu drwy gyfrwng y Gymraeg ar bob achlysur pan fydd hynny'n ofynnol.

Rhodri Glyn Thomas: Thank you, Minister; I think that we have discussed that to the extent we can. We will have to see what will happen as a result of the appointment system. I am confident that the Measure will ensure that the commission will have the ability to communicate through the medium of Welsh on all occasions, when that is required.

[17] I droi at adran 26, mae'r comisiwn ffiniau yn pryderu nad yw ei allu presennol i argymhell newidiadau canlyniadol i drefniadau etholiadol prif gynghorau wedi'i gynnwys yn y Bil. Pam rydych wedi dewis hepgor hynny o'r Bil presennol?

To turn to section 26, the boundary commission is concerned that its current ability to recommend consequential changes to the electoral arrangements of principal councils is not included in the Bill. Why have you chosen to leave that out of the current Bill?

[18] **Carl Sargeant:** I am grateful for the question. We have also carefully monitored the evidence given to the committee and I can see that there is some merit in this. This is something that I will give further consideration to at the next stage in terms of the opportunities for this process. The question that we are trying to consider is whether the commission or the Welsh Ministers should have the Order-making power. However, there is logic in the suggestion that the commission has made, so we will reconsider that part.

[19] **Janet Finch-Saunders:** Following on from that, as to whether we have the competence to do electoral reform, and with the community boundaries, I know that, in some correspondence, you mentioned that you would need to seek dialogue with the Secretary of State.

[20] **Carl Sargeant:** There are a few different issues there. The elements with the Secretary of State are around police boundaries; I do not believe that that has a consequence on this. In terms of the competence regarding principal authorities, we have full competence. We do not have competence in terms of electoral reform, which is what I think you were getting at, around voting systems et cetera. My legal advice suggests that we do not have competence, although I will say, Chair, that I think that we should have. I have written to the UK Government asking for a transfer of powers over the National Assembly elections and all local government elections. To date, we have not received a successful response. May we just clarify one of the issues?

[21] **Ann Jones:** Yes, that would be fine.

[22] **Mr Cuthbert:** I would like to go back one step, to the possibility of changes being made to electoral arrangements when community Orders are made. By and large, the way the legislation is arranged makes things easier to follow. However, in this case, section 40 of the Bill deals with consequential provision when a body, whether it is Welsh Ministers, the

commission or a principal council, is making an Order to implement proposals, and it includes the possibility of changing electoral divisions in principal councils as a consequence of a community review. We need to clarify and look again at who would make any consequential changes to electoral divisions following a community review, where the commission is the one making the Order. I think that that is what they need, and what we will seek to do.

[23] **Ann Jones:** Thank you for that clarification. We will move on to reviews of electoral arrangements for principal areas.

[24] **Kenneth Skates:** Good morning, Minister. Could you explain what your response is to the boundary commission's request that it should be able to start on its programme of electoral reviews of principal areas as soon as possible after the Bill receives Royal Assent?

[25] **Carl Sargeant:** I am supportive of that. We indicated a date of 2014 for implementation, however, I can understand why the commission would want to get under way in doing that. I would probably support that, actually. Providing that there are no show stoppers or disagreements in that process, I would be happy for the commission to start work as soon as possible. So, I will consider if there is a need to change any wording to make that timing appropriate. There is no reason for me to resist people wanting to get on with the job.

[26] **Kenneth Skates:** The boundary commission is also concerned that the nine-month restriction on undertaking reviews is excessive and believes that the commission should only be confined to not taking action in the period after a notice of election is published. How reasonable is that view?

[27] **Carl Sargeant:** Living in the world of elections, as we all do, I think that it is reasonable that there is a period of stability prior to an election. For political parties and individuals wishing to stand for election, a nine-month lead-in time is reasonable to understand that, within that period of being selected as a candidate or otherwise, or being willing to stand, there will not be a change during that period or the run-up to the election. It is just a period of stability. I do not support the idea that it should be up to notice. The work that goes on behind the scenes in constructing a report should continue, but I do not think that we should have a public report. However, it is a purely anecdotal timeline of nine months; I just think that that is reasonable. You may have different views on that, but what I want is a period of stability pre-election, prior to selection, as I am sure that you would, Chair, and members of this committee.

9.30 a.m.

[28] **Mike Hedges:** I was very happy with your response. Anything less than six months would create chaos because, during the last six months, political parties are involved in activities relating to elections. Nine months takes you to the August before the May election and six months takes you to the November before the May election. I would have no problem with six months, but anything less than that would pose a serious problem. I would not like be campaigning to be elected somewhere when a report has just come out saying that where I am hoping to be elected will no longer exist.

[29] **Ann Jones:** That was more of a comment than a question.

[30] **Mike Hedges:** Would you agree?

[31] **Ann Jones:** Well done, Mike.

[32] **Carl Sargeant:** I probably would.

[33] **Peter Black:** Is there a difference here between carrying out a review and publishing proposals? Is that distinction worth making—that they can carry out the review in that nine-month period, but that they cannot publish proposals until after the election period is over?

[34] **Carl Sargeant:** Yes, I believe that that is what I would want to reflect. If it is the case that we need to strengthen that, again, that is something that we would consider.

[35] **Peter Black:** I do not think that the Bill reflects that at the moment.

[36] **Carl Sargeant:** We would have to do that.

[37] **Kenneth Skates:** With regard to proposed electoral divisions that would alter community boundaries, the North Wales Association of Town and Larger Community Councils suggested that the Bill could, and perhaps should, be amended to ensure that such changes could only happen if the local community or community council were in agreement.

[38] **Carl Sargeant:** I bet it did. I do not agree.

[39] **Mark Isherwood:** Good morning. Leading on from that, how do you respond to the concern expressed to this committee that the Bill fails to allay fears that councillor-to-electoral ratios would take precedence over community needs and local ties during electoral reviews, where section 30 talks about ensuring the former, but only having regard to the latter?

[40] **Carl Sargeant:** Thank you for your question, Mark. I have two points to make on that. The Bill places the need to have regard for community ties on the face of this section, so it is not tucked away as it is in the 1972 Act, but is expressed more fundamentally. I have wrangled with the duty of what the commission is and what the commission does. We all know, and Members who are elected to constituencies that include university cities will know in particular, that there is a huge change in the dynamics of communities with a lot of student activity that is often not reflected in the numbers on the electoral register. However, as a councillor, it is still their duty to represent them. I think it is reasonable to ask the commission to consider the number of electors on the electoral roll and the actual number in the community. I am giving the commission some flexibility; I do not think that it particularly likes that flexibility and would rather I tell it what to do in black and white. However, I am giving the commission the flexibility to make these observations and to therefore agree on that process in terms of the compromise between the two on what direction to take. So, we are trying to be reasonable on this.

[41] **Mark Isherwood:** How do you respond to the concern, again of the North Wales Association of Town and Larger Community Councils, that communities could be split up because of this proposal?

[42] **Carl Sargeant:** That could happen now; there are no changes to that process. We are trying to encourage the commission to look at the true value of a community. That is not unreasonable. At the moment, the stipulation is based purely on electoral registration and it is flawed. We are saying that you should have consideration for both.

[43] **Peter Black:** I want to go back to the point about the balance between the numbers on the electoral roll and the numbers in the community. There is a ward in Swansea, Killay North, where the student village effectively doubles the number of electors in that ward. At the moment, the university registers all of its students en masse. When individual electoral registration is introduced, the chances are that most of those students will not register. How does the Electoral Commission get that balance in terms of determining the representation of that ward, given that there is such a significant change in the number of electors?

[44] **Carl Sargeant:** That could be flexible year on year in terms of the way that communities operate. At the moment, there is no flexibility in that process. We are giving the commission the opportunity to obtain a truer reflection of what the community base is. In effect, you create ghost communities. For example, you may have a councillor who represents 1,000 residents in a ward, but, in effect, the student population doubles the population of that community to 2,000 residents. So, it is not representative in terms of equity across the council. The commission should have the ability to look at that more effectively and have the flexibility to make that determination. It is clear that the commission does not feel the same way, but it has a duty to do these things and it is one that I would like it to fulfil.

[45] **Rhodri Glyn Thomas:** Nid yw hyn yn effeithio'n unig ar wardiau lle mae myfyrwyr, ond, er enghraifft, canol trefi lle ceir siopau. Nid yw perchnogion y siopau hynny o reidrwydd yn cofrestru yn y ward hynny, ond mae eu buddiannau'n cael eu cynrychioli yn y ward. Bydd llawer o waith cynghorwyr yn ymwneud â buddiannau perchnogion y siopau hynny er nad ydynt fel y cyfryw yn etholwyr iddynt.

Rhodri Glyn Thomas: This does not only affect wards where there are students, but, for example, town centres where there are shops. The owners of those shops do not necessarily register in those wards, but their interests are represented there. The work of many councillors will involve the interests of those shop owners even though they are not necessarily members of that ward's electorate.

[46] **Carl Sargeant:** That is a valid point. As I have said, it is important that there is flexibility within the commission to understand the true number and community value. I believe that this gives it the option to do that. We are moving away from a directive that is very prescriptive in what it is only allowed to measure. This gives the commission flexibility to consider the true value of the community.

[47] **Mark Isherwood:** In a way, we have already strayed into the next question in terms of numbers of electors and I think that you have effectively answered it. You referred to the boundary commission's suggestion that sections 30(2)(a) and 33(5) should be removed from the Bill, because it says that the difficulties in what the Bill is trying to achieve are too great to overcome.

[48] **Carl Sargeant:** I do not agree; for the very reasons that I have already stated. Of course, I think that the commission would prefer, as would most people, a very prescriptive, 'This is what I am requiring you to do.' Actually, I am asking the commission to understand the true value; these are the people who are out there looking at communities. It is reasonable to ask them to look at the true value of the community, so I do not agree with the commission's view.

[49] **Mark Isherwood:** The commission says that the Bill refers to statistics that can be published, but that it does not know whether those statistics are available or whether they are current. If the commission is saying that, could there not be some validity to its concerns?

[50] **Carl Sargeant:** I do not recognise that. I do not know whether there is anything that Frank can add to that, but I think that that is just an impasse. The commission would much prefer a prescriptive direction, which is easier. I accept that this is more challenging, but there is a job to be done and they are the people to do it—I would hope.

[51] **Mr Cuthbert:** Perhaps I could add that we probably all like minimal change in the way in which we do our jobs. However, we know, from time to time, that the numbers on the register are considerably less than the adult population in an area for some of the reasons explained. The Bill is not saying that the commission must go for one or the other, but that it takes into account any statistics that are available. So, we are not just talking about somebody

saying to the commission that lots of students live in a particular place; they would have to have statistical evidence of that. If that evidence exists, then the commission can take that into account when proposing the spread of councillors across an area. That is it really.

[52] **Mark Isherwood:** You say ‘if that evidence exists’, so, effectively, it may not, which endorses the commission’s position.

[53] **Carl Sargeant:** Yes. It is about what evidence is available to it, but I would expect it to seek that evidence to confirm its availability. Looking particularly at student communities, it is clear to most people in this room that there is a change in the dynamics of those communities. That is not impossible for the commission to see too.

[54] **Mark Isherwood:** Moving on, how do you—

[55] **Ann Jones:** Sorry, Mark. Lindsay is next.

[56] **Lindsay Whittle:** I would like to ask a question on that. Would you have an opinion on whether students, who only live in an area for three years, should be allowed to vote in the town where they are studying, given that they could be deciding on a councillor for a four-year term, or a Member of Parliament for a five-year term? Should students be allowed to vote only in the town or the place where they are actually from?

[57] **Carl Sargeant:** They are entitled to register and to vote in that process currently. My personal view is that they should be allowed to vote.

[58] **Mr Cuthbert:** You can be on the local register in more than one place.

[59] **Lindsay Whittle:** But you can only vote once, can you not?

[60] **Mr Cuthbert:** No. Members of Parliament, for instance, can vote in London and Cardiff or wherever their residence is.

[61] **Ann Jones:** We do.

[62] **Mr Cuthbert:** In a general election, an Assembly election or an European election, you can only vote once. If you are registered in two local authorities, and you can organise it, you can vote twice.

[63] **Ann Jones:** Yes.

[64] **Lindsay Whittle:** I did not know that. That is interesting.

[65] **Ann Jones:** For those who live for a percentage of the time away from their main residence and their community—or 50:50 in both—then that is of use.

[66] **Carl Sargeant:** You can vote for whichever party you wish, or different ones if you so wish. [*Laughter.*]

[67] **Mark Isherwood:** What are your views on the Wales Audit Office suggestion that the Bill should include a safeguard against boundary review proposals that are effective and convenient but unduly expensive, and putting that on the face of the Bill?

[68] **Carl Sargeant:** It is an interesting suggestion, particularly from the Wales Audit Office. Of course, we have to be conscious about the costs of these. I believe that there is a function of the commission to consider boundary reviews. That is what it does. We do not

believe that that is unduly expensive. In view of the comments of the audit office, you could apply the very same thing to investigations that the audit office may or may not wish to consider about unduly expensive investigations. It is a bit of a bizarre statement to make, but we do not think that the process is unduly expensive, and we think that it is necessary.

[69] **Joyce Watson:** Good morning, Minister. I am going to ask you some questions on section 29(10) in terms of terminology. Could you explain why you decided to introduce new terminology in section 29(10) in the form of ‘electoral areas’ and ‘multiple member area’?

[70] **Carl Sargeant:** We have just tried to use a definition that people will understand. I do not think that there is anything in the wording that is complex. I can give you a legal definition if that is helpful, but if the committee thinks that we should call it something else—most councillors and people in the world outside of this building probably call them wards.

[71] **Mike Hedges:** Yes, they do.

[72] **Carl Sargeant:** I am sympathetic. I think that we have to be prescriptive, but, in terms of the definition, it is just what we have chosen to use; there is nothing other than that. There is no sinister reason.

[73] **Peter Black:** Why change it—*[Inaudible.]*

[74] **Carl Sargeant:** We just tried to get some consistency in the approach to this. There is no other reason.

[75] **Ann Jones:** Would you like to move on, Joyce?

[76] **Joyce Watson:** Yes. I will move on to the electoral arrangement reviews for communities. I think that you have already been asked this. The boundary commission suggested that the Bill would be significantly improved if it included a mechanism that obliged principal councils to conduct community reviews in advance of electoral reviews of their areas.

[77] **Carl Sargeant:** There is some merit in this, but I think that I need to give that some more consideration. There are some risks involved, for example if community reviews are conducted before a boundary review, you sort of pre-empt a decision by the boundary commission. There is some logic in it, but I think that we need to work that through. Again, I would not want the community reviews to take place and changes to happen, and then the boundary commission coming in, doing another review and changing them completely. It is a balancing act. I am not objecting to the principle of this, but I think that we need to give some more thought to how that process may or may not work. They might work in conjunction with each other. I do not know.

9.45 a.m.

[78] **Mike Hedges:** A boundary or community review—I cannot remember which it was—a year ago, went down to the level of small communities and then built up into what the bigger community was. For example, it identified Cwmbwrla, Brynhyfryd and Manselton as communities, but said that the real community was the three of them combined. It said that Ynystawe, Ynysforgan and about 14 or 15 communities combined made up the community of Morryston. Is there any intention for the boundary commission to re-enact that project?

[79] **Carl Sargeant:** There is no plan to do that, but it is the duty of a principal authority to look at community boundaries and how the structures of its boundaries operate should be a consideration for that organisation. That should be constantly monitored and reviewed. It is

not the case that we will start again; there are no plans to start from scratch. It is about understanding who has the duty and how they operate. To go back to the original question, there is some merit in looking at how they operate and which way around they operate, and I will give that further consideration.

[80] **Ann Jones:** Joyce, do you want to carry on?

[81] **Joyce Watson:** Considering that this is a Bill to do with democracy, the Electoral Reform Society said, in terms of the procedures, that

[82] ‘there does not seem to be an onus on the boundary commission to really go out and talk to people’

[83] and that sections 34 to 36 do not do enough to encourage public engagement. Is there a possibility that the Bill could be strengthened in that respect?

[84] **Carl Sargeant:** There is a duty already to consult. I have always been reluctant to include lists of statutory consultees in legislation because you miss people out. The list of consultees that the boundary commission uses is wide-ranging, including, of course, members of communities. In addition, it is more about how community engagement takes place rather than with whom it takes place. This is perhaps not for the Bill, but I might seek to issue some guidance to the commission about what I would expect in terms of community engagement. That might be helpful in addressing some of the issues that the Electoral Reform Society raised.

[85] **Joyce Watson:** The rub of this is that it is stated that there is an expectation that the people will go to the boundary commission, rather than the people from the boundary commission going to the people. That is the real issue that has been raised by the Electoral Reform Society.

[86] **Carl Sargeant:** It is that balance again. I believe that it is about how this operates as opposed to who does it. We have already seen this with various consultations across all parts of Government; there is always a party that claims that it knew nothing about something and that it was not consulted. That is unfortunate. I do not know whether that is the real reason—it may be, but it is not always the case, and we have to encourage the commission to ask how it can better seek the advice of communities in terms of consultation. Communication is always challenging, but I may be able to address that through guidance. However, I do not think that I could add something to the Bill saying, ‘You must talk to these people’, because you always miss somebody out with a defined list. This is for guidance, Chair.

[87] **Ann Jones:** In that guidance, would you be inclined to state something about, for example, a community that is known to be a place that everybody travels out of to work in another community? It would therefore be no good for any organisation to go in and organise a meeting at 2 p.m. on a Monday afternoon if everybody was working 40 miles away down the road. That is what a lot of public bodies seem to do. They will organise meetings at a time and a place when they know that nobody will turn up and then they proudly say, ‘We were there’—[*Interruption.*] Yes, they do. I can assure you that they do it in north Wales quite a lot. Is that something that you would consider strengthening in your guidance so that a view was taken that people should be given the opportunity to attend based around their working life, and not around the public authority?

[88] **Carl Sargeant:** That is just good practice. It is really unfortunate that our organisations, as you suggest, might not be doing that. That is not good. I would hope that all public bodies that answer to me, and for which I am responsible—and for which we are responsible across the Welsh Government—would ensure that they are proactive in the way

they operate in terms of community engagement. It is not in good order if they do not.

[89] **Ann Jones:** I might quote you on that one. We will move on to Lindsay.

[90] **Lindsay Whittle:** Whenever there is a community review or a boundary review, I am one of these anoraks who loves to get into the books, look at the map and analyse every street, road junction and house—almost every lamp post. I sometimes get puzzled by the decisions of the commission, and I am sure that town and community councils do as well. Do you think they should have the right of appeal to the principal authority, so that their voices are heard?

[91] **Carl Sargeant:** They do now. If the principal council conducts a review, the community councils have an appeal process to the commission. If the commission is doing the review, then there is an appeals process to the Welsh Minister. There are appeals processes, but you will recognise that you cannot always please the people involved in that process. What is really important is that there is an appeals process.

[92] **Lindsay Whittle:** Is there no proviso in the Bill?

[93] **Carl Sargeant:** My understanding is that that is just the current position. Perhaps Frank can clarify.

[94] **Mr Cuthbert:** Before any Order can be made, at whatever level it is made, there has to be a six-week period during which time representations can be made to whoever is making the Order. It might not be spelled out as a formal appeals process, but that is the opportunity for communities to appeal to the power higher than whoever it was who conducted the review.

[95] **Lindsay Whittle:** So, I will have to speak really nicely to you from now on, then, Minister.

[96] **Carl Sargeant:** You always do.

[97] **Lindsay Whittle:** I am sure that I will. Section 50 of the Bill allows the commission to review and make proposals about the constitution of other public bodies whose make-up includes councillors or council appointees. Concern has been expressed that section 50 appears to be very open and lacking in detail. It is quite unclear how the boundary commission members will have the expertise to consider some of the issues listed. What can you do to allay those concerns?

[98] **Carl Sargeant:** We have added this section as a sort of futureproofing tool for what we believe the commission might or might not do in the future. I do not have a list of bodies and organisations that I would suggest the commission now goes out to and says, 'Have a look at this organisation because we are looking to restructure it in some way, to grow or reduce the number'. Therefore, I cannot give clarity of definition on 'bodies'. Again, the example that I would use is that, recently, John Griffiths's new single organisation has a new structure, so we would not have seen that coming. It is something new that has been created, and we need the open-endedness within the Bill to comply with that.

[99] With regard to the expertise of the commission, I would disagree with the idea that it does not have the expertise to look at numbers and functions of organisations. That is what it does. It counts numbers and it looks at structures and democratic representation and processes. You could argue the same about some things that the remuneration board does. If it is a public body, it is reasonable for an independent organisation such as the commission to look at the make-up of that body, such as the commission. I do not really accept the point about the skill base of the commission. I think it is completely reasonable for it to be asked to

do that.

[100] **Lindsay Whittle:** In over 37 years, I have served on four different authorities and have not moved house yet. We heard from the WLGA that section 51 of the Bill should be redrafted to ensure that presiding members of councils can continue to chair the first council meeting, even if that person is no longer a member. There is something quite heart-warming in the idea of a long-serving councillor who, having decided to retire, comes back to the first meeting at which he or she is not a member to hand over the chain of office and for tributes to be paid, as I have so often seen. Would you agree that section 51 should perhaps be redrafted to ensure that that happens?

[101] **Carl Sargeant:** The 1972 Act currently allows that very process to happen, so that the mayor or mayoress can come back in a civic role in this process to hand over, whether in an elected or non-elected post, or following non-election or retirement. It allows that to happen, and that will continue to happen.

[102] What the WLGA may have mentioned is to do with the presiding officer element of this. I am pretty flexible on this; I am not going to close the door on it. My personal view is that this is not necessary, because there are already things in place for the ceremonial aspect and the respect—I like that; that can carry on. However, I do not think that we should create a new structure just to allow somebody to open the first meeting, at which they will only say, ‘Can we have nominations to elect the next person’. However, I will not go to the wall on this; if that is what the committee thinks is the right thing to do, then maybe we should do it, but I think that we probably do not need to alter what is already in place.

[103] **Peter Black:** I think that the question is whether the presiding officer, as referred to in this Bill, is in the same position as a chair of the council and a mayor now, in the sense that they can continue until the first meeting of the council. Is that the legal position, or not?

[104] **Mr Cuthbert:** The provision in the 1972 Act enables the chair or mayor or lord mayor of a council who acts as a council’s official chair to continue in office until the first meeting of the new council after an election, even if they did not stand for election or were defeated at the election. The WLGA is arguing that the same should happen if a council has chosen to separate the role of the ceremonial chair from that of a presiding officer or presiding member. The position that the Bill would keep is that it would not touch that ability of the ceremonial mayor or chair to continue until the first meeting of the council, but the presiding member would be the same as any other councillor, in that they would have lost their position. So, all it really means in effect is that, at the first meeting of the new council, it would not be the old presiding member chairing the first few minutes of that meeting; it would be the chair or mayor—the one wearing the chain—who would do that, as they do now.

[105] **Mike Hedges:** When I served on a council in Swansea, we went through that process. What actually happened was that when it did not have a presiding officer, the chief executive called for nominations for a presiding officer, and 10 seconds after it did not have a presiding officer it had a presiding officer. Surely, that solves the problem.

[106] **Peter Black:** More to the point, in Swansea’s first meeting after the election, they had the previous presiding officer presiding over that meeting having not been re-elected.

[107] **Carl Sargeant:** I shall not go into the details of Swansea council.

[108] **Ann Jones:** No, it is not about Swansea.

[109] **Carl Sargeant:** This is a moot point with regard to moving forward. I am flexible on

this, but I do not think we need to change the current provision. It works fine, as Members have alluded to. I think that it is a small point in the overarching elements of the Bill. I am pretty easy on this, but my view is that we should not change what we have.

[110] **Ann Jones:** We have 10 questions and 16 minutes, and we are coming to access to information with regard to community and town councils. Can Members bear that in mind, please?

[111] **Peter Black:** I think that this question is in 10 parts, actually.

[112] **Ann Jones:** There you are, then. That is the session gone. [*Laughter.*]

[113] **Peter Black:** Websites, Minister. You announced funding of £1.25 million on 29 January to assist town and community councils to comply with the new duties under sections 53 to 55 of the Bill. Can you outline specifically how that money is meant to be spent?

10.00 a.m.

[114] **Carl Sargeant:** The funding will be allocated under a grant mechanism to principal councils. I think that I am right in saying that the funding will be £500 per council in each unitary authority area, which will go to the principal council. There will be conditions based on the expectation of delivery around the grant, and I have already opened discussions with One Voice Wales on opportunities that it might have to work with town and community councils to enable them to work with principal authorities. I have opened dialogue to get them around the table to ensure that this can happen. So, the money will go to the principal councils—£500 per council within the area.

[115] **Peter Black:** Is the funding awarded irrespective of whether or not community councils have a website now?

[116] **Carl Sargeant:** Yes, it is.

[117] **Peter Black:** Why have you decided to pay it to the principal council and not directly to the community councils?

[118] **Carl Sargeant:** On the basis of my collaboration agenda; it is not new to you. It is not about creating hundreds of individual websites. It may be that all of the councils in an area have an agreement with the principal council that says, 'Give us the £500 each and we will sort this problem out'. I think that the principal councils, with a block of money, can support all of the town and community councils and say, 'We may be able to host this for you', which makes it cheaper. Through discussions with One Voice Wales, principal councils, town and community councils and the Welsh Local Government Association, we will be taking this forward.

[119] **Peter Black:** Will that be in the current financial year or the next?

[120] **Carl Sargeant:** It will be in the current financial year.

[121] **Peter Black:** How are you monitoring how this money is being spent?

[122] **Carl Sargeant:** We have not released the money yet. Subject to the Bill going through, we will ensure that there is an expectation to comply with the legislation.

[123] **Peter Black:** Bear with me; I just need to check which questions you have answered.

[124] **Carl Sargeant:** You were right about there being 10 questions.

[125] **Peter Black:** You have answered most of them.

[126] Do you have any plans to address issues such as training needs? The North Wales Association of Town and Larger Community Councils referred to a massive cultural resistance to the new duties in some councils—I like that phrase. [*Laughter.*]

[127] **Ann Jones:** Good old north Wales.

[128] **Carl Sargeant:** That is the very reason I am doing this. Let us try to bring to our communities the openness and transparency of local decisions. You will all be familiar with some community councils that operate very interestingly—nobody has a clue what decisions are made and how they are made. I think that it is time we see decisions being made in the public domain. I hope that this small but significant amount of funding can be an enabler for communities. There are some practical issues around this; people in groups like One Voice Wales often still have to send a lot of their stuff by post because there are no e-mail facilities through which to send some of their communications. There is a cost in that straight away. Let us enable councils to do this, working with principal authorities, to get some coherence about what local government and local-government transparency are.

[129] **Peter Black:** We have the carrot; what is the stick for ensuring that community councils comply with this legislation?

[130] **Carl Sargeant:** The team is looking at that closely. In the event of non-compliance, I have a few ideas about what we may or may not be able to do, one of which is precept allowances for councils. It is a big hammer to crack a little nut, and I really would not want to use it. This approach makes sense, but I accept that there will be some resistance to it in some communities. Subject to the Bill going through, this will be enshrined in legislation, and I will expect town and community councils to comply. If they do not, I am looking at what the consequences could be. We will be able to share the detail on that at the next stage of the Bill's progress.

[131] **Peter Black:** I have two parts of my question left. One is on the dangers of legislating by press release. In your press release, you say that you urge principal councils to work with their local community councils, and that this will become a requirement in the Bill. Are we to expect an amendment to the Bill along those lines?

[132] **Carl Sargeant:** Reading legislation from a press release is always interesting. There is an expectation, if the Bill is successful, that a duty will be placed on town and community councils to operate a website. We have already opened discussions with principal councils to accept the funding on behalf of town and community councils in order for them to facilitate website progression. However, the duty will be placed upon town and community councils.

[133] **Peter Black:** Are you not proposing to put a requirement in the Bill that principal councils work with community councils on that issue?

[134] **Carl Sargeant:** No.

[135] **Peter Black:** Okay. I have a final question on this section. The section lists a number of things that community councils need to have on their website. Would you consider putting a power via regulations that you can add to that list, which seems to me a sensible way forward?

[136] **Carl Sargeant:** I would be happy to consider that.

[137] Just going back to the second but last question on the duty, if I may, what we could do in terms of the terms and conditions of the grant would be to inform them that the relationship between principal councils and town and community councils is part of the grant process. As opposed to putting it in regulations, we could make sure that it was part of the grant provision.

[138] **Mike Hedges:** A number of councils in Wales hold monolingual meetings, some through the medium of English and some through the medium of Welsh. Is it the intention that they would produce bilingual websites?

[139] **Carl Sargeant:** That is a matter for them and the Welsh Language Commissioner. Community councils are listed in Schedule 6 of the Welsh Language (Wales) Measure 2011. Therefore, the Welsh Language Commissioner is able to issue a section 7 notice, I think, to community councils if the commissioner—she currently—wishes to do so.

[140] **Mike Hedges:** I have two other questions, which I will put together, because I am not sure whether they would fit into the Bill or come more under regulations. The first relates to the fact that some local authorities only have one scrutiny committee, and therefore they get round having to have political balance in terms of scrutiny chairs. The second problem is that the amount of support given to scrutiny committees varies dramatically. Sometimes, the amount of resources that backbench councillors can draw on is very limited compared with the resources of members of councils' cabinets. I am not sure whether that would fit into the Bill, although you may feel differently, but is there room for regulations or a ministerial viewpoint to be put out on those issues?

[141] **Carl Sargeant:** I will take the last point first. We put in the Local Government (Wales) Measure 2011 a provision for—what is the title?

[142] **Mr Cuthbert:** Democratic services.

[143] **Carl Sargeant:** A democratic services executive. That is to support backbencher members on that basis that I accept and recognise that, if you are in a cabinet structure you have a lot of support, but, if you are not, and you are in opposition or on the backbenches of a leading authority, there is a limited amount of knowledge you can access. I believe that we have addressed that with the democratic services process. I am looking at that closely, because it has only just come into post. I am looking at how it operates and if there could be benefits from it. Alongside that, we are providing training opportunities for councillors et cetera with One Voice Wales and the Welsh Local Government Association. To return to the point on the political balance on committees, section 75 of the Local Government (Wales) Measure 2011 provides regulation powers on the appointment of scrutiny chairs. However, I do not think that there is anything for this Bill to include in terms of the direction of membership. No conflict in that process has been brought to my attention.

[144] **Mike Hedges:** My question was more about the numbers. Councils must have one scrutiny committee, but they are allowed to create as many as they wish. If a council has 10, then political balance comes in, like here. However, if a council only has one—as some councils do—that tends to negate the aim of political balance.

[145] **Carl Sargeant:** I do not think that that is a matter for me in terms of this Bill. I would not like to think that that was happening out there, but you might have evidence that you would like to share with me.

[146] **Ann Jones:** Janet and Joyce have very brief supplementary questions on this.

[147] **Janet Finch-Saunders:** I have raised concerns about how the democracy committees are working across Wales at the moment. I understand that it is quite a new initiative, but, if you are looking to beef up those committees—when they are not really running at the moment as they should be—what will you do about that?

[148] **Carl Sargeant:** The operation and function of that is a matter for local authorities. I have often been accused of micro-managing local government. I would like to suggest that I do not, for the very reason that I think that this is a matter for them. It is for backbench, non-Cabinet members to make sure that they are getting value for money from the democratic services process. We put in place something we hoped would work. That was not there before. We think that we have gone a long way in terms of taking this forward: we have put in legislation and now it is up to local members if they feel that there is a deficit in that process. We do not think that is because it is not there, it is because it is not being enacted. However, again, I have had not had complaints from backbench or opposition members saying that they cannot get information or support from councils.

[149] **Joyce Watson:** You would have done, Minister, if I had been able to get to you when I was leader of the opposition in Pembrokeshire Council, and that is my point, because it is a serious one: it is about ignorance of what is available. How do you intend to let those people on the ground know how they can access training opportunities and support, because they need to know, and that is the real question on the table?

[150] **Carl Sargeant:** It is a very valid question too. The very reason you raise this is why we have introduced through the Local Government (Wales) Measure 2011 the democratic services provision. We recognise that position of a deficit of knowledge for backbench Members. So, we have introduced some legislation around that. We have put that in place. Again, we go back to something that was mentioned earlier about communication. We are trying to think of new ideas all the time. We have started to do a digital version of a councillor connect newsletter—I am sure it will be criticized by some—telling all members who are accessible via e-mail, which, hopefully all town and community councils will be soon, about what we are doing in Government, what is available in local government and things that are really interesting. I will tell you a frightening story. The other week, I met a local councillor and I asked, ‘How are you getting on with the Simpson agenda?’, and he asked, ‘Who is Simpson?’ That really scared me, and I thought, ‘Well, that says it all’. How do we get to the very people who make the decisions about what is going on in local government? We are hoping that we are moving some way towards doing that, but it will not happen overnight by a flick of a switch. We are trying to give out as much information as possible, and the democratic services process is really important, but councillors need to engage about what they need. I cannot do that for them.

[151] **Ann Jones:** I want to get to questions on the Independent Remuneration Panel for Wales. Gwyn has those questions. I ask for brief questions and answers, please.

[152] **Gwyn R. Price:** Thank you for saying that, Chair. It got me confused this morning, but it is the Independent Remuneration Panel for Wales. The WLGA and the Association of Council Secretaries and Solicitors are concerned that changing the date for the IRP’s annual report to 28 February could present difficulties for authorities undertaking financial planning for the year. What is your response to their concern, Minister?

[153] **Carl Sargeant:** If you look at the allowances for members, which the IRP instructs on, it is a very small amount of the financial aspect of a local authority. There are issues around the consultation process. That is why the timeline of this is really quite tight. I could tighten that up a little more, but it will be weeks as opposed to months in difference. I do not think that this is really a major practical issue. In terms of the overall settlement of a local authority, the amount of funding available for members’ allowances is small.

[154] **Gwyn R. Price:** The IRP says that the requirement for the public bodies under section 59 to have at least one member of a relevant authority

[155] ‘appears restrictive and could create inconsistencies in application that would be difficult to justify in the public arena’.

[156] Why is that condition included in section 59(b)?

10.15 a.m.

[157] **Carl Sargeant:** Again, I think, that is about openness. If we have local authority members serving on a public body, it is completely reasonable that the public is able to see the process and scrutinise it; that does not happen at the moment. I suppose that you could compare it with the fire authorities, where the IRP made judgments on remuneration for members of fire authorities. You say that having one member of an authority may be restrictive, but I think that one is enough to ensure that the IRP can look at the matter. It is a reasonable request.

[158] **Ann Jones:** Rhodri Glyn, you have a quick supplementary question.

[159] **Rhodri Glyn Thomas:** A ydych yn credu bod lle i sicrhau bod rhyw fath o banel annibynnol yn penderfynu ar dâl prif weithredwyr awdurdodau lleol, yn hytrach na bod y broses yn fewnol? **Rhodri Glyn Thomas:** Do you believe that there is room to ensure that some kind of independent panel decides the pay of local authority chief executives, rather than the process being an internal one?

[160] **Carl Sargeant:** There has been a very public debate on how chief executives’ pay is established. I do not think that there is a need for a panel. What we do need to have is openness and transparency in the process that takes place. Let us not underestimate the work that chief executives do in local authorities; it is significant. However, we have to take them and others in the broader public sector about the work that they are accountable for doing. I have given this some thought, and, I presume, because of the media attention, a lot of thought is being given to the political issues in the media around this. We have been giving this some thought in terms of what we can and cannot do. I do not think that this Bill is a vehicle for issuing directions on chief executives’ pay. However, what I can do, I believe, is issue guidance to local authorities and public bodies to ensure that there is a process for them to follow that is acceptable to this committee and the broader public and which they would have to comply with.

[161] **Ann Jones:** Rhodri Glyn has jumped to the last question, which was Janet’s, so I will call Janet, and then Joyce and Peter have questions, and then there is the matter of joint standards committees, which we must come back to. Did you have anything on that question, very quickly, Janet?

[162] **Janet Finch-Saunders:** Yes. You can issue guidance, Minister, but, at the end of the day, there have been some particularly not-good examples of a minority of councillors and chief executives writing their own reports. I know that this has caused a lot of concern across Wales. Recently, with your collaboration agenda, you also issued guidance on the appointment and recruitment process, yet some work that we carried out recently indicates that a lot of internal procedures are involved in the recruitment process. It is about using this mechanism, or some other mechanism, to place some responsibility on local authorities to be very open and above board in the use of taxpayers’ money, especially when it comes to recruitment processes.

[163] You have cited examples in the Chamber of where you have tried to have one head of service for two local authorities. That does not seem to be going very far in the collaboration agenda at the moment. We still see a large number of authorities seeking to fill posts in what members of the public perceive to be a behind-closed-doors way. If you do not feel that this Bill can address those issues, how can you address them? This is called the Local Government (Democracy) (Wales) Bill, and people are feeling very disenfranchised about a large part of the mechanics of local authorities.

[164] **Ann Jones:** I think that the Minister has already said that that is not an issue for this Bill, but—

[165] **Janet Finch-Saunders:** It brings into question other guidance that he is issuing.

[166] **Ann Jones:** Hang on a minute. The Minister has already said that this is not an issue for the Bill. Peter and Joyce also have questions on this point, and I will ask you to take all three questions together, Minister. Would you consider coming back to us or writing to us with some views on this, Minister, because we have some further questions on which we need to hear evidence?

[167] **Carl Sargeant:** Of course. I would be very pleased to do so.

[168] **Ann Jones:** I will take questions from Peter and Joyce, then, very quickly.

[169] **Peter Black:** My question relates to trying to determine whether or not I want to bring forward an amendment to the Bill, so I think that it is relevant. You said that you are going to issue guidance, Minister. Under what legislation will that guidance be issued? Will it be statutory guidance, and will it be introduced under the affirmative procedure?

[170] **Joyce Watson:** My question is on the same thing, really. There is a democratic deficit in terms of people being able to make a decision on a chief executive's pay, and also the people out there—the electorate—having any access to the reason why that decision was made. I would welcome a note on how we can try to help local authorities to address that particular issue.

[171] **Carl Sargeant:** I will respond to that, briefly, Chair. We are talking about a group of 22 individuals—I assume that you are talking about local government chief executives.

[172] **Janet Finch-Saunders:** Yes, and senior officers.

[173] **Carl Sargeant:** Okay, let us broaden that out to senior officers. I will resist the creation of a regional pay aspect to this, because if we define chief officers' pay in Wales that is differential to any other organisation or any other part of the UK, we are creating an aspect of regional pay. I will resist that. I am very happy to support the committee's request to issue guidance. I will have to get back to you on whether that will be done by the affirmative procedure or otherwise. I am minded to use guidance that suggests that any decisions on senior members' pay would have to be a decision of the full council, and not a decision of a committee of three or more. It is about openness and transparency. That is what I can currently do, and I am more than prepared to do that. However, we have to be very careful that we are not just talking about local authorities here. We have a very broad public sector, and if we are not careful we will create a regional pay aspect, which I will resist in all cases. I will have to provide a note to the committee on what that will be.

[174] **Ann Jones:** A note on that point would help. Gwyn, do you want to ask a question on joint standards committees?

[175] **Gwyn R. Price:** What are your views on whether one authority should be allowed to refer a matter to another authority's standards committee if there were difficulties involved in the home authority's standards committee dealing with a case? Can you clarify whether you intend to make the establishment of joint standards committees a requirement, or will it be on a voluntary basis?

[176] **Carl Sargeant:** I am giving this some more consideration, because we may not have gone far enough in the Bill. I think that there are opportunities. I accept that making local determination on standards can sometimes be considered not internally within the organisations, but externally, that people may consider that that is a flawed process, whereby internal people scrutinise people who may be friends or colleagues. There are great advantages to having joint scrutiny committees, and the legislation will allow for that to happen.

[177] I am considering that we may be able to present regional standards boards, which may resolve all of the issues.

[178] **Ann Jones:** There is one more question on remote attendance. Janet, do you want to ask that one?

[179] **Janet Finch-Saunders:** I have a supplementary question to Gwyn's question.

[180] **Ann Jones:** Very briefly, then, because the Minister is already out of time.

[181] **Janet Finch-Saunders:** The ombudsman last week highlighted concerns about the ethical governance framework in local authorities, and whether this Bill goes far enough to address that. We have raised concerns about the way in which certain aspects of business are conducted in local authorities. Are you convinced that this Bill goes far enough to put an ethical governance framework in place in local authorities?

[182] **Carl Sargeant:** There are views about what is good and what is bad in the decision-making processes of local government. There is always room for improvement, and I have given a commitment to the committee. The little bit that is attracting some heat at the moment is senior officers' salaries. I am prepared to do something about that within the legislation that is available to me. I think that local government is in a good place, but if the ombudsman or you wish to indicate places to me that are not operating appropriately, I am more than happy to listen.

[183] **Janet Finch-Saunders:** Monitoring officers are very concerned that the 2011 Measure fails to address the validity of decisions made in council meetings, if remote attendance is used and technological problems occur. Could the Bill be used to improve the 2011 Measure in this respect?

[184] **Carl Sargeant:** We have all seen glitches in technology, whether that is video-conferencing or otherwise. I do not see that as an issue, but I am more than happy to strengthen the Measure by issuing more guidance to local authorities if they do not fully understand the reasoning or the operational issues around remote attendance and what the consequences should or should not be in terms of failing systems.

[185] **Janet Finch-Saunders:** I have one final question about the single transferable vote.

[186] **Ann Jones:** I think that your last question has been answered. I think that the Minister answered that in his opening statement when he said that the competency was not there, but you thought that it should be.

[187] **Peter Black:** Have you commenced the remote attendance part of the Measure?

[188] **Carl Sargeant:** No.

[189] **Peter Black:** So, there is no need for guidance yet.

[190] **Ann Jones:** Minister, we have run out of time and I thank you for staying. If your diary is going to be complicated now, I am happy for you to blame me, as the Chair.

[191] **Carl Sargeant:** I think that the rest of the committee is equally—

[192] **Ann Jones:** All right then; and the rest of the committee. I thank you very much for coming to give evidence and for answering the points raised. As you know, because you regularly attend our committees—and we like to see you—you will get a copy of the transcript to check for accuracy. If we could have a note on the procedural points—the guidance and the affirmative and negative procedure—that would help us as a committee.

[193] **Carl Sargeant:** I am more than happy to comply with that, Chair, as always. With caution, I still do not believe that that is a provision within the Bill, but is separate from that. To advance your deliberations on this matter, I am more than happy to provide a note.

[194] **Ann Jones:** Thank you and thank you to your officials for coming. Is the committee happy to break until 10.30 a.m.? No, I am sorry. We need to move into private session.

10.27 a.m.

**Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod**

**Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from
the Remainder of the Meeting**

[195] **Ann Jones:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42.

[196] I see that Members are content. Thank you.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10.27 a.m.

The public part of the meeting ended at 10.27 a.m.