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Minister for Local Government and Communities



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
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Ann Jones  
Chair  
Communities, Equalities and Local  
Government Committee,  
National Assembly for Wales,  
Tŷ Hywel,  
Cardiff Bay

 January 2013



Thank you again for inviting me to your committee on 9 January 2013 to discuss the Local Government (Democracy) (Wales) Bill. I hope the committee found my responses helpful. There were a number of issues raised to which I agreed to respond further and I am writing to you now to cover those points.

1. Review of public bodies by the Local Democracy and Boundary Commission for Wales ("the Commission")

I was asked whether the Commission has or should have the ability to change the operational boundaries of those public bodies whose membership they might be asked to review under section 50.

Having considered this matter, I think the proposal for the Commission to have the ability to change the operational boundaries of public bodies whose membership they might be asked to review under section 50 of the Bill goes too far. In any event, some public bodies already have their boundaries coterminous with local authority boundaries. Others have boundaries created for operational/strategic reasons which are not necessarily connected to electoral boundaries.

2. Separation of civic chair from presiding member

I was asked about the presiding member's use of the casting vote and whether guidance was needed in relation to this in the case of a council opting to separate the chair's role from that of its civic role.

In my view, this will not be necessary because paragraph 39(2) of Schedule 12 to the Local Government Act 1972 simply provides that "the person presiding at the meeting shall have a second or casting vote". This provision in the 1972 Act will remain and would apply to a presiding member as it would to a chair now.

### 3. Costs of town and community council websites

I agreed to revert to the Committee on how the costs in relation to websites were worked out as set out in the Explanatory Memorandum (EM).

The figures quoted in the EM are by nature a best estimate because it is not known just how many town and community councils in Wales might need to buy equipment and/or require training. It is also the case that principal councils, neighbouring councils and One Voice Wales might assist community councils in this matter without necessarily passing on a cost. Following discussions which my officials have had with SOCITM (the local authority IT managers) and information available on existing maintenance costs. I am confident that the figures contained in the EM are the best estimate on the basis that there will be options available to any council needing to establish a website which will not always be costly.

### 4. Empowering the Independent Remuneration Panel to review pay of members of public bodies

The issue was raised as to whether the inclusion of health bodies amongst the types of public bodies covered by the Bill provisions would bring a "hybrid" character to the Bill.

A hybrid Bill is one which, though dealing with aspects of public policy has an affect on a group of private individuals or specific category of people or organisation. I am satisfied that bringing Local Health Boards (which are public bodies) within the scope of the Bill would neither make the Bill a hybrid Bill or make the Bill hybrid in nature.

### 5. Establishment of joint standards committees

I indicated to the Committee that I would, as appropriate, share with you my thoughts on what might be covered in guidance to local authorities on the establishment of joint standards committees under the powers provided by section 63 of the Bill.

The White Paper entitled '*Promoting Local Democracy*', which was subject to a public consultation ending on 7 August 2012, set out some of the benefits that I believe might accrue from the establishment of joint standards committees. I touched on these during my appearance before Committee.

The provision that we are seeking will enable local authorities to establish joint standards committees where the case for this is made out. I anticipate that guidance issued under the statutory powers in the Bill will set out the benefits of that approach as we see them, as well as advice on practical matters such as the composition, functions and operation of such committees. The detail of this guidance will be developed in consultation with the local government representative bodies.

### 6. Regulations on functions of standards committees

Committee queried the use of the Assembly negative resolution procedure for regulations under section 63 of the Bill establishing joint standards committees.

The Counsel General published guidelines in January 2012 that should be adhered to when considering the choice of procedure for the making of Subordinate Legislation. The guidelines acknowledge that in each case there is a balance to be struck between:

- scrutiny by the Assembly;
- consumption of Assembly or committee time;
- the significance of the provisions in question; and
- the making of legislation in the most efficacious manner.

In this case, the power to establish joint standards committees is provided on the face of the Bill in the form of an amendment to the base legislation requiring the establishment of standards committees in section 53 of the Local Government Act 2000 ("the 2000 Act").

Section 53(11) of the 2000 Act provides a power for the Welsh Ministers to make regulations covering practical matters including the composition of standards committees, the terms of office of members, public access to meetings etc. Such regulations deal with detailed matters which are quite properly subject to the negative resolution procedure.

Section 54(5) of the 2000 Act provides a separate power for the Welsh Ministers, by regulations, to make provision with regard to the exercise of functions by standards committees. Again these are operational matters which are subject to the negative resolution procedure.

Section 63(3)(b) of the Bill amends section 54 of the 2000 Act to provide that regulations under section 54(5) may modify any provision of this Part, or any other enactment relating to a standards committee or to any functions of a standards committee where the function is exercisable by a joint committee. This will enable amendments to be made to resolve any unforeseen practical issues arising from the operation of that legislation in relation to joint committees. As such, I take the view that the negative procedure is appropriate. The negative procedure does, of course, enable members to annul subordinate legislation should they have concerns about the way that it is framed.

#### 7. Training for members of appointments committees

I agreed to give consideration to member's concerns about the training available to elected members who sit on appointments committees.

I think that this raises an important issue which should be addressed through the WLGA's member development programme, funded by the Welsh Government. I will ask my officials to raise this matter through the appropriate channels.

I trust that this information is helpful in assisting the Committee with their consideration of the general principles of this Bill.



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