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Llywodraeth Cymru
Welsh Government

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Ann Jones
Chair
Communities, Equalities and Local
Government Committee,
National Assembly for Wales,
Tŷ Hywel,
Cardiff Bay

13 March 2013

Dear Ann

Thank you again for inviting me to your committee on 6 February 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. In addition, having reflected on the answers given, I have identified some matters where I believe further information will aid your deliberations.

1. The Local Government Boundary Commission for Wales' ("the Commission") inability to recommend consequential changes to the electoral arrangements of principal councils

I was asked about the concerns raised in the Commission's evidence to Committee, that its ability to recommend consequential changes to the electoral arrangements of principal councils is currently not included in the Bill (Section 26).

Currently, there is provision under the Local Government Act 1972 for the Commission to consider consequential changes to principal council electoral arrangements when reviewing community boundaries in order to resolve any anomalies that may arise between the boundaries. The Commission do not believe the Bill is clear as to whether this power is replicated in the Bill, however section 40 does allow for consequential provision to be made in an order following a review. I note the suggestion that straightforward consequential changes should not require a fresh order to be made and I will consider whether an amendment is required to clarify matters in this regard. I will also give thought to whether the Welsh Ministers' consent should be required for changes to electoral divisions if the Order is being made by the Commission.

2. The Commission's ability to start electoral reviews of principal areas as soon as possible after the Bill receives Royal Assent

I agreed to consider the request from the Commission's evidence to the committee 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.

I have considered this and decided I am minded to bring forward an amendment at Stage 2 to allow the review period to start on commencement of the relevant section of the Bill (which will be a minimum of 2 months after Royal Assent).

3. The nine-month restriction on the Commission undertaking reviews preceding an election

I was asked about the Commission's concern that the nine-month restriction on undertaking reviews is excessive and that the Commission should only be confined to not taking action in the period after a notice of election is published.

I agreed that I would consider amending the Bill to reflect that the preparatory work undertaken by the Commission in constructing a report could continue, but that a public report should not be published. I am therefore considering an amendment which would allow the Commission to carry on with its review programme but not publish a draft or final report during the nine month period before an election.

4. An obligation on principal councils to conduct community reviews in advance of electoral reviews of their areas.

The Commission, in its evidence to the Committee 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.

I am considering an amendment to the Bill at Stage 2 to bring the community review cycle into line with the electoral review cycle.

5. Community councils complying with the legislation concerning creating council websites and adding to the list of information required to be on these websites

The issue was raised of how the Bill would ensure community councils would comply with the legislation concerning creating websites to contain information on each community council.

I have now provided funding to allow community councils to get started on creating their websites, we are also expecting One Voice Wales and principal councils to help in this. If, in due course, there is any non-compliance with the legislation, I will consider at that time the best way to deal with the situation. Hopefully, this situation will not arise. I will however not be bringing forward any punitive provisions in the Bill.

I was also asked if I would consider including a regulation-making power that allowed the Welsh Ministers to add to the list of information that community councils are required to have on their websites.

In this case I think guidance powers should be sufficient, and community councils will have to have regard to the guidance issued.

6. Referring matters to authority standards committees

A query was raised at the committee meeting as to whether an authority should be able to refer a matter to another authority's standards committee if there were difficulties involved in the home authority dealing with a case.

This has not previously been identified as an issue causing widespread difficulties for councils. However, a local authority's standards committee must be constituted so that at least half of its members, including the Chairperson, are independent of the authority. This specifically addresses the potential perception of matters being dealt with in house.

Collaboration by authorities in establishing joint standards committees under the powers in the Bill would address this further.

7. Other Information for the Committee

I indicated to the Committee that I would, as appropriate, share with you my thoughts on the subject of determining pay for local authority chief executives.

Local authority pay has always been dealt with by a local authority in accordance with the requisite statutory provisions, and it continues to be the view of the Welsh Ministers that decisions on pay policies should be taken by councillors and members who are directly accountable to local communities. It is for local authorities to ensure that all democratically accountable members have a significant input into how decisions on pay are made, particularly regarding decisions on chief officer pay. It is important that local authorities are both open and accountable regarding the policies that determine those decisions and it is for this reason that local authorities were required to introduce and comply with pay policy statements pursuant to the Localism Act 2011. The Welsh Government has also issued statutory guidance under that Act dealing with this matter.

In the light of the recent Auditor General's report on Caerphilly County Borough Council, I am considering whether any further action by the Welsh Ministers is necessary but, as I highlighted to the committee, I do not take the view that the Bill is the correct vehicle for this issue.

I trust that this information is helpful in assisting the Committee with their consideration of the general principles of this Bill. I look forward to reading the Committee's report and give my assurance to carefully consider any recommendations made.



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