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Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

John Griffiths, AM
Chair
Equality, Local Government and Communities Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
CF99 1NA

24 February 2020

Dear John,

Local Government and Elections (Wales) Bill - Further information following the meetings held on 27 November 2019 and 29 January 2020

Further to my letter of 19 December please find below additional information regarding our approach to co-producing relevant guidance and regulatory arrangements created by the Bill and the provisions of the Bill relating to Fire and Rescue Authorities.

As mentioned at Committee, where appropriate we will seek to co-produce the guidance and regulatory arrangements created by the Bill. Officials are also engaging extensively with the WLGA, representatives from local government and the third sector through the networks available and seeking to achieve consensus as to the matters provided for in guidance.

Further consideration will be given on how best to engage with citizens and wider communities, assessing the benefits to be achieved from incorporating activities such as focus groups. As previously stated, I welcome the views of the Committee on this matter.

There are three Parts of the Bill in respect of which guidance and regulations are currently being co-produced with local government. These are the regulations and guidance in relation to electronic broadcasting, remote attendance and participation, those for the establishment of corporate joint committees and the guidance to support the implementation of the performance and governance regime.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Electronic Broadcasting, remote attendance and participation

Officials are currently working in partnership with a small group comprising the WLGA, Monitoring Officers and Heads of Democratic Services to explore the practical issues relating to these areas of the Bill.

The group has met twice to date and as a result officials will be visiting a number of local authorities to explore the way broadcasting is currently being undertaken, the difficulties experienced and the opportunities for building on these arrangements. The visits will also be used to explore the concerns expressed about the number and range of meetings to be broadcast. The visits will be undertaken across a range of local authorities in Wales to ensure issues that arise from different geographical footprints, size of population and the requirements in terms of language are captured.

The visits will also highlight areas where remote attendance has, or is being used, and enable discussion about local authorities' experience of the arrangements and their concerns. These visits will help frame the regulations and guidance developed in these areas.

It is intended to adopt a similar approach in relation to the duty to encourage local people to participate in local government.

Performance and Governance Regime – guidance

Officials are currently working in partnership with the WLGA and a small focus group of local government officers directly involved in the performance and improvement functions of their local authorities to co-design the content for statutory guidance on self-assessment and panel performance assessment.

Officials are also working with a range of other partners to inform thinking on these aspects of the performance and governance regime, including Estyn, Care Inspectorate Wales, Wales Audit Office and the Office of the Future Generations Commissioner.

It is anticipated a draft of the guidance will be finalised by the working group in late spring in advance of a public consultation exercise.

Corporate Joint Committees – Establishment regulations

I, and my officials, have engaged extensively with the WLGA and local government leaders on the corporate joint committee proposal and the development of the regulations. Officials are currently working with key stakeholders, such as WLGA and Local Government Lawyers and Society of Welsh Treasurers to reach consensus on these regulations.

Co-producing in this way is essential to ensure the regulations are fit for purpose and will deliver the intended requirements of simplification, consistency of core governance structures and local flexibility to deliver what is needed for an area.

In other areas, officials are also in the process of establishing a group to consider guidance relating to the duty on political group leaders in relation to standards of conduct and the production of annual reports by standards committees. In addition, work is planned to engage with the town and community council sector and their representative bodies in respect of the provisions in the Bill which relate to them.

At the meeting on 29 January the Committee raised the concerns of Fire and Rescue Authorities (FRAs) about the provisions in the Bill which would remove the need for a public inquiry into certain changes to FRAs' combination orders, and I agreed to set out our reasoning more fully.

The purpose of combination orders is to combine local authority areas into a single FRA area; without such an order each local authority would also be an FRA. Combination orders then also set out the governance arrangements for the combined FRA, including its membership, structures and funding arrangements. They have nothing to do with front-line firefighting or fire safety operations, nor could any amendments to them cover such matters.

The Fire and Rescue Services Act 2004 currently allows FRAs to require a local public inquiry into any change to their combination orders to which they do not consent. I agree that would be appropriate if it were proposed to change FRA areas, for instance to move a local authority area from one FRA to another, without the agreement of the bodies concerned. The Bill would not alter the requirement for a public inquiry in such cases, although I should stress that we have no plans to change FRA boundaries at present.

However, I cannot see that it is in any way appropriate for FRAs to be able to force public inquiries into more minor changes to their own governance arrangements, nor can I see that there would be any significant local public interest in these matters. Any such changes would be made following full consultation, and by order under the 2004 Act which could be annulled by resolution of the Senedd. By comparison, there are of course many subordinate legislative functions which regulate the internal governance of local authorities, including some in this Bill, yet there is no suggestion that local authorities ought to be able to force a public inquiry into any use of them with which they happened to disagree.

In summary, all the Bill does here is to bring the process for changing FRA governance into line with the rest of the public sector. It does away with the unique position of FRAs in this regard, and retains the normal levels of accountability for change that exist elsewhere. I reiterate that it will not hamper the delivery of front-line fire and rescue services in any way.

Yours sincerely,



Julie James AC/AM

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