

CONSTITUTION COMMITTEE: 19 MARCH 2015

POWER TO LOCAL PEOPLE WHITE PAPER

REPORT OF THE COUNTY CLERK AND MONITORING OFFICER

Reason for this Report

1. To advise on the City of Cardiff Council's response to the 'Power to Local People' White Paper issued by the Welsh Government in relation to Local Authority Constitutions.

Background

2. In April 2013, the Welsh Government announced the establishment of the Commission on Public Service Governance and Delivery, chaired by Sir Paul Williams (also known as the 'Williams Commission'), to examine all aspects of governance and delivery in the devolved public sector in Wales. The Williams Commission published its report on 20 January 2014, which made 62 recommendations, including proposals for local government reorganisation in Wales through the merger of local authorities.
3. The Welsh Government published its response to the Williams Commission's recommendations, entitled 'Devolution, Democracy and Delivery – Improving Public Services for People in Wales', on 8 July 2014. This report included a summary of actions to be taken forward by the Welsh Government.
4. On the same date, the Welsh Government also published a White Paper, entitled 'Devolution, Democracy and Delivery – Reforming Local Government'. The White Paper set out proposals for local government in Wales in the 21st Century and focused mainly on future legislation to support the proposed merger of local authorities in Wales. The Council's response to this White Paper was approved by Cabinet on 9 October 2014.
5. The Welsh Government published a second White Paper, entitled 'Devolution, Democracy and Delivery – Reforming Local Government: Power to Local People', on 3 February 2015. The deadline for the submission of responses to the Welsh Government consultation on the White Paper is 28 April 2015.

Issues

6. The 'Power to Local People' White Paper addresses many of the previous recommendations of the Williams Commission and sets out proposals to improve the democratic leadership, diversity and governance of local authorities and to improve the performance of councils. It is supported by a detailed consultation survey, which is the Welsh Government's preferred method of response and includes specific questions on the following issues which are all repeated below as background information for the Committee :

Chapter 2: Balancing the Responsibilities of National and Local Government

- Status of reformed Authorities (page 20)
- General power of competence (page 21)
- Deregulation and Contracting Out Act 1994 (page 22)
- Local Authority constitutions (pages 22-23)
- Legislative burdens and review of the body of Local Government legislation (page 23)

Chapter 3: Renewing Democracy

- Local Government elections (pages 25-26)
- The roles & responsibilities of Leaders, Cabinet Members and Elected Members (pages 26-30)
- Standards Committees (page 31)
- Diversity of Elected Members (pages 31-33)
- Remuneration of Elected Members (pages 33-34)
- Number of Elected Members (page 34)
- Restrictions on Elected Members and Electoral qualification (pages 34-36)
- Recall of Elected Members (page 35)
- The role and responsibilities of Chief Executives (pages 37-38)
- Term limits for Chief Executives (pages 38-39)
- Remuneration and appointment of senior officers (pages 39-42)

Chapter 4: Connecting with Communities

- Member-led Area Boards (pages 49-50)
- The reform of Community Councils (pages 50-54)

Chapter 5: Power to Local Communities

- Community participation (page 57)
- Property transfer and community ownership (pages 57-60)

Chapter 6: Corporate Governance and Improvement

- The Local Government (Wales) Measure 2009 (pages 63-64)
- Strengthening the role of Corporate Governance and Audit Committees (pages 64-65)
- Self-assessment and peer review (pages 65-66)
- Ministerial intervention (pages 66-67)

Chapter 7: Performance in Local Government

- Corporate planning (pages 69-71)
- Single information portal (pages 71-72)

- Minimum performance outcomes and financial penalties (page 72)
- Complaints (pages 73-74)

Chapter 8: Strengthening the Role of Review

- Strengthening internal scrutiny (pages 76-81)
- Democratic services (page 79)
- Encouraging public voice (pages 81-82)
- Regional scrutiny arrangements (page 82)
- Strengthening links between external scrutiny (pages 83-84)
- The external review framework (pages 84-85)

Chapter 9: Reforming Local Government Finance

- Our vision and the proposed phased approach (pages 88-90)
- Balance of funding and flexibility (page 90)
- General revenue funding – local taxation (pages 90-91)
- General revenue funding – distribution (pages 91-92)
- Financial governance and accounting arrangements (pages 94-95)

Local Authority Constitutions (pages 22-23)

7. Chapter 2 of the White Paper sets out the current legal responsibility on the Council to adopt a Constitution which sets out standing orders and rules relating to procedures; conduct; remuneration and role specifications relating to governance, administration, finances, commercial and collaborative activities.
8. The purpose of the Constitution is to enable Councillors, officers, the public and stakeholders understand how the council makes decisions and who is responsible for those decisions.
9. The White Paper suggests that these inevitably lengthy documents do not really help local people understand their Authority's decision making, or help communicate the values of the Authority to the people they serve. It suggests that the Co-Operative Council Constitution of the London borough of Lambeth as a good example of this approach.
10. The White Paper is seeking views on whether specific bureaucratic burdens imposed by legislation should be repealed or amended, with a view to simplifying Local Authority procedures, and whether there is merit in developing a more stream lined model Local Authority Constitution.

Proposals

11. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose. The Cardiff Constitution came into effect on the 30th May 2002. It is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

12. The Council's existing Constitution is based on the model version issued by the (then) Welsh Assembly Government in 2001. In September 2012 the Constitution Committee began a major review of the Council Procedure Rules introducing Oral Question time at council meetings and simplifying drafting where appropriate.
13. It is suggested that the council welcomes the proposals to develop a more stream lined model Local Authority Constitution. However there should remain scope for councils to introduce local variation e.g. in relation to committee structure and composition and as Cardiff have done in relation to Oral Questions.
14. There are no obvious specific bureaucratic burdens imposed by legislation which should be repealed or amended. However it is accepted that more needs to be done to explain council procedures and how the public can participate in council decision making.
15. Members may also wish to suggest that any new approach also needs to recognise advances in technology allowing the public to participate in e petitions and by asking Public Questions by email. Many members also prefer to receive council papers and communicate by email. Council procedures need to recognise this.

Reason for Recommendations

16. To advise on the City of Cardiff Council's submission in response to the Welsh Government consultation on the 'Power to Local People' White Paper.

Financial Implications

There are no direct financial implications arising from the recommendations of the report.

Legal Implications

There are no direct financial implications arising from the recommendations of the report

RECOMMENDATIONS

Constitution Committee is recommended to:

1. Consider what response if any to recommend to Cabinet in formulating the Council's response to the 'Power to Local People' White Paper prior to submission by 28 April 2015.

Marie Rosenthal County Clerk and Monitoring officer
12 March 2015

The following appendix is attached:

Appendix A: Devolution, Democracy and Delivery: White Paper Reforming Local Government: Power to Local People 3 February 2015. Responses by 28 April 2015

The following background papers have been taken into account:

Report of the Commission on Public Service Governance and Delivery ('Williams Commission')

<http://wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en>

Devolution, Democracy and Delivery – Improving Public Services for People in Wales

<http://wales.gov.uk/docs/dpsp/publications/140708-response-to-commission-en.pdf>

Devolution, Democracy and Delivery White Paper – Reforming Local Government: Power to Local People

<http://wales.gov.uk/docs/dsjlg/consultation/150203-power-to-local-people-full-en.pdf>