
‘REFORMING LOCAL GOVERNMENT: POWER TO LOCAL PEOPLE’

Reason for the Report

1. To give the Committee the opportunity to scrutinise the Council Response to the Welsh Government’s White Paper ‘Reforming Local Government: Power to Local People’, which is due to be considered at Cabinet on 2 April 2015, and provide scrutiny viewpoints to the Council Leader and officers to help shape the Council’s response.

Background

2. The draft Cabinet Report, attached at **Appendix 1 (to follow)**, sets out the background for the publication of the Welsh Government White Paper. This includes the Williams Commission report in 2014, the Welsh Government response to this report and the subsequent White Paper “Devolution, Democracy and Delivery – Improving Public Services for People in Wales” published in July 2014. Links to these documents are provided at the end of this report, in the ‘background papers’ section.
3. The Council’s response to the first White Paper was approved by Cabinet on 9 October 2014 and is available for Members to access at:
<https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/CouncilMeetings/Pages/default.aspx#lists>
4. The Welsh Government has now published a second White Paper, entitled ‘Devolution, Democracy and Delivery – Reforming Local Government: Power to Local People’, on 3 February 2015. This was emailed to Members of this

Committee on 4th March 2015 and a hyperlink to the document is provided below:

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

5. The White Paper is supported by a detailed consultation survey, which is the Welsh Government's preferred method of response. The deadline for the submission of responses to the Welsh Government consultation on the White Paper is 28 April 2015.
6. The 'Power to Local People' White Paper sets out proposals to improve the democratic leadership, diversity and governance of local authorities and to improve the performance of councils. The consultation survey seeks views on specific proposals, covering the following areas:
 - Chapter 2: Balancing the Responsibilities of National and Local Government – including local authority constitutions
 - Chapter 3: Renewing Democracy – including elections, roles and responsibilities, standards committee, elected members, term limits and remuneration.
 - Chapter 4: Connecting with Communities – area boards and community councils
 - Chapter 5: Power to Local Communities – community participation, property transfer and community ownership
 - Chapter 6: Corporate Governance and Improvement – the Local Government (Wales) Measure 2009, corporate governance, audit committees, self assessment, peer review and ministerial intervention
 - Chapter 7: Performance in Local Government – corporate planning, single information portal, minimum performance outcomes and financial penalties, complaints
 - Chapter 8: Strengthening the Role of Review –scrutiny, democratic services, encouraging public voice, strengthening links between external scrutiny and the external review framework.
 - Chapter 9: Reforming Local Government Finance – vision, proposed approach, local taxation, distribution, governance and accounting.

7. A report on the above has been taken to Constitution Committee 19 March 2015, focusing in particular on Chapter 2 Local Authority Constitutions. The report highlights that the White Paper suggests local authority constitutions are lengthy documents that do not help local people understand their Authority and that the White Paper is seeking views on whether there is merit in developing a more stream lined model of Local Authority Constitution.

8. The report to the Constitution Committee states:

'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. '

'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.'

9. A report on the White Paper was also taken to Democratic Services Committee 25 March 2015, focusing in particular on Chapter 3 and the Democratic Services section of Chapter 8. The report recommended that the Committee *'consider what comments if any to refer to the Cabinet in drawing up the City of Cardiff Council's submission in response to the Welsh Government consultation on the 'Power to Local People' White Paper.'* Feedback from this meeting, and the Constitution Committee, will be available at this Committee meeting from Marie Rosenthal, County Clerk and Monitoring Officer; papers for these meetings may be accessed via:

<https://www.cardiff.gov.uk/ENG/Your-Council/Councillors-and-meetings/CouncilMeetings/Pages/default.aspx#lists>

Way Forward

10. Councillor Phil Bale, the Leader, has been invited to attend the meeting and may wish to make a statement. Marie Rosenthal, County Clerk and Monitoring Officer and Gareth Newell, Cabinet Support, will be in attendance to answer Members' questions.

Legal Implications

11. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

12. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with

recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- i. consider the information presented in this report and at this meeting;
- ii. discuss how the wider Membership of the Council could be involved in debate on issues stemming from the review; and
- iii. decide whether it wishes to make any comments or recommendations to the Cabinet on the proposed response to the White Paper.

MARIE ROSENTHAL

County Clerk and Monitoring Officer
25 March 2015

Background papers:

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>