

Reforming Local Government: Resilient and Renewed White Paper

Consultation Questions

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SECTION 2

Consultation Question 1. (Para 2.2.1):

The Welsh Government believes that it is appropriate to consider ‘tests’ to frame thinking around regional working.

a) Do you think the ‘tests’ set out are helpful in guiding thinking?

Yes – the tests provide a helpful starting point in assessing the scope for regional working and are supported. However, the Council believes that the tests should not be formalised as a compulsory checklist for completion by local authorities to help justify the basis for regional working.

b) Are there other tests or considerations that might also be used?

Yes – the Council’s experience of successful partnership working is based on the willingness and appetite of partners to collaborate. This is a key component that should not be overlooked. It is also important to assess the viability and appropriate scale of the services to be delivered regionally and the equitable sharing of related costs and benefits, particularly the dampening of the cost burden for some individual local authorities. This raises the question of financial support provided by the Welsh Government to support this process, particularly during the start-up or transitional period (e.g. such as the previous Regional Collaboration Fund).

In addition, it is important that consideration is given to the mechanisms that are to be put in place in order to measure the effectiveness of any collaborative working arrangements in terms of improved outcomes for local authorities and citizens alike.

Whilst the Council agrees in principle with the framework for regional working, we also believe that gains can be made in both delivering greater efficiencies and better outcomes through greater collaboration and integration of assets and services with other public service partners at the locality or neighbourhood level. In addition, the place-based focus of Public Services Boards (PSBs) also provides opportunities to work collaboratively with other public service providers and organisations beyond traditional partner authorities.

Consultation Question 2. (Para 2.3.35):

In this White Paper the Welsh Government has set out a number of areas which it believes should be required to be delivered on a regional basis.

a) Do you agree that these areas should be delivered regionally?

The broad direction of travel on regional working as set out by the Welsh Government is supported. The City of Cardiff Council is currently involved in a number of examples of regional working which could provide the platform for enhanced regional working across a number of services, for example the development of the Cardiff Capital Region City Deal; the Central South Consortium Joint Education Service; and the Shared Regulatory Services initiative.

The Council supports the findings of the report published by the Cardiff Capital Region Growth & Competitiveness Commission, which recommended that:

“The Cardiff Capital Region Cabinet should quickly establish itself as the primary strategic decision making body for the city-region and build a strong partnership with WAG to ensure that Local and Welsh Government act in tandem, as the City Deal requires. This means that the CCR Cabinet should integrate appropriate strategic activities in Economic Development, Spatial Development, Transport, and Skills and Employment within a single framework of authority and reporting, and avoid fragmented initiatives.”

(Recommendation 13 – Organising the Capital Region)

The Council would also argue that there needs to be flexibility to develop bespoke collaborations on specific services with other neighbouring local authorities within the proposed regional framework and footprint (e.g. Cardiff is working collaboratively with Caerphilly Council on health & safety management).

Economic Development

The proposal for economic development to be delivered regionally regional working is partially supported.

The White Paper does not specify which services this would include. However, the City of Cardiff Council would agree that a large number of economic development functions could be delivered regionally. A city-regional approach to functions such as place promotion and business support would create not just operational efficiencies, but also efficiencies in terms of co-ordination of activities at a wider level. Fundamentally, this approach would provide an opportunity to ensure that place-based competition at the city-region level is removed and that decisions are made with regard to public sector investment and interventions in a way that maximises the city-regional impact.

However, the Council would wish to emphasise the unique role that Cardiff plays in the city-regional economy due to its role as the Capital City of Wales and the additional responsibilities that this entails. This means that it is essential for functions relating to major projects, events and venues to be retained locally. Furthermore, there will still be a requirement for local discretion and flexibility to undertake certain activities locally (e.g. neighbourhood regeneration) and to support existing local networks (e.g. Business Improvement Districts; international partnerships and city networks etc.).

The Council agrees that the current administrative boundaries of local authorities do not provide a natural or effective scale for a coherent approach to economic development, and that fragmentation must be addressed in order to improve the city-region’s economic performance. The Council also agrees that the capacity and capability of individual Authorities to plan and implement economic development in

a strategic way is limited by current arrangements and the impact of austerity through deep cuts to non-statutory services. A city-regional approach can therefore help to provide greater resilience.

The Council therefore accepts that the city-region is the most appropriate spatial scale for strategic economic development functions. Local Authorities in the Cardiff Capital Region have shown leadership in taking this agenda forward, having committed to aligning strategy, resources and delivery capacity at the city-regional level as part of the Cardiff Capital Region City Deal.

The Council has consistently argued that a tailored response at the sub-national level which reflects economic geographies is needed, not a single local authority approach or a one-size-fits-all approach for Wales. In the South East Wales and the Swansea Bay areas, this means a city-regional approach. A different response will be required for North Wales and for Mid & West Wales which reflects their own economic geographies, challenges and opportunities. The Council therefore supports the proposals in the White Paper, but would reiterate the importance of the Cardiff Capital Region being seen, and consistently referred to, as a 'city-region', given the proven role of cities in leading and delivering economic growth.

Transport and Land Use Planning

While the Council recognises that efficiencies can be made through city-regional working in these areas, and greater resilience to services in the face of public sector austerity, the Council would argue these are not high cost areas in local government terms and so the strategic aim of collaboration in these areas should be to improve outcomes.

The Council believes that outcomes would be improved by working at the functioning economic area (i.e. that area where land use and transport interacts), and that the current fragmentation across 10 local authorities is an inhibitor of economic growth.

The recognition of the need for Strategic Development Plans (SDPs), as introduced by the Planning (Wales) Act 2015, to be developed in parts of Wales is fully supported. In particular, there are considered to be clear benefits in addressing the very real strategic cross-boundary issues relating to strategic planning and linkages to transportation and economic development. Furthermore, the suggestion that Strategic Development Plan governance could be aligned to the new arrangements relating to the Joint Cabinet for the Cardiff Capital Region is fully supported. This would provide a joined-up approach with the City Deal delivery and avoid unnecessary duplication and confusion. This approach also retains democratic accountability and transparency.

However, there are considered to be more complex dynamics at play in relation to the most appropriate scale that the Development Management function is delivered. In short, there may well be merit in delivering the Development Management function at a sub-regional scale in some circumstances, but in others it may not be appropriate as is considered to be the case in Cardiff and further explained below. Therefore, the Council would request that a considered approach is adopted where local circumstances are fully assessed, which informs the appropriate scales/models of delivery, rather than a 'one-size fits all' approach that may result in sub-optimal arrangements to the detriment of the delivery of the Development Management function.

It is considered that there are exceptional local circumstances in relation to Cardiff which would fully justify continuing the delivery of the Development Management function at a Cardiff-level only. These reasons are summarised below:

- **Synergy with the Local Development Plan (LDP) function** – The Development Management function has a clear relationship with the LDP (plus supporting Supplementary Planning Guidance) as decisions on applications are based upon policies and guidance in LDP/SPGs. Where Local Authorities have a Joint LDP in place, as is currently being actively considered in some areas, delivery of the Development Management function at the same scale would be entirely logical and would not raise potential anomalies. However, delivering the Development Management function across Local Planning Authority boundaries with different LDPs and SPGs is considered to be a recipe for confusion and could undermine the ability for making consistent decisions. Given the significant difference in local context and geography between Cardiff and adjoining Authorities, there is considered to be little prospect of a Joint LDP being developed so, therefore, no rational basis on which to deliver the Development Management function on a wider than Cardiff level.
- **Scale** – Cardiff currently determines the highest number of planning applications in Wales by a considerable margin. The figures merit attention as there is a wide range in terms of volume. For example, in the most recent published quarterly survey (July-September 2016) by the Welsh Government, the number of applications determined in the Cardiff Capital Region was as follows:

Cardiff 721, Vale of Glamorgan 339, RCT 279, Caerphilly 274, Bridgend 263, Newport 261, Monmouthshire 258, Torfaen 101, Blaenau Gwent 91, Merthyr 90.

In Cardiff, the need to determine approximately 3,000 applications per annum represents a major challenge for the Authority, but performance data demonstrate strong and improved performance. In particular, the role of the Planning Committee in effectively progressing applications with significance through monthly meetings (two per month at times due to workload, plus site visits), in addition to the often underrated role of the Chair of Committee in signing off a high volume of delegated decisions on a weekly basis, is crucial in delivering this high workload. Stretching any Planning Committee (whatever the precise make-up) beyond this scale of operation would place too much volume of work upon the decision-making body and would inevitably have negative consequences on the effective delivery of the Development Management function, thereby fundamentally raising questions about the ability to deliver in practice.

Therefore, given the extremely high current workload in Cardiff there is considered to be no merit in making the scale of the Development Management function any larger through delivery via some form of 'Joint Governance Committee'. However, with reference to the data on the determination of planning applications that were outlined at the start of this point, it could be deduced that any number of combinations between other

local authorities may well still result in the number of Planning Committee determinations being at a lower level than is currently considered in Cardiff.

- **Efficiency and local context** – Cardiff is currently considered to be at the extreme upper end of delivering an efficient planning service in terms of applications processed per Development Management Case Officer per annum. Performance is in the order of an average of 160 applications per Development Management Case Officer per annum. This is considerably more efficient than other Local Authorities where in the Cardiff Capital Region, where the average is just over 100. There are real concerns that altering the effective internal operational arrangements and culture within the Service would undermine the current level of performance. In this respect, the current arrangements and culture are in part reflective of the unique circumstances in which Cardiff operates – this reflects the fact that the City of Cardiff Council has the highest level of growth by a wide margin in a Wales context and the highest projected growth when compared to other UK Core Cities. The way the Planning Service is set up in Cardiff with its enabling and masterplanning / infrastructure planning approach, together with internal operational processes, assists in responding to this context, which does not necessarily apply to other neighbouring Local Authorities who have their own unique local circumstances and challenges. For example, the issues in relation to the delivery of housing in Cardiff are very different to the issues experienced elsewhere in the region.

In a Wales-wide context, there may well be merit in further considering matching the scale of delivering the Development Management function to the prevailing local context. There may be 'commonality of context' between some existing Local Authorities which may support delivering Development Management at a sub-regional level, but evidence in relation to Cardiff does not support this approach.

- **Accountability** – There are strong concerns about accountability and quality of decision-making in relation to the concept of any proposed 'regional service delivery unit' reporting back to Planning Committees in different Local Authorities. In this respect, it is noted that the White Paper suggests that LDPs could also be progressed in this manner.

Dealing firstly with the Development Management function, the performance and efficiency data in relation to Cardiff in part reflect the strong officer/member relationship. Additionally, the particular officer/Chair of Planning Committee role is often not fully recognised in terms of the weekly delegated decision-making process. Placing distance between officers and elected members is not considered to be the most effective way to secure prompt and robust decisions. On a wider scale, customers (whether developers, public, local interest groups etc.) can recognise the Case Officer and Planning Committee role in relation to a particular Local Authority area. Distancing Case Officers from customers is contrary to the fundamental principles of the planning system.

A regional officer team would also need to be familiar with numerous LDPs/different SPGs and the idea of this team preparing LDPs, but not being positioned within the relevant Local Authority is considered to be flawed, unrealistic and not reflective of the real-life realities of LDP

preparation. Whilst this model may technically deliver accountability, the system behind it, with officers 'at a distance', is fraught with risks that are highly likely to undermine the effective operation of the planning system.

In relation to **Building Control**, the proposals relating to regional working are supported in principle.

Social Services

The proposal for regional working is supported based on the footprint of the existing Local Health Board (LHB) boundaries and is consistent with work undertaken to date to implement the requirements of the Social Services & Well-being (Wales) Act 2014. However, any future arrangements for regional working need to allow for flexibility to develop collaborations on specific services with other neighbouring local authorities within the proposed regional framework and footprint.

There is a need for greater clarity about the future role and democratic accountability of the Regional Partnership Boards established under the Social Services & Well-being Act in which Health is an equal partner and whether these will be replaced by Joint Governance Committee arrangements in relation to social services. If this is expected to happen, then the Regional Partnership Board and existing Social Services & Well-being Act would require some form of amendment by virtue of the new Local Government (Wales) Act that is expected to follow the White Paper in 2018-19. There would be a very real risk that taking the enhanced Regional Partnership Board route to the governance of social services, rather than the Joint Governance Committee route, could threaten to merge adult social care and health over the longer term. This carries major financial risks and risks to the status of social care and community priorities over hospital/health driven priorities. There is also a need for any future arrangements to be understood by citizens in order that they can seek any redress.

The Council continues to support public health being transferred to local government in Wales.

Education Improvement

The proposals for regional working are supported based on the four existing education improvement consortia in Wales. However, the further transfer of powers to the regional consortia is not supported. There is a need for greater local discretion on the commissioning of school improvement work to reflect unique local circumstances and priorities.

Additional Learning Needs

The proposal for the delivery of Additional Learning Needs at the regional level is not supported due to the focus on casework which requires local delivery.

Public Protection

The proposal is supported in principle based on the existing Shared Regulatory Service model involving Cardiff, Bridgend and Vale of Glamorgan. This successful model has been based on the provision of standardised professional services and has enabled greater resilience and continuity of service delivery within local authorities based on the increased resources available.

b) What practical considerations should we consider in taking these proposals forward?

In addition to the issues covered above, the Council would seek for Welsh Government resources to be aligned in support of the new regional arrangements. For example, in pursuing a city-regional approach for economic development for approximately half the Welsh economy, Welsh Government teams and resources (including any future regional development funding to replace EU Structural Funds, Welsh Government commissioned business support services, and any regeneration funding streams) should be aligned behind the strategy and priorities of the Cardiff Capital Region.

In moving towards greater regional working across all areas covered in the White Paper, there is a need to clarify the existing legislative landscape in Wales, including amendments that would be required to provisions in existing legislation (e.g. Social Services & Well-being (Wales) Act 2014; Planning (Wales) Act 2015).

The Welsh Government also needs to consider devolving budgets and functions to the regional level to ensure that regional strategies are aligned to all available resources used to help deliver those strategies.

c) What other 'ancillary' powers would be required to ensure the effective exercise of the functions exercised regionally?

No comments.

Consultation Question 3. (Para 2.3.43):

In this White Paper the Welsh Government has set out a number of areas which it believes could also be delivered on a regional basis.

a) Do you think that Local Authorities should also be required to work regionally to deliver these functions?

The City of Cardiff Council does not believe that a requirement for local authorities to work regionally to deliver these functions is required. The Council would argue strongly that local authorities should have flexibility to develop their own footprints in these services.

Housing

The Council recognises that areas of work linked to strategic housing policy and land use planning could be delivered regionally and would welcome further discussion and exploratory work in this area. However, in developing greater regionalisation in this area, the Council would not support an approach which sought to direct housing provision across the city-region by using areas where the private housing market is strong to help support those areas where the market currently chooses not to invest.

Waste

Recycling waste management in Wales has had a number of successes in respect of regional working for residual waste treatment (e.g. Prosiect Gwyrdd – involving Caerphilly, Cardiff, Monmouthshire, Newport and Vale of Glamorgan Councils), and organic waste treatment (e.g. development of a food waste anaerobic digestion facility – involving Cardiff and Vale of Glamorgan Councils), which have

been supported by the Welsh Government. The Council believes that regional working, supported by the Welsh Government, should be extended to regional recycling and re-use facilities. However, this should not be dictated by the specific geographical regions, rather by where the demand lies and the need to reduce the export of recycled materials around the UK. This would also assist in supporting economic growth through the development of material re-processing and manufacturing businesses alongside those regional recycling facilities, which is what true closed loop recycling and re-use can offer.

Domestic recycling waste collection systems should remain a localised decision for local authorities who know and understand their demographics and communities. Smaller local collaborations should continue to be supported where there is a strong fit for neighbouring councils in terms of efficiency and systems.

Community Safety

The proposed regional delivery of Community Safety is supported within the regional framework set out within the White Paper, but this would need to align effectively with Police Basic Command Unit (BCU) areas. This would build on existing collaborations in this area – for example, Regional Community Cohesion Coordinator posts already work on a regional basis linked to the existing LHB boundaries.

Youth Justice

The proposed regional delivery of Youth Offending Services is supported. The Council's Corporate Plan 2017-19 includes a commitment to consider options for a regional Youth Offending Service model by March 2018 in order to better align inter-agency resources.

b) Are there any other practical considerations we should be aware of?

No comments.

Consultation Question 4. (Para 2.3.43):

Are there any other functions that would benefit from a systematic approach to regional working?

No comments.

Consultation Question 5. (Para 2.3.43):

Welsh Government believes that, subject to engagement with local government and other partners, there should be flexibility to enable Welsh Ministers to mandate additional functions to be undertaken regionally.

Do you agree or disagree? Why?

Strongly disagree. The Council is supportive of the direction of travel and is willing to collaborate with other local authorities as part of regional working, but does not believe that regional working should be imposed by the Welsh Government.

The Council believes strongly in the principle of subsidiarity where the presumption is that powers and decision making are transferred to the level of government closest to the people. This requires a commitment by the Welsh Government to continue the devolution of functions and budgets or other funding mechanisms

(e.g. city-regional infrastructure levy) to the regional or city level as appropriate. This position is consistent with that of the UK Core Cities and the LGA/WLGA and was also set out in the City Deal Heads of Terms Agreement.

The Council would also argue that, in some cases, the collaboration of public service partners at the city or locality level via the Cardiff Public Services Board would allow for broader place-based collaboration and innovation opportunities to be developed, which are more difficult to deliver and foster on a larger regional footprint.

Consultation Question 6. (Para 2.3.44):

The Welsh Government believes that the new arrangements should not prevent Local Authorities using their existing powers to undertake additional functions regionally.

Do you agree or disagree? Why?

Agree. There is a need for flexibility to allow for local discretion.

Consultation Question 7. (Para 2.4.16):

The Welsh Government believes that some back office and transactional services ought to be organised and delivered regionally or nationally.

Which services do you believe could best be organised and delivered these ways?

The proposals for the national or regional delivery of back office and transactional services need to meet the tests set out by the Welsh Government. In short, the business case needs to make sense in terms of delivering savings and providing improved services and outcomes for citizens.

The Council believes that there must be a recognition that a substantial amount of work has already been undertaken in this area, and there have been valid reasons for a previous lack of progress or barriers for change that still need to be overcome. These include:

- The need to synchronise systems, terms & conditions, contracts etc.;
- The gains and losses falling in an uneven way; and
- The support needed to make change happen.

Incentives for change which help to remove some of these barriers are needed, including support for the process and 'equalisation' mechanisms to ensure that gains are evenly spread across the system. This is particularly the case for Cardiff where the existing scale and growth of the city is unique within the city-region and means that Cardiff will have specific requirements that would need to be met as part of any shared service arrangements.

As the Cabinet Secretary has set out, a long-term, incremental approach, building on successful examples, rather than a 'big bang' approach, would also be more sensible in this area. Consideration also needs to be given to including mechanisms and related notice periods for councils to be able to withdraw from any failing or under-performing shared back office service arrangements if needed.

The Council would support proposals for Welsh language promotion and translation services to be undertaken at either a national or regional level, but appropriate resources would also need to be retained by councils in order to support local strategies and priorities for the development of a bilingual city.

Consultation Question 8. (Para 2.4.16):

The Welsh Government believes that overcoming data sharing issues is key to taking forward greater regional working of back office functions.

a) What legislative obstacles have made progress on sharing services difficult?

The obstacles around sharing data are, in the main, not legislative, provided that there is consent to share the data from the individual and that there is a clear understanding of how data will be used and for what purpose (privacy and fair processing). The sharing of personal information for a valid reason is supported by the current Data Protection Act provided that a schedule 2 or 3 condition can be met. The definitions of personal data and the conditions for processing personal data post May 2018 have been amended by the General Data Protection Regulation.

The real obstacle has been in the lack of preparedness to engage at early stages with the specialist Information Governance officers that each organisation has and it should be noted that these officers are not always those who are involved in drafting the legal agreements. This is about understanding the law and its application but, more importantly, having an understanding of information had how this is managed through its life cycle.

b) How have they been or could they be overcome?

The good governance of data and information is the key issue.

The Shared Regulatory Service (SRS) between Bridgend, Cardiff and the Vale of Glamorgan Councils is already in place. However, from an Information Governance perspective, a significant amount of time and effort has been required from the Information Governance officers, as well as the SRS employees, to ensure that the service has a platform to optimise the benefits that were promoted at the outset of the collaboration. Again, data and information drive the business, rather than the other way around. Collaboration is not just about merging to reduce management overheads – its intrinsic value is in delivering services differently and implementing new approaches.

Rent Smart Wales (RSW) is a national model run by the City of Cardiff Council on behalf of the Welsh Government, which has had its own challenges from an Information Governance perspective. RSW procured and has implemented an IT system, data is being shared across agencies and with the public, and the Council is the Data Controller. When the decision was taken by the Welsh Government to award the work to the City of Cardiff Council, neither party had entered into any systematic evaluation of how and what data and information would drive out the benefits of implementing a new delivery model. In the period since the decision was made by the Welsh Government, the Council's Information Governance Team has provided advice, guidance and support to the new service which could have been provided at an earlier stage if data and information had been considered at the outset of the process.

Memoranda of Understanding have been used in the collaborations, both at a national and regional level to date; however, they set out formalities around data controllership and who is responsible for answering Freedom of Information (FOI) requests, Environmental Information Regulations (EIR) requests and Subject Access Requests (SARs). The costs of Information Governance have not generally been factored into collaborations. This is not purely about who is responsible for answering any such information requests. This is about what information assets each party has; are they needed in the new way of working; if personal information is being transferred, identifying the links to the rights of individuals; understanding how the information is held by each of the parties and how the information can be transferred; understanding what will happen to the residual information, and will it need to be accessed by the new organisation at any point. There is also a need to agree a mutual retention policy for the new organisation which should then be complied with by each of the parties who hold the residual information and, if information is retained by each of the parties, identifying the cost burden for the lifecycle of the information.

Information Governance needs to be at the forefront of decision making whether the decisions are mandated by the Welsh Government or are collaborative efforts determined at a more local level. This is about effective governance. Resilience can only be achieved where the legal obligations and responsibilities, together with the identification of risk, are considered at the outset of the discussions and form one of the outcomes of any new model of delivery.

There needs to be an improved understanding of different models and established checks and balances from those acting as commissioners and/or clients. The Welsh Government is part of this process and needs to take a more active role.

c) What challenges does data sharing pose?

Data sharing is at the centre of whatever model of delivery is currently in place or determined for the future. This is a matter which is often, if not always, overlooked. Without data and information services cannot be planned, commissioned, procured, delivered or improved.

The good governance of data and information is the key issue as:

- It is held on different/disparate systems and are not always compatible;
- It is difficult to identify duplicate data/or excessive data when attempting to bring information together from multiple sources; and
- Data is often incompatible as the parties hold data on service users in different ways.

Services cannot run without data and information; however, data and information is often the last consideration in approaches to delivering services across organisational boundaries. There also needs to be an understanding of 'risk' in terms of Information Governance, including:

- What risks are being transferred?
- What is the current legal/statutory basis of the service including 'governance in the wider sense'?
- What will legal/statutory obligations remain within each of the parties in relation to decision making and what can be legally discharged through new models?

- What considerations have been given to the requirements and obligations of the General Data Protection Regulation (GDPR), which comes into force in May 2018, including the requirements to conduct extensive Data Protection Impact Assessments before decisions are made and that these should be shared with Data Protection Officers in local authorities concerned?
- Each party needs to have clarity about 'what' can be delegated.

Greater collaborative working on a regional and multi-agency basis from an Information Governance perspective is about ensuring that it meets the needs of the service, is proportionate and not excessive and that the new governance arrangement sets out clearly matters relating to data ownership, control of data and, more importantly, accountability. The GDPR offers opportunities, but also provides some challenges which all parties are currently exploring in more detail.

Information sharing is an opportunity but the identification of a legal basis to share needs to be identified on each occasion. Looking to the future, the GDPR provides more formality around the processing of the new definition of personal data and this clearly links to accountability and individuals rights. A specific example of where there is the potential opportunity to share information between Health and Social Care is the revised consent arrangements for processing personal information, which the Welsh Community Care Information System (WCCIS) Information Governance Group is seeking clarification on from the Information Commissioner. However, there are undoubtedly challenges for each party in how they have implemented consent arrangements across a range of services which will need to be addressed prior to May 2018.

IT systems are key to delivering services and maximising the use of data and information; however, the 'how' and 'who' controls, maintains and governs these systems is an important factor. It is not as easy as making the 'host' or 'lead organisation' responsible. Moving forward with the GDPR, the new requirements in relation to Privacy by Design and on Data Processing contracts will enforce a culture of accountability which has been lacking to date.

Consultation Question 9. (Para 2.4.16):

The Welsh Government believes sharing more back office functions would be helpful. There are a number of options:

- Enable the NHS Wales Shared Service Partnership for providing services to local government (and others)
- Establish a similar model to provide back office services to local government (and others).
- Establish an alternative model to provide back office services to local government (and others).

a) Which do you believe would be most appropriate to best support regional working? Why?

As noted above, the Council is supportive in principle for greater collaboration on back office functions, subject to there being a sound business case and the barriers to change being addressed effectively. Of the proposals outlined in the White Paper, the Council would support the establishment of an alternative model to provide back office services to local government (and others).

b) What other alternative models could work effectively and what steps could the Welsh Ministers take to enable or encourage local government-led alternative models to be implemented?

See above responses to Questions 7 & 9.

Consultation Question 10. (Para 2.4.21):

The Welsh Government believes that joint understanding and planning of public sector assets is essential to maximize their impact and that this requires regional mapping of estates assets and future intentions.

a) How can this joint governance and decision making best be achieved?

The Council agrees that joint understanding and planning of public sector assets is essential to maximize their impact. Mapping and decision making relating to public sector assets by Public Services Boards (PSBs) at a local level is therefore supported, and work to this effect has already begun in Cardiff.

The Council would therefore support an approach to asset mapping at the level of the PSB, as we believe the greatest gains are to be made (in terms of both greater efficiency and better services) through the alignment of public sector assets and services around the needs of local people at the level of the 'locality' or neighbourhood. This is particularly important in Cardiff due to the scale and speed of planned spatial growth in the city. The Council would argue that, in the first instance, the lessons of the pilot exercise being undertaken by Cwm Taf PSB, as referenced in the White Paper, should be learnt when taking this forward.

b) Is the larger economic footprint the right one?

See above.

Consultation Question 11. (Para 2.5.16):

The Welsh Government believes a strengthened joint committee (a 'Joint Governance Committee') offers an appropriate governance model for regionally delivered services and intends to set out a framework for local government to use to deliver this.

a) What should the democratic accountability and scrutiny arrangements be for such a model?

This approach is supported based on work undertaken to date to develop the Cardiff City Region Joint Cabinet as part of City Deal process. Further clarity is required in relation to aligning the wider governance differences within the Cardiff Capital Region (e.g. Regional Skills Board, Regional Transport Authority) as part of any Joint Governance Committee model, as well as matters relating to delegated decision making and the need for effective reporting back mechanisms to local authorities. There is also a danger that a 'patch-work quilt' of regional governance arrangements will prove difficult for the citizen to understand, with a consequential impact on accountability, redress and local democracy.

b) Should each participating Local Authority have equal voting rights or should they be weighted in some way?

Equal voting rights are supported in order to facilitate regional working in some circumstances, but this must be on the basis that governance arrangements are robust. There will be specific decisions taken at the regional level that will still need to be ratified by each member council (e.g. SDP). Furthermore, depending on the nature and the circumstances of the service and collaboration, weighting of voting rights may be appropriate and should not be discounted.

There is also a need for independent verification of the evidence base of any strategies/plans (e.g. SDP) and for an independent assessment to be provided of the plan's validity.

Consultation Question 12. (Para 2.6.5):

The Welsh Government believes that in order to put in place arrangements which reduce complexity for Authorities and their partners the position for Bridgend needs to be considered. Although Bridgend is fundamentally concerned in this, other partners including other Local Authorities and the Local Health Boards also have valid interests. We are therefore seeking views on how best to address the issues set out here.

No comments.

Consultation Question 13. (Para 2.7.9):

The Welsh Government believes that 'Option 3: A framework and a Footprint' is the most appropriate model for future regional working.

a) What are your thoughts on the proposed mandatory economic development footprint for 'Joint Governance Committees'?

The mandatory economic development footprint for Joint Governance Committees relating to economic development, transport, land use planning and strategic housing policy is supported. The Cardiff Capital Region City Deal Joint Cabinet sets the template for this and there is a need to learn from future practice. Further clarity is also required on the relationship between Joint Governance Committees, any thematic sub-committees, and each Council.

b) How could a framework approach for sub-regional working in other services areas operate in practice?

The Council would support the need for local accountability for sub-regional working to be retained by local authorities, rather than any related Joint Governance Committees having to report up to an overarching Joint Governance Committee for the wider region. There is a need for clarity of governance arrangements and accountability so that it is understood by citizens.

c) Is it appropriate for there to be flexibility for regional working to cross economic development boundaries in exceptional circumstances? Which circumstances would they be?

Yes – there should be provision for this where it is supported by a robust business case (e.g. Wales-wide or national services). Cardiff would also support flexibility to continue to work on strategic, city-regional issues with the Bristol city-region (e.g. existing Great Western Cities partnership with Newport and Bristol to improve rail connectivity and access to job opportunities). North and Mid Wales will also have similar cross-border relationships with regional economies in England.

d) How should the governance arrangements at the mandatory economic development 'Joint Governance Committees' have oversight of sub regional working?

The Council would not support a model where the economic development 'Joint Governance Committee' had oversight of *all* sub-regional working. The economic development Joint Governance Committee (or Joint Cabinet established as part of the Cardiff Capital Region City Deal) should only consider issues relating to economic development, transport, land use planning and strategic housing policy. As outlined previously, the Council would not support the creation of a hierarchy of Joint Governance Committees where decisions at the sub-regional level are moved away from local authorities.

Consultation Question 14. (Para 2.7.9):

The Welsh Government are seeking views on the appropriateness of seeking powers to create a Combined Authority, in particular, comments on what minimum expectations there should be in considering the appropriateness of creating a Combined Authority would be welcomed.

The Council has previously outlined support for the introduction of legislation in Wales to create Combined Authorities in its response to the 'Power to Local People' White Paper in April 2015. The Council believes that, in light of the rapidly evolving city-region agenda across the UK and the developing City Deal arrangements, the option of a Combined Authority approach should be available to the Cardiff Capital Region in the future.

Consultation Question 15. (Para 2.8.7):

The Welsh Government believes that a mandatory financial framework should be developed to ensure the expenditure of each 'Joint Governance Committee' is met through pooled contributions from the constituent Local Authorities.

a) Should the expenditure of 'Joint Governance Committees' be met by constituent Local Authorities, in proportions to be agreed locally, to ensure the most flexible approach?

The Cardiff Capital Region City Deal model provided for proportionate financial contributions to be made by constituent local authorities and this is expected to be used as a model for taking forward similar arrangements for regional working. However, there needs to be an established mechanism for periodic review and amendment to ensure an equitable approach.

b) Should the framework provide for a default position if local agreement cannot be reached, and how such a process might be triggered?

The Welsh Government should not impose a mandatory financial framework, but could potentially assist in facilitating or mediating any discussions to ensure that any sound regional working proposal does not fail, particularly when the business case is compelling.

c) What further considerations might relate to, or need to be included in, a financial framework?

There is a need to utilise the experience gained by local authorities in examples of regional working and collaboration which have been successful to date. Additional resources also need to be provided to 'host authorities' to help support and embed the effectiveness of regional working arrangements, including governance and scrutiny.

Consultation Question 16. (Para 2.10.7):

The Welsh Government believes that to support organisations to move to a more consistent and regional approach to delivering services it will be necessary to issue statutory guidance where there is an identified need.

Do you agree or disagree? If you agree, what types of advice, guidance and support on leadership and workforce matters might lead to greater local, regional and national consistency?

Disagree. The Council believes that a more consistent and regional approach is required; however, it would be better to work constructively with other local authorities, including Trade Union partners, to achieve a mutually agreed position, rather than have changes or structures imposed by the Welsh Government. The Council believes that this route should only be taken as a matter of last resort.

Consultation Question 17. (Para 2.11.4):

The Welsh Government believes it would be helpful if Public Services Boards could collaborate or merge across Local Health Board Boundaries.

Do you agree or disagree? Why?

Agree in principle. This already happens based on existing provisions, and may be appropriate for many parts of Wales. However, the Council believes that the city boundaries are the most appropriate for the Cardiff Public Services Board on the basis that they provide the right scale for developing opportunities for cross-sector collaboration to help address city-wide and specific locality issues.

Consultation Question 18. (Para 2.11.4):

The Welsh Government believes Public Services Boards should be allowed to de-merge as well as merge. Do you agree or disagree? Why?

Agree. The proposed provision is sensible and would provide appropriate flexibility, if required. The process should also include appropriate notice periods.

SECTION 3

Consultation Question 19. (Para 3.1.7):

The Welsh Government would welcome comments on what minimum expectations there should be in considering the appropriateness of voluntary merger.

No comments.

SECTION 4

Consultation Question 20. (Para 4.2.3):

The Welsh Government would welcome comments on any of the proposals set out previously in the draft Local Government Bill and associated consultation paper, Annex One refers.

The Council supported the previous Welsh Government proposal, which was included in the Draft Local Government (Wales) Bill, to repeal the legislation relating to community polls and to require instead that local authorities should implement a system of e-petitions. This was consistent with the Council's previous submission in response to the Welsh Government consultation on the community polls legislation which was undertaken from November 2013 to February 2014.

The Council would continue to argue the case for updating the relevant legislation to remove the minimum threshold of 150 electors in favour of introducing a minimum of 10% of the total electorate within a community being applied as the singular minimum figure required to trigger a community poll. In addition, when the costs of administering a community poll are compared with the courses of action available under the existing legislation, the cost does appear to be disproportionate to the potential benefits and this is compounded further by the fact that there is no legal expectation or obligation that the principal or community council will take any real action in response to the outcome of the community poll (other than simply considering the matter at a Council meeting).

Consultation Question 21. (Para 4.3.8):

The Welsh Government believes that Part 1 of the Local Government (Wales) Measure 2009 should be repealed for all 'Improvement Authorities'.

Do you agree? Why?

Yes – the Council would support the repeal of Part 1 of the Local Government (Wales) Measure 2009 as the Well-being of Future Generations (Wales) Act 2015 has since resulted in the duplication of reporting requirements relating to corporate planning and the publication of well-being/improvement objectives.

The Council also supports the Welsh Government proposal to change the governance arrangements of Fire and Rescue Authorities in Wales so that their membership will resemble that of the Joint Governance Committees and budgets would be set on a pooled basis by agreement.

SECTION 5

Consultation Question 22. (Para 5.2.8):

The Welsh Government believes there should be minimum expectations on Councillors for interacting with their local constituents.

Do you agree or disagree? If so, what should these minimum expectations be?

Disagree. The Council remains concerned that many of the proposed new duties placed on councillors will create additional burdens on local authorities, which will require additional resources for the provision of administrative support.

The Council welcomes the various amendments made to previous proposals set out in the former Draft Local Government (Wales) Bill, including the removal of the requirement to publish annual reports and the extension to the period of time from two to three weeks for Councillors to respond to correspondence. However, the question of whether this will be measured in working or calendar days is not yet clear and, in this connection, the Council notes that this is still less than the 17 working days that Welsh Government Cabinet Members have to respond to correspondence.

The Council continues to support proposals to promote access to local government by placing duties on councils to promote access to, and public participation in, local government. To this end, the proposal to introduce a statutory requirement for the broadcasting (webcasting) of Council meetings is supported.

The proposed requirement for Local Authorities to have arrangements for remote attendance continues to be supported in principle, but the Council believes that a lack of demand for this facility and related technical challenges are likely to persist. There is a need to ensure that increased flexibility for remote attendance does not impair the proper and effective conduct and business of formal meetings, particularly if they are being webcast.

The Council notes the proposed duties for Leaders of political groups to ensure high standards of conduct amongst their members, but would emphasise that this is primarily a matter for political groups. However, the White Paper is not clear in terms of whether councils or political groups should be responsible for the provision of related member training & development. It is also important to note that political group officers do not receive any additional remuneration or compensation for taking on additional roles and pressures and, in Cardiff, there is no 'group office' system in place to support political groups over a certain size on the Council.

Consultation Question 23. (Para 5.3.2):

The Welsh Government believes it could be helpful to make some minor changes to existing area committee legislation to increase their flexibility.

What do you believe these changes should be?

Any such proposals that allow for greater flexibility should be supported.

Consultation Question 24. (Para 5.4.3):

The requirement for Local Authorities to work on a regional basis will require Councillors, the Local Authority and employees to balance the responsibilities they have to their local area, with those for the larger region.

How best could this be achieved?

Elected Members and officers would still have responsibilities locally, as well as regionally, which will place additional demands on officers' workload and the level of expertise within each local authority. It would also be difficult to enforce or prove non-compliance with any proposed related duty or commitment.

Consultation Question 25. (Para 5.5.4):

The Welsh Government intends to make a return to a form of the committee system available to Local Authorities where it best meets local circumstances.

How would this option best work within the context of the proposals for new regional arrangements?

This option is not supported by the Council.

Consultation Question 26. (Para 5.6.4):

The Welsh Government believes it may be appropriate to limit future designation of relevant statutory Senior Officer posts to a regional level where the functions are being delivered regionally.

Do you believe this is appropriate? Why? If so, how might this best be delivered?

This will depend on the regional working arrangements in place. For example, the Council anticipates that, in the medium term, there would only be one Director of Social Services for each region if based on current LHB boundaries. This would be consistent with the Social Services & Well-being Act and guidance for the statutory Director of Social Services role about singularity of accountability. However, this would result in considerable complexity for two sovereign councils, not least in the context of different resource pressures and the pooling of budgets, albeit this would be potentially mitigated by the role of the Joint Governance Committee / Regional Partnership Board.

The Council would not support the move to a regional Director of Education because the education improvement functions delivered currently by regional consortia, which we argue should not be extended in scope, cover only a part of the activities in relation to schools.

SECTION 6

Consultation Question 27. (Para 6.1.7):

The Welsh Government believes there are things that can be done now to help build resilience and renewal in the sector in the short to medium term and would welcome comments on the list of actions at paragraph 6.1.6. Views on any other actions which could be taken are also welcomed

No comments on matters relating to Community Councils.

SECTION 7 & General Questions

Consultation Question 28. (Para 7.1.14):

The Welsh Government is seeking initial views on all of the proposals set out in Chapter 7 on elections and voting.

The Council welcomes the Welsh Government's proposals for electoral reform in Wales.

The proposal to legislate to allow votes for 16 & 17 years olds is supported based on a previous motion agreed by the Council in November 2015. However, the Welsh Government needs to ensure that Local Authorities are provided with appropriate resources to help educate and empower young people to make use of these voting rights, once implemented.

The Council believes that the voting system used for local government elections should not vary across local authorities in order to provide both consistency and clarity for voters.

The proposal to prevent Assembly Members from also serving as Councillors concurrently is also supported.

Consultation Question 29. (Para 7.1.14):

The Welsh Government would welcome any views on the potential financial and non-financial benefits and costs associated with the proposals in the White Paper.

Cardiff has the fastest growing population among the UK Core Cities and within the Cardiff Capital Region. This will have a significant impact on the city's infrastructure and public services, which means that, over the medium term, Cardiff is likely to require a greater percentage of regional budgets that may not be matched by allocated resources. As a result, there is a need for the Welsh Government to consider how to use the flexibilities available as part of the current devolution settlement in Wales, which are more extensive than those available to major cities in England, to enable Cardiff to become more self-sufficient in terms of raising its own taxes and income.

The Council is also pleased to note that the Cabinet Secretary for Finance and Local Government has committed to reform the finance system for local government alongside the White Paper. The Council supports the proposed use of the evidence and recommendations of the Independent Commission on Local Government Finance Wales as part of the review process.

Consultation Question 30. (Para 7.1.14):

The Welsh Language Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on the opportunities for people to use the Welsh language and treating the Welsh language no less favourably than the English language. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

No comments.

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

No comments.

Consultation Question 31. (Para 7.1.14):

The Children's Rights Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on children and young people. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

No comments.

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

No comments.

Consultation Question 32. (Para 7.1.14):

The Equalities Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

No comments.

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

No comments.

Consultation Question 33. (Para 7.1.14):

Please provide any other comments you wish to make on the content of this White Paper.

No comments.