

DEMOCRATIC SERVICES COMMITTEE:

20 JANUARY 2016

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

**DRAFT LOCAL GOVERNMENT (WALES) BILL – WELSH GOVERNMENT
CONSULTATION**

Reason for this Report

1. To enable the Committee to consider the Welsh Government's draft Local Government (Wales) Bill proposals in so far as they concern matters relevant to the Committee; and inform Cabinet of any comments to be included in the corporate response to the Welsh Government's consultation in this respect.

Background

2. In July 2014, the Welsh Ministers published the Devolution, Democracy and Delivery White Paper – Reforming Local Government, which stated the Welsh Ministers' intention to introduce legislation to deliver local government reform. Two further White Papers were published in October 2015 and February 2015 further developing these proposals. The first Local Government (Wales) Bill was passed by the Assembly on 20 October 2015, enabling preparations to be made for the programme of local government mergers and reform.

Issues

3. The Welsh Government is now consulting upon a second Local Government (Wales) Bill. The stated purpose of the Bill is to establish new Counties by the merger of existing Counties and County Boroughs, to establish a new and reformed legislative framework for local government democracy, accountability, performance and finance, and to establish a statutory Public Services Staff Commission. The consultation is intended to provide the opportunity for comments on the proposals to be considered by the Welsh Government after the May 2016 elections, to inform its decision on how to proceed. The deadline for responses is 15 February 2016.
4. The draft Bill and accompanying documentation total around 650 pages, and 'not only expands on the much heralded structural reform, but proposes wholesale reform of how councils are governed and managed too' (extract from Welsh Local Government Association spokesperson's response to publication of the draft Bill).

5. Part 4 of the draft Bill imposes statutory duties upon the Members of the proposed new County Councils relating to the performance of their functions. Members are placed under a statutory obligation to attend meetings; hold regular ward surgeries; answer correspondence; complete compulsory training courses; and publish an annual report. Leaders of political groups are required to take reasonable steps to promote and maintain high standards of conduct by Members of their group (draft Bill, Part 4, Chapters 2 and 4).
6. The draft Bill places a duty on each Member of a County Council to prepare an annual report, which must be submitted to the Council's Head of Democratic Services. The annual report must be about the Member's activities as a Member of that Council during the 12 month period to which the report relates and it must set out the results of those activities, if those results are known to the member (draft Bill, Part 4, Chapter 2).
7. The procedure for handling complaints about an alleged failure by a Councillor to abide by the duties imposed is set out in Chapter 3, Part 4 of the draft Bill. If the Council's Head of Democratic Services considers that a Member of the Council may have breached the duty to make a report (as per paragraph 6) then they may notify the monitoring officer who may investigate further (draft Bill, Part 4, Chapter 3).
8. The draft Bill also includes a provision which will remove the restriction on a Monitoring Officer also being designated as the Council's Head of Democratic Services. Additionally, the Bill makes provision for the post of Head of Democratic Services to be included within the definition of chief officer for the purposes of the pay accountability provisions. This recognises the status of the Head of Democratic Services and requires, amongst other things, County Councils to publish the remuneration of Heads of Democratic Services in their annual statement of accounts (draft Bill, Part 4, Chapter 6).
9. Part 4 of the draft Bill is attached at **Appendix A**. Members are invited to provide comments on the provisions of Part 4 of the Bill in so far as they relate to matters within the remit of the Committee (current or proposed).
10. Members may wish to note that other aspects of the draft Bill are being carefully considered by other relevant parts of the Council; and a corporate response will be collated in due course.

Legal Implications

11. Relevant legal provisions are set out in the draft Bill, Part 4, attached at **Appendix A**.

Financial Implications

12. There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

1. note the provisions of Part 4 of the draft Local Government (Wales) Bill, set out in **Appendix A**, in so far as they relate to matters within the (current or proposed) remit of the Committee, and provide comments as appropriate; and
2. delegate authority to the Monitoring Officer, in consultation with the Chair, to prepare a response to the Welsh Government's consultation on behalf of the Committee to be incorporated in the Corporate response.

Marie Rosenthal
Director Governance & Legal Services and Monitoring Officer
14 January 2016

APPENDICES

Appendix A Draft Local Government (Wales) Bill, Part 4

Background papers

[Consultation Documents, Draft Local Government \(Wales\) Bill](#) -

Welsh Local Government Association Statement on the Draft Local Government (Wales) Bill, 24th November 2015