

# **WLGA Executive Board Meeting**

**Friday 31<sup>st</sup> January 2020**

**WLGA Boardroom, Drake Walk,  
Cardiff, CF10 4LG**



## **AGENDA**

**09.00      Group Leaders Meeting**

**09.30      Pre-meetings of the WLGA Political Groups**

## **10.30am WLGA EXECUTIVE BOARD**

- 1.      Welcome and apologies for absence**
- 2.      Leader and Spokespersons' Reports**
- 3.      Provisional Local Government Settlement 2020-21**
- 4.      Local Government and Elections (Wales) Bill**
- 5.      Brexit Update**
- 6.      A More Equal Wales: Strengthening Social Partnership  
Consultation – WLGA Response**
- 7.      Qualified for the Future Consultation – WLGA Response**
- 8.      NJC Local Government Service – Pay Negotiations**
- 9.      Civility in Public Life**
- 10.    Safer Communities Board**

## **FOR INFORMATION**

- 11.    Revenue Support Grant Top Slice 2020-21**
  - 12.    Review the draft minutes of WLGA Council 29<sup>th</sup> November  
2019**
  - 13.    Any other business**
- 13:00      Lunch and depart**



## **PROVISIONAL LOCAL GOVERNMENT SETTLEMENT 2020-21**

### **Purpose**

1. This report provides a brief overview of the [Draft Welsh Government Budget](#) and the [Provisional Local Government Settlement](#), announced on the 16 December 2019.

### **Background**

2. On the 16 December 2019, the Minister for Finance and Trefnydd published the draft Welsh Government Budget for 2020-21. The budget<sup>1</sup> will increase by £953m (5.7%). Day-to-day spending will increase by £608m (4.1%) and spending on capital will increase by £345m (17.4%). There are no indicative revenue figures for future years, although the Chancellor has announced a UK Government budget on 11<sup>th</sup> March 2020.
3. The Minister for Housing and Local Government set out the Provisional Local Government Settlement for 2020-21 on the same day, followed by a statement to the National Assembly on 6<sup>th</sup> January 2020. There is an increase in the revenue settlement (Aggregate External Finance - AEF) which is 4.3% higher than 2019-20 on a like-for-like basis. Welsh Government has increased AEF by £184 million.
4. The WLGA's estimated local government's spending pressures for 2020-21 at around £254 million, of which, workforce pressures were estimated at £177 million. It is clear that a substantial proportion of pressures have been funded but there will be local variations both in terms of pressures and settlement.
5. The consultation on the Provisional Local Government Settlement ends on 3<sup>rd</sup> February 2020. Welsh Government Ministers intend publishing their final Budget 2020-21 and the final Local Government Settlement 2020-21 on 25<sup>th</sup> February 2020.

### **Welsh Government's Draft Budget 2020-21**

6. The Welsh Government has set out its strategic spending plans for revenue and capital, taxation and borrowing proposals. This included details of the high-

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<sup>1</sup> This is spend within Departmental Expenditure Limits (DEL) so excludes Annually Managed Expenditure (AME)

level MEGs (Main Expenditure Groups) which are the building blocks of the budget.

7. Overall the Welsh Government's Total Managed Expenditure will be close to £20 billion in 2020-21. Within that definition is the Departmental Expenditure Limit (DEL) which is the element of the budget under direct Ministerial control.
8. The capital and revenue DEL will increase by £953 million (5.7%) to £17.4 billion in total. Day-to-day spending will increase by £608 million (4.1%) to £15.4 billion while spending on capital will increase by £345 million (17.4%) to £2.3 billion.
9. The increases in the revenue and capital DEL across ministerial portfolios are set out in Figure 1. Revenue DEL for Housing and Local Government increases by 3.3%. Business rates lies outside the DEL definition as part of Annually Managed Expenditure (AME). It increases by £75 million (7.1%) to £1.14 billion.

**Figure 1: Changes to Welsh Government Departmental Expenditure Limit (DEL) 19-20 to 20-21**

Resource and Capital (Excluding AME)	Resource		Capital		Total	
	£000s	%	£000s	%	£000s	%
Health and Social Services	365,398	4.6%	1,392	0.4%	366,790	4.4%
Housing and Local Government	126,233	3.3%	58,314	8.6%	184,547	4.1%
Economy and Transport	22,690	3.2%	204,559	35.2%	227,249	17.6%
Education	55,937	3.7%	- 735	-0.3%	55,202	3.2%
International Relations and the Welsh Language	5,263	3.3%	34,030	224.1%	39,293	22.2%
Environment, Energy and Rural Affairs	5,391	2.6%	43,931	50.5%	49,322	16.5%
Central Services and Administration	27,374	8.3%	3,448	13.1%	30,822	8.7%
<b>Total Resource and Capital (Excluding AME)</b>	<b>608,286</b>	<b>4.1%</b>	<b>344,939</b>	<b>17.4%</b>	<b>953,225</b>	<b>5.7%</b>

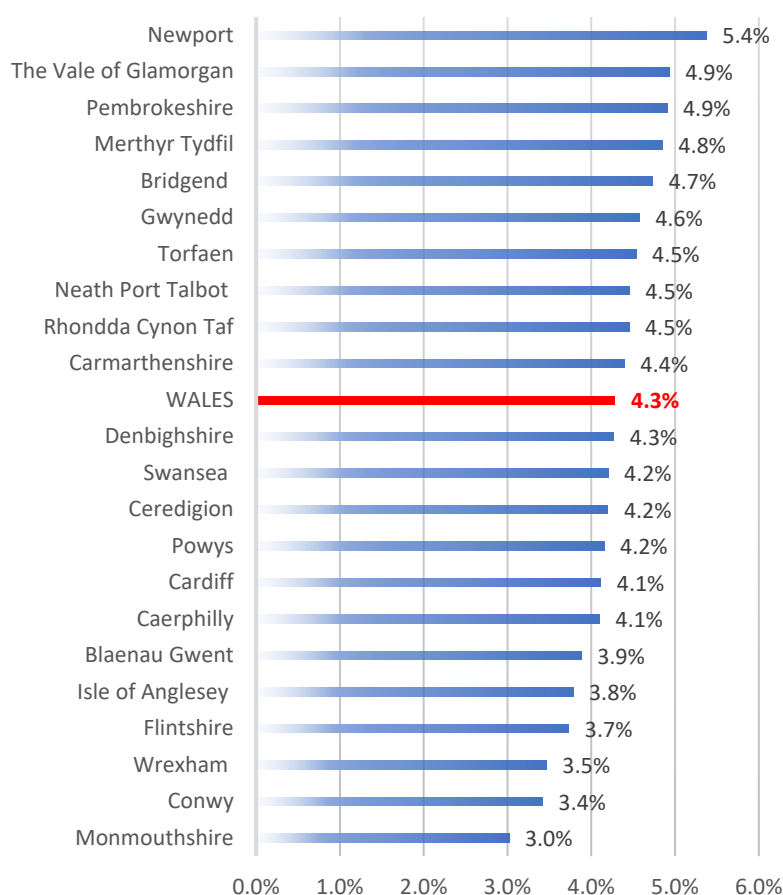
## Provisional Local Government Settlement 2020-21

### Revenue – Aggregate External Finance

10. There is an increase in Aggregate External Finance (AEF) of £184 million or 4.3% on like-for-like basis when the following transfers are added to the 2019-20 AEF settlement:
  - £39.112 million for the teachers' pensions grant (the 7/12s element)
  - £12.018 million for the teachers' pay grant (the 7/12s element)
  - £1.9 million for NHS funded nursing care
  - £151,000 for the Coastal Risk Management Programme
11. This is the most significant increase in the local government revenue settlement in over a decade and will meet a substantial proportion of the 2020-21 budget pressures estimated by the WLGA earlier this year. The WLGA's press release issued on 16<sup>th</sup> December 2019 in response to the Provisional Settlement is included at Annex 1.

12. The delayed publication of the Provisional Settlement has enabled the Welsh Government to use the latest tax-base figures for 2020-21 which means that there should be no change between the Provisional and Final Settlements as a result of updates to the tax-base. Historically updating the tax-base has resulted in a slight change to the distribution when the final settlement was announced.
13. Figure 2 below shows the range of provisional revenue settlements for individual authorities around the average, driven by the funding formula. This is largely a reflection of movements in a number of datasets used within the formula derived from the schools' census and financial data. The reversion to the use of the mid-year population estimates has also impacted. The increases in AEF for individual authorities range from 3% to 5.4%.

**Figure 2:** Changes to AEF, 2019-20 to 2020-21 by local authority



Source: WG Provisional LGF Settlement 2019-20

14. There is no floor protection included within the Provisional Settlement and the Minister has set out her rationale in her Provisional Settlement letter to Leaders. The Leader of the WLGA has written to the Minister setting out the rationale for exploring the potential for a funding floor to ensure that all authorities receive a revenue settlement that enables it to cover its workforce costs (Annex 2).

### **Revenue – Specific Grants**

15. On a like-for-like basis, specific revenue grants will increase from £971m to £982 million which is a slight increase of around 1%. While many of the grants remain unchanged from the 2019-20 figure, there is a significant decrease in the Sustainable Waste Management grant. The £7.5 million grant that contributed to teachers' pay for the 2018-19 pay award comes to an end as it was a 'time-limited' arrangement.
16. There are increases in several grant schemes, some of the more significant include:
  - Regional Consortia and School Improvement Grant £154 million
  - Pupil Development Grant £101 million
  - PDG Access Grant £8 million
  - Residual Waste Gate Fee Support £13 million
  - Childcare Offer £56 million
  - Social Care Workforce and Sustainability Grant £40 million

### **General Capital Funding (GCF) and Capital Grants**

17. Overall Capital Funding (both GCF and Capital Grants) will increase from £519 million to £630 million on a like-for-like basis. The additional £111 million represents a 21% increase.
18. General Capital Funding (GCF) increases from £173 million to £178 million. This is a 3% increase year on year increase (but actually a £15 million increase over original plans). Capital Grants are set to increase by £109 million which is a 32% increase.

## **Recommendations**

19. **Members are asked to note and comment on the report and agree the key themes of the WLGA response to the Provisional Local Government Settlement for 2020-21.**

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**Report cleared by:**

**Cllr Anthony Hunt**  
**Spokesperson for Finance & Resources**

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## DATGANIAD I'R WASG WLGA PRESS RELEASE

Dydd Llun 16 Rhagfyr 2019 / Monday 16  
December 2019

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### **Cynnydd ariannol sylweddol cyntaf mewn 12 mlynedd yn cael ei groesawu gan CLILC**

Mae CLILC heddiw wedi croesawu setliad “cadarnhaol” ar gyfer cynghorau y flwyddyn nesaf a fydd yn gweld cynghorau yn derbyn y cynnydd mwyaf mewn 12 mlynedd o ran cyllid craidd.

Bydd cynghorau yn derbyn hwb o 4.3% yn y cyllid sy'n cael ei ddyrannu iddyn nhw'n flynyddol gan Lywodraeth Cymru i helpu i gynnal gwasanaethau lleol. Mae cyllid cyfalaf ychwanegol hefyd wedi cael ei neilltuo ar gyfer buddsoddiad mewn isadeiledd.

Ers cychwyn y cynni ariannol yn 2010, mae gwasanaethau lleol wedi ysgwyddo dros £1bn o doriadau sy'n golygu bod cynghorau wedi gorfod blaenoriaethu'n ofalus a gwneud penderfyniadau anodd iawn. Er bod setliad y flwyddyn nesaf yn ryddhad i awdurdodau lleol, mae'r rhagolwg o ran cyllid yn parhau i fod yn heriol. Bydd yn rhaid i gynghorau barhau i wneud penderfyniadau anodd i flaenoriaethu gwasanaethau, gan gynnwys cynyddu'r dreth gyngor i gwrdd a'r diffyg ariannol.

Dywedodd y Cynghorydd Andrew Morgan (Rhondda Cynon Taf), Arweinydd CLILC ac Arweinydd y Grŵp Llafur:

“Fel Arweinydd newydd CLILC, rwy'n croesawu'r setliad eithriadol o dda yma. Rydyn ni'n hapus fod ein ymgysylltu cadarnhaol gyda Llywodraeth Cymru wedi talu ar ei ganfed ar gyfer ein gwasanaethau, ein gweithlu ac ein trigolion. Trwy gydol y flwyddyn, rydyn ni wedi bod yn cwrdd â nifer o Weinidogion sydd wedi gwrando'n ofalus ar yr hyn oedd gennym ni i ddweud ac yn cydnabod yr effaith ddinistriol mae cynni wedi ei gael ar wasanaethau lleol a gweithwyr rheng flaen.

"Hoffwn i ddiolch i'r Gweinidog dros Dai a Llywodraeth Leol, Julie James, Gweinidog Cyllid a Threfnydd, Rebecca Evans, a'r Prif Weinidog Mark Drakeford. Mae nhw wedi dangos ymrwymiad amlwg i lywodraeth leol. Mae gwasanaethau lleol yn hanfodol i gadw pobl yn iach ac i ffwrdd o ystafelloedd aros ein hysbytai, a mae'n hollbwysig eu bod nhw'n derbyn y cyllid sydd ei angen arny'n nhw."

Dywedodd y Cyngorydd Anthony Hunt (Torfaen), Llefarydd CLILC dros Gyllid:

"Mae llywodraeth leol yn rhannu'r un blaenoriaethau â Llywodraeth Cymru. Bydd arweinwyr ledled Cymru yn gwneud popeth o fewn eu gallu i sicrhau bod cyllid yn cael ei gyfeirio i'n hysgolion i wella cyflawniadau addysgol, ac i ofal cymdeithasol i sicrhau bod y rhai mwyaf bregus yn ein cymdeithas yn derbyn y gofal y mae nhw ei angen."

"Trwy gydol y cynni ariannol, mae cynghorau wedi rheoli eu cyllidebau'n ofalus, gan wneud arbedion effeithlonrwydd bob blwyddyn. Wedi degawd o doriadau dwfn a dinistriol, roedden ni'n brysur agosáu at gyrraedd y pen. Rwy'n gobeithio fod y setliad yma'n nodi cychwyn siwrnai hollol wahanol."

Dywedodd y Cyngorydd Peter Fox OBE (Sir Fynwy), Arweinydd Grŵp Ceidwadol CLILC:

"Rwyf wedi fy siomi gyda'r setliad yma. Rhoddodd Lywodraeth y DU ddigon o gyllid i Lywodraeth Cymru i wneud lawer gwaith gwell na hyn, a mae nhw unwaith eto wedi methu llywodraeth leol yng Nghymru. Ymhellach, rydyn ni'n gweld gwahaniaethau mawr yn y cyllid sy'n cael ei dderbyn gan rai cynghorau o gymharu ag eraill. Mae gwahaniaeth o rhwng 3% a 5.4% yn hurt y dyddiau yma. Rhaid gwneud rhywbeth i fynd i'r afael â'r amrywiad yma."

Dywedodd y Cyngorydd Emlyn Dole (Sir Gaerfyrddin), Arweinydd Grŵp Plaid Cymru CLILC:

"Mae'r setliad cadarnhaol heddiw yn cydnabod yr heriau a wynebir gan gyllidebau awdurdodau lleol o ran pwyseddau'r gweithlu a demograffig. Mae'r £184m ychwanegol yn gynnydd i'w groesawu wedi blynyddoedd o ostyngiadau mewn termau real. Ond nid yw'n cwrdd â'r holl bwyseddau a bydd awdurdodau lleol yn dal i wynebu penderfyniadau anodd, a bydd angen ystyried yn ofalus sut y bydd y dreth gyngor yn pontio'r bylchau mewn cyllidebau."

"Ni fydd yn dadwneud y £1bn o doriadau sydd wedi ei dynnu o goffrau llywodraeth leol ers 2009-10, ond rwy'n gobeithio ei fod yn cychwyn ar batrwm gwahanol. Rydyn ni wedi colli tua 37,000 o swyddi o fewn llywodraeth leol ers 2009-10, sydd yn cynnwys athrawon a swyddogion rheng flaen. Does yr un arweinydd yn camu i'r byd gwleidyddol i wneud penderfyniadau o'r fath. Gyda'r cyllid sydd nawr ar



gael, gallwn ni ddechrau amddiffyn ein gwasanaethau craidd, yn enwedig ysgolion a gwasanaethau gofal.”

Y Cyngorydd Hugh Evans OBE (Sir Ddinbych), Arweinydd Grŵp Annibynnol CLILC:

“Dyma’r setliad gorau y mae llywodraeth leol wedi ei weld ers 2007-08, ac yn nodi cam i gyfeiriad gwahanol o ran y cyllid grant y mae llywodraeth leol yn ei dderbyn. Er mwyn gallu cynllunio’n well i’r dyfodol ac i roi mwy o sicrwydd i’n trigolion, mae cynghorau angen fframwaith cyllidebol aml-flwyddyn fwy cadarn fel ein bod ni’n gallu delio ag atal ac ymyrraeth gynnar mewn cyd-destun fwy hir dymor.”

“Bydd Adolygiad Gwariant y flwyddyn nesaf yn cynnig cyfle i wynebu hynny a rwy’n edrych ymlaen i drafodaethau gyda Llywodraeth Cymru o ran mwy o hyblygrwydd fel ein bod ni’n gallu canfod atebion cynaliadwy hir-dymor i gyllid lleol. Rwy hefyd yn pryderu am sut y mae’r setliad yn amrywio ar draws yr awdurdodau, a byddaf yn edrych i ganfod sut y gallwn ni ddatrys hynny.”

**-DIWEDD-**

## **First significant funding increase in 12 years welcomed by WLGA**

WLGA has today welcomed a “positive” settlement for councils next year which will see councils receive the first significant increase in their core grant funding in over 12 years.

Councils will get a 4.3% boost in the block funding which is annually allocated to them by Welsh Government to help maintain local services. Extra capital funding has also been made available for investment in infrastructure.

Local services have shouldered cuts of over £1bn since the onset of austerity in 2010, meaning that councils have had to carefully prioritise and take extremely difficult decisions. Although next year’s settlement provides some breathing space for local authorities, the financial outlook remains very challenging. Councils will have to continue to make tough decisions to prioritise services, including council tax increases to help meet the funding shortfall.

Councillor Andrew Morgan (Rhondda Cynon Taf), WLGA Leader and Labour Group Leader said:

“As the new Leader of the WLGA I welcome this exceptionally good finance settlement. I am pleased that our positive engagement with the Welsh Government has paid dividends for our services, for our workforce, and for our

residents. Throughout this year we have met with a number of Ministers who have listened carefully to what we had to say and have recognised the damaging effect that austerity has had on local services and frontline workers.

"I would like to personally thank the Minister for Housing and Local Government, Julie James, the Minister for Finance and Trefnydd, Rebecca Evans, and the First Minister, Mark Drakeford. They have clearly shown a commitment to local government. Vital local services are essential to prevent keep people well and out of hospital waiting rooms, and it is crucial that those services receive the funding that they need."

Councillor Anthony Hunt (Torfaen), WLGA Finance Spokesperson said:

"Local government shares the same priorities with Welsh Government. Leaders across Wales will be doing everything in their power to ensure that funding is directed towards schools to improve education outcomes, and towards social care to ensure the most vulnerable in our communities receive the care they deserve.

"Councils have carefully managed their budgets throughout austerity, making efficiency savings year after year. After a decade of deep and damaging cuts, we were rapidly reaching breaking point. I hope this settlement marks the start of a completely different journey"

Councillor Peter Fox (Monmouthshire), WLGA Conservative Group Leader said:

"I am disappointed with this settlement. The UK Government gave sufficient resource to the Welsh Government to do significantly better than this and they have failed local government in Wales again. Furthermore, we yet again see massive distortions in the funding received by some councils in comparison to others. A differential between 3% and 5.4% is ridiculous in current times. Something needs to be done to address this variation."

Councillor Emlyn Dole (Carmarthenshire), WLGA Plaid Cymru Group Leader said:

"The positive settlement today recognises the challenges faced by local authority budgets in terms of workforce and demographic pressures. The additional £184m is a welcome increase after years of real terms reductions. It does not cover all the pressures and local authorities will still be faced with tough decisions and will need to carefully consider how council tax will bridge remaining gaps in budgets.

"It will not completely reverse the £1bn that has been taken from core funding since 2009-10, but I hope that this is the beginning of a different trend. We have lost around 37,000 jobs in local government since 2009-10 which includes teachers and other frontline officers. No leader comes into politics to make these

kinds of decisions. With the funding that has now been made available we can start to protect our core services especially schools and social services."

Councillor Hugh Evans OBE (Denbighshire), WLGA Independent Group Leader said:

"This is the best settlement local government has seen since 2007-2008 and marks a step change in the grant funding that local government receives. To properly plan for the future and to give our residents more certainty, councils need a more robust multiyear financial framework so that we can properly address prevention and early intervention in a longer-term context.

"Next year's Spending Review will offer an opportunity to address that and I look forward to discussions with Welsh Government around more flexibilities so that we can find sustainable long-term solutions to local finances. I am also concerned about the variation across all local authorities and will be looking to find ways in which this can be addressed."

**-ENDS-**



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**Ein Cyf /Our Ref:**  
**Eich Cyf /Your Ref:**  
**Dyddiad /Date:**  
**Gofynnwch am/Please ask for:**  
**Llinell uniongyrchol/Direct line:**  
**Ebost/Email:**

JR/AH  
6 January 2020  
Dr Chris Llewelyn  
029 2046 8610  
[chris.llewelyn@wlga.gov.uk](mailto:chris.llewelyn@wlga.gov.uk)



Mrs Julie James AM  
Minister for Housing and Local Government  
Welsh Government  
5<sup>th</sup> Floor, Ty Hywel  
Cardiff Bay  
CF99 1NA

Dear Julie,

### **Provisional Local Government Settlement**

Ahead of our full response to the consultation on the provisional local government settlement in the New Year, I wanted to take the opportunity to thank you for the way in which you have engaged with local government leaders and the WLGA over the last year and since you were appointed as the Local Government Minister. You have listened carefully to our representations and have recognised the impact that successive years of cuts have had on local services and frontline workers. You have demonstrated a clear commitment to local government and the importance of local services and next year will see councils receive the first significant increase in their core grant funding in over 12 years.

As you will have seen our broad response to the provisional settlement has been overwhelmingly positive and the only adverse comments have been from those concerned about the range of individual council settlements delivered by the formula.

Some of our membership are keen to explore options for a funding floor and I am aware that the Leaders from the six authorities in North Wales may be writing to you separately.

I believe there is a firm rationale in having a funded floor that ensures every authority can cover its workforce costs and this could be achieved with a floor set at 4%. The proposal for a funded floor has also been supported by the WLGA Council. This would be a powerful message demonstrating the Welsh Government's commitment to council services and the people who deliver them.

I hope you find this helpful and I would be happy to discuss this with you further.

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.  
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

**We welcome correspondence in Welsh and English and will respond to correspondence in the same language.  
Use of either language will not lead to a delay.**

Dr Chris Llewelyn  
Prif Weithredwr  
Chief Executive

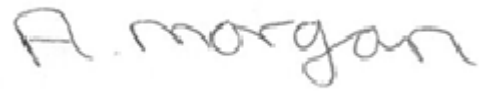
Cymdeithas Llywodraeth  
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[wlga.cymru](http://wlga.cymru)  
[wlga.wales](http://wlga.wales)

@WelshLGA

Yours sincerely,

A handwritten signature in dark ink that reads "A. Morgan". The signature is written in a cursive, slightly slanted style.

**Councillor Andrew Morgan**  
**Leader WLGA**

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

**We welcome correspondence in Welsh and English and will respond to correspondence in the same language.**

**Use of either language will not lead to a delay.**

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## **LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL**

### **Purpose**

1. To update members on the progress of the Local Government and Elections (Wales) Bill and to consider Corporate Joint Committees.

### **Background**

1. The Local Government and Elections (Wales) Bill [the Bill] was published on 18<sup>th</sup> November 2019. The Bill was discussed at WLGA Council on 29<sup>th</sup> November 2019.
2. The WLGA has submitted written evidence (Annex 1) and provided oral evidence to the Equality, Local Government and Communities Committee [the Committee] on 23<sup>rd</sup> January 2020. Group Leaders agreed a cross-party delegation should represent the WLGA and the following attended:
  - Cllr Huw Thomas, Leader of Cardiff Council, WLGA Labour Group
  - Cllr Emlyn Dole, Leader of Carmarthenshire County Council, WLGA Plaid Cymru Group Leader
  - Cllr Peter Fox, Leader of Monmouthshire County Council, WLGA Conservative Group Leader
  - Cllr Ray Quant, Deputy Leader of Ceredigion County Council, WLGA Deputy Presiding Officer
  - Chris Llewelyn, Chief Executive, Welsh Local Government Association
  - Daniel Hurford, Head of Policy, Welsh Local Government Association
3. Most of the Committee's questions related to electoral reform, however, there was some focus on public participation, Corporate Joint Committees and the new performance regime. WLGA representatives will provide feedback to Executive Board.
4. Several local authorities, fire and rescue authorities and national park authorities have submitted evidence to the committee and further local government evidence has been provided by SOLACE, Lawyers in Local Government and the Association of Electoral Administrators. The local government view on the Bill is consistent.
5. The WLGA (Cllr Anthony Hunt and Jon Rae) will be giving evidence on the financial implications of the Bill to the Assembly's Finance Committee on 29<sup>th</sup> January.

6. In addition to the Bill, the Committee also noted that there are likely to be Welsh Government amendments at Stage 2, including:
  - 6.1 The introduction of prisoner voting, as previously consulted upon;
  - 6.2 Changes to the elected Mayoral Referendum arrangements, specifically the timetabling of petitions and a subsequent referendum, allowing electronic petitions, where there is a change in executive arrangements, that there would be some continuity for 2 electoral cycles (rather than current limit of 1 change per term) and seeking views on whether the trigger threshold of a petition should remain at 10% or reduce to 5% as in England. The consultation closes on 27 February 2020, and the WLGA is seeking authority views.
  - 6.3 A Ministerial proposal raised during her attendance at Committee to include a 'due regard to adequate housing into the duties that local authorities will have' in the statutory Guidance around the proposed new performance duty whereby a *council 'must keep under review the extent to which (a) it is exercising its functions effectively, (b) it is using its resources economically, efficiently and effectively'*. The Minister has mentioned this proposal in Committee but there have not been any Welsh Government discussions with the WLGA at a political or official level.

## Corporate Joint Committees

7. Corporate Joint Committees have been the subject of discussion over several months. The WLGA passed a resolution at Council on 29<sup>th</sup> November:

"Whilst we welcome the new and revised approach to local government by the present Minister, the WLGA has fundamental concerns over the principle of mandation which is seen as undermining local democracy but will continue to engage and seek to co-produce the Corporate Joint Committee proposals."
8. The Minister for Housing and Local Government previously wrote to the WLGA requesting proposals from local authorities for possible Corporate Joint Committee 'footprints' from authorities (Annex 2).
9. The letter was reported to Council on 29<sup>th</sup> November and Group Leaders subsequently agreed that the letter be recirculated to encourage authorities or regions to consider submitting a response to the Minister either individually or jointly or to advise the WLGA of their position informally.
10. Some local authorities have submitted responses outlining their preferred footprint, and several authorities have also outlined their views on the proposal for voluntary and 'mandated' Corporate Joint Committees in written submissions to the Equalities, Local Government and Communities Committee.



11. Extracts regarding Corporate Joint Committees from local authority and National Parks Wales submissions are included in Annex C.
12. Annex C also includes extracts from the Auditor General for Wales, Estyn and the Future Generations Commissioner submissions. In summary:
- 12.1 The Auditor General for Wales observes that he has ‘...frequently commented on the complexity of structures and governance in the public service landscape in Wales. I am not clear...whether this will improve or worsen complexity. Careful consideration will need to be given through guidance and regulation to ensure that there is proper coherence, integration and efficiency in the exercise of these provisions.’;
  - 12.2 the Future Generations Commissioner is broadly supportive of collaboration, but is unclear why these specific services were included in the Bill and expresses concern about scope for complexity and risk to public participation and involvement; and
  - 12.3 Estyn comments ‘...that it takes time to establish effective joint arrangements. It also requires the full commitment of the constituent local authorities. The proposed arrangements will clearly place this type of regional service on a much stronger and clearer statutory footing.’

## Recommendations

13. **It is recommended that members:**
- 13.1 **Receive oral feedback from the WLGA representatives who attended the Equality, Local Government and Communities Committee; and**
  - 13.2 **Provide updates on responses from their local authorities to the Ministerial letter on Corporate Joint Committees.**

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# **ANNEX A**

## **WLGA Evidence**

### **Stage 1: Local Government and Elections (Wales) Bill**

#### **Equality, Local Government and Communities Committee**

#### **National Assembly for Wales**

**January 2020**

### **Introduction**

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three national park authorities and the three fire and rescue authorities are associate members.
2. The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales.
3. It seeks to provide representation to local authorities within an emerging policy framework that satisfies priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
4. The Local Government and Elections (Wales) Bill [the Bill] is a significant and substantial piece of legislation covering a broad range of democratic, governance, organisational and structural reforms and is the culmination of several years of policy consultation, including a Draft Bill and successive Green and White Papers.
5. The WLGA welcomes the opportunity to provide evidence to the Equality, Local Government and Communities Committee National Assembly for Wales's Stage 1 consideration of the Bill.
6. The WLGA has particularly welcomed the constructive dialogue and engagement with the Minister for Housing and Local Government. Local government reform has been discussed with leaders during the past 18 months initially through the Local Government Working Group chaired by Derek Vaughan and subsequently via the Local Government Sub-Group of Partnership Council.
7. Under the auspices of these groups, there has also been constructive engagement between officials from Welsh Government and local government to consider the implications of some of the anticipated reforms and what future statutory guidance or regulations might need to include.

8. The Regulatory Impact Assessment [RIA] estimates that the total cost of the Bill to local government over 10 years would be £16.3m (including transitional costs of £2.95m and recurrent costs of £13.35m). The WLGA considers some of the estimated costs in more detail in the response below. The WLGA's core stance is that the Welsh Government should fully fund any new national initiatives or the implications of any legislation on local authorities.

## **Part 1: Elections**

9. The proposals for electoral reform include several that were included in the Welsh Government's Consultation on Electoral Reform in 2017 and align with many of the wider electoral reforms to be introduced through the Senedd and Elections (Wales) Bill.
10. These are some of the most fundamental reforms included in the Bill, and will have a significant impact on local democracy, local authorities and, in particular, electoral services administration.

### **Extending the franchise to 16-17 year olds (Section 2)**

11. The WLGA supports this proposal as a key part of widening democratic engagement and participation.

### **Extending the local government franchise to citizens from any country (Section 2)**

12. The WLGA agrees that citizens from any country who have moved and settled in Wales should have the right to vote in local elections.
13. The Welsh Government recognises that the extension of the franchise to 16-17 year olds and foreign citizens will have an impact on local electoral administration. The WLGA welcomes the Minister for Housing and Local Government's commitment (in her letter to the Committee on 19<sup>th</sup> December) to provide an £1m additional funding for 2020-21 and will 'consider the need for financial support'.
14. The Regulatory Impact Assessment (RIA) however estimates an additional cost of extending/promoting the franchise of £912,000 in both 2020-21 and 2021-22, as well as an extra £267,000 in any election year. The RIA also notes that the Welsh Government had estimated that the Senedd and Elections (Wales) Bill would incur £636,000 cost to local government for the changes to the EMS software.

### **Two voting systems (Section 5)**

15. The WLGA does not support the proposal to allow authorities to choose their own voting system as it believes there should be a clear and consistent voting system across all local authorities to avoid complexity and risk of voter confusion.
16. When this was previously considered as part of the Consultation on Electoral Reform, the WLGA was supportive of the Electoral Commission's response in 2017 stated:

“...we would note that allowing councils to decide which electoral system to use in their own area could create significant risks and challenges, particularly in relation to voter understanding of how to cast their vote...The question of public awareness around two different electoral systems for one set of elections is likely to be a major challenge and one where there is a very real risk of confusion to electors if this type of change is implemented.”

17. Furthermore, it would be administratively complex and confusing if an STV election was held on the same day as ‘first past the post’ community and town council elections and that larger electoral wards would need to be created which may undermine the local links between a councillor and his/her community.

#### **Change of electoral cycle for principal councils from four years to five years (Section 14)**

18. The WLGA supports the proposed extension from 4 year terms to 5 years.

#### **Qualification and Disqualification for election and being a member of a local authority (Sections 24-26)**

19. The WLGA supports approaches to make it easier for people to stand for election and encourage a broader cross-section of the community to consider standing.
20. The WLGA therefore supports proposed changes to the eligibility criteria allow a citizen of any country to stand for election.
21. The WLGA however does not support the proposal to allow council staff to stand for election in their own authority. Lifting such a restriction is unlikely to have a significant impact in encouraging more candidates to stand but would disproportionately impact on good governance and employment relations. There would be a risk of increased employer-employee tensions, potential conflicts of interest and team and managerial relationships being undermined. Staff at all levels have to demonstrate impartiality and a responsibility to serve the council as a whole; this risks being compromised should an employee stand or serve as a councillor. There is a risk that where an individual is unsuccessful, he or she may have implicitly or explicitly publicly criticised colleagues, councillors or council policies during campaigning, which may affect their ability to continue in their employed role following the elections.
22. The WLGA supports proposed amendments to disqualify individuals, from standing for election, or holding office as a member of a principal council or community council in Wales, if they are subject to a the notification requirements of, or an order under, the Sexual Offences Act 2003.

#### **Meeting expenditure of returning officers (Section 28)**

23. The Bill clarifies that Returning Officers can only claim expenses properly incurred in the running of a local government elections. Personal fees in respect of services rendered

during the conduct of a local government elections could not in future be claimed as they would not be deemed as “expenses”.

24. The Welsh Government has opted not to proceed with the previously consulted upon proposal to incorporate the Returning Officer role within that of the Chief Executive. The WLGA did not support this proposal on grounds of local discretion, as not all Chief Executives acted as Returning Officers; the Welsh Government’s position is therefore welcome.
25. When the Welsh Government previously consulted on the removal of Returning Officer fees, the WLGA’s view was that an option would be for any remuneration for the oversight of local elections to be included within a single consolidated salary for the position (of whichever senior officer fulfilled the Returning Officer role).
26. Such an approach, and the removal of a specific Returning Officer fee, would require a proper re-evaluation of the post which had incorporated the substantial Returning Officer role, as noted in ALACE’s submission to the Committee. The additional demands, responsibilities and personal risks of being a Returning Officer are significant and should not be dismissed. A form of this arrangement is already operated by several employing councils in Wales, where the Chief Executive is also contracted to be the Returning Officer but for no additional fee beyond their evaluated salary.

## **Part 2: General Power of Competence**

27. The WLGA welcomes the proposed introduction of the power of general competence in Wales and has long called for the introduction of the power.
28. Whilst this new power is welcomed as it provides confidence and reinforces local government’s core community leadership role. The LGA’s submission notes that the power’s introduction in England

‘...has assisted in providing councils greater confidence in some areas of activity and led to less legal resource being spent on considering whether an action is vires (within their authority), it has not made a radical change for councils to date.

29. The power, as drafted, is however constrained by pre-commencement limitations. As noted in the Lawyers in Local Government Wales (LLG) submission to the Committee, there are 42 UK wide and 3 Wales-only Measures/Acts with ‘Local Government’ in the title and wider local government-related legislation may have pre-commencement limitations on Welsh authorities. The interplay between the power and a range of other legislation creates complexity and multiple possible risks. These limitations are likely to constrain creative use of the power, which may instead be used as a power of last resort rather than first resort.
30. This is further expanded in the LGA and LLG submissions to the Committee and the LLG Wales submission outlines some potential improvements to the proposed power.

## **Part 3: Promoting Access to Local Government**

### **Duty to encourage local people to participate in local government (Section 46)**

### **Strategy on encouraging participation (Section 47)**

31. The WLGA is supportive of the spirit of the Welsh Government's ambitions as councils are committed to promoting democratic engagement, public participation and openness and transparency.
32. There is already a requirement on local authorities to 'involve' the public through the Wellbeing of Future Generations (Wales) Act 2015 and it is therefore not clear what additional value a new 'public participation duty' on local authorities would achieve.
33. The Bill proposes a duty on local authorities to encourage 'local people to participate in the making of decisions by the council' and lists several areas to be covered in a participation strategy (S47 (2) a-f). Authorities promote and publish much of this information currently, have engagement strategies and involve the public, through various consultation and engagement processes around budget-setting, service design and development of strategies.
34. Councils are also increasingly involving the public in service delivery through through alternative delivery models or asset transfers to community and town councils and community groups. Many councils already provide for public involvement in formal council decision-making processes, for example, through questions to cabinet, committees or councils and some already provide for submission of public petitions.
35. The WLGA however recognises that there is always potential for improvement, innovation and sharing of good practice; the latest National Survey for Wales show that only 19% of people agreed that they could influence local area decisions. There are some paradoxes in terms of public perception and public engagement in decision-making and public services generally<sup>1</sup>, however, councils are committed to improve their approaches to public participation. This will be a core theme within the WLGA's future improvement support programme for local government, which the Minister for Housing and Local Government has agreed to resource.
36. The WLGA does not support that the proposed participation duty or strategy duty (to be placed on councils) should extend to cover other 'connected authorities' such as community and town councils and national park authorities (S46 (2&3)). Although local authorities work in partnership with those bodies, such a proposed 'hierarchical' relationship undermines their own status, accountability and sovereignty as separate

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<sup>1</sup>For example Hansard's annual Audit of Political Engagement typically reveals mixed levels of public involvement in participative activity (such as consultations or petitions) and a Welsh Government survey of public engagement in 2015 showed that 59% of those surveyed said they would not participate in local consultation (33% were too busy and 26% were not interested) and only 45% were interested in having a say in local government activity or how local government is run in Wales  
<https://gov.wales/docs/caecd/research/2015/150612-public-views-opinions-community-engagement-local-government-final-en.pdf>

bodies. Furthermore, this will inevitably have resource implications for councils and, critically, clouds accountability and responsibility for delivering on any public participation duties. A local authority cannot be responsible for the participation in other levels of government as the responsibility (and risk of non-compliance) should rest with them as separately accountable bodies.

37. If such participation duties are to be introduced, they should apply separately to each of the specified bodies. As noted by the South Wales Fire and Rescue Authority's response, this duty was to apply to Fire and Rescue Authorities when first proposed in the 2016 Draft Bill, however, these bodies have not been included in this Bill.

#### **Duty to make petition scheme (Section 49)**

38. The WLGA supports the replacement of community polls with a duty to make a petition scheme; this reform will reduce burden and costs for local authorities, as well as encouraging a more accessible and immediate mechanism for communities to express their views.

#### **Duty on principal councils to publish official addresses (Section 50)**

39. The proposed duty is supported as permits councils to provide a general council contact address for councillors, rather than councillors' personal addresses. This is an approach several councils have already adopted and is a reform which the WLGA has called for, given some members' concerns about privacy in the current environment where intimidation and harassment is a risk.

#### **Electronic broadcasts of meetings of certain local authorities (Section 53)**

40. Most councils already webcast many of their meetings and are committed to openness and transparency. Most authorities are concerned about the potential increase in cost, and the balance of this additional cost with public interest, particularly for some committee meetings.
41. Public viewing figures and engagement with council webcasts however varies and tends to be limited. Viewing figures vary from authority to authority and from meeting to meeting, with full council meetings and planning meetings tend to be most popular, but only receiving between 100-350 views (depending on the size of the council). Other committees tend to have low viewing figures and local authorities therefore question the added value of additional costs and administrative burdens of broadcasting all meetings.
42. Webcasting can be costly, in terms of broadcast equipment, server and/or streaming costs and additional staff for administration and technical support. A duty to broadcast all public meetings is likely to require (based on a typical council experience) an increase from broadcasting 7 committees (Full Council, Cabinet, 4 Scrutiny committees and 1 planning committee) to an additional 13 committees, although some of these may meet less frequently, plus any joint meetings that the authority hosts.



43. Webcasting all public meetings may reduce councils' ability to hold formal meetings in communities, as mobile equipment is more expensive, requires additional technical support and broadband/data availability may be problematic. This would particularly impact scrutiny meetings where good practice for community engagement includes holding meetings in community venues. There is also a risk that a requirement to broadcast all public meetings could result in a reduction in the quality, navigability and retention of broadcasts for the viewer if this is to be met within available funding.
44. The Regulatory Impact Assessment indicates that the additional costs of broadcasting all council meetings would be in the region of £12,000 per authority per annum, based on a single contract for Wales. It remains unclear whether such a single, all Wales contract is feasible or whether an all-Wales solution could be developed by local government in the future.
45. The RIA is likely therefore to be a significant underestimate, although it is difficult to provide an accurate estimate. Most councils' broadcasting services are provided by one company, although other suppliers are used and one council uses YouTube to broadcast meetings. The navigability of the webcasts and access to meeting documents and archives varies depending on supplier. Councils also broadcast a different number of meetings and different hours of broadcast per year and have different arrangements for archiving broadcasts so that they can be viewed retrospectively.
46. Some councils do not anticipate a significant additional cost (depending on their current coverage or provision), but the average increase of those authorities who have provided estimates is an additional c£24,000 annual costs (with one projecting up to £70,000).
47. Some councils also estimate significant investment in additional equipment with one estimating an initial investment of £250,000 to equip all committee rooms with necessary equipment (should all public meetings are to be broadcast, authorities report the need to equip additional rooms as meetings some meetings will inevitably run simultaneously.) The RIA does not take account of the additional administrative burdens and implications of broadcasting all council meetings; generally broadcasting meetings requires additional staffing resources, including committee and technical staff.
48. LLG Wales' submission notes that there may be implications between this duty and other existing legislative responsibilities such as the Public Sector Equality Duty. When webcasting meetings councils will need to consider possible detriment to those with audio/visual impairments (see S51(1)(a) as well as providing translation via the webcast even where this is not provided within the meeting itself.

#### **Conditions for remote attendance of members of local authorities (Section 54)**

49. The WLGA supports the proposed amendments.
50. The WLGA supported the concept of remote attendance when first proposed as it supported access and flexibility for members, but expressed concern during the passage of the Local Government (Wales) Measure 2011 as the legislation made the provisions restrictive and effectively unworkable.

51. The WLGA therefore supports proposals to streamline the remote attendance arrangements in order to promote accessibility and support flexibility for members to attend meetings remotely, reflecting advancements and availability of modern technology.
52. As noted by LLG Wales, a saving provision was not included within the 2011 Measure's proposals for remote attendance but one has been included to ensure the validity of proceedings in the event of broadcasting failing during a meeting (S53(6)). Modern technology is not infallible and data and WIFI services can be variable and remote attendance could be subject to disruption, therefore an equivalent provision ensuring the validity of proceedings where remote attendance is not available should also be included in the Bill.

#### **Part 4: Local Authority Executives, Members, Officers and Committees**

53. This WLGA supports most reforms outlined in Part 4 of the Bill, including:

- Appointment of Chief executives (rather than a head of paid service);
- appointment of assistants to cabinets and allowing job-sharing leaders or cabinet members;
- updating family absence provisions in line with those available to employees; and
- requiring leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups.

54. The WLGA particularly welcomes the proposals to extend family absence provisions, which is in response to a WLGA request.

55. The WLGA also supports the focus on promoting high standards of members' conduct; although standards are generally good and formal complaints to the Public Services Ombudsman are low, the WLGA has committed to championing high standards and challenging poor political discourse through the recently launched Civility in Public Life campaign, working with the LGA, COSLA and NILGA<sup>2</sup>.

56. The WLGA agrees that chief executives should be subject to robust and effective performance management and local authorities already implement a range of performance management arrangements for their chief executives and senior officers.

57. The WLGA shares a number of ALACE's concerns about some of the provisions of S60 regarding the process for performance management:
- the Bill should be less prescriptive and allow local flexibility for authorities to determine who should conduct a performance review (the Bill suggests the 'senior executive member', however, councils may also wish to involve other members or external peers as appropriate);

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<sup>2</sup> <https://www.local.gov.uk/civility-public-life>

- Clause 60(3), which provides for the possibility of publication of performance reviews of chief executives, should be removed. No public employee should have their performance review published. The review should be confidential to members of the council and the chief executive;
- In order to protect personal information, the Bill needs to reference that a report about the review (shared with members) shall be exempt from publication under paragraph 12 of Schedule 12A to the Local Government Act 1972 as such a report contains “information relating to a particular individual”; and
- The WLGA has previously expressed concern regarding Ministerial Guidance making powers with regards the performance management of Chief Executives as there are potential risks of Welsh Ministerial intervention in local relations and arrangements between a local authority or leader and a chief executive.

## Part 5 Collaborative Working by Principal Councils

58. Local authorities are committed to working collaboratively with each other and other public services to deliver improved outcomes and has a track record of collaboration and of sharing services.
59. Councils are already delivering radical responses to the challenges faced. The city deals and growth bids, for example, are some of the most ambitious, strategic regional regeneration programmes in a generation - these have come from local leadership, collective investment, risk and reward.
60. Such a commitment to collaboration is underpinned by the fundamental principle that collaboration is a ‘means to an end not an end to itself’. The WLGA has therefore set out a framework of guiding principles to ensure that any collaborative reforms are rooted in clear and viable business cases and subject to local democratic decision-making.

### ***Collaboration Principles***

*Collaboration, shared services or voluntary mergers should:*

- *Be locally-driven and subject to local democratic direction.*
- *Be underpinned by a locally agreed business case that:*
  - *Outlines mutual benefit and a clear understanding of shared costs*
  - *focuses on outcomes and whether, on balance, it is likely to lead to better public service outcomes - a service collaboration or shared services is not an outcome, but a means to an end. be centred on the delivery of clear outcomes/benefits for the citizens and communities. and ensuring accessible and seamless delivery of services to stakeholders and customers.*
- *Where appropriate, take account of existing collaborative arrangements e.g. City deals, Growth Deals and or shared services.*
- *Be shaped by appropriate engagement with service users and stakeholders*
- *Seek to strengthen strategic and operational collaboration and improve the integration of front line services across public service providers.*

- *Maintain transparent and flexible governance with clear local democratic accountability and appropriate scrutiny arrangements established from the start*
- *Be developed with due consideration of “Prosperity for All” and the Wellbeing of Future Generations Act and, in particular, the ‘5 ways of working’.*

*In addition, collaborative arrangements or shared services:*

- *Will be treated like all services and will be subject to scrutiny and will be reviewed periodically; if an established collaborative arrangement or shared service is underperforming or is not providing value for money for one or more local authorities, it may be appropriate to review, reform or even withdraw from such arrangements. Such decisions will not be made lightly and withdrawal from an established collaborative arrangement should not be viewed as a rejection of the concept of collaboration or a lack of a commitment to reform, but a business decision based on performance, delivery of outcomes or value for money.*

61. The WLGA has also produced a Collaboration Compendium<sup>3</sup> which lists over 300 local, regional or national collaborative arrangements or shared services ranging from coordination or delivery of technical services to large-scale, strategic services. The WLGA Council has agreed that the Compendium will be updated and reported annually to encourage a review of existing and consider new potential new collaborations.
62. Authorities already work together collaboratively through various governance mechanisms, including joint appointments, lead local authority models, shared services, local authority owned companies or joint committees (established under the Local Government Act 1972).
63. The WLGA and authorities are therefore supportive of the introduction of *voluntary* Corporate Joint Committees (described in S75 ‘Application by principal councils to establish a corporate joint committee’) as it would provide an additional collaborative model for authorities to choose where appropriate.
64. Several leaders have expressed concern about a Ministerial power to ‘mandate’ regional structures or services, as this would undermine local democracy and accountability. Furthermore, some authorities are concerned about risks to local accountability, increased complexity and administrative burden of alternative regional governance arrangements.
65. Some leaders however regard Corporate Joint Committees as an evolution from existing regional arrangements such as City Deal, school improvement consortia and regional planning and transport arrangements.
66. The WLGA Council has therefore passed a resolution noting that it:
 

‘...has fundamental concerns over the principle of mandation which is seen as undermining local democracy but will continue to engage and seek to co-produce the Corporate Joint Committee proposals.’

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<sup>3</sup> <https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&fileid=2408&mid=665>

67. Much of the detail around how Corporate Joint Committees will be established and how they will operate will be determined through Regulations. This detail includes which specific areas of the listed functions would be delivered through Corporate Joint Committees, which services would be delivered locally or concurrently as well as the governance arrangements of the committees themselves.
68. The proposed Corporate Joint Committees have been the subject of extensive dialogue between the Minister for Housing and Local Government and leaders and has been considered at several WLGA meetings.
69. The Minister has been keen to involve local government in the co-production of any guidance or regulations that might be required following the Bill and the WLGA has committed to engaging with the Minister and officials in developing the concept further. WLGA officials and Monitoring Officers are therefore involved in ongoing discussions to consider the governance arrangements and implications of other relevant statutory requirements should Corporate Joint Committees be introduced in the future.

## **Part 6: Performance and Governance of Principal Councils**

70. The Bill proposes a new performance framework for local government, repealing the Wales Programme for Improvement and performance provisions of the Local Government (Wales) Measure 2009.
71. It is widely recognised that the Wales Programme for Improvement as introduced by the 2009 Measure is no longer fit for purpose; it imposed a range of duties and features that were administratively bureaucratic which has promoted a regulatory burdensome output-oriented rather than outcome-oriented performance framework.
72. Furthermore, many of the objective-setting, planning and reporting aspects of the 2009 Measure have been superseded by the Wellbeing of Future Generations (Wales) Act 2015, which has caused additional complexity (see joint WLGA, WAO and Future Generations Commissioner guidance note<sup>4</sup>).
73. The Bill outlines a new performance duty based on self assessment and peer (or panel) assessment. Both concepts are well-established and are existing features of the Wales Programme for Improvement currently, but the streamlined performance duties will allow councils to better shape the assessments for organisational self-awareness and self-improvement rather than to meet external regulatory expectations.
74. The WLGA has previously provided extensive support around developing and strengthening self assessment approaches (through the Improvement Grant until 2015), which included guidance, local support and challenge and the development of a set of core characteristics<sup>5</sup> to ensure that a self assessment was robust. Further self

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<sup>4</sup> <https://www.wlga.wales/future-generations-and-improvement>

<sup>5</sup> <https://www.wlga.wales/self-assessment>

assessment guidance and frameworks have been developed since, for example, the Future Generations Commissioner's Self Reflection Tool<sup>6</sup>.

75. Self assessment is an established and core feature of both the English and Scottish local government improvement regimes, for example, the Scottish Improvement Service promotes and supports the roll-out of self-assessment through the Public Service Improvement Framework<sup>7</sup>.
76. Councils are committed to improving services and delivering better outcomes for their communities; the WLGA is confident therefore that councils' self assessments will be rounded, robust and used to drive improvements in governance and service provision.
77. There will remain several 'checks and balances' in the system to ensure self assessments are robust; scrutiny and the new governance and audit committees will play a key role, as will informal and formal peer challenge as well as the proposed statutory Panel Assessments. It should also be noted that the Wales Audit Office will retain an audit role through the Public Audit (Wales) Act 2004 and can undertake 'sustainable development' examinations through the Wellbeing of Future Generations (Wales) Act 2015.
78. The Minister for Housing and Local Government has confirmed that she intends to provide improvement grant funding to the WLGA to re-establish a sector-led improvement support resource for Welsh local government. This development is very welcome and will allow the WLGA to provide guidance, promote good practice as well as coordinate peer support and challenge to authorities. The WLGA is currently discussing the scope of the funding and remit with the Welsh Government and intends to work closely with the LGA in developing and coordinating peer challenge arrangements in Wales.
79. The WLGA has previously not supported the introduction of statutory Panel Assessments. The WLGA does not believe these corporate peer assessments should be made statutory as councils would undertake them on a voluntary basis. Making them statutory could turn an existing effective self-improvement process into a quasi-regulatory arrangement, which could stifle engagement, openness and ownership and undermine their value. The WLGA and local government professionals are however engaged in constructive discussions with Welsh Government officials to explore how Panel Assessments may be coordinated and delivered as effectively as possible and the WLGA's view is that any guidance should allow local flexibility in terms of panel make-up and focus, to ensure an authority can tailor it to its own needs and priorities.
80. Corporate peer challenges are credible, effective and well regarded. Peer challenges are independent and can provide some challenging messages to an authority, therefore concerns about any future Panel Assessment's objectivity are unfounded. The effectiveness and value of corporate peer reviews has been endorsed by an independent evaluation by Cardiff Business School in 2017<sup>8</sup>.

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<sup>6</sup> [https://futuregenerations.wales/resources\\_posts/self-reflection-tool-2019/](https://futuregenerations.wales/resources_posts/self-reflection-tool-2019/)

<sup>7</sup> <http://www.improvementservice.org.uk/psif.html>

<sup>8</sup> <https://www.local.gov.uk/sites/default/files/documents/Rising%20to%20the%20Challenge%20February%202017%20-%20FINAL.PDF>

81. Prior to changes in the WLGA's previous improvement role, the WLGA Council had agreed that every council would receive a corporate peer review once during a rolling four year period (as is the case in England) and the WLGA had coordinated 8 peer reviews between 2013-15. Pembrokeshire County Council has commissioned the LGA (supported by the WLGA) to deliver a Corporate Peer Review in February 2020.
82. The proposed Ministerial powers to provide support and assistance and direction (as a last resort) are broadly supported as they largely reflect existing powers. The WLGA however does not support S102 which proposes a Ministerial power to direct a council to provide support and assistance to another council. This should be amended to a Ministerial power to 'request' support from another authority. Councils are committed to providing mutual improvement support and already share expertise and peer support where appropriate; such powers to direct are therefore unnecessary and undermine local democracy. Should an authority decide that it was unable to provide particular support to another authority, such a decision would not be taken lightly and is likely to be due to capacity or resource constraints which may have negative consequences on the performance of the authority itself.

### **Governance and Audit Committees**

83. The WLGA supports the proposed role of new Corporate Governance and Audit Committees. The relationship with and role of councils' overview and scrutiny committees will however need to be reviewed in the new constitutional arrangements to avoid confusion and duplication of roles.
84. The WLGA does not support the proposed changes to the membership of corporate governance and audit committees. Lay members are valued members of audit committees currently, but the balance of membership should be left to local discretion. The proposal to increase the proportion of lay membership and that the chair must be a lay member fetters local discretion and undermines local democracy, particularly as the reformed committees will have an enhanced role in terms of overseeing the governance and service performance of councils.

### **Part 7 Mergers and Restructuring of Principle Areas**

85. The WLGA and local government are supportive of the concept of voluntary mergers as such reforms are a matter for local discretion and if individual councils jointly develop a business case and agree a merger locally, then they should be supported in their local reforms.
86. A draft 'Prospectus for Voluntary Mergers' outlining guidance and support for authorities has been co-developed through the Local Government Working Group, which was chaired by Derek Vaughan.

## **Parts 8 and 9: Finance and Miscellaneous Reforms**

87. The WLGA supports the provisions to allow PSBs to demerge.
88. The proposed changes to the performance arrangements of Fire and Rescue Authorities have been generally welcomed by Fire and Rescue Authorities. The move away from the current performance management arrangements under the 2009 Measure are supported, as the arrangements are no longer suitable. Whilst there is support for a new performance management system grounded in the National Framework for Fire and Rescue Services, the Bill does not include significant detail and the new performance management system should reflect the differences in risk within communities and across the authority areas, as noted in the submissions from the Mid and West Wales and South Wales Fire Authorities.
89. The WLGA shares the concerns outlined by the Fire Authority submissions regarding the proposal to amend the public inquiry criteria where changes are proposed to any of the elements of the Combination Scheme Order that establishes the Fire and Rescue Authority and Fire and Rescue Service. The public inquiry provisions were introduced in 2004 to ensure due regard was given to the safety of firefighters or the community before significant reforms could be introduced. The proposed amendment would mean that a public inquiry would no longer be held for several areas of significant reform of Fire and Rescue Authorities including changes to the funding mechanisms, governance structures and systems and appointment of officers.
90. There is general support for the proposals which relate to supply of information and power to inspect. The power to give Billing Authorities the right to inspect properties will potentially incur additional costs and the recognition of this is welcomed. The proposal linking the NDR multiplier increase to the Consumer Price Index in line with England is also welcomed.
91. The Bill also modifies the Local Government Finance Act 1992 to abolish the power for local authorities to apply to consign an individual to imprisonment for non-payment of council tax. This power has already been taken away by regulation and this further change is to place it in primary legislation. Although there may be a slight deterioration in the collection rate as a result, we will continue to work with Welsh Government to consider whether any future amendments to legislation are needed to prevent loss of income through falling collection rates.



## Annex B

Julie James AC/AM  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref: JJ/32/19

Cllr. The Baroness Wilcox of Newport  
Leader - Welsh Local Government Association  
Local Government House  
Drake Walk  
Cardiff  
CF10 4LG

Debbie.wilcox@newport.gov.uk  
cc daniel.hurford@wlga.gov.uk

November 2019

Dear Debbie

Thank you for inviting me to the WLGA Executive Board meeting on 25 October. As indicated at that meeting, I am now writing to formally invite proposals from local government as to which local authorities would wish to come together for the purposes of development of Corporate Joint Committees (CJCs).

As we have previously discussed, Welsh Ministers will be able to establish Corporate Joint Committees for a core set of functions in the areas of Transport, Strategic Planning, Economic Development and Improving Education. My intention is to establish Corporate Joint Committees with responsibility for Transport and Strategic Planning as soon as possible.

I have made it clear that there is a window of opportunity for us to work together to develop these proposals and my preference is for local authority leaders to identify their preferred regional partners.

I am disappointed that the WLGA Executive Board voted to reject the principle of the Welsh Government having the power to instigate the establishment of Corporate Joint Committees in a limited number of specified functional areas.

However I continue to offer the opportunity, which I hope you will take, for local government to co-design the regulations to ensure that Corporate Joint Committees deliver a regional model that works for local government.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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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.

I look forward to receiving your proposals and to continuing the constructive discussions on the development of the Corporate Joint Committee regulations.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The script is cursive and fluid, with the first name "Julie" and the last name "James" written in a single continuous line.

**Julie James AC/AM**

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

## **Annex C**

### **Local Authority and Other Bodies' Views on Corporate Joint Committees**

#### **Extracts from Written evidence submitted to the Equalities, Local Government and Communities Committee<sup>1</sup>**

##### **City and County of Swansea Council**

1. There is general support for provisions for better collaborative working however there are some concerns around whether there will be additional bureaucracy created and any impact on service delivery within the Authority. There are also concerns around funding of Corporate Joint Committees and the ability to recruit appropriately skilled staff.

##### **Rhondda Cynon Taf County Borough Council (submitted by Overview and Scrutiny Committee)**

2. Members cited positive examples of joint working arrangements such as Cardiff Capital Region City Deal, but expressed concern at the scrutiny deficit in other joint committee arrangements, with some members pointing to Joint Education Consortium arrangements as an example. Members believe that understanding the wider government model and the accompanying need for clear joint scrutiny arrangements in any of the Corporate Joint Committees (CJs) would be key to these future proposals and how they operate in the wider local government governance model.

##### **Ceredigion County Council**

3. The power for local authorities to establish Corporate Joint Committees (CJs)  
  
Agreed.
4. Ministerial powers to establish CJs in the functions of school improvement, economic development, strategic planning and transport:  
  
Agreed.
5. It is important to distinguish between school improvement and education improvement.
6. The principle of mandation of CJs by Ministers in any service area is not agreed.

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<sup>1</sup> <http://www.senedd.assembly.wales/mgConsultationDisplay.aspx?id=376&RPID=1377209&cp=yes>

7. Local authorities should be able to determine the CJC footprints and which functions (within the 4 services) were transferred into CJsCs. In respect of a failing authority, it is not clear what the Ministerial powers of intervention will be in relation to the other authorities within the CJC footprint. It is not clear what will happen if a Leader job-shares, or with Leader remuneration. It is not clear whether Councils can nominate/designate a deputy in absence. Chairs should rotate on a fixed term to prevent a dominant authority developing. Quorum of 70% may be unrealistic. Joint Scrutiny arrangements should be incorporated into Regulations. Similar arrangements should be in place for Governance and Audit Committees. Local Authority Code of Conduct for Members should be sufficient. The costs and resources involved by way of Officer time and "goodwill" in supporting the CJC's should not be underestimated.

### **Monmouthshire County Council**

8. Discussions around Collaborative Joint Committees have been rehearsed extensively in recent months and the local government family has expressed real concerns about the principle of 'mandation' which is seen as undermining local democracy.
9. The inclusion in The Bill of the requirement that Welsh Ministers can only establish a CJC in the areas specified in s79(3) and following extensive local consultation with the groups outlined is a positive step away from 'mandation' as is the caveat that Ministers can only change the purpose of an established CJC with the consent of the CJC itself and relevant local authorities as per s82. However, we would propose that this develops to the point whereby the establishment of CJsCs can only take place with the consent of local authorities and without provision for Welsh Government to impose them, and we would welcome the opportunity to continue to contribute to this ongoing discussion.
10. Through discussions it is hoped that further clarity will emerge on myriad practical considerations regarding CJsCs, examples of such include: will the Ombudsman have powers over those carrying out duties as part of them; will they need their own Monitoring Officers and standards committees; who will carry out functions of scrutiny; how will things reserved to Council only be dealt with; will there be provision mandating attendance of Members etc.?

### **Powys County Council**

11. Mandation of the footprint is opposed. The Council are more than happy to work with Ceredigion where considered appropriate, a recent example of this would of course be the work on the Mid Wales Growth Deal. However, we would also want to retain complete flexibility to work with others as and when required. Furthermore we seek reassurance that the proposed CJC footprint would not be a barrier to successfully achieving such cross border working with partners other than Ceredigion in the future as we have 17 Local Authorities on our borders.

12. The position is borne out by the cross border working arrangements for the four areas identified as being the first to be considered for CJC's:

- Educational improvement- PCC currently work with 6 authorities within ERW.
- Transport planning - PCC work with Ceredigion and Gwynedd to consider transport planning across Mid Wales and into South Gwynedd (Meirionnydd)
- Economic Development- PCC works across all its 13 boundaries where appropriate as economic activity simply does not recognise our administrative boundaries. As an example we are currently working as Joint Venture partners with NPTCBC and Welsh Government on the Global Centre of Rail Excellence project in Ystradgynlais.
- Planning - PCC whilst having its own LDP we work closely with the BBNPA h the south and neighbouring authorities on the their LDPs.

### **Conwy County Borough Council**

13. Part 5 – Collaborative working - The Bill proposed the establishment of Corporate Joint Committees (CJCs)

14. The Head of Law and Governance advised Members that the above proposal would give the power for Local Authorities to request CJCs for any of their functions. The Bill also provided Ministerial powers to establish CJCs in the functions of school improvement, economic development, strategic planning and transport.

15. The Welsh Local Government Association (WLGA) Council and the WLGA Executive Board had previously expressed concerns about the mandating of CJCs and the need for assurances and safeguards against future Ministers using the power in other service areas.

16. Concerns were raised in relation to the possible loss of local democracy as only Leaders would sit on the CJCs and the CJCs would have their own powers to make decisions. Further concerns were raised in relation to resourcing the CJCs and governance issues in terms of scrutiny call-in procedures.

17. Members agreed that CJCs could work if they were established by Local Authorities, with a wider membership, as joint working with neighbouring Local Authorities had already proved successful, with the North Wales Growth Bid given as an example. Local Authorities should not be mandated by the Welsh Government to establish joint Committees.

## 18. Part 5 – Collaborative working - Regulations for Corporate Joint Committees (CJCs)

19. The Minister for Housing and Local Government has expressed her desire that the Regulations should be co-produced with Local Government and there was scope for existing governance agreements and arrangements (such as City Deal or Growth Bid Joint Working Agreements or Governance Agreements) to be transferred into Regulations to avoid duplicating, 'reinventing the wheel' or undoing or undermining existing, effective arrangements. No, there should be no mandation from the Welsh Government to form CJCs.

## **Denbighshire County Council**

### Part 5 – Collaborative Working by Principal Councils

20. The Council does not oppose Corporate Joint Committees in principle provided that they are to be created only as a result of a request being made by the constituent local authorities because they believe that this model is the most appropriate way to deliver the function in question. The council is totally opposed to the creation of Corporate Joint Committees by Welsh Ministers where no request has been made by local authorities. The proposal that Welsh Ministers should be able to do so is mandation and the Council considers this to be unacceptable.
21. Members also expressed concern that Corporate Joint Committees would be less accountable to local residents than Councils. The lack of information regarding the content of regulations in respect of voting rights, funding, delegation and the transfer of staff, property and liabilities made it difficult for members to make more detailed comment.
22. The proposals do not appear to solve the issue of non-local authority partners being able to take a full and equal role on corporate joint committees, e.g. universities and colleges. Currently such partners may only participate in joint committees as non-voting advisers and the proposals as drafted do little to change this.

## **Wrexham County Borough Council**

23. In our response to the 'Reforming Local Government – Resilient & Renewed (2017)' consultation, we expressed our concern in relation to the enforced removal of local choice and the mandatory introduction of regional working models. We highlighted the tension between potential economics of regional services and the potential accountability and engagement of local services, as well as the costs of establishment and the risks of regional working footprints being too large. We believe that government funding streams must continue to be directed local authorities.

24. We would welcome co-production of the Regulations relating to the establishment of Corporate Joint Committees (CJCs), in terms of specific functions, boundaries and governance arrangements, and support provisions which keep local government and local government requirements at the heart of regional working. We would caution against the stipulation that members of CJCs shall comprise the Leader of a constituent Council given that the portfolio in question may lie with another executive member of the Council who may be better placed to participate in the CJC. A stipulation that the membership comprise a member of the executive would provide greater flexibility particularly if more than one CJC emerges in an area. Regulations should provide for a substitute executive member to be able to attend meetings and for other executive members to be appointed to subcommittees of a CJC.
25. In our response to the Strengthening Local Government (2018) consultation, we also indicated that we would be keen to explore the opportunity to enter into joint committees with other non-public bodies, who can currently only participate in advisory capacities.

### **Anglesey County Council**

26. Powers to establish Corporate Joint Committees (CJC's) is subject to national debate between WLGA and Welsh Government. Allowing Welsh Government to mandate CJS's is not supported and the potential to extend to areas outside current proposed scoping areas need to be monitored closely – this could lead to confusion/disruption at the expense of focusing on delivering real change locally.
27. The track record of North Wales Councils working organically in promoting regional work needs to be acknowledged. These changes added to existing statutory requirements e.g Social Services Act and Future Generations Act place significant demands, as well as voluntary initiatives such as the Joint Planning Policy Committee with Gwynedd and the Regional Education Consortium (GwE), as well as the Regional Economic Ambition Board. This potentially would over centralise arrangements for strategic planning/key services and risk that local government/accountability is diluted. There would be unknown cost and additional logistical demands placed on Councillors /Officers. –this need to be addressed. The national debate should focus on these important governance issues. Local authorities should co- produce with Welsh Government regulations that are fit for purpose for defined services in question, and ensure that changes safeguard service delivery, local accountability and ensure value for money. The case to change/transfer any existing arrangements need be properly considered and benefits identified at the outset. Overall governance arrangements need to be debated.
28. Other considerations are highlighted namely funding issues and burden on Councils having to maintain key local services and additional regional

arrangements. The Regulations around the operation of the proposed sub – committees will need full consideration. Guidance should address issues of governance including the need for statutory officers to support, access to information regulations, web-casting and remote attendance.

### **Cyngor Gwynedd (Original in Welsh)**

29. Yn bennaf, teimlir y byddai creu Cyd-bwyllgorau Corfforedig ar sail y model yn y Bil yn creu haen arall ychwanegol o lywodraeth leol, gyda'r effaith fod democratiaeth a phenderfyniadau yn ymbellhau ymhellach oddi wrth y dinesydd.
30. Nid yw'r Bil yn darparu eglurdeb ynglŷn â sut ac ym mha fodd y byddai swyddogaethau nad ydynt yn perthyn i weithrediaeth yn cael eu cyfarch yn y gyfundrefn. Mae hyn yn cynnwys mabwysiadu'r Fframwaith Bolisi a Chyllid. Mae cyd weithio effeithiol yn seiliedig ar achos busnes eglur dros gyfuno ond hefyd cydsyniad a chytundeb gan y Cyngorau ynglŷn â'r cyfeiriad strategol. Mae hyn yn elfen allweddol i lwyddiant cyd-weithio nad yw yn amlygu ei hun mewn dogfennau cyfansoddiadol neu ddeddfwriaeth. Yr hyn sydd yn nodweddiadol o gydbwyllgor o'i gymharu ag awdurdod rhanbarthol yw atebolrwydd i'r fam awdurdodau. Byddai'n angenrheidiol i'r trefniadau gyfarch hynny yn arbennig felly os yw'r CBC yn arddel pwerau strategol a chyllidol. Heb hyn byddai'n mynd yn groes i ysbryd y Bil o fod yn ceisio annog a hybu mynediad at Lywodraeth Leol a chymryd rhan a dylanwadu ar benderfyniadau.
31. Ochor arall y geiniog yw'r pryder am rôl Arweinyddion yr awdurdodau presenol mewn perthynas â threfniadau o'r fath, yn arbennig y pwysau trwm a fyddai'n annatod ar eu hysgwyddau. Mae modelau cyd-weithredol e.e Gwasanethau Gwella Ysgolion yn golygu fod aelodaeth y Cyd Bwyllgorau yn cael eu tynnu o blith yr aelodau Cabient perthnasol sydd yn uniongyrchol atebol i'w Hawdurdodau am y gwasaneth. Mae'r model fel y'i nodir uchod yn anorfod yn gwanio yr atebolrwydd a'r cyswllt uniongyrchol yma.
32. Dylid hefyd nodi ein bod o'r farn nad yw'r hyn sy'n cael ei gynnig yng nghydestun cydbwyllgorau corfforedig yn ddigon hyblyg. Er enghraifft, mae'r cais i adnabod yr ôl-troed y byddem yn dymuno gweithio arno yn creu anhawster yno'i hun. Nid cyd-weithio ar draws Gogledd Cymru fyddai'r ateb gorau o anghenraid ar gyfer pob maes. Rydym eisoes yn cydweithio ar hyd arfordir y Gorllewin ar gyfer rhai datblygiadau, a gyda Môn ar faterion eraill. Nid oes hyblygrwydd digonol yn y Bil ar gyfer addasu i ofynion lleol a'r trefniadau lleol gorau. Nid ydym yn dadlau fod profiad o weithio ar y cyd wedi adnabod agweddau ble y gellir gwella'r ddarpariaeth ddeddfwriaethol. Mae hyn yn cynnwys trefniadau penodi a gosod cyflogau ar y cyd, dal eiddo a gweithredu hawliau cyfreithiol megis ffurfio cwmnïau. Mae cyfle yn y ddeddfwriaeth yma i ddarparu opsiwn llywodraethu all gefnogi a chryfhau trefniadau cyd weithio llwyddiannus presennol. Fodd bynnag rydym o'r farn fod clymu'r atebion i strwythur caeth sydd yn cael ei ffurfio drwy ddeddfwriaeth yn creu risg y byddwn yn gwanhau'r cyd-weithio presennol drwy symud ffocws a chymylu atebolrwydd.



33. Yn y bôn, rydym o'r farn mai ar lawr gwlad y dylai unrhyw drefniadau o'r fath gychwyn, hynny yw, trwy'r awdurdodau lleol a'r cynghorau cymuned. Rydym o'r farn ei bod yn angenrheidiol cychwyn gyda'r haen agostaf at y bobl, sef y cynghorau cymuned. Dylid ystyried y cyfle i'w hadolygu, gan ystyried cyfleo i newyd, cyd-weithio neu uno, a hynny yn seiliedig ar benderfyniadau a dewis lleol. Mae hyn yn unol â'r egwyddor cyffredinol o benderfyniadau lleol yn hytrach na gorfodaeth i gyd-weithio. Yn yr un modd rhaid i Awdurdodau Lleol fod yn glir o'r budd o sefydlu trefniadau cyd-weithio, ac mae perchnogaeth leol i adnabod y ffordd orau ymlaen yn allweddol. Fel arall mae ymdeimlad mai ad-drefnu llywodraeth leol trwy'r drws cefn yw hyn, ac rydym yn gwrthwynebu hynny yn gryf.

### **Gwynedd Council (translated via Bing translate)**

34. In the main, it is felt that the creation of joint corporate committees based on the model in the bill would create another additional layer of local government, with the effect that democracy and decision-making are distanced further from the citizen.

35. The bill does not provide clarity on how and how non-executive functions would be greeted in the regime. This includes the adoption of the policy and financial framework. Effective joint working is based on a clear business case for amalgamation but also consent and agreement from the Councils on the strategic direction. This is a key element to the success of a joint working that does not manifest itself in constitutional documents or legislation. What is typical of a joint committee compared with a regional authority is accountability to the mother authorities. It would be necessary for those arrangements to greet that particularly if the CJC takes strategic and fiscal powers. Without this it would go against the spirit of the bill in seeking to encourage and promote access to, and participation in, local government and influence decisions.

36. The other side of the coin is the concern about the role of the leaders of the current authorities in relation to such arrangements, in particular the heavy weight that would be inherent in their shoulders. Co-operative Models E. G School improvement services mean that the membership of the joint committees is drawn from the relevant Cabinet members who are directly accountable to their authorities for the service. The model as set out above inevitably weakens this direct accountability and contact.

37. It should also be noted that we consider that what is being proposed in the context of corporate joint committees is not sufficiently flexible. For example, the application to identify the footprint that we would wish to work on creates a difficulty there itself. Co-operation across north Wales would not necessarily be the best solution for all areas. We are already working together along the west Coast for some developments, and with Anglesey on other issues. There is no sufficient flexibility in the bill for adapting to local requirements and the best local

arrangements. We do not argue that experience of joint working has identified aspects where legislative provision can be improved. This includes joint appointment and pay-setting arrangements, property holding and the implementation of legal rights such as company formation. There is an opportunity in this legislation to provide a governance option that can support and strengthen existing successful joint working arrangements. However we consider that tying the solutions to a rigid structure formed by legislation creates a risk that we will weaken existing co-operation by shifting the focus and the comparability of accountabilities.

38. Basically, we believe that any such arrangements should start on the ground, that is, through the local authorities and community councils. We believe that it is necessary to start with the most intimate layer to the people, namely the community councils. Consideration should be given to the opportunity to review them, taking into account a local approach to starvation, joint working or merger, based on decisions and choice locally. This is in line with the general principle of local decision-making rather than compulsion to co-operate. Similarly local authorities must be clear about the benefits of establishing joint working arrangements, and local ownership of identifying the best way forward is key. Otherwise, there is a sense that it is local government reorganisation through the back door, and we strongly oppose that.

### **Pembrokeshire County Council**

39. We note that Welsh Government is currently consulting on both the principles of collaborative working via the Bill and on the detailed Regulations that will be enabled by it.
40. We note that debate over regional footprints has been protracted and that the Bill has the potential to reduce duplication. However, Members noted that mention of health-based collaborations established under the Social Services and Well-being Act are conspicuous by their absence.
41. Members welcomed the provisions in the Bill for voluntary collaborative working. Members' view is that the outcome from a Corporate Joint Committee must be driving up value and increasing service quality. They noted that, as drafted, the provisions have the potential to significantly increase the workload of the Leader. We agree with the view that the WLGA has already expressed on mandation and note Welsh Government's response that it is still committed to mandation of the four function areas in the Bill.
42. Welsh Government has also asked for our views on our preferred footprint for mandated regional working.
43. Members are clear on their view that a single geography for all four mandated functions is not their preferred option. Members are firm in their view that the Swansea Bay City Deal area makes sense for economic development, transport

(and to a lesser extent, strategic planning). They are also clear, that whilst ERW has experienced difficulties, its six county footprint offers us the greatest opportunity for improving our educational outcomes.

44. If faced with a straight choice of a four or six county footprint for all four functions, with no option of having more than one CJC for these, we would opt (on balance) for the Swansea Bay City Deal area.

## **National Parks Wales**

45. Section 77 proposes a power to make regulations to establish a body corporate, where a corporate joint committee application has been made, to exercise functions specified in the regulations in respect of two or more principal areas. The Statement of Policy Intent proposes that regulations made under this power will create a new corporate body for the delivery of specified functions of principal councils.
46. As the Bill is drafted, Corporate Joint Committees (CJCs) appear to be limited in membership to principal councils and suggests that it is not intended for National Park Authorities to be part of any CJCs.
47. If such governance arrangements come into being which may include the geographical area of one or more of the National Parks, the Bill proposes that they will be able consider Transport, Strategic Planning, Economic Development and improving Education. As independent Local Authorities (but not principal Councils) which are also the Local Planning Authorities with land areas within other Local Unitary Authorities there is obvious potential for uncertainty, ambiguity and unintended consequences not only for the management of National Parks and how such will impact on our duties and purposes in terms of strategic planning and economic development but also in the effective delivery of its duties by the CJC's. One potential solution would be to designate National Park Authorities as principal councils for this purpose only. Alternatively, clarification could be provided in the Bill that if a CJC is established which includes an area designated as a National Park, this is not to impact on the statutory functions of the National Park Authority. This would be our preferred option.
48. The list for consultation contained in Section 80 (2) in connection with the establishment of a Corporate Joint Committee should be extended to include National Park Authorities. The reason for this is that of the four potential areas for establishing a Corporate Joint Committee National Park Authorities have a role or a significant input in three of the areas. These are:
- a. Strategic planning for the development and use of land;
  - b. Transport;
  - c. Economic development

## ESTYN

49. The proposals in part 5 for joint action between councils, set out a coherent process and clear conditions by which two or more councils might come together to establish a corporate joint committee to exercise a function or functions in respect of the principal areas of those councils. The proposal also sets out clearly where the Welsh Government might direct councils to form a joint committee. Section 79 (3) (a) (i) is clear that this would include improving education.
50. The provisions made for this in the Bill are likely to better support local authorities in the discharge of their school improvement duties through the Regional Consortia. Further the provisions would also enable additional work to be passed forward to the Regional Consortia where appropriate, at the discretion of the local authority or the Welsh Government.
51. The provisions under section 77 (4) (a) and (b) raise the possibility of a principal council choosing to either transfer a function, or retain that function. The implications for both local authorities and Regional Consortia for the discharge of school improvement statutory duties will need further exploration and clarification. Our published reports on the work of the regional consortia for school improvement have demonstrated that it takes time to establish effective joint arrangements. It also requires the full commitment of the constituent local authorities. The proposed arrangements will clearly place this type of regional service on a much stronger and clearer statutory footing. By working together, local authorities are able to create a critical mass of expertise to support education improvement more effectively. The provisions will allow local authorities to identify the most logical partner authorities to work with which in some cases may be the current Regional Consortia groupings.
52. It would be helpful to define what is meant by services that improve education. Our evidence from inspections of both schools and local authorities demonstrate the complex interplay of factors that contribute to the success of a school and its pupils.
53. A wide range of services can contribute towards education improvement, not all of which are defined as being part of the current regional consortia for school improvement. For example, would behaviour support services, educational welfare services or services to support special educational needs be functions that could be delivered through a corporate joint committee for education improvement?
54. It would also be helpful to clarify whether the inspection powers which Estyn has with regards to local authorities under section 38 of the Education Act 1997 (<https://www.legislation.gov.uk/ukpga/1997/44/section/38>) will be applicable to any CJC. For example, would we need to inspect and report on the delivery of school improvement by a CJC separately from the inspections of the constituent

local authorities? Under Section 78 (3) of the Bill, it would be helpful to list any relevant inspection bodies as statutory consultees.

### **Auditor General for Wales**

55. It seems to me that Corporate Joint Committees fall within the definition of joint committees set out in section 12 of the Public Audit (Wales) Act 2004. However, the Bill and the Explanatory Memorandum do not make this explicit. It would be helpful if this were clarified. In any event, and especially as they are to hold assets. Corporate Joint Committees will need to prepare accounts and be audited.
56. The Committee may want to note that I, and my predecessor, have frequently commented on the complexity of structures and governance in the public service landscape in Wales. I am not clear from the provisions of Part 5 of the Bill, or the explanatory memorandum, whether this will improve or worsen complexity. Careful consideration will need to be given through guidance and regulation to ensure that there is proper coherence, integration and efficiency in the exercise of these provisions.

### **Future Generations Commissioner**

*(From Transcript of oral evidence to Committee on 11<sup>th</sup> December<sup>2</sup>)*

57. I think then there's perhaps a missed opportunity around the structures...But I don't think you can divorce the establishment of those structures from the ability of people to participate and get involved. And I think what we've got at the moment is already a really complex landscape, where it's really difficult to see who takes decisions where. And if we want people to be involved and engaged, and actively get involved in decision making, they've got to be able to understand that system. So, whilst I don't—I have some issues, which I'll perhaps go on to later, in terms of these committees—have a massive problem with them per se, but I do think there's perhaps a missed link between creating more layers and how that might impact on public participation and involvement and transparency. Perhaps that's something that could be dealt with through guidance and regulations....
58. I think anything that brings different elements of services together to work in a collaborative way is a move in the right direction. I think, however, that they're a bit of a random selection of services and functions to be brought together. Everything is linked to everything, so I'm not against it, but I think it's more on the basis of what's already emerging at the moment, and the structures and functions that perhaps might be moving in that direction are proposed to come in to this, rather than, 'Okay, if we were to develop a sensible approach to one public service, what would that look like?'

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<sup>2</sup> <https://record.assembly.wales/Committee/5757>

59. I think it very much depends on what the guidance and regulations are going to say, and how much of a push that guidance is going to give towards this being a starter for other functions to come in separately. So, that would be a positive thing, if that is the direction of travel that we're actually moving towards. The less optimistic view of that is we still have multiple other partnerships. So, you've got PSBs, APBs, RPBs, RSPs, CSPs, and you'll now have a—what's the acronym for this one—regional whatever it is. And there is not clear guidance at the moment in terms of how they all link together.
60. So, some of the issues that I've been raising with the Minister have been particularly around the link between regional partnership boards and public services boards, and that's not clear at the moment at all. And what we have is a situation where you have the public services board, with its well-being plan, planning holistically for the well-being of the area. They then have to link in—so, if they've got an objective on, say, giving every child the best start in life, which a lot of them do have, that can only be delivered through really clear working arrangements with the regional partnership board, with the area planning board, probably with the community safety partnership, and probably with the regional skills partnership. But those clear lines of accountability and governance are not in place at the moment....
61. Public services boards can merge now. My view is that they should merge. Currently, only two have merged—in Cwm Taf, so Merthyr and Rhondda Cynon Taf. Gwynedd and Anglesey have kind of merged informally. But for us to think that without a really clear steer or—and I know that public bodies don't like the word 'mandating', but for us to think that they're suddenly going to have a massive change in heart because we've created another new structure—. I'm not sure that that's a realistic prospect.
62. The jury's out; I think the regulations and guidance would have to be really strong on that. I think that there are perhaps some opportunities, and maybe you're going to come on to the peer review parts of the Bill. There are perhaps some opportunities there in terms of the regulations and guidance around how collaboration and whether these new entities and existing local government entities, and any of the other structures, have considered collaboration with others, and taken active steps towards sorting out the governance arrangements so that they can better collaborate with each other. If that is something that, if they haven't explored, it would almost be a reflection of them not performing in the way that we would expect them to be performing, then that could be something that would help to move them in the right direction. But I think the Bill is fairly passive in that space and perhaps overly optimistic about anyone out there making the necessary moves to clarify any of this if Government are not going to.
63. I'm not sure if it will introduce more barriers. I think that, in these functions that are proposed in this committee, I can see how effective decision making can be made within that. I think the problem is whether that effective decision making

at that level is at all supporting the aspirations and objectives of the other public bodies, which is what it should be doing, or whether it's completely at odds with them.



CLILC • WLGA

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## **BREXIT UPDATE**

### **Purpose**

1. This report provides an update on latest developments relating to Brexit that are of relevance and interest to local authorities.

### **Background**

2. Brexit has been a standing item on the agenda for recent meetings of the WLGA Council, Executive Board and Management Sub-Committee.
3. The report to the Executive Board on 29<sup>th</sup> November was in advance of the General Election on 12<sup>th</sup> December. The return of a Conservative Government at the election with a majority of 80<sup>1</sup> enabled it to introduce a revised version of the Withdrawal Agreement Bill (WAB) into Parliament for its second reading on Friday 20<sup>th</sup> December. Key changes included:
  - 3.1 No further extension can be sought (although the Agreement with the EU includes provision to request a further extension so long as this is done by 1st July 2020);
  - 3.2 Clauses on workers' rights will now be covered via a separate bill and were taken out of the WAB;
  - 3.3 Parliament's role in negotiations has been removed; and
  - 3.4 The position taken by the Government in its negotiations over future relations with the EU no longer has to align with the (non-binding) political declaration.
4. The WAB was passed by a majority of 124. It turns the withdrawal agreement, which is a draft international treaty, into UK law and gives the government permission to ratify it.
5. The Bill was referred to a Committee of the Whole House on Tuesday 7<sup>th</sup> January 2020. Proceedings continued on the Bill on Wednesday 8<sup>th</sup> January and concluded on Thursday 9<sup>th</sup> January 2020. It then passed on to the House of Lords and (at the time of writing) was expected to go forward to receive Royal Assent. It would then have to be ratified by the European Parliament (expected on 29<sup>th</sup> January). From 11pm on 31<sup>st</sup> January the UK legally ceases to be a member of the EU.

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<sup>1</sup> As 7 Sinn Féin MPs do not take their seats and the Speaker and deputies do not vote, there is effectively an 87 seat 'working majority'.

## What happens next?

6. There will now be an eleven month transition period up until the end of December 2020. During this period the UK Government aims to negotiate a free trade deal with the EU. Throughout the transition the UK will:
  - 6.1 Still follow all the EU's rules and regulations;
  - 6.2 Remain in the EU's single market and customs union;
  - 6.3 Continue to make financial contributions to the EU;
  - 6.4 Continue to be subject to EU law and accept rulings from the European Court of Justice;
  - 6.5 Permit the free movement of people throughout the EU;
  - 6.6 Remain part of the EU's security cooperation arrangements; and
  - 6.7 No longer be represented in the EU's political institutions, including the European Council and the European Parliament (with the UK MEPs' term of office ending as of 31<sup>st</sup> January).
7. The UK Government believes that, as it is starting from a position of alignment with EU rules and regulations, negotiation of a free trade deal should be relatively straightforward. However, the UK will also be looking simultaneously to negotiate free trade deals with other countries (e.g. the USA and Australia). These could complicate EU-UK negotiations, depending on what is proposed in these other deals and how far terms diverge from the current position within the EU.
8. The Prime Minister is setting up 'Task Force Europe' to replace the Department for Exiting the European Union which shuts down on 31<sup>st</sup> January. It is understood that the Task Force will be run directly by the Prime Minister and the Cabinet Office. It will be led by the Prime Minister and David Frost, his senior Europe adviser. It mirrors the 'Task Force for Relations with the UK' which has been established by the EU, led by Michel Barnier who also led the EU's negotiations on the Withdrawal Agreement.
9. The first thing to happen will be that the EU and the UK will have to publish their negotiating objectives. EU member states are expected to agree their negotiating mandate on 25 February, which will then be handed to Michel Barnier and officials at the European Commission. The UK PM has 30 days from 31<sup>st</sup> January to publish the UK's negotiating position.
10. Talks on setting up a border in the Irish Sea can begin from 1<sup>st</sup> February. Special committees of British and EU representatives will meet to agree the technical detail of implementing the protocol on Northern Ireland. Under the Agreement, Northern Ireland will continue to follow EU rules on agricultural and manufactured goods etc., with a separate status to Great Britain. Northern Ireland will continue to enforce the EU's customs code at its ports. The situation will be subject to periodic review.

## Implications

11. If a free trade deal is successfully negotiated by the end of 2020 it would not eliminate the need for checks on goods flowing between the UK and EU. A range of non-tariff barriers including customs declarations and inspections could be required. UK businesses need to be prepared for this.
12. Once the transition period ends, the UK will be able to diverge from the EU if it decides not to follow future changes in EU law, if UK courts decide to interpret existing EU law differently or if the government introduces changes into UK law. However, the scope for divergence could be constrained by terms in agreements designed to guarantee a 'level playing field'. For example, trade deals may include provisions regarding environmental standards that have to be met in relation to the goods being traded.
13. Any deal negotiated by the end of 2020 is thought likely to be fairly 'thin' in coverage. The Director General for Trade in the European Commission, Sabine Weyand, has said the ambition of any deal will need to be pared back. The Commission is understood to be working on a "basic package with a basic free trade agreement for goods linked to conditions of level playing field, governance, external and internal security and fisheries".
14. The European Commission President, Ursula von der Leyen, has also expressed her concern that eleven months is insufficient to negotiate a comprehensive deal. She has stated that areas such as trade in goods and access to UK waters for European fishing fleets will be prioritised. A trade deal focused on goods alone would fail to address the service sector which accounts for around 80% of the UK's economic activity. The ability, subsequently, to negotiate stand-alone deals on services is unclear at this stage. Trade in financial services will be a high priority for the UK government.
15. A meeting between the Prime Minister and von der Leyen took place on 8<sup>th</sup> January. The meeting was reported as a positive one. Ms von der Leyen reiterated that eleven months would not be long enough to reach a comprehensive deal covering all aspects of the future relationship. She suggested the prime minister might reconsider his rejection of an extension. However, she also said: "*We are ready to design a new partnership with zero tariffs, zero quotas, zero dumping*" and "*a partnership that goes well beyond trade and is unprecedented in scope*".
16. In this respect, trade is only one – albeit highly significant – of the matters that need be addressed during the transition period. New immigration laws will be needed to replace freedom of movement and new legislation is also required in relation to agriculture and the environment, all of which are substantially supported and/or regulated by the EU at the moment. Amongst other issues that will have to be worked through are:

- 16.1 Law enforcement, data sharing and security (including policing and judicial co-operation in criminal matters);
  - 16.2 Aviation standards and safety;
  - 16.3 Access to fishing waters (the two sides have promised to aim for an agreement on fishing quotas by 1<sup>st</sup> July 2020);
  - 16.4 Supplies of electricity and gas;
  - 16.5 Licensing and regulation of medicines; and
  - 16.6 Science and education co-operation.
17. It is important to note that if a UK-EU free trade deal has not been agreed by the end of December 2020, the risk remains that we could once again be facing the prospect of a 'no deal' exit of sorts. It would be a 'no deal on the future relationship'. Assuming the WAB has been agreed by all, the withdrawal agreement would remain in place, covering the protection of citizens' rights, the UK's financial 'divorce' settlement with the EU and the revised protocol on Northern Ireland trade.
18. In such a scenario, the UK would have to trade with the EU on WTO (World Trade Organization) terms, with most UK goods subject to tariffs until a free trade deal can be agreed. There would be a range of other implications of the UK leaving the EU without a deal. Since the referendum result, local authorities have undertaken research into this and taken steps to prepare for such an eventuality. It will be important that this intelligence and these plans are maintained and updated throughout 2020, pending events.

### **Agriculture and the Common Agricultural Policy**

19. When the UK leaves the European Union it will no longer be part of the Common Agricultural Policy (CAP). On 30th December the UK Chancellor Sajid Javid announced the UK government will be providing nearly £3bn of replacement funding over two years. This is to cover farmers' direct payments across the UK next year and to supplement remaining EU funding for the UK's Rural Development Programmes. The Chancellor has guaranteed the current annual budget in every year of the current Parliament. The UK Government will fund these Direct Payments domestically from 2020.
20. The payment for 2020 will be provided across two financial years, with the majority in 2020/21 and the remainder in 2021/22 to provide flexibility for Defra and the devolved administrations. Wales will receive £231m in 2020/21 and £12m in 2021/22. As agriculture is a devolved matter, it will be down to Welsh Government Ministers to oversee the allocation to farmers.
21. The UK Government's announcement noted: "Remaining EU funding under CAP Pillar 2 (for rural development and environmental projects) will continue until the current EU funding is used up or 2023, whichever is earliest". The long term future of rural development funding has been a major concern of the WLGA Rural Forum. It was raised at a recent bilateral meeting between the Forum's co-chairs, Cllrs Dyfrig Siecryn and Rosemarie Harris, and Welsh

Government's Rural Affairs Minister, Lesley Griffiths.

22. Lesley Griffiths has called on the UK Government to give guarantees over its longer term funding plans for agriculture and other current EU funding sources. Welsh Government and UK Government are both planning to replace the Basic Payment Scheme in 2021. Both governments' new schemes will involve funding based on payment for public goods, including environmental improvements.

### **Future Regional Policy and replacement EU Structural Funds**

23. When the UK leaves the EU, it will no longer be part of the EU's Regional Policy thus will not qualify for EU Structural Funds (ERDF, ESF, European Territorial Cooperation), a source of significant funding to Wales over many years.
24. We are still waiting for details of the main replacement UK funding, the so called *UK Shared Prosperity Fund*; a formal consultation on this is due out soon. It is expected that this will be the main replacement fund, not only for EU Structural Funds, but for wider Rural Development funding (i.e. separate to the proposed new schemes for farmers).
25. In the meantime, the Welsh Government is progressing with developing its approach for replacement EU funding, the *Regional Investment after Brexit* work. Both WLGA and a number of local authority representatives are involved in developing this work via a National Steering Group and a number of Sub-Groups. A formal consultation on this proposed Welsh Government approach to replacement EU funding will be launched in March, with consultation events to be held in each of the four Regions.
26. In parallel to this the Welsh Government's Economy officials are progressing their *Regional Economic Frameworks* that aim to guide future investments at the regional level. A number of discussions are currently taking place in each region to inform this work.

### **Out of the EU but not out of Europe**

27. Although the UK and Wales are set to leave the EU, it is important to remember that we remain part of Europe. In addition to trade and economic links, there are many other ways in which our future can be enhanced and enriched through ongoing close links with European partners – educationally, environmentally, socially and culturally and technologically.
28. It will continue to be important to have ways of monitoring developments and best practice across the EU and sharing views with local government counterparts across the EU.

29. Wales currently has four representatives on the Committee of the Regions (CoR) – two nominated by the National Assembly for Wales and two by the WLGA (currently Cllrs Rob Stewart and Anthony Taylor). This representation is set to end on 31<sup>st</sup> January 2020.
30. The CoR is the European Union's assembly of local and regional representatives that provides sub-national authorities with a direct voice within the EU's institutional framework. The LGA, NILGA, COSLA and WLGA have been working together:
  - 30.1 To explore ways of retaining links with the CoR in the future; and
  - 30.2 With UK Government, to establish an equivalent arrangement at the UK level. This will be needed to ensure local government retains its formal right to input to policy and new legislation. This will apply to policies and legislation that, until now, would have been introduced by the EU but where, in future, the competence will return to the UK Government.
31. In relation to (i) above, the CoR adopted a resolution in May 2018 that recognised the value of continued cooperation, with sharing of best practice at a local and regional level after Brexit. A two-stage approach to the development of a future relationship between the UK and the CoR has been proposed. In the short term, the UK Delegation to the CoR has recommended the establishment of a joint commission, between the UK and the CoR, to ensure continuity between exit day and the establishment of a more permanent arrangement. The joint commission would be made up of 12 members on each side and would include geographical coverage from across the UK
32. This was followed by a decision at the meeting of the CoR Bureau on the 3<sup>rd</sup> of December 2019 to explore the establishment of a CoR-UK contact group, when the UK leaves the EU and subject to support from the UK. This would supersede the previously proposed joint commission and be made up of 12 members on each side. It would include geographical coverage from across the UK. Wales would have 2 members, one to be nominated by the National Assembly for Wales and 1 by the WLGA. The aim of this CoR-UK contact group would be threefold:
  - 32.1 To act as a forum for continuing dialogue and political partnership between local and regional authorities, to exchange existing know-how, in particular on cross-border implications;
  - 32.2 To provide local and regional authorities with the opportunity to discuss problems or opportunities arising from the implementation of Brexit; and
  - 32.3 Finally, to give representatives of UK and local and regional authorities a means of discussing EU acts affecting them even after the UK's departure from the EU.

33. In the longer term, the UK Delegation has suggested exploring the possibility of establishing a North-West Europe 'macro-economic region'<sup>2</sup> that could engage with the UK. Welsh Government has supported these approaches and the CoR President welcomed efforts to maintain relationships between devolved legislatures and local governments in the UK and the CoR following the UK's withdrawal. It will be important to lend support to such initiatives in the coming period.
34. In relation to (ii), the shared ambition of the four associations is to replicate the advisory role of local government in the UK. The aim is to preserve rights and responsibilities through a more streamlined and less bureaucratic process of consultation than the current CoR. The intention is not to recreate the institution of the CoR in the UK: it is about the function, not the form. The LGA was successful in getting such provision included as part of the Withdrawal Agreement and further discussions will now be needed with the UK Ministry of Housing, Communities and Local Government.
35. The WLGA is also represented on the CEMR (Council of European Municipalities and Regions), which is the Europe-wide local and regional government association. Its membership extends beyond the EU 27. Ongoing involvement in the CEMR is another way in which Welsh local government can maintain contact and dialogue with counterparts in other countries. As the Welsh Government's draft International Strategy recently stated: *"Building new relationships takes a long time, which is why it will be important to maintain and nurture existing ones, irrespective of the Brexit outcome"*.
36. The WLGA is also represented on the Council of Europe's Congress of Local and Regional Authorities. The membership of this organisation also extends beyond the EU 27 with representatives from over 40 states meeting in Strasbourg. The role of the Congress is to promote local and regional democracy, improve local and regional governance and strengthen authorities' self-government. It pays particular attention to the application of the principles laid down in the *European Charter of Local Self-Government*. It encourages the devolution and regionalisation of processes as well as transnational co-operation between cities and regions.
37. There are many other ways in which Wales has benefited from its links with the EU nations including, for example, through ERASMUS+ educational links, environmental collaborations (e.g. LIFE), research programmes (e.g. HORIZON 2020) and transnational co-operation programmes (INTERREG). It remains to be seen whether the UK Government will be willing to fund continued participation by UK partners in such programmes.

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<sup>2</sup> A European Union (EU) macro-regional strategy is a policy framework which allows countries located in the same region to tackle and find solutions to problems jointly or to make better use of the potential they have in common. Four macro-regional strategies have been adopted so far by the EU: the EU Strategy for the Baltic Sea Region (2009), the Danube Region (2010), the Adriatic and Ionian Region (2014) and the Alpine Region (2015).

## Recommendations

### 38. Members are recommended to:

- 38.1 Note the update provided;
  - 38.2 Commit to maintain and keep up-to-date the Brexit plans councils have developed, in preparation for end of the transition period;
  - 38.3 Ensure councils maintain dialogue with local partners over respective plans and preparations;
  - 38.4 Endorse work by the four LGAs to protect local government's formal role in relation to new policies and legislation where competency is transferring back from the EU to the UK ;
  - 38.5 Nominate a full member and an alternate to represent the WLGA on the new CoR-UK contact group, to be established once the UK leaves the EU; and
  - 38.6 Support efforts to maximise opportunities for continued collaboration and sharing of good practice with European partners on social, economic, environmental and cultural matters.
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Report cleared by:

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## **A MORE EQUAL WALES: STRENGTHENING SOCIAL PARTNERSHIP CONSULTATION – WLGA RESPONSE**

### **Purpose**

1. To update Members and provide an opportunity to formally agree the WLGA response to the Welsh Government White Paper *'A More Equal Wales – Strengthening Social Partnership'*

### **Background**

2. The Welsh Government published a white paper in early November entitled *'A More Equal Wales – Strengthening Social Partnership'*.
3. The aim of the proposed legislation is to: -
  - 3.1 Establish a statutory Social Partnership Council.
  - 3.2 Place a duty on public bodies to work in social partnership and promote Fair Work goals.
  - 3.3 Produce a procurement strategy in line with statutory guidance.
4. The consultation process had a very tight timescale which was further affected by the consultation closing during the Christmas closure period.
5. To ensure a WLGA response was submitted a short extension was negotiated which enabled Group Leaders and the WLGA Workforce Spokesperson to consider the response and submit it on your behalf, with a strong caveat that further political soundings will be taken.

### **The WLGA response.**

6. In broad terms, the consultation response has relied on the WLGA's existing policy positions in relation to a range of relevant issues:
  - 6.1 The WLGA and councils are already part of long-standing social partnership arrangements, notably the Workforce Partnership Council, but also other partnerships a national and local level.

- 6.2 The Fair Work goals are part of Council strategic response to eradicate poverty, economic regeneration and the provision of good quality jobs and opportunities in our communities.
- 6.3 Procurement and Commissioning already embrace the Ethical Employment in Supply Chain Code of Practice as part of its economic regeneration approach.

7 The response also re-emphasises some of the WLGA's key principles:

- 7.1 A commitment to partnership working, both statutory and non-statutory; and
- 7.2 The principle of subsidiarity, with flexibility and local accountability at its heart.

8 The full response, Annex A, is attached for Members consideration and includes a summary of the main points at page 10.

## **Recommendations**

**9 Members are asked to note the report and consider whether any additions or amendments are required to the WLGA submission.**

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# A More Equal Wales: Strengthening Social Partnership

A consultation on a legislative framework for  
strengthening social partnership arrangements  
and proposals to deliver a more equal Wales

December 2019



WLGA • CLILC

## **INTRODUCTION**

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three national park authorities and the three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA is the Employers Organisation for local authorities in Wales.
4. The WLGA is an existing partner of the public sector social partnership arrangement, the Workforce Partnership Council.
5. The WLGA welcomes the opportunity to respond to this consultation process which has significant implications for the services it commissions and procures as well as the workforce it employs and engages.

## **CONTEXT**

6. This consultation response is based on the WLGA's core principles, existing policies and priorities as well as further consultation with elected members and constituent councils.
7. The WLGA submits this response to meet the timescale for the closure of the consultation period but will continue to take further political soundings which may impact on its position. The WLGA will also review its position further as the details on any Bill are published.

## PRINCIPLES

### 8. **Reform, continuous improvement and a commitment to partnership**

- **the WLGA** believes in local government reform and continuous improvement as the processes for delivering better services and outcomes for the people of Wales. Aligned to this is an emphasis on ensuring that resources are used as effectively and as efficiently as possible. In order to deliver better outcomes for the people of Wales, it is important that local government and the Welsh Government continue to work together, based on clear principles of mutual respect and understanding. Collectively, we lead and support collaborative public service reform and improvement and ensure that the governance of regional services is democratically accountable and, wherever possible, streamlined;

### 9. **Fair and flexible funding** – councils need greater fiscal autonomy and flexibility to respond to local needs and priorities. Specific grants are a valid mechanism for supporting new policy initiatives but should be transferred into the settlement once it is agreed that the policy has been embedded. It is important that any new policies, national initiatives and legislation are fully costed and funded by the Welsh Government and councils would welcome multiyear financial settlements so that they can plan more effectively;

### 10. **Commitment to the principle of Subsidiarity** – the Welsh Government and the National Assembly should commit to the *European Charter of Local Self Government* and the principle of subsidiarity, where the presumption is that power is transferred to the level of government closest to the people. The WLGA believes that the Welsh Government has a clear national strategic role but also believes in the devolution of powers beyond central government and Cardiff Bay to local government and to local communities.

## QUESTION RESPONSES

### QUESTION 1: Do you agree with proposals to strengthen social partnership arrangements by putting them on a statutory footing in legislation?

11. The WLGA has been involved in partnership working since its inception and values and supports social partnership within the context of its core principles. The WLGA believes that decisions about how services are funded, delivered and managed should be taken as close to the point of delivery as possible or practical and that service users should be as engaged as possible in this process. The Association believes that enabling service users to inform decisions about how services are provided leads to better local services and better outcomes. Local authorities build their services on the basis of partnership with their electorate in designing, developing and delivering good quality local services.
12. The WLGA also believes that those involved in providing services have an important part to play in delivering and improving services and for this reason is committed to the principle of social partnership.
13. Local authorities engage with other agencies and are involved in a number of statutory partnerships. It seems sensible and naturally therefore that they should also engage with those that directly provide those services to deliver quality public services. This has been evident in recent years in local government and the WLGA's commitment to the Workforce Partnership Council.
14. The WLGA believes that social partnership is a potentially powerful mechanism to deliver the *Fair Work* agenda. Local government, through the WLGA, is an active partner in the Workforce Partnership Council and its Joint Executive Committee. This is now a mature social partnership which is starting to deliver positive outcomes for all the partners.
15. The statutory nature of partnership can be useful if they add value to the process. By providing a consistent and cohesive framework they often enable partners to deliver better outcomes. It is important that existing powers and responsibilities are not

diluted and that the executive functions of local authorities to determine local implementation to deliver those outcomes are maintained.

16. The WLGA would not want to see legislation that challenges the sovereignty of Councils and their ability to meet the needs of their communities to whom they are democratically accountable.
17. The WLGA would prefer to continue with a voluntary model but would support the concept of strengthening social partnership by statute, provided that it does not impinge on but strengthens local democracy and accountability. The WLGA would also support the establishment of 'local social partnership' that can accommodate local accountability arrangements through existing performance mechanisms.
18. . The WLGA also believes that there are opportunities to use other existing statutory frameworks to deliver *fair work* in certain sectors. For example, there is a strong registration and inspection regime within the health and social care sector, as well as good partnership working, and strengthening those social partnership arrangements could enable fair work principles to get a strong foothold in that sector.
19. Much work being undertaken within the social care sector to look at terms and conditions across the whole sector and the operation of the social care market in Wales. There is also the review of the health and social care workforces and the broader integration agenda. These are being progressed with a range of partners without any specific underpinning legislation.

**QUESTION 2: Do you agree that strengthening social partnership arrangements will support Welsh Government ambitions to deliver a more equal Wales?**

20. The WLGA supports the principle of partnership working and the ambition of making Wales a 'Fair Work' nation. Social Partnership can provide one mechanism to support this. Strengthening social partnership in a cohesive and consistent manner can provide the foundation for promoting fair work, provided it supports and aligns

with the role of Councils in their economic development ambitions for their areas and regions.

21. Welsh local government has already seen the benefits of existing social partnership, some of which are referenced in the consultation document. Social partners seeking to achieve the same objectives can have a powerful impact on those outcomes, provided they are all equally accountable for delivering the them.
22. The establishment of a Social Partnership Council should make a valued contribution to the setting of a fair work agenda and developing a framework for the delivery of high level outcomes, which allows for local determination and accountability. The WLGA also recognises that other strategies and policies may be necessary to complement to ambitions of the Council and government.

**QUESTION 3: Do you think that we should legislate to enforce decisions reached in social partnership and what form might that enforcement take?**

23. Councils are a democratically elected and locally accountable tier of government, they reflect and represent the views of communities and ensure the delivery of local service priorities to the meet the needs of those diverse communities. As such, it is a core principle of the WLGA and its membership that Councils should be afforded some freedoms and flexibilities to be properly accountable to their electorates, and to be able to respond to the needs and priorities of the communities they serve. The WLGA could not support proposals for enforcing decisions that could inhibit and impede this local accountability.
24. Paragraph 85 of the White Paper proposes that *‘In the first instance, we see a role for the Social Partnership Council itself. It will consider instances when a public body has not met the commitments made on its behalf, it will seek explanations of why this was the case and seek commitment from the body to implement the decision.’* The WLGA believes that local accountability arrangements, such as a local social partnership or scrutiny committee, should consider any such issues ‘in the first instance’, which might only be referred to the Social Partnership Council if matters



cannot be resolved locally. Although the WLGA is confident that there will be widespread commitment to the social partnership proposals, there may be local disagreements from time-to-time across all sectors. The Social Partnership Council's core strategic role could be undermined if it was expected to manage potentially complex local (or national) dispute resolution.

25. The WLGA welcomes proposed reforms to strengthen self-assessment and self-improvement, in the Local Government and Elections (Wales) Bill published in November 2019. The Bill seeks to introduce a new streamlined performance framework for local government including a new duty for a council to keep its performance under review to the extent to which:

- (a) it is exercising its functions effectively,
- (b) it is using its resources economically, efficiently and effectively, and
- (c) its governance is effective for securing the matters set out in paragraphs (a) and (b).

26. The WLGA believes that the new proposals provide adequate opportunity for a council to self-assess how it is implementing social partnership practices, and the arrangements are in place for Health Boards and Welsh Government sponsored bodies. The White Paper refers to statutory guidance outlining how social partnerships '*...practices and policy outcomes [will be] a key consideration of whether a Council is exercising its functions effectively and using its resources efficiently*'. It is not clear whether it is proposed that this would be the statutory guidance from the proposed Social Partnership Bill or for the Local Government and Elections (Wales) Bill. The WLGA believes that it should be the former; initial official level discussions have considered how draft guidance from the Local Government Bill might develop and the local government view is that it should not be prescriptive. More significantly, the view is that it should not become an exhaustive list specific statutory duties or functions to which a self-assessment should consider; this would be an extensive legal exercise and the LGA has in the past estimated that local authorities are subject to over 1,000 statutory duties or functions.

27. The WLGA does not support proposals for financial penalties to be applied to public bodies. Although the White Paper suggests that this would 'incentivise compliance' it would however instead 'penalise' public services and the communities they serve; public services would inevitably suffer as a consequence of any financial penalty. Furthermore, partnerships will only be successful if built on effective relationships, shared values and a shared vision; enforcing a 'partnership' with a threat of financial penalty would not provide firm foundations for an effective or genuine local or national partnership. A financial penalty is also inconsistent with current regulatory regimes and seems diametrically opposed to the proposals for self-improvement included in the Local Government and Elections (Wales) Bill.

28. The WLGA's view is that there is already a genuine commitment to and track-record of social partnership within Welsh public services already and that this emphasis on compliance and enforcement is unnecessary. The WLGA notes that the consultation paper refers to enforcement on public bodies only. The WLGA recognises the importance of all partners and therefore it considers that all partners should be equally accountable for meeting commitments, and any legislation that proposes enforcement should be able to be applied equally to all partners.

**QUESTION 4: Are these the right areas for legislation to deliver our proposals to strengthen social partnership arrangements and embed fair work principles across Wales?**

29. Legislation which is clear, precise and unequivocal, which adds value, compliments existing legislation can provide the basis for good practice and improvement amongst those in scope. The WLGA recognises however the limitations the Welsh Government may have in terms of legislative power. This response has already identified possibilities to introduce fair work principles directly into the registration and inspection of health and social care providers.

30. The focus of the White Paper and proposed legislative reform is predominantly on public bodies. The WLGA and Councils are already willing partners in social

partnership, reflected in its involvement in the Workforce Partnership Council. Councils in Wales have a long history of working in partnership with trades unions and collective bargaining, and have a range of processes to ensure that the workforce is treated fairly.

31. The WLGA also supported the proposed Trade Union (Wales) Act 2017.

32. In addition, Councils have existing statutory responsibilities for ensuring equality and justice in its decision-making process. The White Paper also recognises that there will be relevant implications of the proposed introduction of the socio-economic duty of the Equality Act 2010, which the Welsh Government is currently consulting on.

33. Good procurement can assist in achieving some of these policy aims. Councils in Wales are already developing good practice to assist with the implementation of the Code of Practice on Ethical Employment in Supply Chains. Procurement is identified as a key enabler within the consultation. Procurement strategies have their role but they are not the panacea for delivering fair work. It will take other complementary strategies to assist the procurement process in raising standards of fair work. Much is already being considered to support the foundational economy.

34. It is important, though, to allow for flexibility and local discretion. There are many small businesses in Wales. In encouraging these to grow and improve, this should be done in ways that take account of local circumstances, opportunities and constraints. We should seek to avoid introducing requirements that are too rigid or challenging, and which could have unintended consequences. That could include, for example, unsettling a business's operations by requiring diversion of attention and resource away from core activities. It could include setting over-demanding specifications that work against 'buy local' efforts by effectively ruling out small local companies that need time and resources to meet such requirements. The key will be to allow flexibility to respond to local situations in ways that are sensitive to local circumstances and move at the right pace, as opposed to having an imposed framework and timetable.

35. Again, the WLGA supports a statutory framework that enables this agenda to be taken forward in a consistent and cohesive manner that respects and acknowledges the local nature of approach and the issue of subsidiarity

**QUESTION 5: Are there any or additional costs associated with the proposals you wish to raise?**

36. The WLGA recognises that the proposed Social Partnership Bill and the promotion of the fair work goals will impact in a number of ways which will undoubtedly include additional cost. The WLGA would want to restate its principle that the Welsh Government should fully cost and fund any new national initiatives and/or legislation.

37. At this point it is difficult to identify clear and accurate costs but it is envisaged that the following issues will require resourcing:

- Social Care – the rollout of fair work principle into the social care sector will result in additional cost on providers and therefore this will be reflected in the costs Council pay through their commissioning of social care. It was estimated some years ago that the cost to implement the Foundation Living wage in the private/third sector markets would be £30M. Those costs would have likely to increased considerably.
- Procurement. With a major emphasis on procurement processes an investment in this area would be inevitable. Developing guidance, increased contract monitoring, supporting and advising supply chain contractors could all require additional cost, and additional skills which may not be readily available.

38. Any proposed enforcement regime will require resourcing.

**SUMMARY**

39. The following summarises the WLGA response to the proposed Strengthening Social Partnership Bill: -

- a. The WLGA supports the principle of partnership and social partnership.
- b. The WLGA recognises a range of good work that is being undertaken in social partnership across local government and public services in Wales.
- c. A statutory Social Partnership Council can provide consistency and cohesiveness to the delivery of fair work principles through a high-level framework to enable outcomes.
- d. Proposed legislation should only be considered if it adds value and compliments existing responsibilities, structures and frameworks
- e. Any proposed legislation should maintain Councils' sovereignty and their freedoms and flexibilities to respond to the needs of local communities.
- f. Other existing regulatory processes should be explored to strengthen social partnership and embed fair work principles.
- g. The WLGA believes that existing and emerging scrutiny, regulatory and performance management processes are appropriate and sufficient to embed, assess and review proposed new social partnership duties and therefore does not support the introduction of a new oversight or regulatory enforcement regime.
- h. It does not support any form of financial penalties.
- i. Careful consideration should be given to the impact of these proposals on existing approaches to social care commissioning, economic development and the procurement practices.
- j. All costs associated with any proposed reforms should be fully funded by Welsh Government.

**For further information please contact:**

**Chris Llewellyn**

**Chief Executive**

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## **QUALIFIED FOR THE FUTURE CONSULTATION**

### **Purpose**

1. To seek members agreement of the Qualified for the Future Consultation - WLGA Response.

### **Background**

2. Qualifications Wales is the body established to manage the qualifications framework in Wales.
3. In the light of the new Curriculum for Wales, Qualifications Wales has embarked on a series of consultations about ways in which the assessment and qualification of learners in Wales might change to better align with curriculum changes.
4. The first round of these consultations is about broad principles and proposals are contained in the consultation paper 'Qualified for the Future'. Consultations on more detailed matters will follow over the coming years as the curriculum is implemented and embedded in our schools.

### **Proposals and Options**

5. The essence of this initial consultation is seeking views on:
  - Alignment with the new curriculum; and
  - How the qualifications for 15/16-year olds may look.
6. The attached consultation response, based on the pro forma provided by Qualifications Wales, is attached for Members to consider. **[Appendix 1]**

### **Conclusion**

7. It is proposed that the WLGA broadly agrees with the principles but should also raise questions about costs of some aspects of the proposals, how GCSE grades might be considered, or not, in the light of changes in England, and whether the Welsh Bac might be reviewed.

## Recommendations

### 8. Members are asked to:

- 8.1 Note and comment on the consultation;
- 8.2 Consider the draft consultation response and if appropriate agree its recommendation to Qualifications Wales.

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**Report cleared by:** Cllr Ian Roberts  
WLGA Education Spokesperson

**Author:** David Hopkins  
Interim Head of Lifelong Learning and Information  
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# WLGA Response

## Qualifications Wales: Qualified for the Future - Consultation

7 FEBRUARY 2020



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# About you

**To help us consider the responses to this consultation, please tell us in what capacity you are responding.**

The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three national park authorities and the three fire and rescue authorities are associate members.

It seeks to provide representation to local authorities within an emerging policy framework that satisfies priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

The Welsh Local Government Association welcomes this opportunity to comment and respond on Qualifications Wales - Qualified for the future consultation.

## 1. Which of the following best describes you?\*

*(Please select the option that best describes the capacity in which you are responding to this consultation).*

- ☐ Learner
- ☐ Education professional
- ☐ Parent/carers
- ☐ Member of the public
- ☐ Local authority or regional education consortia
- ☒ **Employer or representative body**
- ☐ Teaching Union
- ☐ Awarding body
- ☐ Other (please state) \_\_\_\_\_
- ☐ Prefer not to say

## 2. If you are responding on behalf of an organisation, please state the name of the organisation in the box below.

Welsh Local Government Association [ [www.wlga.wales](http://www.wlga.wales) ]

**The summary report provided by Arad Research will not identify any individuals or organisations. However, as we are a public body, all the written material we hold, including any correspondence you send to us, may be considered for release following a request under the Freedom of Information Act 2000. This could include publishing your or your organisation's name alongside your response.**

**The law allows us to withhold information under some circumstances. If we receive a request for the information that you have provided in your response to this consultation, we will take account of any requests for confidentiality, but we cannot guarantee that it can be maintained in all circumstances.**

## 3. Do you wish any part of your response to remain confidential?

- ☐ Yes
- ☒ **No**

If you selected 'yes', please state clearly what information you would like to be kept confidential and explain your reasons why.

## Guiding principles to help shape the qualification offer

In section 5 of the consultation document, we outline a set of guiding principles that we propose applying when deciding which qualifications taken at 16 are eligible for public funding.

4. Qualifications Wales should take steps to ensure that publicly funded qualifications taken at 16 relate to, and support, the new curriculum for Wales.

To what extent do you agree with this proposal?

- ☒ Strongly agree
- ☐ Agree
- ☐ Partly agree and partly disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

Please explain your answer in the space below.

(In your response you may want to consider a) The benefits and challenges for you or your organisation and b) Any specific circumstances when this principle should not be applied).

The introduction of a new Curriculum for Wales needs to be accompanied by an appropriate qualifications framework which aligns with the curriculum. The WLGA therefore supports this principle.

5. Qualifications Wales should require awarding bodies to make all publicly funded qualifications taken at 16 available in both Welsh and English.

To what extent do you agree with this proposal?

- ☐ Strongly agree
- ☒ Agree
- ☐ Partly agree and partly disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

Please explain your answer in the space below.

(In your response you may want to consider a) The benefits and challenges for you or your organisation and b) Any specific circumstances when this principle should not be applied).

The WLGA is content that all publicly funded qualifications are available in both Welsh and English. This is consistent with the Welsh Government policy on parity of both languages as applied through public bodies in Wales.

Whether there are any cost implications is unclear, but it is suggested that if future arrangements lead to greater use of on-line assessments for learners, any additional costs should diminish.

**6. Qualifications Wales should more closely manage the range of publicly funded qualifications that centres can offer to 16-year-olds to make sure it is equitable and coherent.**

**To what extent do you agree with this proposal?**

- ☒ **Strongly agree**
- ☐ Agree
- ☐ Partly agree and partly disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

**Please explain your answer in the space below.**

*(In your response you may want to consider a) The benefits and challenges for you or your organisation and b) Any specific circumstances when this principle should not be applied).*

The monitoring and management of the range of qualifications available in Wales should be carried out in a consistent manner, so this proposal makes sense.

The range of qualifications available needs to be comprehensive, readily understood, and inclusive. It is understood that there are at present a substantial number of competing qualifications leading quite possibly to duplication and confusion.

There is an opportunity to rationalise whilst still providing choice, and it is suggested that needs to be done.

**7. Are there any other principles you think we should consider when deciding which qualifications to make eligible for public funding for 16-year-olds in Wales?**

**Please explain your answer in the space below.**

The WLGA suggests that key principles should include:

- Close alignment with the Curriculum for Wales (as in 4 above);
- Any framework should aim to be coherent and equitable, and demonstrate a clear link with progression routes for learners;
- Qualifications should be readily understood by learners, parents/carers, and potential employers.

## GCSEs fit for the future

In section 6 of the consultation document, we outline our proposal to retain the GCSE name while redesigning them so that they meet our vision for qualifications and support the aims and purposes of the new curriculum.

**8. On balance, we think that the GCSE name should be retained for the redesigned qualifications that will form a central part of the qualification offer for 16-year-olds in Wales.**

**To what extent do you agree with this proposal?**

- ☒ **Strongly agree**
- ☐ Agree
- ☐ Partly agree and partly disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

**Please explain your answer in the space below.**

The GCSE name is widely understood. Moreover, it is trusted and has credibility with employers and other sectors in education.

So, the title 'GCSE' should be retained to avoid confusion and retain confidence in the qualifications system.

Content is another matter, however, and this will need to be aligned with the curriculum, as emphasised above.

However, the question of whether grades should be retained as now, or whether there might be merit in looking at, and possibly more closely aligning with England for example, is a question posed for Qualifications Wales to consider.

**9. Do you have any specific suggestions for how GCSE qualifications could change to meet our vision and to support the aims and purposes of the new curriculum?**

**Please explain your answer in the space below.**

The WLGA has no specific points to make at this stage, but it will continue to work with Qualifications Wales and others as partners, both through formal consultations and in joint working groups in which both parties are routinely involved.

## A qualification to assess wider skills

In section 7 of the consultation document, we outline our proposal to retain a specific qualification that supports the development and assessment of the wider skills (as defined in the new curriculum). These are: creativity and innovation, critical thinking and problem solving, planning and organising, and personal effectiveness.

**10. On balance, we think that a specific qualification that supports the development and assessment of the wider skills (as defined in the new curriculum) should be part of the qualification offer for 16-year-olds in Wales.**

**To what extent do you agree with this proposal?**

- ☐ Strongly agree
- ☒ **Agree**
- ☐ Partly agree and partly disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

**Please explain your answer in the space below.**

Assessing wider skills is consistent with Welsh Government policy and thinking on the new curriculum.

Might there be an opportunity in that context to review the current Welsh Bac arrangements to ensure these too align well with the new curriculum?

**11. Do you have any specific suggestions for how the Skills Challenge Certificate at key stage 4 could change to meet our vision and support the aims and purposes of the new curriculum?**

**Please explain your answer in the space below.**

The WLGA has no specific points to make on this at the moment but emphasises again its willingness to work with others on developments.

## Impact assessments

**In our Integrated Impact Assessment, we have set out the regulatory impacts we anticipate from these proposals.**

*When responding to the following questions, please make it clear which proposal(s) you are referring to.*

**12a. Are there any further regulatory impacts that may arise from any of our proposals?  
If so, please explain your answer in the space below.**

The WLGA is not aware of any such impacts.

**12b. Are there any additional steps we could take to reduce the regulatory impact of any of our proposals? If so, please explain your answer in the space below.**

See 12a above.

**12c. Do you have any other comments on the regulatory impact of these proposals?  
If so, please explain your answer in the space below.**

See 12a above.

**In our Integrated Impact Assessment, we have considered the potential impacts on the Welsh Language and Equalities.**

*When responding to the following questions, please make it clear which proposal(s) you are referring to.*

**13a. Would any of our proposals result in any other positive or negative impacts (intended or unintended) on opportunities for people to use the Welsh language?**

- ☐ Positive impact
- ☒ **No impact**
- ☐ Negative impact
- ☐ Unsure

**Please explain your answer in the space below.**

**13b. Would any of our proposals result in any other positive or negative impacts (intended or unintended) in relation to treating the Welsh Language no less favourably than the English Language?**

- ☐ Positive impact
- ☒ **No impact**
- ☐ Negative impact
- ☐ Unsure

**Please explain your answer in the space below.**

**13c. Would any of our proposals result in any other positive or negative impacts (intended or unintended) for individuals or groups who share protected characteristics outlined within the Equality Act 2010?**

- ☐ Positive impact
- ☒ **No impact**

- Negative impact
- Unsure

**Please explain your answer in the space below.**

**14. If you have anything else you would like to say about the information outlined in this consultation document, please use the space below.**

Not at this stage.

**We may wish to contact you to discuss your response further. If you are happy for us to do so, please provide your contact details below.**

David Hopkins, Interim Head of Lifelong Learning and Information  
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Tel: 029 2046 8600



## **NJC LOCAL GOVERNMENT SERVICE – PAY NEGOTIATIONS 2020/21.**

### **Purpose**

1. To update members on the current position on the negotiation process for 2020/21 following a meeting of the Employers side of the NJC held on 21<sup>st</sup> January 2020.

### **Background**

2. The trades unions have tabled their pay claim for 2020/21 as follows:
  - a 10% pay increase
  - a one-day increase in annual leave
  - a two-hour reduction in the working week
  - a review of workplace stress and mental health

### **Current NJC Employers Side Position**

3. At the meeting on 21<sup>st</sup> January 2020, the NJC Employers side resolved to meet with the trade unions at the NJC Executive meeting on 5<sup>th</sup> February to initiate discussion and negotiation regarding the pay claim.
4. Attached is a letter dated 23<sup>rd</sup> January 2020 from the National Employers of the NJC which provides further detail of the current position.

### **Recommendations**

5. **Members are asked to note the report.**

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**Report cleared by:** **Cllr. Philippa Marsden**  
**Employment Spokesperson**

**Author:** Jonathan Lloyd  
Head of Employment  
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## National Employers for local government services

**To: Chief Executives in England, Wales and N Ireland  
(additional copies for HR Director and Finance Director)  
Members of the National Employers' Side  
Regional Directors**

23 January 2020

Dear Chief Executive,

### **LOCAL GOVERNMENT PAY 2020**

I am writing to update you on the work we have been doing on your behalf on the local government national pay negotiations for 2020.

You will recall that last July the unions lodged their pay claim for:

- *A 'real living wage' of £10 per hour on NJC SCP1 and a 10% increase on all other NJC / GLPC pay points*
- *A one-day increase to the minimum paid annual leave entitlement*
- *A two-hour reduction in the standard working week*
- *A comprehensive joint national review of the workplace causes of stress and mental health*

Allowing for the summer holidays, councils in each of the nine English regions, plus Wales and Northern Ireland, were consulted at regional pay briefings from the earliest opportunity: the first briefing was held on 2 September and the last on 8 October.

On 30 September, towards the end of the consultation schedule, the Chancellor announced at the Conservative Party Conference a new target for the National Living Wage (NLW) to reach £10.50 in 2024. The bottom rate in local government is currently £9.00; 79p above the current NLW of £8.21.

Feedback from the consultation briefings was relayed to the National Employers who spent a few weeks having the necessary discussions within their own parties, and elsewhere, before meeting on 5 November.

However, in the meantime, on 28 October, a general election was announced to take place on 12 December. Therefore, when the National Employers met on 5 November they agreed unanimously to defer responding to the unions' claim until the impact of the outcome of the general election was known.

Since the general election, the government published the provisional local government finance settlement (England) and announced that the NLW will increase by 6.2% to £8.72 on 1 April. The Budget will take place on 11 March.

On returning to work in the New Year, a meeting of the full Employers' Side was arranged for 21 January; the first date that all members were available. At that meeting on Tuesday, members took stock of events since they last met and agreed that a face-to-face meeting with the unions should be arranged. That meeting is now scheduled for 5 February.

The Employers are committed to engaging with the unions in a meaningful way in order to achieve a pay deal that is fair to hard working employees and affordable for councils. There is no suggestion at this stage that there will be anything other than a one-year pay deal for 2020 / 21, although it is very unlikely that a deal can be agreed in time for implementation on 1 April. However, councils should be mindful of the Government's £10.50 NLW target for 2024 which presents a huge challenge to the sector and will no doubt dominate pay negotiations from 2021 onwards.

I shall continue to keep you informed of developments.

Yours sincerely,

*Naomi Cooke*

**Naomi Cooke**  
**Employers' Secretary**

## **CIVILITY IN PUBLIC LIFE CAMPAIGN**

### **Purpose**

1. To update members on the UK-wide Civility in Public Life campaign coordinated by the LGA, WLGA, COSLA and NILGA.

### **Background**

2. Across the UK, there are growing concerns about the impact an increasing level of public intimidation and toxicity of debate is having on our country's democratic processes.
3. In July 2019, the WLGA Executive Board discussed concerns about the increase in abuse and intimidation for councillors, particularly online and via online news comments sections. Leaders were keen that the WLGA take proactive action and the former WLGA Leader, Baroness Wilcox of Newport, launched a joint WLGA/LGA Councillors Guide to Handling Intimidation at the LGA Annual Conference 2019.
4. Following these discussions and subsequent agreement at the UK Forum hosted by the WLGA in November, the Civility in Public Life campaign has been developed.
5. The Civility in Public Life campaign is a joint initiative, led by the LGA, with the WLGA, COSLA (Convention of Scottish Local Authorities) and NILGA (Northern Ireland LGA) as partners. The programme was officially launched on the 16<sup>th</sup> December 2019 in London with Cllr Jane Mudd, WLGA Deputy Presiding Officer representing the WLGA.
6. The purpose of the campaign is:
  - to address the intimidation of local government members and officers;
  - to address standards of public discourse;
  - to address standards of political discourse and behaviour in public office; and
  - to provide support and advice to councils and councillors.
7. The campaign has three main themes which will serve as the foundations for future action:
  - 7.1 Prevention** - Support and guidance for authorities and research into the prevalence, impact, good practice and international action on the intimidation of those in public office.

**7.2 Support and Intervention-** Development of policy and legislative proposals that address intimidation and standards of public discourse, particularly with a view to gaining a more consistent and robust response from the Police and Crown Prosecution Service. This also includes the proposal for a new criminal offence for intimidating a person in public office, engagement with Police and Crime Commissioners and exploring the potential for an informal council duty of care towards councillors.

**7.3 Challenge** – A Pan UK commitment to call out and challenge instances of intimidation and abuse of politicians.

8. The WLGA has already produced guidance for members on bullying, harassment and personal safety and is continuing to work with Heads of Democratic Services to encourage more practical support for members. Councils are providing councillors with access to staff counselling services and working with the police locally to ensure support is in place.
9. The WLGA will also seek an all Wales commitment from editors to set out clear standards, moderate comments and adopt a zero-tolerance stance on abuse in the online media.
10. A core priority for the LGA in England is to revise the English Councillors' Code of Conduct through the campaign following a recent Committee on Standards in Public Life report. The English code is inconsistent and less robust than the statutory code applicable in Wales.
11. Welsh councils have also introduced local resolution processes, whereby 'lower level' councillor-on-councillor complaints can be dealt with informally within the council (sometimes via Monitoring Officers, Group Leaders or the Chair) and sanctions include a public apology or training.
12. The Local Government and Elections (Wales) Bill also proposes the introduction of a new duty that leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group. The WLGA supports this proposal.

## **Online Abuse and Intimidation**

13. In the Queen's Speech in December, the UK Government committed to introducing Online Harms legislation to protect children and vulnerable adults from digital threats. This will establish a new statutory duty of care to make online companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services, which will be overseen and enforced by an independent regulator.

14. This follows on from the Online Harms White Paper earlier in 2019. In response to the White Paper, the LGA called for proposed action to protect MPs from harassment and abuse to extend to and include protections for local councillors; it is unclear at this stage whether the proposed legislation will include these protections.
15. As part of its ongoing review into 'Intimidation in Public Life', the Committee on Standards in Public Life has received correspondence in December from Google, Facebook and Twitter<sup>1</sup>.
16. Although there remain significant concerns about online abuse and intimidation, the correspondence demonstrates some improvements and a commitment from social media companies to deal with concerns. For example, Twitter reports improved responses dealing with concerns, complaints and referrals, the launch in November of the option for users to hide replies to their tweets and a new tool for the UK General Election that enables people to report deliberately misleading information about the voting process.

## Next Steps

17. Feedback from the launch event, recent regional Diversity workshops in Wales and the discussions at the WLGA's Diversity in Democracy Working Group has outlined some early suggestions for action, including:
  - Political parties to act within council political groups where standards of conduct are not always adhered to;
  - Woman councillors to be supported due to the prevalence of abuse towards women;
  - Senior councillors to model appropriate behaviour. This was a theme emerging from the LGA launch, but is also relevant in Wales given the proposed new duty on Group Leaders, which is yet to be developed
  - Councils to clearly state that they will not tolerate abuse towards elected members in the same way as they would, for example, for front line staff; and
  - Councils committing to a duty of care for councillors, including support around mental wellbeing and provision personal safety training and equipment for members.
18. The four Associations are now working together to develop action plans within the three themes of Prevention, Support and Intervention and Challenge.

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<sup>1</sup> <https://www.gov.uk/search/all?organisations%5B%5D=the-committee-on-standards-in-public-life&order=updated-newest&parent=the-committee-on-standards-in-public-life>

## Recommendations

19. Members are recommended to:

- 19.1 Support the UK Forum Civility in Public Life Campaign; and
- 19.2 Consider what actions or priorities should feature in the developing WLGA and/or UK Forum action plans

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Report cleared by: Cllr Jane Mudd  
WLGA Deputy Presiding Officer

<b>Authors:</b>	Sarah Titcombe Policy and Improvement Officer	Daniel Hurford Head of Policy
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## **ESTABLISHMENT of SAFER COMMUNITIES BOARD for WALES**

### **Purpose**

1. To update members on the establishment of a Safer Communities Board for Wales, a joint initiative between WLGA/local government and policing in Wales and to seek views on the proposed priority areas for focus and action by the Board for 2020-22.

### **Background**

2. Welsh Government established a Safer Communities Programme in December 2017 to take forward the recommendations of the [Working Together for Safer Communities](#) Review. A Strategic Leadership Programme Board was also set up to lead the development and implementation of the recommendations on a 'task and finish' basis. The WLGA and Solace Cymru were represented on the Board, along with other key partners in the community safety arena.
3. To support the work of the Board and take forward the recommendations from a local government and policing perspective, joint funding between WLGA, policing in Wales and Welsh Government was provided for a Safer Communities Programme Manager, based in WLGA. Over the past 18 months, this post has met with and supported Community Safety Partnerships (CSPs), both locally and regionally (where in existence) in reviewing and updating their priorities and approach, making effective links to existing partnerships in encouraging an increased focus on community safety. The postholder, Steve Carr, has also supported the development of business cases for a number of important recommendations from the Review Report, including seeking funding for scoping the establishment of a Community Safety Network to support and enable CSPs to improve their effectiveness and in obtaining agreement from a range of bodies for the establishment of an all Wales multi-agency data and analysis hub, which will particularly assist local government in its analysis of potential threats to safer communities given the demise of data analysts in local authorities over recent years, mainly as a result of reductions in budgets.
4. Welsh Government's Strategic Leadership Programme Board will hold its final meeting in March 2020 with a view to mainstreaming programme activity into 'business as usual'. It will also provide a final progress and achievements report to the National Assembly for Wales' Public Accounts Committee and the Auditor General.

5. The safety of our communities has remained a key priority issue for local government over recent years, reflecting the importance communities place on community safety, both in terms of locality issues, such as addressing anti-social behaviour and neighbourhood policing and national issues such as anti-terrorism and tackling serious violence. Following discussions between representative Police and Crime Commissioners and the WLGA Spokesperson for Community Safety, it was agreed to jointly establish a Safer Communities Board to help provide the necessary strategic leadership, oversight and direction for community safety partnership working in Wales – reflecting the joint local government and policing leadership prescribed for partnership working in the original Act. It will also ensure that the Safer Communities Programme is provided with the necessary governance to continue making progress in refreshing and reinvigorating community safety partnership working at local, regional and national levels.

## **Safer Communities Board for Wales**

6. The overall purpose of the Board is to provide leadership, oversight and direction to a joint programme between local government and policing in Wales, involving other partners, with the aim of ensuring effective shared leadership is provided to support local partnership working that will support safe, strong and more confident communities.
7. Membership of the Board is drawn from a range of key partners in the community safety arena. The work of the Board will continue to be supported and facilitated by a jointly funded Safer Communities Manager for a period 2 years from April 2020, based in WLGA offices. A copy of the full (draft) Terms of Reference are attached at Appendix 1.
8. The inaugural meeting of the Board was held on 17<sup>th</sup> December 2019. The meeting provided an opportunity to discuss the role and purpose and outcomes hoped to be achieved through the Safer Communities Board. In addition to receiving updates on a range of on-going projects and receiving feedback on discussions from the Policing Partnership Board for Wales, there was an opportunity to discuss initial views on the outcome of the Thomas Commission on Justice in Wales and Welsh Government's response to date.

## **Forward Work Programme**

9. The Board at their next meeting will discuss and agree a number of key areas to prioritise within their work programme for 2020-2022. Existing priorities already agreed include:
  - The continuation of activity to establish a Safer Communities Network
  - Progressing the agreement of a shared approach to an All Wales Multi-Agency Data & Analysis Hub approach
  - Securing increased resourcing for local and regional partnership working

- Establishing and maintaining links to related programmes of work, such as the Violence Prevention Unit; Early Action Together Programme; and ACE's Support Hub
- Establishing communication networks to ensure consistent messaging and better alignment with other boards, programmes and workstreams, avoiding duplication.

10. Members are asked to share their views or suggestions on issues they would like the Safer Communities Board to consider for inclusion in their forward work programme.

## **Recommendations**

**11. Members are asked to:**

- 11.1 Note the establishment of a Safer Communities Board for Wales, led by local government and policing in Wales;**
- 11.2 Comment on and agree future work priorities for the Board as set out in para 9 and highlight any further areas for consideration; and**
- 11.3 Agree to receive future reports on the progress and discussions of the Safer Communities Board.**

---

**Report cleared by: Cllr Matthew Dorrance, WLGA Spokesperson for Community Safety**

Report author: Naomi Alleyne, Director, Social Services and Housing  
 Email: [naomi.alleyne@wlga.gov.uk](mailto:naomi.alleyne@wlga.gov.uk)  
 Phone: 02920 468660/07770958639

## **Appendix 1**

### **Safer Communities Board**

#### **(Draft) Terms of Reference**

The purpose of the Board is to provide leadership, oversight and direction to a joint programme between local government and policing in Wales, involving other partners, with the aim of ensuring effective shared leadership is provided to support local partnership working that will support safe, strong and more confident communities.

The objectives of the Board are:

- To provide shared national leadership to local authorities and policing in Wales in tackling and addressing community safety issues, including identifying new and emerging shared priorities for action and ensuring a supportive policy, practice and partnership infrastructure is in place to enable successful delivery, locally and regionally as most appropriate;
- To agree a programme of work on an annual basis and in the longer term to help deliver a shared vision statement for community safety in Wales, including prioritisation of the key community safety issues that need to be tackled and/or promoted in the year ahead and consideration of capacity and funding to progress issues on the ground;
- To agree a programme of work on key community safety issues to be tackled and/or promoted in the year ahead, including capacity and funding, and provide direction and oversight of the work of the Community Safety Programme Manager;
- To receive regular updates on progress from the programme manager and provide a steer to future work and direction as relevant;
- To promote a joined-up approach nationally and locally, establishing effective links to the Violence Prevention Unit, Early Action Together, the ACEs Hub, Police Liaison Unit, and other relevant or successor bodies to highlight the importance of prevention and early intervention approaches and ensuring that they are embedded in practice locally regionally and nationally in Wales;
- To keep each other updated about current and emerging issues that could have an impact on the delivery of community safety working across Wales;
- To advise, inform and influence Welsh Government, UK Government (Home Office, Ministry of Justice) and representative bodies in local government, policing and criminal justice etc., on matters of relevance to community safety from a policing and local government perspective;

- To identify, celebrate and promote effective practice and encourage the adoption, upscaling and mainstreaming of initiatives that are proven to be 'what works';
- To work closely with Welsh Government and other partners in the community safety world, making shared representations on issues of joint concern as appropriate and to highlight opportunities to promote the shared vision statement for community safety in Wales that emerged from the 2017 Review.

### **Operation of the Board:**

The Forum will meet every other month. The Forum will be jointly chaired by a Police & Crime Commissioner and the WLGA Spokesperson for Community Safety.

The secretariat will be provided by the Safer Communities Programme Manager in accordance with the agreement between the WLGA and Policing in Wales.

### **Membership:**

- Representative(s) of the Welsh Police & Crime Commissioners
- Representative(s) of the Welsh Chief Constables
- Office of Police and Crime Commissioner representative
- WLGA Spokesperson for Community Safety
- WLGA Chief Executive
- SOLACE Cymru Representative
- WLGA Director Social Services and Housing
- Representative of Fire and Rescue Services
- Representative of HMPPS
- Representative of the Third Sector

Other members can be invited by agreement, including for specific meetings or agenda items.

*The Board will report progress and provide regular updates to the Policing Board for Wales, Policing in Wales (which includes all Commissioners and Chief Constables), WLGA political and officer forums and the All Wales Criminal Justice Board.*

## FOR INFORMATION - REVENUE SUPPORT GRANT TOP SLICE FOR SPECIFIED BODIES

### Purpose

- 1 To inform Members of the breakdown of the Revenue Support Grant (RSG) top slice to be distributed by the WLGA in 2020-21.

### Background

- 2 Where there has been a need to develop a national approach to a particular service area, or where there was a need to smooth the impact of expenditure that falls to each authority in turn, Leaders have agreed that a small element (£3.2 million in 2019-20) of the RSG be top-sliced to meet these costs.
- 3 As well as the WLGA, Data Cymru and the LGA, such bodies include the National and Urdd Eisteddfods, the Royal Welsh Agricultural Show and the National Adoption Service. The WLGA receives the funding directly from Welsh Government as a specified body and then passes on approximately £2.1m to these other bodies.
- 4 The methodology for calculating the quantum of the top-slice and its distribution to these bodies was already been agreed by Leaders at the WLGA Executive Board in October 2018.

### Breakdown of the RSG Top Slice for 2020-21

- 5 Table 1 below shows the breakdown of the RSG top slice for 2020-21 set out in the Provisional Local Government Settlement 2020-21.

**Table 1 – Provisional Settlement 2020-21**

	£
<b>National Cultural Events</b>	
National Eisteddfod	349,900
Urdd Eisteddfod	139,400
Royal Welsh Show	80,200
	569,500
<b>National Social Services</b>	
National Adoption Service	459,200
<i>Looked After Children</i>	
Vale of Glamorgan - National Fostering Framework (NFF)	400,000
Newport - Reflex Project	60,000
	919,200
<b>WLGA Retained top slice (including Data Cymru and LGA)</b>	1,814,700
<b>Total</b>	<b>3,303,400</b>

## Recommendations

- 6 It is recommended that Members note the breakdown of the RSG top-slice.

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## **MINUTES OF WLGA MEETINGS**

### **Purpose**

1. For members to review the draft minutes of the WLGA meeting specified.

### **Background**

2. The minutes of the meetings listed below:
  - 2.1 WLGA Council held 29<sup>th</sup> November 2019.
3. Members will note that as these minutes have been prepared in draft form, the Welsh versions are pending; members will also note that the minutes (fully bilingual) will be formally reviewed at the WLGA Council scheduled to be held on 27<sup>th</sup> March 2019.

### **Recommendations**

4. Members are asked to:

- 4.1 **Review the minutes of WLGA Council held 29<sup>th</sup> November 2019.**
- 

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CLILC • WLGA

**Mae'r dudalen hon yn wag yn fwriadol / This page is deliberately blank.**

**Draft Minutes WLGA Council,  
Council Chamber, City Hall, Cardiff  
Friday 29<sup>th</sup> November 2019**

**Item 2.1**

Cllr G Collier (Blaenau Gwent)	Cllr P Fox OBE (Monmouthshire)
Cllr H David (Bridgend)	Cllr R Greenland (Monmouthshire)
Cllr P Marsden (Caerphilly)	Cllr R G Jones (Neath Port Talbot)
Cllr N George (Caerphilly)	Cllr C Clement-Williams (Neath Port Talbot)
Cllr S Morgan (Caerphilly)	Cllr A Taylor (Neath Port Talbot)
Cllr S Elsmore (Cardiff)	Cllr D Wilcox (Newport)
Cllr S Merry (Cardiff)	Cllr J Mudd (Newport)
Cllr H Thomas (Cardiff)	Cllr D Wilcox (Newport)
Cllr E Dole (Carmarthenshire)	Cllr R Jeavons (Newport)
Cllr H Evans (Carmarthenshire)	Cllr D Simpson (Pembrokeshire)
Cllr D Jenkins (Carmarthenshire)	Cllr N Prior (Pembrokeshire)
Cllr M Stephens (Carmarthenshire)	Cllr R Harris (Powys)
Cllr E ap Gwynn (Ceredigion)	Cllr A Davies (Powys)
Cllr R Quant MBE (Ceredigion)	Cllr M Dorrance (Powys)
Cllr S Rowlands (Conwy)	Cllr A Morgan (Rhondda Cynon Taf)
Cllr G Edwards (Conwy)	Cllr R Bevan (Rhondda Cynon Taf)
Cllr N Smith (Conwy)	Cllr R Lewis (Rhondda Cynon Taf)
Cllr H Evans OBE (Denbighshire)	Cllr M Webber (Rhondda Cynon Taf)
Cllr I Roberts (Flintshire)	Cllr R Stewart (Swansea)
Cllr D Butler (Flintshire)	Cllr A Lewis (Swansea)
Cllr C Thomas (Flintshire)	Cllr M Sherwood (Swansea)
Cllr D Hughes (Flintshire)	Cllr A Hunt (Torfaen)
Cllr D Siencyn (Gwynedd)	Cllr R Clark (Torfaen)
Cllr N Jeffries (Gwynedd)	Cllr L Burnett (Vale of Glamorgan)
Cllr D Meurig (Gwynedd)	Cllr M Pritchard (Wrexham)
Cllr LI Medi (Isle of Anglesey)	Cllr T A Edwards (Wrexham)
Cllr I Williams (Isle of Anglesey)	
Cllr Kevin O'Neill (Merthyr Tydfil)	

**WLGA Officers in Attendance:**

Dr Chris Llewelyn, Chief Executive.  
Naomi Alleyne, Director of Social Services and Housing  
Jon Rae, Director of Resources  
Dr Tim Peppin, Director of Regeneration and Sustainable Development  
Daniel Hurford, Head of Policy Improvement & Governance  
Jonathan Lloyd, Head of Employment  
Dilwyn Jones, Communications Officer  
Lee Pitt, Democratic Services Officer

**Other Officers in Attendance:**

Nerys Hurford, Welsh Translation  
Ceri Reeves, Labour Group

### **Apologies for absence:**

Cllr N Daniels (Blaenau Gwent)  
Cllr H Williams (Bridgend)  
Cllr C Green (Bridgend)  
Cllr B Jones (Caerphilly)  
Cllr P Bradbury (Cardiff)  
Cllr R Goodway (Cardiff)  
Cllr C Weaver (Cardiff)  
Cllr P Lewis (Conwy)  
Cllr J Thompson-Hill (Denbighshire)  
Cllr M Perfect (Flintshire)  
Cllr G Thomas (Gwynedd)  
Cllr L Mytton (Merthyr Tydfil)

Cllr G Hopkins (Rhondda Cynon Taf)  
Cllr C Lloyd (Swansea)  
Cllr M Thomas (Swansea)  
Cllr N Moore (Vale of Glamorgan)  
Cllr B Gray (Vale of Glamorgan)

### **Associate Members**

Cllr M James (Pembrokeshire Coast National  
Park Authority)  
Cllr J Curtice, Mid and West Wales Fire and  
Rescue Authority

## **Item 1 Welcome and apologies for absence**

## **Item 2 Minutes of the WLGA Meetings**

Members received the minutes of the WLGA Council 27<sup>th</sup> September 2019 and the minutes of the WLGA Executive Board meeting held 25<sup>th</sup> October 2019.

### **Resolved that:**

- 2.1 The minutes of the WLGA Council held 27<sup>th</sup> September 2019 be approved**
- 2.2 The minutes of the WLGA Executive Board meeting held 25<sup>th</sup> October 2019 be approved**

## **Item 3 Leader's Update**

The WLGA's outgoing Leader Councillor Debbie Wilcox (the Baroness Wilcox of Newport) gave a valedictory address to Council and thanked members for the support during her leadership and said what a privilege and honour it was to represent local government, councillors and staff throughout the councils across Wales. She also thanked the officers and staff of the WLGA for their hard work and support and said that she felt that much had been achieved over the last two and a half years.

Councillor Wilcox mentioned that the Provisional Local Government Settlement, due to be announced in December, looked as though it would be very positive and possibly the best for a decade.

Councillor Wilcox recognised that although contentious, especially in relation to Corporate Joint Committees (CJCs), the Local Government and Elections Bill, meant that local government's arguments over local government reform had prevailed.

She also noted Welsh Government's that WG's restoration of the Improvement Grant and the investment in the WLGA's Digital Unit and creation of a Chief Digital Officer post were all welcome.

She stressed her commitment to advancing diversity and equality and called for zero tolerance of abuse and harassment of councillors. She called for leadership and the challenging of inappropriate behaviour within local government, noting that the WLGA was supportive of the LGA-led Civility campaign.

Despite 10 years of austerity Councillor Wilcox said she was proud of the incredible work local government does in supporting the people and communities of Wales. Finally, she noted that relations between the WLGA/local government and WG had improved significantly in recent years.

The Leader once again thanked Council for the support during her leadership and said what a privilege and honour it was to represent local government, councillors and staff throughout the councils across Wales.

#### **Item 4      Recognition of Leader and other Office Holder changes**

The WLGA's constitution states that the leader of the largest political group becomes the Leader of the Association. The Labour Group is the largest political group and the Chair of the Group, Councillor Anthony Hunt, announced that Councillor Andrew Morgan, Leader of Rhondda Cynon Taf Council, had succeeded Councillor Debbie Wilcox as Leader of the Labour Group, and therefore Leader of the WLGA.

Councillor Morgan said he was proud to be the new Leader of the Association and would work with all parties reflecting all views to ensure the voice of local government is heard across Wales, especially by Welsh Government. He stressed that local government is always stronger when members lobby and work together. Cllr Moran acknowledged that Baroness Wilcox had raised the profile of local government and said he wanted to continue doing the same, particularly with the press and media, so everyone understands the role of local government and the important services councils are responsible for providing.

The change in WLGA leadership also resulted in other changes to WLGA office holders as below:

- WLGA Leader - Cllr. Andrew Morgan (Labour, Rhondda Cynon Taf)
- Presiding Officer – Cllr. Huw David (Labour, Bridgend)
- Deputy Presiding Officer – Cllr. Jane Mudd (Labour, Newport)
- Education Spokesperson – Cllr. Ian Roberts (Labour, Flintshire)
- Workforce Spokesperson – Cllr. Philippa Marsden (Labour, Caerphilly)
- Management Sub-committee - Cllrs. Jane Mudd and Philippa Marsden
- Partnership Council – Cllr. Jane Mudd (Labour, Newport)
- Finance Sub-Group – Cllr. Carol Clement-Williams (Labour, Neath Port Talbot)
- LGA Executive – Cllr. Rob Stewart (Labour, Swansea)

## **Resolved that:**

- **Members acknowledged Councillor Andrew Morgan as the new Leader of the WLGA**
- **Members noted the Labour Group nominations for committee vacancies**
- **Members were appointed to the vacant Spokespersons roles and to the Senior Office holder vacancies**

## **Item 5 WLGA Financial Statements 2018/19**

WLGA's auditors, Bevan Buckland LLP, gave an overview of the WLGA's audited accounts for 2018-19. They gave a clean audit opinion and stated they were a clear and true account. It was noted that the accounts had been looked at in depth by WLGA Audit Committee in October 2019.

## **Resolved that:**

- **Members approved the WLGA Financial Statements 2018/19.**

## **Item 6 Welsh Government Draft Budget/Draft Local Government Settlement**

Councillor Hunt thanked all members for their combined lobbying efforts over the last six months and said they were showing results.

He said that Welsh Government would publish its Draft Budget and Provisional Local Government Settlement Draft on 16<sup>th</sup> December and understood, informally, that the average settlement increase could be at least 3%.

Members welcomed what could be the best Local Government Settlement for over twelve years but remain cautious until publication in December. There was a discussion about the principle of applying a floor mechanism in the settlement within the historical range, as long as it was funded from outside the settlement. Members also said the range across the Settlement, from highest to lowest, is an important consideration

**Resolved that:**

- **Members noted the changes to the Welsh Government Budget timeline.**
- **Members offered comments in relation to operation of a floor.**
- **Members noted the ongoing work to reform local government finance in Wales.**
- **Members noted the concerns of the Finance Minister over the fair treatment of care leavers with council tax arrears.**

## **Item 7      The Local Government and Elections (Wales) Bill**

The Head of Policy gave a verbal overview of the recently published Bill (18th November) alongside the written report. He highlighted the broad nature of the Bill and its alignment with the Senedd and Elections (Wales) Bill. He also mentioned that the Bill was light on detail which would be covered in regulations. The constraints on Ministerial powers, included in Part 5 of the Bill, were also covered.

Members discussed the Bill and acknowledged there is much to welcome in the Bill. Members supported the proposals to extend the franchise to 16 and 17 year-olds and to improve performance and governance based on self-assessment and peer review. The proposal to give councils a General Power of Competence was also welcomed.

Members were concerned, given the far-reaching nature of the Bill, that some aspects would not get enough scrutiny as a result of the proposed passage of the Bill through the Senedd. Members were clear that any financial burden as a result of the Bill should not be borne by local government.

Members disagreed with the proposed reforms to allow councils to adopt different voting systems and that consistency was needed across all councils. Opinion was divided over the issue of Corporate Joint Committees (CJCs). Some members were reassured to note that the term 'mandation' was not being used and the inclusion of the ability of councils to veto the adding of any further functions or services to CJCs. Membership of and sub-committees of CJCs continued to cause concern for some as was the issue of which footprint CJCs would work across. It was noted that the Minister has written to the WLGA seeking views from authorities on the footprints that CJCs might cover.

Given the varied views on the issue of CJs, in an attempt to come to a WLGA position, a motion was proposed that the resolutions adopted by WLGA Council (27th of September) and by WLGA Executive Board (25th October) be merged. The motion was voted on but not supported by WLGA Council.

A subsequent motion was proposed and approved:

"Whilst we welcome the new and revised approach to local government by the present Minister, the WLGA has fundamental concerns over the principle of mandation which is seen as undermining local democracy but will continue to engage and seek to co-produce the Corporate Joint Committee proposals."

**Resolved:**

- **Whilst we welcome the new and revised approach to local government by the present Minister, the WLGA has fundamental concerns over the principle of mandation which is seen as undermining local democracy but will continue to engage and seek to co-produce the Corporate Joint Committee proposals.**
- **Members agreed that member authorities will submit views to feed into the WLGA's evidence on the Bill and submit their own evidence to the Assembly's Equality, Local Government and Communities Committee in due course.**

## **Item 8. Brexit Update**

A Brexit Update is a standing item on the WLGA Council agenda but given the forthcoming UK General Election Councillor Stewart asked Members simply to note the report.

**Resolved that:**

- **Members agreed to note the report.**

## **Item 9. Update on Pay Negotiations 2020/21**

As these discussions are in abeyance until after the General Election in December Members were asked to note the report.

**Resolved that:**

- **Members agreed to note the report.**

## **Item 10. Highways and Transport Update**

Councillor Morgan updated Council on the latest situation regarding the Public Service Vehicle Accessibility Regulations (PSVAR) - and the potential impact on local authority home to school transportation. Members noted that an exemption for a further two years will assist some, but not all, local authorities and the financial implications for authorities and schools.

Members were broadly supportive of working with Welsh Government on proposals for a 20mph default speed limit and to ban pavement parking but, particularly in relation to pavement parking, stressed the need for local discretion and for potential financial implications to be recognised.

### **Resolved that:**

- **Members noted agreed there should be further engagement with the UK Department of Transport with regard to PSVAR and the impact on home to school transport.**
- **Members agreed to support, in principle, the proposals for a new 20mph default speed limit in residential areas.**
- **Members agreed to support, in principle, the proposal on pavement parking to add obstruction of the highway to the list of contraventions where civil parking enforcement (CPE) can be used.**

## **Item 11. Town Centre First Policy**

Councillor Stewart reported that the initiative was a good step forward and would help Welsh Government. Local authorities and other bodies channel more money to town centres.

Members agreed with the positive nature of the policy but highlighted a number of caveats, including that sometimes the space businesses need is not available in town centres. Members added that local authorities need the flexibility to decide where money is spent locally.

Councillor Rowlands invited Members to come and see the work Conwy is doing to encourage town centre development.

### **Resolved that:**

- **Members agreed to support the Town Centre First principle and for the WLGA to be a co-signatory.**



## **Item 12. National Youth Arts Ensembles**

Councillor Thomas said National Youth Arts Wales had approached the WLGA with the aim of securing an all-Wales agreement to provide funding for the National Youth Arts Ensemble and there were a number of questions for Members to consider.

The Chief Executive reported that Welsh Government were carrying out a feasibility study into the provision of music services. The findings from the study will be brought back to WLGA Council when available.

Urdd – welsh medium provision??? Bring back to Members

### **Resolved that:**

- **Members agreed that the WLGA should approach authorities individually rather engage in a collective funding arrangement negotiated and funded annually by the WLGA**

## **Item 13. Papers for information:**

### **Commission on Justice in Wales**

#### **Resolved that:**

- **Members agreed to note the information report.**

### **Supporting Tourism**

It was also announced that WG were about to announce a review of major events in Wales and that the WLGA had been asked to work closely with those undertaking the review.

#### **Resolved that:**

- **Members agreed to continue to engage with Welsh Government, Visit Wales and other tourism partners to discuss an enhancement of local government's role in tourism.**
- **Members agreed to consider the adverse impact of tourism, especially in relation to holiday homes.**