

## Powys County Council Draft Response

### Chapter 1 - Welsh Government Vision for Local Government in Wales

The Welsh Government vision for local government sets out the concept of an “activist” council which has derived from “the best international experience, and drawn on the experiences of the co-operative councils movement in the UK”.

Powys County Council:

- Welcomes the debate that has started on developing a vision for the future of local democracy in Wales and is committed to taking this forward in an open and constructive manner.
- Believes that the “activist” council model has real attractions but that it would require greater autonomy for local authorities than is afforded currently by central government and recognition that a public service ethos is fundamental.
- Is firmly of the view that the principles of localism and subsidiarity need to be embraced by all levels of government in Wales.
- Fully supports a power of general competence for all Welsh Councils.

### Chapter 2 - Balancing the responsibilities of National and Local Government

This chapter recognises that a new approach is needed to underpin central local relations in Wales and will be achieved by a review of the body of local government legislation. It also highlights that Welsh Government remains firmly of the view that both structural and organisational reform of Local Government is necessary.

Powys County Council View:

Supports:

- The review of legislation relating to local government with a view to longer term consolidation and simplification.
- The provision of general power of competence as it fits with the council’s community delivery strategy.
- The need for clarity on how relationships with communities are built and sustained.
- Calling all authorities ‘County Councils’.

Comment:

- There is currently a lack of detail which makes it difficult to assess the practical impact of these proposals.
- Should consideration be given to direct elections to National Park Authorities, Fire Authorities and Police and Crime Panels?
- Will Welsh Government’s support for regional work as evidenced by the City Regions extend to rural authorities as well?

### Chapter 3 – Renewing Democracy

The proposals in this section deal with suggested reforms aimed at renewed democracy. These include reducing the number of councilors across Wales, term limits, right of recall, possible election by thirds etc. This chapter has proved the most controversial to date in the discussion around the White Paper.

## Powys County Council View:

### Supports:

- Defining the roles and responsibilities of Leaders, Cabinet and Elected Members in legislation, providing the definitions are not too prescriptive.
- The requirement for leaders to set out a manifesto and to provide an annual update.
- Leader's explicit duties in respect of diversity (including Welsh language) and standards of behavior.
- The provision of a training and development programme for future political leaders.
- Proposals for fixed five year terms in line with Assembly and Westminster.
- Support for ending dual roles as a Councillor and Assembly Member.
- Statutory duties around promoting democratic engagement and having Youth Councils. However there is a need for clarity as to the roles and responsibilities and the training and support required.

### Comment:

- There is an opportunity to include a reference to the Welsh language under the roles and responsibilities of the Leader / Cabinet Members / Elected Members.
- 3.3 The Role and Responsibilities of the Leader states that 'Leaders must also be powerful advocates for equality and diversity'. This could be extended to also include the Welsh Language, to ensure that Local Authorities have strong advocates for the Welsh Language, and for Welsh speakers within their area.
- A reduction in full-time Cabinet roles and introduction of (part-time) Deputy or "Junior" Cabinet members would allow for member development but there would need to be clear delineation of roles and responsibilities and clarity as to the remuneration for these posts. Would this be replicated in opposition? More clarity needed.
- Reduction in number of councillors in line with UK average is supported in principle but needs to be considered in the context of Wales rather than the United Kingdom. There needs to be some allowance for the topography of rural areas. What is suitable in England may not be in Wales.
- Council elections phased by thirds is NOT supported – it destabilises both the Members and the management of Councils.
- Term limits of 5 terms for Councillors and 2 terms for Leaders and Cabinet members is NOT supported. It would discourage younger councillors who through their Council work can be disadvantaged in advancing their careers only for them to be forced to stand down.
- Need for clarity on what sanctions Standards Committees would have following enhance powers. Also sanctions need to be related to conduct rather than Member decision making.
- Recall should only be based on issues of conduct NOT on the way in which a Councillor has voted on an issue.
- Remuneration of councillors should be left to the IRPW. If the numbers of Councillors and Cabinet members are reduced the workload will increase and this coupled with reduced allowances will make it less attractive for candidates to stand for election.
- Need to clarify that roles and responsibilities of Chief Executive are compatible with requirements placed on leaders.
- Proposed term limits on Chief Executive appointments is NOT supported
- Whilst there could be a role for a Public Sector Appointments Commission in the recruitment process there is NO support for Chief Executive appointments to be made by anyone other than Council.
- Whilst national guidelines for pay levels of Chief Executives and other chief officers

are helpful, as stated above the more short term an appointment, the higher the remuneration required to attract candidates.

## **Chapters 4 & 5 - Connecting with Communities and Empowerment**

This section examines the potential role of area boards and reforms to town and community councils. It stresses the importance of member led community governance.

### Powys County Council View:

#### Supports:

- The principle of member led community governance and the general direction set out in connecting with communities and power to local communities.
- The principle that community councils who wish to be considered competent achieve minimum standards.
- The proposal to give the new principal councils the power to lead reform of town and community councils but with the provision of funding.

#### Comment:

- The role of the third sector and community bodies in neighbourhood management is acknowledged. However, regulation and accountability rests with public sector bodies. Also the third sector is disparate across Wales with some areas being more strongly represented than others.
- Members can best support their communities by leading facilitating and enabling conversations; qualifying local evidence based intelligence with qualitative information to ensure local needs are heard/met. Elected Members are respected local leaders or 'champions' for the communities they represent, being able to facilitate the two way flow of communication and articulate opinions. Having local knowledge and understanding of issues that affect the communities they represent, as well as knowing key people to approach.
- Whilst a review of community level reform is supported, 2022 is not an ambitious enough timescale – we feel this could be brought forward to 2017.
- Very clear guidelines are required for Principal Authorities as to the basis on which these new community councils should be established e.g. number of electorate per councillor, maximum numbers of councillors for each community area, whether a community council area has to be contained within a County electoral division or can span one or more divisions.
- Serving members of Local Authorities should NOT be able to become a member on a Community Council and continue their position in the Local Authority.
- With regards Community Councils and a general power of competence:
  - The smaller community councils in rural parts of Wales are not on a parity with larger urban councils. Currently some community councils have little resource, assets or services that are delivered within their wards which would not increase substantially if a large geographical area was covered.
  - Therefore a proportionality test would need to be in place for Competence in rural areas. A threshold of £200k turnover is very ambitious even for a group of smaller community councils that do not have rich assets/services.
  - Whilst we would welcome a broad and diverse profile of representation on a community council, this can be difficult to achieve in rural communities where there is a smaller less diverse population base to draw upon, particularly when profile data shows how limited the representation currently is.
  - Engagement of young people in local democracy and civil pride should be

- actively promoted, the mandatory setting up of youth councils could assist this.
- Accessibility to community councils could be achieved by further enhancing their information/websites.
- The 'Competency test' would need to be fully determined to answer this more definitively, and a proportionality test exercised in rural areas as appropriate.
- The competency test could include measures to show evidence in working towards equitable/ proportionate representation.
- Community bodies should meet a competency test in taking asset transfers. There needs to be some qualification of what buildings are appropriate and available for transfer. For example, Powys operates the Local Asset Backed Vehicle (LABV) which de-risks the council assets, lines up prospective purchasers; gets Planning permissions tailoring sketch schemes to purchasers needs; acting as a catalyst for development activity.
- It is not clear what is meant by a 'register of community interests' and what this is intended to achieve.
- Along with the references to protecting the rights of Welsh speakers in transferring assets to community bodies or social enterprises (5.2), a reference could be made to using the transfer of assets or services in order to promote the Welsh language, by supporting Welsh language community initiatives and investing in the Welsh language, as outlined in Iaith Fyw: Iaith Byw – Bwrw Mlaen.

## **Chapter 6 - Corporate Governance and Improvement**

The White Paper outlines continued commitment to the concept of self- improvement, where councils themselves remain responsible for identifying their own improvement priorities, identifying and mitigating improvement challenges and risks and managing service performance. The White Paper therefore proposes a repeal of the more general improvement provisions in Part 1 of the Local Government (Wales) Measure 2009 and reaffirms an intention to retain Ministerial intervention powers, including a new power to commission an independent governance review of an authority in certain circumstances.

### Powys County Council View:

#### Supports:

- The principle of self-assessment and recognizes the merits of peer review.
- The power to intervene and providing diligent interpretation, the local government and support and intervention protocol.
- The repeal of the Local Government (Wales) Measure 2009 (Part 1).

#### Comment:

- Any changes to the role of Audit Committees need to be clear and take account of the enhanced roles which have already been given to Audit Committees under the Local Government (Wales) Measure 2011. In Powys the opportunity provided by the Measure has meant that the Audit Committee acts as a scrutiny committee and currently considers financial and performance reports.
- Whilst there is merit in having professional knowledge to support the work of elected members, it is for the council to ensure the required skills and knowledge is available to audit committee.
- Self-assessment is the essential component of effective improvement and corporate planning. It should be a continuous and embedded behaviour. "Where are we now" is the first stage of the planning process.
- Whilst recognising the value of peer review, but believes it should remain a sector-

led, sector-owned and sector-commissioned model and should not be statutory or prescribed. Peer assessment should be periodically used to test the effectiveness of the council's own internal arrangements for constructive self-assessment.

- Training and development on effective challenge for Executive, Management and Scrutiny. Developing skills to formulate conclusions based on triangulated evidence.
- Provision of guidance:
  - The definition of improvement should be retained to ensure consistency.
  - Broadly speaking, the guidance should be redefined as the white paper is clearly looking for a new direction.
  - We would suggest moving away from a regime of compliance to one of acting in the spirit of the measure / guidance. This encourages innovation and creativity.
  - Guidance on the Wellbeing of Future Generations should take precedence.
- Avoid over complicating the issue of public reporting – making information available is key.

## **Chapter 7 - Performance in local Government**

The White Paper further explores the key components of effective governance and self-improvement and outlines proposals for a requirement for councils to publish a corporate plan that covers the short, medium and long term, annual reporting arrangements covering performance for the previous year. The White Paper also clarifies Welsh Government intention to streamline the performance measurement regime in line with the Williams Commission recommendations and proposes the establishment of an online information portal including councils' performance information and performance documentation and reports.

### Powys County Council View:

#### Supports:

- Many of the aims of the White Paper around seeking to streamline and more effectively and transparently measure, manage and report council performance.
- The principle that councils produce a corporate plan covering short, medium and long term.
- The principle of a single information portal (bar the inclusion of information on complaints).
- The establishment of an on-line complaints process.
- Strengthening provisions for broadcasting proceedings and the rights of the public to engage in proceedings via social media.
- Proposals around openness and transparency of council business and recognises the potential for increased service provision and customer contact through digital channels.

#### Comment:

- With regards annual reporting, don't be too prescriptive with requirements - give councils the freedom to be innovative, allowing the corporate plan to be a dynamic plan.
- Need for consistency in service performance comparative data across Wales and to be owned and funded by Welsh Government. The cutting of the Welsh Data Unit was an unhelpful step.
- Minimum performance standards can distort priorities and may become maximum standards. It could encourage gaming behaviour.
- Powys County Council does not support proposals for 'financial penalties' believing

- they can unfairly undermine performance and attainment of standards.
- Council should determine its own appropriate process for considering reports on complaints (eg Audit may consider general report but more specific issues may be directed to relevant scrutiny committee.
- Iaith Fyw: Iaith Byw – Bwrw Mlaen also aims ‘to ensure the Welsh language is an integral part of technological and digital developments’. This could also be integrated into 7.5 – Digital Councils.

## **Chapter 8 - Strengthening the Role of Review**

The White Paper outlines the Welsh Government’s plans continued commitment to the concept of local democratic oversight and scrutiny of local government and, potentially, partner organisations. The White Paper outlines proposals to further clarify, support and strengthen local scrutiny, the relationship of scrutiny with external inspectorates and regulators and improved coordination of information and activities of such external bodies.

### Powys County Council View:

#### Supports:

- Many of the principles and objectives that underpin the chapter on strengthening the role of review, many of the individual proposals are also endorsed.
- Strengthening the link between internal scrutiny and external audit.
- The extension of Scrutiny Committees duty to provide public and community based bodies with opportunities to engage with scrutiny.

#### Comment:

- Provide adequate resources for scrutiny, performance and democratic services. Need to link this to the role of Head of Democratic Services in the Local Government (Wales) Measure 2011.
- The use of Call-In by the Council has been very limited. The use of a ‘key-decision’ structure as operated in England will be of assistance to scrutiny as it will assist in identifying matters coming to the Cabinet earlier and will allow more pre-scrutiny to take place. This is a far better position for scrutiny and the Council generally rather than the negative aspects associated with Call-In which can place scrutiny in a position of conflict with the Cabinet. There are a number of restrictions which the Council applies in relation to Call-In. However it is known that there is no consistency across Councils as to what limitations apply to the Call-In process. If the intention in the proposal is to limit the use of Call-In there needs to be guidance as to what limitations should be universally adopted by Councils. It is also difficult to see a position where most of the decisions taken by a Cabinet would not be regarded as ‘key-decisions’. Therefore the proposal could be limited in its impact.
- Note that “Key Decisions” have to be published in forward work programmes for at least 28 days.
- Co-optees should be appointed for a specific purpose or role not a specified period of time and voting should be limited to that role. The current position of co-optees is not consistent.
- Encouraging local people and communities to engage with scrutiny is welcomed. However this should not be too restrictive and Councils should be given a general power to do this rather than be restricted in how they do this. There is also a danger that the groups that are likely to put themselves forward to engage with scrutiny will be the lobby / interest groups who will be promoting certain interests, and the true voice of people and communities will not be heard. This must be guarded against at

- all costs.
- There is also a general disinterest or lack of understanding by communities as to what scrutiny is for, and people tend to be item specific when they voice their opinions. It has been a challenge to date for Councils to get involvement from the public in scrutiny, and resourcing this will also be a challenge for Councils.
- More clarity needed on who would be on Local Public Accounts Committee and what its responsibilities would be. Must ensure there is no duplication of effort.

## **Chapter 9 - Reforming Local Government Finance**

This chapter highlights longer term proposals for reform of the finance system in Wales supported by changes to the way local services are funded and the mechanisms for distributing, raising, managing and accounting for the funding.

### Powys County Council View:

#### Supports:

The proposals on council tax revaluation, reform of the local government funding formula and new approaches to local taxation.

#### Comment:

Local government finance is the key issue facing local councils and reform should be given greater prominence within the White Paper.

## **Impact Assessments**

### Welsh Language

#### Positives:

- There is strong reference to compliance with the Welsh Language Standards, along with equalities and other statutory duties under Chapter 6: Corporate Governance, and in the expectation that the Corporate Plan will explain how duties in respect of the Welsh Language will be delivered, including corporate priorities for service delivery and improvement with regard to the Welsh Language Standards.

#### Negatives:

- There is a general lack of reference to the Welsh language within the paper. Only one reference is made in the summary, which mentions the importance of property of community value to protecting the Welsh language.
- References are made to the Welsh Language Standards and statutory requirements in chapters 2, 6 and 7 of the Full Version of the White Paper, but no reference is made to the role of Local Government in promoting the Welsh language, taking greater responsibility for the Welsh language and strengthening the Welsh language within the community, which are among the six aims of Iaith Fyw: Iaith Byw, and the policy objectives outlined in Iaith Fyw: Iaith Byw – Bwrw Mlaen.

#### Mitigation:

- Further references to Iaith Fyw: Iaith Byw – Bwrw Mlaen's aims of:
  - Challenging Government, the wider public sector, business, the third sector and individuals to promote the language.
  - Encouraging organisations to take more responsibility for the language and invest in the language.

- Ensuring the Welsh language is an integral part of technological and digital developments.

### Children and Young People

The proposals set out in the white paper should generally have a positive impact on children, young people and their families.

#### Positives:

- Providing children, Young People and their families with more of a voice and a role in terms of scrutiny is significantly positive.

#### Further Development:

- Without strong leadership and guidance from the Centre the voice of children and young people can easily be lost or ignored amongst the breadth of 'adult issues' within local communities. Ongoing investment is needed in ensuring that participation of Children and young People is robust and meaningful.

#### Negatives:

- If Early Intervention and Prevention for children and families does not continue to be a national priority it could get diluted or lost at a local level. It will be important to maintain a national priority/focus on children and young people whilst allowing County Councils to find localised responses to need.

#### Mitigation:

- See point made under further development.

### Equalities

Given current legislation, the proposals set out in the white paper will not greatly impact on equalities issues.

#### Positives:

- Attempting to improve the diversity of elected members (although achieving this may be problematic)
- Councils being answerable to local people

#### Further Development:

- Further consideration on how the requirements of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 may be integrated into the requirements for self-assessment and corporate planning.

#### Negatives:

The protected characteristics groups may be disadvantaged in terms of community participation although this can be turned into a positive.

#### Mitigation:

- Ensuring the voice and capabilities of those with protected characteristics are considered appropriately.