

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 8 February, 2016**

#### **Report of the Leader**

### **Local Government (Wales) Bill Draft for Consultation - Proposed Council Response**

#### **Purpose of the Report**

1. To obtain Cabinet approval for the proposed response by the Council to Welsh Government's Local Government (Wales) Bill consultation draft.

#### **Recommendations**

1. That Cabinet approves the proposed response at [Appendix A](#).
2. That Cabinet authorises the use of Article 14.14 of the Council's constitution (urgent decision procedure) to submit the response to Welsh Government by 15 February.

#### **Reasons for the Recommendations**

1. To make Welsh Government aware of the Council's views.
2. To ensure that the response is submitted by the due deadline.

#### **Background**

2. Welsh Government have published a consultation document, the Draft Local Government (Wales) Bill (Available online at: [http://gov.wales/consultations/localgovernment/draft-local-government-\(wales\)-bill-consultation/?lang=en](http://gov.wales/consultations/localgovernment/draft-local-government-(wales)-bill-consultation/?lang=en)).

The Draft Bill sets out the intended programme for previously announced Council mergers and a legislative framework for local authority democracy, accountability, performance and elements of finance. The Draft Bill builds on the previous White Paper "Reforming Local Government: Power to Local People" (February 2015), to which the Council responded in April 2015. Responses to the Draft Bill currently out for consultation are required by 15 February 2016.

3. The Bill will not be introduced into the Assembly until after the Assembly elections of May 2016. There is therefore considerable uncertainty about whether any of the provisions of the Draft Bill will come into effect since much will depend on the political

composition of the post May 2016 Assembly. Nevertheless, it is important that the Council responds in full to the proposals contained in the Draft Bill.

## **Relevant Issues and Options**

4. The Council's proposed response to the Draft Bill is contained in Appendix A.
5. The main focus of public attention given hitherto to the Draft Bill has been on Welsh Government's plans for the creation of eight or nine new Councils to replace the current 22 (see Part 1 of the Draft Bill). This issue is addressed in the Council's proposed response to Question 1.1 of Appendix A. The Vale of Glamorgan Council's stance on local government reorganisation has been set out on a number of occasions and remains unchanged. In essence, the Council is convinced of its viability to continue as a high-performing Council delivering excellent local services and working in collaboration with others. Our position if reorganisation becomes an inevitability is for a "best fit" merger with Bridgend Council rather than with Cardiff Council, as specified by the Draft Bill.
6. The remaining parts of the Draft Bill (Parts 2-8) cover a range of matters to do with democracy, accountability, performance and finance. In many instances what is proposed assumes that the new, larger Councils will be established, and we point out in the draft responses where this is an unwarranted assumption. However, it is important to note that even if local government reorganisation does not happen in the way the Draft Bill outlines, these wider provisions on the operation of Councils may still be enacted.
7. The Council's views on these other provisions are set out in detail in Appendix A. In general, there is much that we would agree with in these provisions; however, a common thread is a tendency for huge over-prescription, so that Councils would be directed in a great many activities. Extracts from a host of examples are the need to respond formally to "improvement requests" from any community body, the requirement to establish community area committees, the details of how peer performance reviews should be carried out, the requirement to broadcast all meetings, prescription on the participation of children and young people and prescription on the performance of Elected Members.
8. It may be that this over prescription is a result of Welsh Government fears that not all Councils are equipped to deliver the necessary changes without detailed regulation; if that is the case, then the best performing Councils such as the Vale of Glamorgan would be unfairly penalised by being caught in the same net. A more flexible approach is required.

## **Resource Implications (Financial and Employment)**

9. There are no immediate resource implications arising from the Draft Bill since it is not clear whether it will be enacted. Clearly, detailed planning would need to be undertaken if actual legislation ensued.

## **Sustainability and Climate Change Implications**

10. There are some concerns that there may be a lack of correlation between the Draft Bill in respect of the Improvement of Governance duties imposed and the Wellbeing of Future Generations Act 2015, which is designed to make Sustainable Development the central organising principle of public sector organisations. This concern has been pointed out in the draft response at Appendix A.

## **Legal Implications (to Include Human Rights Implications)**

11. Welsh Government does not intend to legislate before the end of the current government's term in May 2016. The Draft Bill would be used as the basis for legislation to be introduced by a future Welsh Government if it was so minded.

## **Crime and Disorder Implications**

12. There are no Crime and Disorder implications.

## **Equal Opportunities Implications (to include Welsh Language issues)**

13. An Equalities Impact Assessment is included as part of the Draft Bill.

## **Corporate/Service Objectives**

14. This report relates to Welsh Government proposed legislation. The Council's corporate and service objectives have been considered in framing the proposed response at Appendix A.

## **Policy Framework and Budget**

15. This is a matter for executive decision by the Cabinet.

## **Consultation (including Ward Member Consultation)**

16. Not applicable

## **Relevant Scrutiny Committee**

17. Corporate Resources

## **Background Papers**

Draft Local Government (Wales) Bill and accompanying Welsh Government documents ([http://gov.wales/consultations/localgovernment/draft-local-government-\(wales\)-bill-consultation/?lang=en](http://gov.wales/consultations/localgovernment/draft-local-government-(wales)-bill-consultation/?lang=en))

## **Contact Officer**

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## **Officers Consulted**

Corporate Management Team

## **Responsible Officer:**

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