

Legislation Committee No 3

Proposed Local Government (Wales) Measure

Response from Bridgend County Borough Council

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Dear Ms Jones

Consultation – Proposed Local Government (Wales) Measure

I write in response to the Legislation Committee's call for evidence on the general principles of the Measure and welcome the opportunity to offer views on this important issue. Before turning to the specific questions on which views are sought, I would like to make some general observations.

It was disappointing that a number of the issues identified in the Council's response earlier in the year to the consultation on Scrutiny and Political Structures as potential areas of concern have not been addressed in the proposed Measure and it follows that these remain a concern. In addition, it is considered that the timing of the Measure is unfortunate as it will be difficult to justify additional resources being set aside to implement the proposals at a time when the pressure to curtail the budget deficit at a UK level is expected to lead to reductions in spending on service delivery arrangements commissioned by local authorities.

Q1 - Is there a need for a proposed Measure to deliver the stated objectives ...etc?

Overall, the broad policy principles behind the Measure are supported but the general concern is that the Measure is too restrictive and prescriptive, effectively curtailing local autonomy and local discretion. The Measure varies significantly in scope, including proposals with broad strategic implications, such as statutory guidance on powers and duties of collaboration, to provisions prescribing matters of narrow administrative detail.

Q2 - How will the proposed Measure change what organisations do currently and what impact will any such changes have?

There are specific elements of the Measure (eg Joint Scrutiny Committees) that the Council would support but conversely, there are proposals previously consulted upon which raised concerns such as the feasibility of policing the prohibition of whipping in scrutiny. It is understood that many organisations made similar representations and it is disappointing that the Assembly Government has not taken note of concerns about the principle, cost implications and practicability of these proposals.

The proposal to extend the scope of scrutiny to cover other public services is welcomed. However, this will require a different model to the arrangements in place within local authorities to ensure a recommendation made in a scrutiny committee of the local authority is considered and acted upon by another public body. The alternative model should have a focus on overseeing the range of services provided to citizens in the locality and promoting greater public accountability for the delivery of these. Work will need to be undertaken to build capacity and develop skills to ensure that effective scrutiny of other public services will be delivered effectively.

Q3 - Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?

A number of the objectives within the Measure could be achieved without legislation and without statutory obligation; many are already being achieved or delivered through existing practice. To support this view, this Council has made steady progress developing Member Support arrangements in line with the requirements of the WLGA Charter and it follows that questions must be asked about the added value of some aspects of the Measure.

Establishing the proposed statutory Head of Democracy and a statutory Democratic Services Committee would be costly and has potential to undermine existing responsibilities and functions of Chief Officers, including Monitoring Officers. The clauses that outline provision for Ministers to give direction over matters such as the timings of meetings illustrate the concern of the Council over elements of the Measure being too prescriptive and the need for this must be questioned.

This Council already has well established arrangements that require Chairs of Scrutiny Committees to be drawn from political groups that do not form part of the Administration. These are viewed as being examples of 'Good Governance'.

The proposal for co-opted Members to be given the power to 'Call In' decisions is not supported as it is considered this power should be reserved for democratically elected councillors.

There are already arrangements in place for Scrutiny Committees to engage with the public when undertaking policy reviews so the proposal to impose a duty on scrutiny committees to consult with the public on any matter under consideration by the committee is not supported.

This impacts on the role of democratically elected councillors and will have cost implications. Elected Members are well placed to determine the issues where this would add value and if necessary, it should be included as a power rather than a duty.

Q4 - What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

Whilst seeking to promote local democracy, the Measure would effectively stifle local discretion through a range of prescriptive provisions and new Ministerial powers of direction. Similarly, some provisions seek to embed existing common constitutional convention within statute which could result in a more prescriptive, inflexible one size fits all approach.

As was outlined in this Council's response to the Assembly Government's consultation on scrutiny and political structures, there are risks associated with introducing voting rights for co-opted Members that could undermine the position of democratically elected councillors. When necessary, the scrutiny process in this Authority already secures specialist input by inviting 'experts' to give evidence to Member research and evaluation panels or Scrutiny Committees and these arrangements have worked well.

Q5 - What are the financial implications of the proposed Measure for organisations, if any?

It is difficult to accurately assess the financial implications but the costs associated with implementing the new powers or duties quoted in the explanatory memorandum are believed to be significantly underestimated and cannot be justified in the current financial climate. The proposal to widen the scope of scrutiny raises issues; capacity, skills, experience etc as well as the resources that will be needed to properly undertake the role. As stated earlier, the requirement to have a statutory Democratic Services Officer and a Democratic Services Committee will also incur substantial costs and the necessity for these must be questioned.

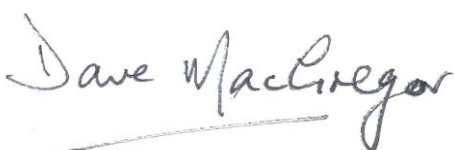
Q6 - Are there any other comments to make about specific sections of the proposed Measure?

The proposals to promote remote attendance at meetings would be costly, complex and impractical to introduce. They would impact adversely on the governance arrangements in place to ensure effective conduct of meetings and the transparency of the political decision making process. To illustrate this, voting would all have to be done individually and it will be impossible to ensure that exempt and confidential reports are properly handled.

In 2009, this Council and the Town and Community Councils within the County Borough jointly developed and adopted a new 'Charter' so it is not considered necessary for the Assembly Government to prescribe a 'model charter' and direct local Councils to adopt this. It is far more effective for such matters to be negotiated and owned locally.

Finally, I realise that most of these observations appear negative but I very much hope that you will read them as being constructive feedback. We believe the issues under consideration have significant implications for Local Government in Wales and it is important these these concerns are shared with the Committee.

Yours sincerely



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