

**Legislation Committee No. 3
Consultation on the proposed
Local Government (Wales) Measure
October 2010**

1. The NASUWT welcomes the opportunity to submit written evidence to the Legislation Committee No.3 in relation to the general principles of the proposed Local Government (Wales) Measure.
2. The NASUWT is the largest teachers' union in Wales and the UK representing teachers and school leaders.

GENERAL COMMENTS

3. In October 2003, the NASUWT cautioned the then Local Government and Public Services Committee that the structures that had been introduced for local government, as a result of the Local Government Act 2000, presented an affront to local democracy (a copy of the letter is attached at Annex A).
4. The NASUWT complained that the move to a 'cabinet' system had reduced local accountability rather than enhanced it, reduced transparency and openness, placed too much power in the hands of a small group of councillors, reduced the role and effectiveness of backbench councillors, exacerbated the 'funding fog' that engulfed education spending and provided 'paid' positions for cabinet members.

5. The NASUWT recognised that the newly established ‘scrutiny committees’ provided an opportunity for discussion about issues and decisions but questioned their effectiveness.
6. In preparing this evidence, the NASUWT conducted a poll across each of the 22 Welsh local authorities. The returns reveal that the concerns expressed by the NASUWT in 2003 not only continue to apply, but that the situation appears to have worsened with ‘cabinet government’ being described as ‘behind closed door politics’, ‘consultation by camouflage’ and ‘closed shop government’ (an analysis of the returns is attached at Annex B).
7. The NASUWT notes that the proposed Measure will enable some of the issues of concern to be addressed. However, the NASUWT submits that the proposed Measure presents a missed opportunity in relation to re-establishing the open and inclusive democracy that was afforded through the committee system of local government.

SPECIFIC COMMENTS

8. The NASUWT offers the comments that follow in relation to the consultation questions:

QUESTION 1. *Is there a need for a proposed Measure to deliver the stated objectives of strengthening the structures and working of local government in Wales at all levels and ensuring that local councils reach out to and engage with all sectors of the communities they serve?*

The NASUWT accepts that there is an urgent need to strengthen the structures of local government to ensure that they become more inclusive and that they will facilitate and require engagement, not only with all sectors of the communities they serve, but also with the trade unions that represent local government employees and with other interested parties.

However, the NASUWT doubts that the structures in the proposed Measure will achieve this end.

Indeed, the NASUWT laments the loss of the committee structure that had the merit of being inclusive of community, trade unions and other interested parties and provided an opportunity for proposals to be debated fully and/or campaigned against before the decision-making process was completed.

QUESTION 2. *How will the proposed Measure change what organisations do currently and what impact will any such changes have?*

The NASUWT doubts that the proposed Measure will provide an opportunity for trade unions and other organisations to enter into meaningful debate with local government representatives and elected members.

The NASUWT maintains that the proposed Measure should require local government to make provision for such discussion to take place in the formative stages of proposals, especially those that affect the working conditions and/or livelihoods of employees and the communities served by local councils.

Rather than strengthen local democracy, the NASUWT believes that the Measure may further distance local government from the communities they serve and from representative bodies.

QUESTION 3. *Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?*

Given that the proposed Measure promotes the continuation of the cabinet system of local government, the NASUWT does not believe that the stated objectives can be met.

In considering this question, the Committee is particularly interested to hear your views on the following:

(i) broaden and increase participation in local government by permitting steps which will help remove barriers and disincentives to standing for election to local councils (Parts 1-2 of the proposed Measure);

The NASUWT accepts the need to remove barriers and disincentives to standing for election to local councils but questions the influence that backbench councillors have on the decision-making process.

(ii) enable the review and improvement of the governance structures introduced through the Local Government Act 2000 so that they better suit the circumstances of local government in Wales (Parts 3-4);

The NASUWT is concerned that the thrust of the proposed changes to local government governance structures will further reduce democratic accountability and distance the decision-making process from the elected members.

(iii) enhance the role of non-executive (“backbench”) local authority councillors in the scrutiny of local services (Parts 5-6);

Although it is accepted that there is a need to enhance the role of backbench councillors, the NASUWT believes that their effectiveness will remain limited if their role is restricted to scrutiny.

(iv) develop and strengthen the role of community councils in Wales, including enabling them to deliver a wider range of services and actions locally as well as to increase the effectiveness of their representational role and their ability to work in partnership with other bodies (Part 7);

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The NASUWT questions the need to develop and strengthen the role of community councils in Wales given the difficulties in service delivery experienced by the 22 unitary authorities.

The NASUWT believes that, on arguments of economies of scale alone, there is a need to decrease rather than increase the bureaucracies that comprise local government.

(v) reform the system for setting allowances for councillors (Part 8);

The NASUWT accepts the need to reform the system for setting allowances for councillors but submits that the reform should seek to overcome the public's perception that the position of local government councillor, and particularly that of executive or cabinet members, is a career path rather than a calling.

(vi) allow the Welsh Ministers to issue statutory guidance on collaboration between local authorities, and between them and other bodies (Part 9).

While it is recognised that there may be circumstances where such Ministerial authority is necessary, the NASUWT maintains that provision must be made for any such guidance to be open to challenge through an established procedure.

QUESTION 4. *What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?*

In the current economic climate the NASUWT questions the prudence of embarking on a process that could increase the administration costs of

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local government. The NASUWT submits that the cost of implementation must now be weighed against the need to maintain both 'frontline' and so-called 'back office' public services in order to support the communities served by local government.

QUESTION 5. *What are the financial implications of the proposed Measure for organisations, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.*

The NASUWT notes that the estimate of costs and benefits included in Part 2 of the Explanatory Memorandum provide no direct comparisons with current costs and are based on positive and best case assumptions.

The NASUWT questions the premise that the additional demands and costs placed on local government by the provisions of the Measure could be accommodated through more efficient ways of working and the efficiencies delivered in the longer term through better governance and more efficient scrutiny.

The NASUWT maintains that the Measure could lead to an increase in the bureaucracies that comprise local government, which could, in turn, lead to increased cost.

QUESTION 6. *Are there any other comments you wish to make about specific sections of the proposed Measure?*

The NASUWT cautions against continuing with the introduction of the Measure at this time of economic uncertainty as it could be viewed as 'fiddling while Rome burns'.

The NASUWT submits that the need to progress the Measure should be reassessed.



Rex Phillips

Wales Organiser

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Undeb Yr Athrawon



CYMRU

The Teachers' Union

ANNEX A

NASUWT letter sent to the Welsh Government Local Government and Public Services Committee in October 2003

10th October, 2003

Adrian Crompton
Clerk to the Local Government and Public Services Committee
Welsh Assembly Government
Cardiff Bay
Cardiff
CF99 1NA

Dear Mr Crompton

Thank you for your letter of 17th July 2003, inviting comment on the operation in Wales of the new political structures introduced by the Local Government Act 2000.

NASUWT is of the view that the new structures present an affront to local democracy.

Experience demonstrates that the new structures have:

- reduced local accountability rather than enhanced it;
- reduced transparency and openness;
- placed power at local level in the hands of small groups of councillors;
- reduced the role and effectiveness of 'backbench' councillors;
- exacerbated the 'funding fog' that engulfs education spending in Wales;
- provided, through the scrutiny committees, a forum for discussion about issues and decisions but the effectiveness of these committees in terms of the decision making process is questionable;
- provided 'paid' positions for cabinet members.

Under the previous committee structure the Trade Unions often had seats on the committees. This provided an opportunity to contribute to debates on issues before decisions were taken. This opportunity was highly valued by NASUWT and it is a matter of great regret that such opportunity no longer exists.

NASUWT is able to evidence how a single cabinet member and a service manager can now make decisions that affect the livelihoods of large groups of workers with very little transparency or accountability.

I trust that the Local Government & Public Services Committee will find this response useful.

Yours sincerely

Rex Phillips
Senior Regional Official

NASUWT
Undeb Yr Athrawon



CYMRU
The Teachers' Union

ANNEX B

Raw data results to evaluate opinions about the Cabinet approach to local democracy: a poll of NASUWT Local Associations

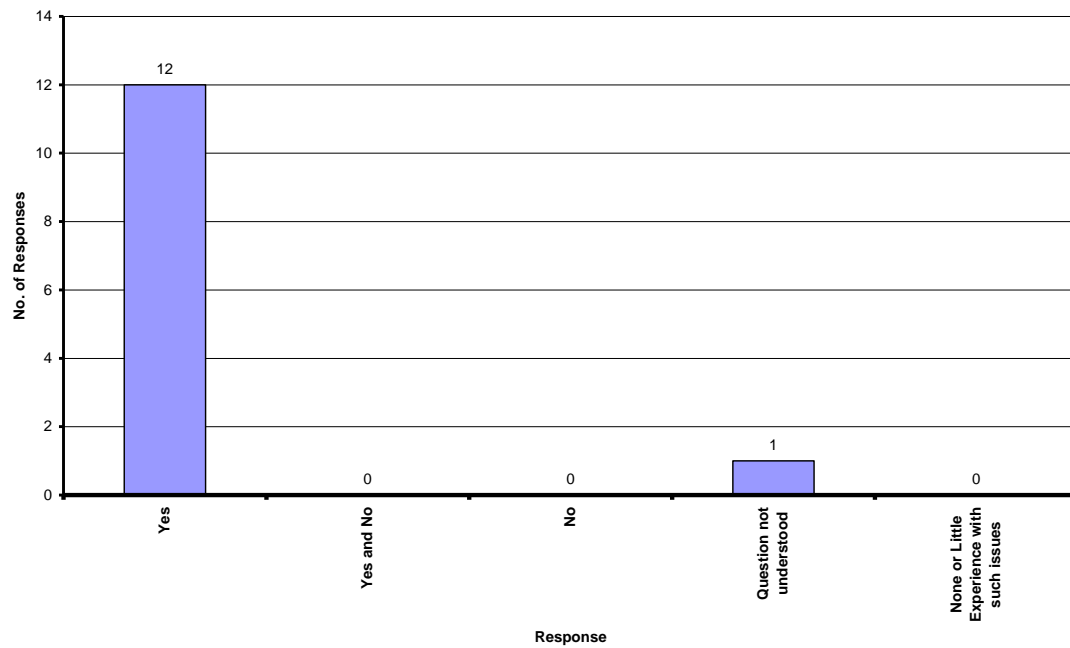
September 2010

Background

The NASUWT circulated the questionnaire that follows to local associations in the 22 Welsh local government authorities.

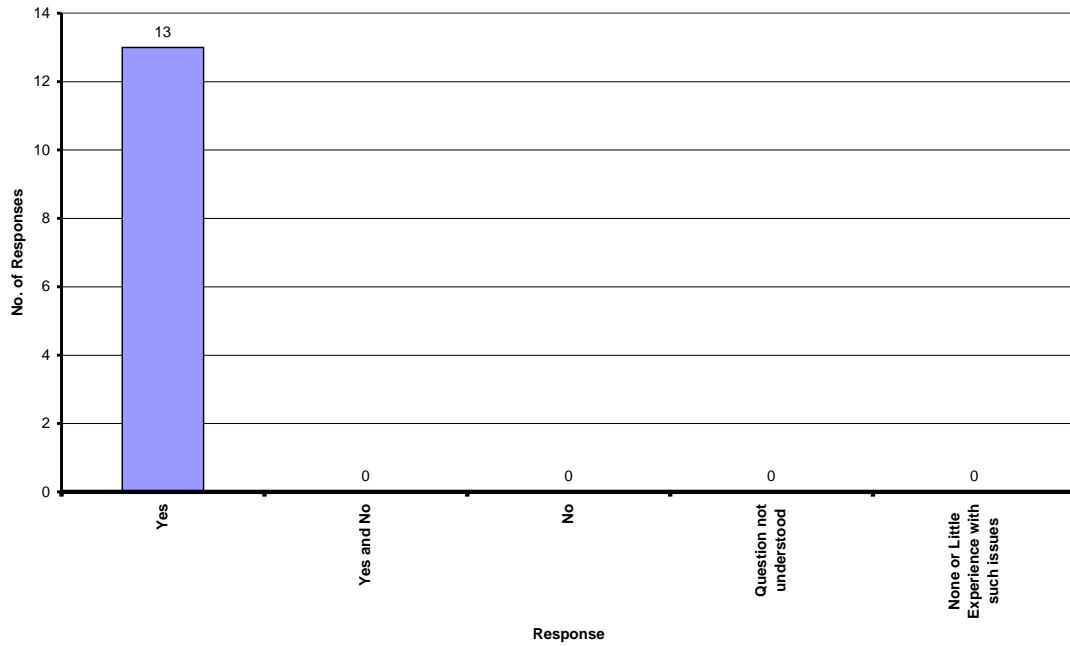
13 responses were received.

LOCAL GOVERNMENT STRUCTURES			
	Agree	Disagree	Comment
Cabinet Government is an affront to local democracy.			
Cabinet Government has reduced local accountability rather than enhanced it.			
Cabinet Government has reduced transparency and openness.			
Cabinet Government has placed too much power in the hands of small groups of councillors.			
Cabinet Government has, in effect, provided 'paid' positions for cabinet members.			
Cabinet Government has reduced the role and effectiveness of 'backbench' councillors.			
Cabinet Government has failed to lift the 'funding fog' that surrounds education spending in Wales.			
The Scrutiny Committees are ineffective.			
The Scrutiny Committee engage with the trade unions.			
Any other comments			

Question 1: Cabinet Government is an affront to local democracy.***Additional Comments***

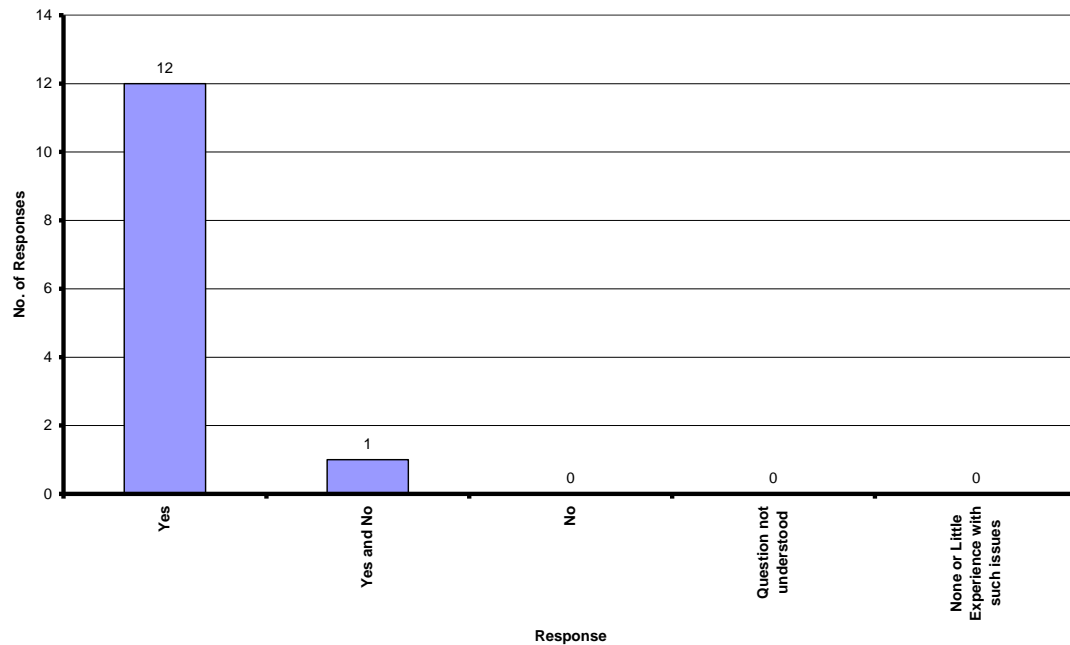
- Absolutely.
- Behind closed doors politics.
- Councillors who sit in cabinet are bound by cabinet decisions and have been disbarred for voting against cabinet decisions in open council.
- TUs constantly battle with cabinet and rarely reach agreement which benefits TU members.

Question 2: Cabinet Government has reduced local accountability rather than enhanced it.



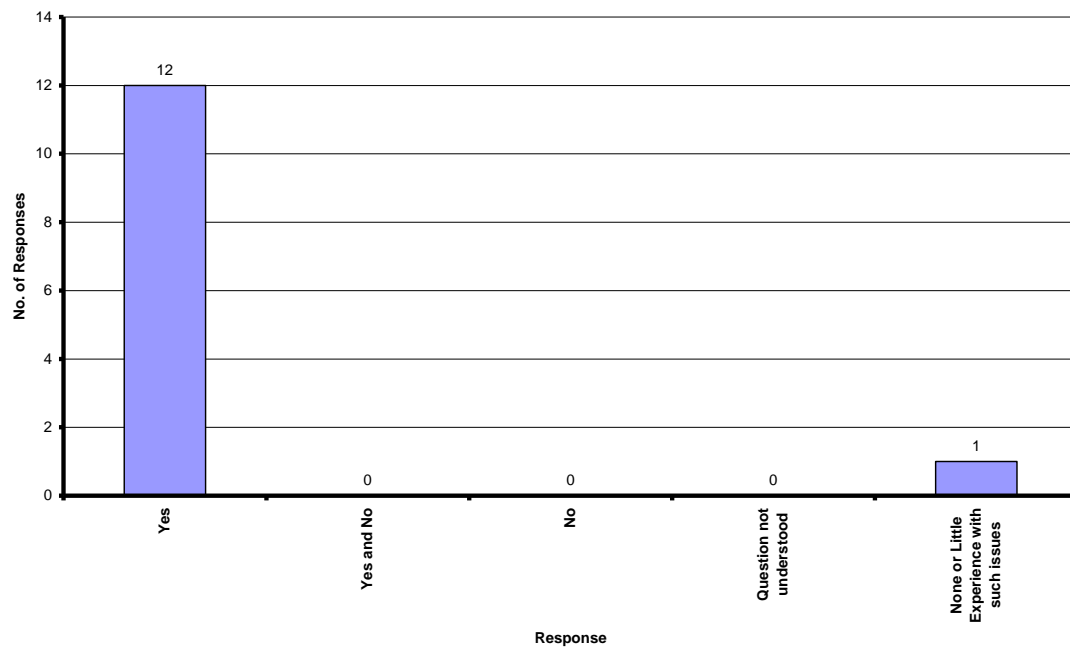
Additional Comments

- Absolutely.
- Behind closed doors politics.
- It has reduced accountability of those councillors who do not sit in cabinet.

Question 3: Cabinet Government has reduced transparency and openness.***Additional Comments***

- Whilst there is openness there is now less opportunity to influence the decisions as they are made at source unlike the old education committees where you could attempt to influence a decision just prior to it being made. It is now made 'behind closed doors' and then presented to the scrutiny committee so our comments are not directly made to the people who made the decision in the first place.
- Behind closed doors politics.
- Decisions made on cabinet grounds are held in private sessions.
- Consider it to be very much a closed shop government.

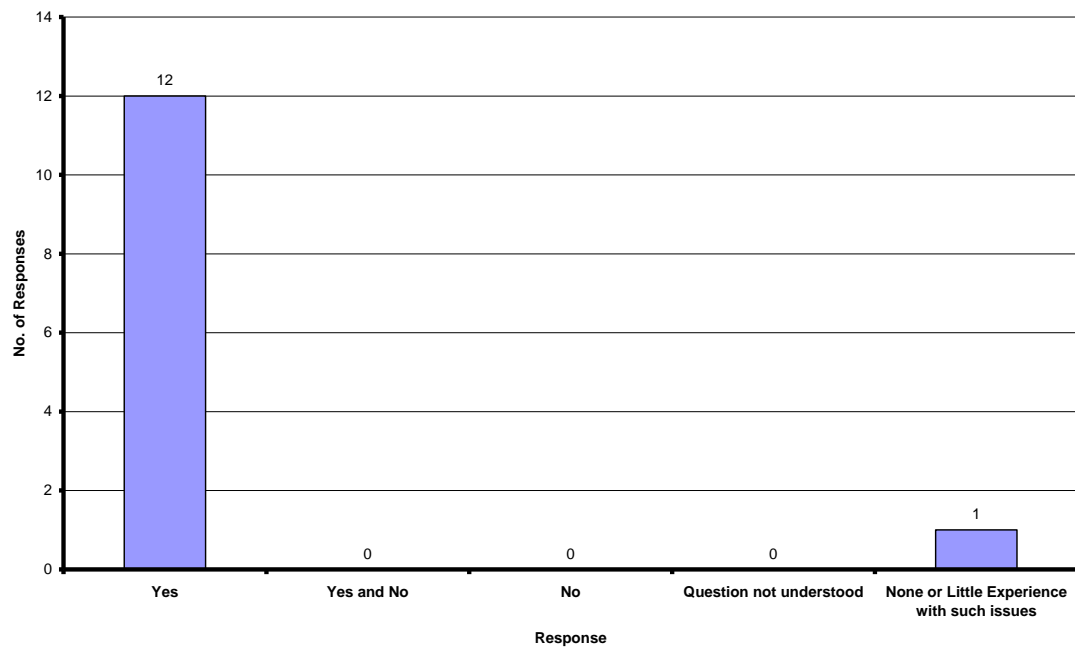
Question 4: Cabinet Government has placed too much power in the hands of small groups of councillors.



Additional Comments

- Small groups who rarely differ in opinion.
- Who will not take responsibility for any of their erroneous outcomes.
- I do not have sufficient experience to agree or otherwise.
- This is not used effectively and fairly – often in the hands of incompetent councillors.

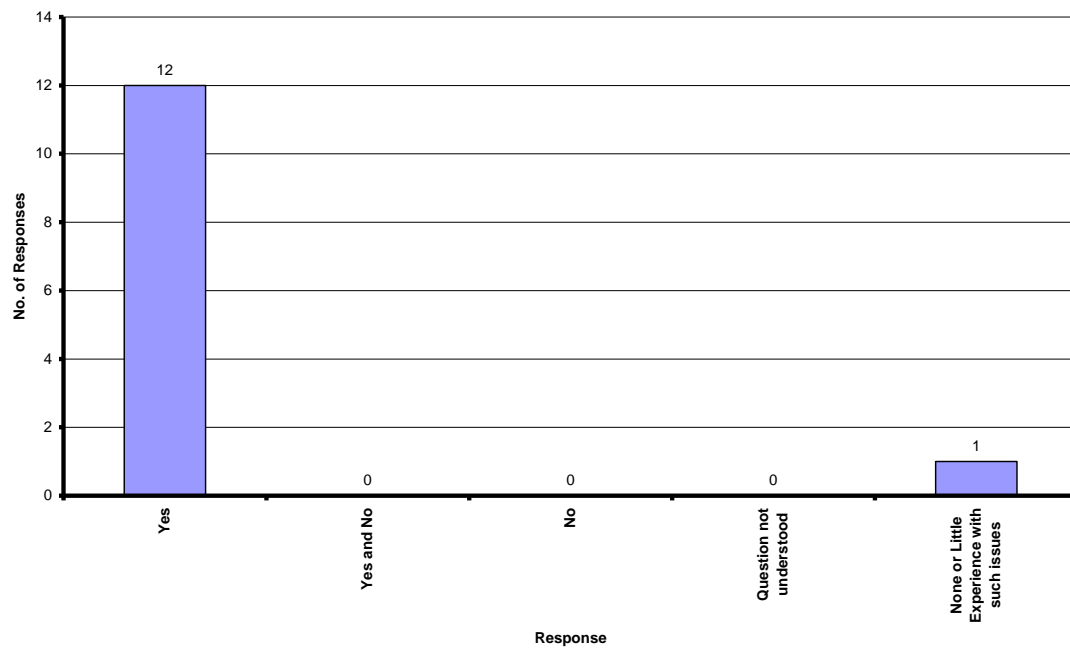
Question 5: Cabinet Government has, in effect, provided 'paid' positions for cabinet members.



Additional Comments

- Many in Council have made a 'career' out of it.

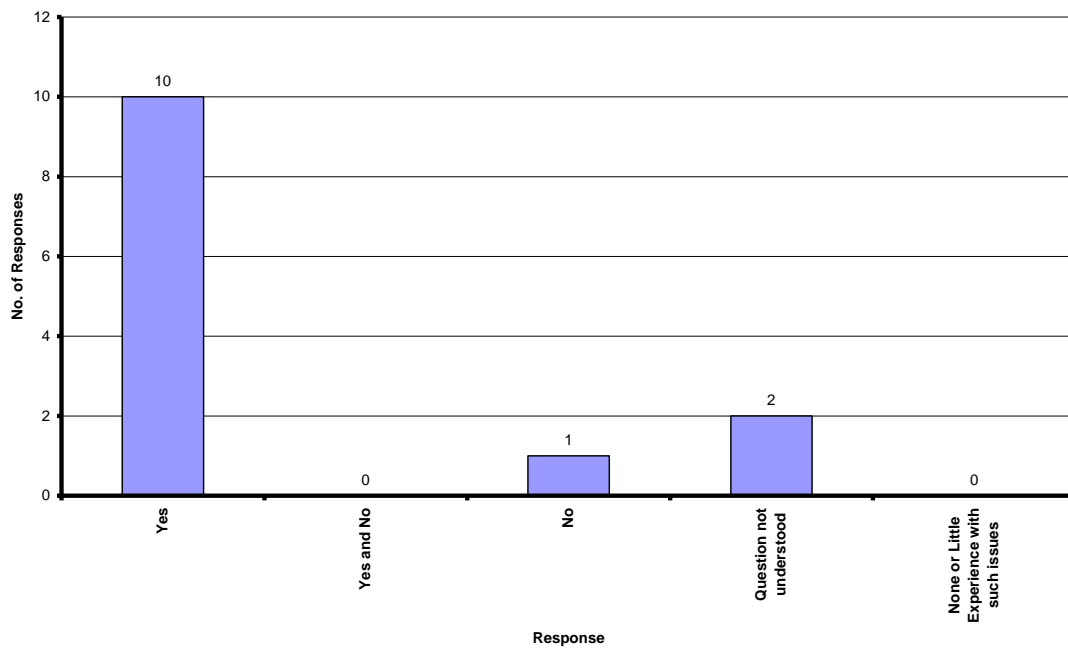
Question 6: Cabinet Government has reduced the role and effectiveness of 'backbench' councillors.



Additional Comments

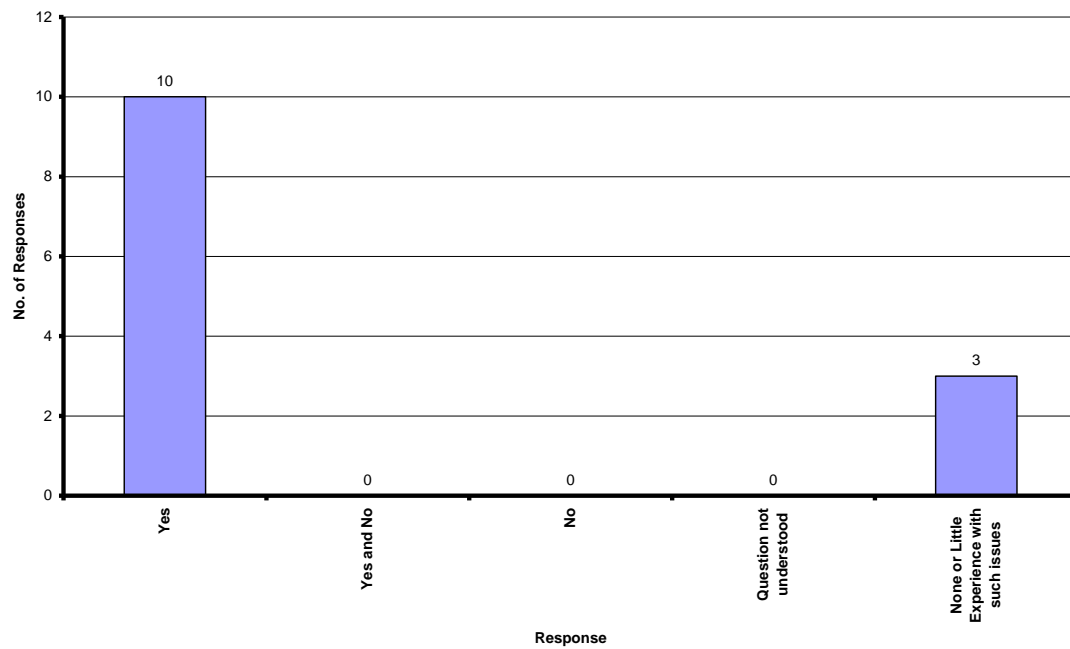
- Where a majority cabinet exists (of whatever “colour”) decisions are sidelining people’s opinions.
- I do not have sufficient experience to agree or otherwise.

Question 7: Cabinet Government has failed to lift the ‘funding fog’ that surrounds education spending in Wales.

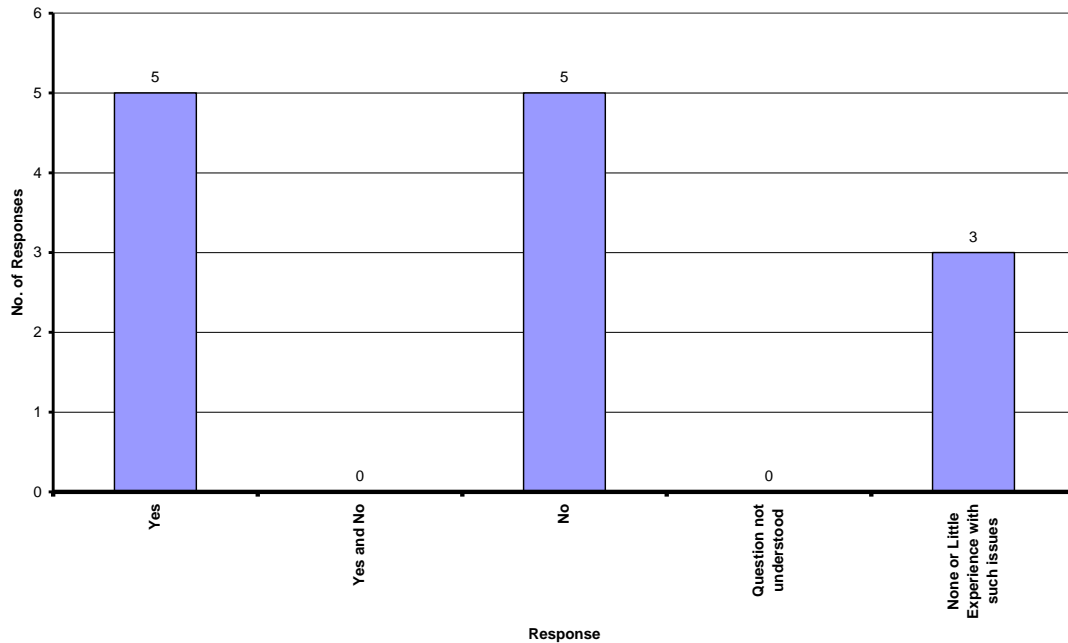


Additional Comments

- The fog would be there even if the old system had still been in place.
- Agree but difficult for me to answer this.
- This remains a mystery in my authority.
- The ex leader of my authority admits that he got nowhere over a 5 year battle.

Question 8: The Scrutiny Committees are ineffective.***Additional Comments***

- See comments above.
- Cabinet is obliged only to consider their findings.
- Appear to be a fait accompli.
- I do not have sufficient experience to agree or otherwise.

Question 9: The Scrutiny Committee engage with the trade unions.***Additional Comments***

- Tokenism.
- But only because we had a collective dispute recently.
- Requests made to engage with the council at a LSP level have been ignored. Giving evidence to scrutiny would be a huge step in communication and engage teachers in the democratic process.
- Not in the 2 years I've been in post,
- I do not have sufficient experience to agree or otherwise.

Question 10: Any other comments

Additional Comments

- Councils have become “Mini Empires” with all of the power given to Executive Committees. Elected members are expected to “Rubber Stamp” decisions made by the executive.
- It seems as though if you are not in the “Club” your views do not matter.
- The backbench councillor does not get a say in the running of the Council.
- There appears to be a lack of communication, openness and transparency.
- Whether this is due to communication breakdown or is a sign of a more deep rooted desire for secrecy is open to question.
- Scrutiny is only as effective as the make up of the Scrutiny committee allows it to be. The REAL power lies with the Executive alone.
- Perverse decisions are still made on the Executives recommendation.
- Trade Unions tend not to be involved until the decisions have been made, then they are “consulted”! This gives Trade Unions no meaningful input into the democratic process.
- Teaching Trade Unions have NO voting rights in Scrutiny Committee.
- As you have heard me say many times in council meetings it is now Consultation by Camouflage! They simply tell you what they are going to do, more often than not after they have done it!!
- Cabinet Government has put power in the hands of the few and without effective Scrutiny Committees the level of accountability has diminished. In my authority, the teacher unions at one time played an important role in advising the Scrutiny Committee but now there is no seat made available on this committee for trade union reps. It appears that many councillors are oblivious to what is happening in directorates and there is not a coherent overview any longer. Moreover, councillors do not challenge but simply accept the word of officers of the Authority. I believe that these changes have occurred as a result of the structures now operating in local authorities.

- LEAs are making it harder for unions/stakeholders to have access to elected officials/portfolio holders etc by reducing co-opted member numbers etc. on scrutiny committees.
- Having been Negotiating sec since Dec 2009 I do not have much experience of dealing with the council and have had to miss a few questions.
- We need to revert to the previous way of Local Government so that there is true democracy .We now have elected dictators as very few Councillors will disagree with the Cabinet member. In any case few Councillors have the subject expertise of the Cabinet member and are automatically at a disadvantage in an argument or debate.
- Seem like leading questions to me but the drift is correct. I was staggered by the few times the full Council now meet during the year. I think it is only twice; at most three times. The Cabinet by contrast meets every other week. I don't believe that this is in any way democratic.