

1. ANNEX TWO: Consultation Questions

Your Name	
Organisation (if applicable)	Welsh Local Government Association
Email/ telephone	daniel.hurford@wlga.gov.uk / 029 20468615
Your address	Local Government House, Drake Walk, Cardiff, CF10 4LG

The WLGA welcomes the White Paper: Resilient and Renewed as a valuable contribution to the debate on the future of local government in Wales.

The WLGA has particularly welcomed the Cabinet Secretary's approach to constructive dialogue and engagement with local government. The White Paper's core themes have been shaped through this dialogue and have been influenced by local government's progress around the collaborative agenda in recent years. The WLGA submitted a pre-consultative position statement in December 2016, in response to the Cabinet Secretary's autumn policy announcement, which included a summary of the current regional boards' activities (see annex). The WLGA's Labour Group also submitted a discussion document which demonstrated local government's commitment to a collaborative service delivery blueprint.

The WLGA therefore supports the direction of travel articulated in the White Paper, with key services being delivered collaboratively and increasingly on a regional footprint. There is consensus from members however that such an increasingly regional approach to service delivery needs to be balanced by a commitment to and strengthening of local accountability and local democracy. The WLGA therefore previously stated that core principles of subsidiarity should underpin any regional reforms:

- that **funding should continue to be distributed to the 22 local authorities**, who would then agree the budgets and funding of any regional services;
- **statutory duties should remain with the 22 local authorities**, who would then determine how such duties would be discharged, either jointly or via another lead authority; and
- **local accountability through local councillors' oversight and scrutiny is essential** in holding regional services to account and ensuring that the needs of local communities are being met and outcomes are being delivered.

It is reassuring that the Welsh Government has sought to address these themes in the White Paper, though inevitably there remain some tensions between regionalism and localism that need to be explored and tested further.

It is because of these principles of localism, underpinned by a commitment to pragmatism and progress, that the WLGA does not support the proposed notion of 'mandated' regional service delivery as outlined in the White Paper. Local government supports the regional direction of travel, but does not agree that legislation is appropriate nor indeed is required to achieve the vision.

'Mandation' has not been necessary to date; there was no centrally directed mandate for authorities to come together on the current regional footprints around city regions and sub regional working. This grew organically from councils. This has seen the development of 4 regional footprints based on the Cardiff Capital Region, Swansea Bay City Region, North Wales Economic Ambition board and Growing Mid Wales.

The first of these two regions are already locked together by binding agreements with the UK Treasury and Welsh Government on City Deals. North Wales is effectively concluding its own Growth Bid with UK and Welsh Government and in Growing Mid Wales the councils of Ceredigion and Powys have a long tradition of effective joint working. As a result, these are de facto regional arrangements which are or will be enshrined in financial and legal frameworks.

Furthermore, a mandated approach would be complex and risks generalising geographies and services; whilst it might be appropriate to regionalise a particular service in one region of Wales, the business case and 'underpinning tests' for regionalisation may mean it would not be advantageous to regionalise the same service in another part of Wales.

The WLGA regards the White Paper's 'Underpinning Tests' for regionalisation as a good basis for developing a business case for reform, however, it is not clear how such an evidence based assessment is compatible with the core proposal to legislate to mandate specific reforms; there is a tension therefore that legislation might mandate one direction of travel but a detailed business case based on the tests might suggest a different route for reform.

The WLGA believes that the legislative process itself could act as a brake on reform as many of the building blocks are already in place to move forward with real pace. Logistically it is unlikely that any Local Government Bill will be tabled in the Assembly until late spring/early summer 2018, which would mean the Bill would not achieve Royal Assent until spring/early summer 2019. There are further legislative pressures and priorities facing the Assembly, not least the implications of managing the Brexit process.

Furthermore, the WLGA believes that, with continuing austerity pressures bearing down on budgets, any further delay on reform would be unhelpful. Equally the burgeoning agenda around city deal and growth bids means that progress towards regionalisation is necessary and possible from May 2017 following the local government elections.

A Way Forward

The WLGA accepts that it is appropriate that the Welsh Government should seek firm guarantees on collaboration in terms of clarity, pace and accountability. Equally there is recognition of the Cabinet Secretary's concern that firm assurances are required to ensure that collaboration is not watered down or not followed when there is a clear business case to proceed.

The WLGA believes that this can be achieved but through a clearer, simpler and speedier alternative approach to legislation.

The WLGA would therefore wish to explore the 'tests' concept in much greater detail with Welsh Government. If such a framework can be agreed and refined, this would allow each region to actively consider all the functions in the White Paper and where they best sit. This would be undertaken in dialogue and partnership with Welsh Government.

The tests could also apply to functions outside local government that would be better placed within a framework of democratic accountability. For instance, WLGA has long argued that public health should be subject to such a detailed evaluation as it chimes with a range of local government preventative services.

Taking this a step further would be to formally enshrine the move towards regional working with regionally negotiated and agreed frameworks or 'Regional Deals' between the four strategic partnerships and Welsh Government. These could be achieved in the immediate aftermath of the May elections and be determined in the next 6 to 12 months. These could be signed off by regional boards, then ratified at a national level by WLGA jointly with the Welsh Government.

The WLGA proposal strikes a balance between the White Paper's Option 2 and Option 4 for regional working: 'Mandating a framework', so the Welsh Government articulates which services where it expects to see greater regionalisation, but how they are delivered would be 'Deliberatively Regional', the regions themselves would put forward their own detailed proposals and timescales outlining how this would be delivered. This is appropriate, as it might be more beneficial to regionalise certain services in one part of Wales rather than another, for example, the nature of housing challenges in rural areas are far different to those in urban. Economic development will vary between regions. Key localised projects will still be required. Small town centre improvement proposals or starter units on industrial estates for example make little sense being determined at regional level.

Such regional framework agreements would be concise documents that set out progress to date, the scale of ambition for local government reform, a timetable for regionalisation of services subject to agreed tests and the appropriate governance model and structures.

The White Paper envisages introducing Joint Governance Committees to oversee regional accountability plus it also refers to Welsh Ministers having a power to create combined authorities. The key point is that agreement on functions will define the form that the any governance arrangements should take. Current collaborative and regional governance arrangements have evolved and are embedding; consultation responses from authorities suggest that the White Paper's Joint Governance Committee proposals are complex and may not be required as the City Deals already have joint governance arrangements, the criteria for which are set out by Government. The Joint Governance Committees proposal, however, could further

develop and be included in legislation alongside Combined Authorities as an additional governance option should authorities require such models in the future.

Considering the factors highlighted above, it is the view of WLGA that sufficient “enforcing” architecture is already in place to provide the assurance the Welsh Government seek. Legislative powers already exist for Welsh Government to direct collaboration, under the Sections 29 and 30 of the Local Government (Wales) Measure 2009 this power was originally constructed to deal with “failing” councils, but contains a wider “catch all” clause. Although this power would be removed given the White Paper proposal to repeal the Measure, this could be carried over to the proposed new Local Government Bill as a back-stop power for the Welsh Government should agreed collaborations or regional reforms not be delivered by authorities within the agreed timescales.

Local choice and determination is at the heart of localism and should be central to local government reform. The WLGA has therefore welcomed the Welsh Government’s proposals for reform in the White Paper (as outlined in last year’s Draft Local Government Bill) which would enhance self-improvement with more proportionate external regulation, underpinned by self and peer assessment.

With this comes responsibility. In England, the sector led improvement approach has been a success and helped councils facing severe challenges and minimising the need for government intervention. The WLGA’s self-assessment support and peer review programme was robust and well-regarded by authorities, regulators and the Welsh Government, prior to the withdrawal of Welsh Government improvement grant funding.

The White Paper notes that the Welsh Government’s “expectations are that local authorities will take greater responsibility for their improvement journey”. In response, the WLGA has agreed that the new councils following the May elections should explore, through the WLGA, a self-funded local government approach to improvement. This could be funded by a small top slice of the RSG.

Authorities should also be expected to engage with and promote and support peer challenge and commit to undertake a peer review at regular intervals, as was agreed by the WLGA in 2013 and as is the case in England via the LGA. A collective ‘Improvement Concordat’ or something similar could be a compelling demonstration to Welsh Government of local government’s commitment to improvement and reform.

The WLGA therefore believes that delivery and performance must be at the heart of any new legislation on local government. This could be achieved by WLGA working in partnership with our colleagues in the LGA and COSLA to devise a model of improvement challenge and support that assists councils through the considerable challenges they face. The WLGA’s previous corporate and financial peer review process was for example highly valued by Welsh councils and employed such principles.

The WLGA believes however that such an approach based on a collective commitment to sector-led improvement and peer challenge must in turn lead to a review of the wider complexity and cost of the existing external regulatory regime. WLGA members retain the view that reform of audit and inspection is long overdue in Wales and there remains considerable scepticism whether the inspection regime in local government delivers the significantly enhanced overall benefits to justify the overall cost of an onerous inspection regime.

The WLGA therefore shares the ambition and the vision for reform outlined in the White Paper and, through the above proposal, seeks to provide a pragmatic response that would help deliver the Welsh Government's progressive agenda with greater pace.

SECTION 2

Consultation Question 1. (Para 2.2.1):

The Welsh Government believes that it appropriate to consider 'tests' to frame thinking around regional working.

a) Do you think the 'tests' set out are helpful in guiding thinking?

As noted above, the tests provide a sound basis for the development of a business case and should be the underpinning framework for determining progress around regional reform rather than a legislative direction to regionalize specific services. It should be noted that the tests are not mutually exclusive, notably the balance between cost and outcomes; a collaborative arrangement could conceivably reduce outcomes but save so much in cost that it might still a viable proposition.

b) Are there other tests or considerations that might also be used?

The tests should incorporate the Future Generations 5 ways of working which should underpin all public bodies' decision-making and governance arrangements. Furthermore, the tests could include reference to the financial and time impacts of regional working in terms of changed working practices, for example, member and staff time and travel. The tests should also consider the impact of any regional service relocation on local communities and centres of employment; distributed council service delivery currently ensures that communities across Wales have access to secure, high quality locally-based jobs.

Consultation Question 2. (Para 2.3.35):

In this White Paper the Welsh Government has set out a number of areas which it believes should be required to be delivered on a regional basis.

a) Do you agree that these areas should be delivered regionally?

Detailed responses have been provided in local authority submissions.

The WLGA agrees that the services outlined in the White Paper are broadly relevant to be considered for regional delivery, indeed, most of the functional areas

for economic development, transport, school improvement and social services are already moving to a regional footprint.

There is a balance to be struck however between strategic and local service delivery functions within a service area; for example, whilst it is appropriate to take strategic land use planning with its links to transport to the regional level based on the test criteria, applying the same tests to building control however is not so clear cut especially in terms of public value and local responsiveness. Similarly, the nature of housing challenges in rural areas are far different to those in urban. Economic development will vary between regions and key localised projects will still be required, such as small town centre improvement proposals or starter units on industrial estates for example make little sense being determined at regional level.

Authorities' views are mixed on the proposal to regionalise housing services, some authorities agree that strategic housing policy could be regionalised e.g. strategic housing services will inevitably be linked to the development of regional strategic land use plans, but a number highlighted the complications whereby some local authorities retained their housing stock and others in the region had transferred their stock.

Likewise, local authority responses support some aspects of waste being regionalized, but certain waste functions need to remain a local council function, for example, the collection of bins which requires local knowledge and responsiveness and is a key interface and link between a council and its communities.

Similarly, whilst there is support for some public protection functions to be delivered regionally, the case is made that some aspects, such as licensing, need to remain local due to the need for local intelligence and links to local accountability.

Furthermore, whilst a regional footprint may be appropriate for certain services, sub-regional working might be applicable across certain geographies or services, for example in social care. As noted in the SOLACE response, it is not necessarily feasible to move to a single model of service integration at a regional level given the variabilities of the provider market place across a region, the diversity in local direct provision models, the risks of the diseconomies of scale, and the importance of maintaining local control of accountability to satisfy the onerous statutory duties placed upon corporate bodies and senior professionals.

Whilst progress has already been made around regional school improvement, the proposal to regionalize Additional Learning Needs is less compelling and has limited support from authorities. The proposal to put ALN at the regional level is being explored in some consortia but it is members' view that there is a significant risk that this would lead to a less responsive service as the focus on casework requires local delivery.

b) What practical considerations should we consider in taking these proposals forward?
As noted above, the proposals need to be underpinned by a business-case based on the 'tests' and subject to separate agreements between regional boards, the WLGA and Welsh Government.
c) What other 'ancillary' powers would be required to ensure the effective exercise of the functions exercised regionally?
None at this stage.
<p>Consultation Question 3. (Para 2.3.43): In this White Paper the Welsh Government has set out a number of areas which it believes could also be delivered on a regional basis.</p> <p>a) Do you think that Local Authorities should also be required to work regionally to deliver these functions?</p>
<p>As noted above, the case for regionalization should be based on regional business cases developed against the tests and subject to ratification by individual local authorities, regional boards and the Welsh Government.</p> <p>Local authority responses provide detailed commentary on the various proposals, however, as outlined in section 2a above, some services should remain either a local function or retain some aspects of local delivery.</p>
b) Are there any other practical considerations we should be aware of?
None at this stage.
<p>Consultation Question 4. (Para 2.3.43): Are there any other functions that would benefit from a systematic approach to regional working?</p>
The tests, incorporating the above proposed revisions, could be used as a basis for assessing the business case of regional or sub-regional working in other service areas. The WLGA has long called for the devolution of public health to local government and this is a service that could be delivered in a regional setting within local government.
<p>Consultation Question 5. (Para 2.3.43): Welsh Government believes that, subject to engagement with local government and other partners, there should be flexibility to enable Welsh Ministers to mandate additional functions to be undertaken regionally.</p> <p>Do you agree or disagree? Why?</p>
The WLGA does not support the proposed approach to a mandated list of services to be regionalized. The WLGA's preferred option is a regional framework based on developed business cases.

<p>Consultation Question 6. (Para 2.3.44): The Welsh Government believes that the new arrangements should not prevent Local Authorities using their existing powers to undertake additional functions regionally.</p> <p>Do you agree or disagree? Why?</p> <p>The WLGA agrees with the Welsh Government's position.</p>
<p>Consultation Question 7. (Para 2.4.16): The Welsh Government believes that some back office and transactional services ought to be organised and delivered regionally or nationally.</p> <p>Which services do you believe could best be organised and delivered these ways?</p> <p>Local authorities have mixed views of the proposal for sharing back office services with several responses challenging the robustness of the KMPG study and the potential savings available. Furthermore, local authorities have reduced corporate capacity considerably over recent years and can demonstrate that their remaining corporate services are sufficiently lean and efficient and there is an inevitable 'law of diminishing returns'. Most authorities however recognise the potential for reform and were supportive in principle particularly around sub-regional approaches; indeed, progress is already being made with the establishment of joint back-office functions based on collaborative and increasingly regional footprints.</p> <p>The proposed NHS Shared Model is not compelling in a local government context as local authority services are more varied and complex and local authorities do not operate to universal models as is the case in the NHS. It should be noted that local health boards still retain significant local corporate and 'back-office' resources.</p>
<p>Consultation Question 8. (Para 2.4.16): The Welsh Government believes that overcoming data sharing issues is key to taking forward greater regional working of back office functions.</p> <p>a) What legislative obstacles have made progress on sharing services difficult?</p> <p>As noted in the SOLACE response: the WASPI accord (and its supporting protocols) is wide ranging and should provide sufficient enabling capability if followed. Partners should see WASPI as enabling and take calculated risks within its framework. Further national guidance and assurance should be given by Welsh Government to assist and give assurance to data-sharing partners in specified areas of collaborative and partnership working where barriers to progress are identified.</p>
<p>b) How have they been or could they be overcome?</p> <p>See above.</p>
<p>c) What challenges does data sharing pose?</p>

See above.

Consultation Question 9. (Para 2.4.16):

The Welsh Government believes sharing more back office functions would be helpful. There are a number of options:

- Enable the NHS Wales Shared Service Partnership for providing services to local government (and others)
- Establish a similar model to provide back office services to local government (and others).
- Establish an alternative model to provide back office services to local government (and others).

a) Which do you believe would be most appropriate to best support regional working? Why?

b) What other alternative models could work effectively and what steps could the Welsh Ministers take to enable or encourage local government-led alternative models to be implemented?

See Question 7 above.

Consultation Question 10. (Para 2.4.21):

The Welsh Government believes that joint understanding and planning of public sector assets is essential to maximize their impact and that this requires regional mapping of estates assets and future intentions.

a) How can this joint governance and decision making best be achieved?

Work to develop a 'one public estate' approach has been underway for several years through the National Assets Working Group and EPIMS. Locally, partners have mapped assets and estates through Local Service Boards and there are examples of asset sharing and co-location.

There is scope, however, for a more systematic approach to sharing of asset plans and planning by public services partners, which could be explored both through regional partnerships and Public Service Boards, to ensure all public service partners are engaged. It has been noted in some responses however that national asset management models may need to be reformed to incentivise asset pooling e.g. local health boards retaining their capital receipts from asset sales rather than them reverting to the NHS estate nationally.

b) Is the larger economic footprint the right one?

See above

Consultation Question 11. (Para 2.5.16):

The Welsh Government believes a strengthened joint committee (a 'Joint Governance Committee') offers an appropriate governance model for regionally delivered services and intends to set out a framework for local government to use to deliver this.

a) What should the democratic accountability and scrutiny arrangements be for

such a model?

The WLGA supports the proposal to establish a task and finish group with WLGA and relevant professional representatives to help shape the governance proposals. The governance proposals are some of the more complex and challenging aspects of the White Paper as they are critical in ensuring appropriate member oversight and sufficient local accountability. Most authority responses express some concern about the risk of complexity, bureaucracy and administrative burden around joint governance committees and that this would be a risk to the success of the reforms.

The Joint Governance Committee model as outlined is not significantly different to the Joint Committee model available under the current legislation. Authorities' overwhelming view was that current collaborative and governance arrangements (e.g. those based on the City Deal models) were already being embedded and there is scope to build on these rather than introduce new governance models.

Concern has also been expressed that there are risks inherent in the proposed regional joint committee model if the intention is that these could committees could make binding decisions on commitments and resources without authority from their constituent councils as this would undermine local accountability. Even if powers were delegated to or vested in a leader or lead cabinet member, this would be a politically exposed role if binding regional decisions were made without authority support and their position could become untenable over time.

The WLGA would therefore prefer to participate in further exploratory work around appropriate governance arrangements, based on existing models with a view to scoping the Joint Governance Committee concept further, which could be an additional permissive governance option in legislation, allowing councils to determine to use this approach if current, voluntary collaborative governance models were deemed unsuitable in the future.

b) Should each participating Local Authority have equal voting rights or should they be weighted in some way?

Authorities were generally supportive of the proposed equal voting rights, given this is the model in the current City Deal agreements.

Consultation Question 12. (Para 2.6.5):

The Welsh Government believes that in order to put in place arrangements which reduce complexity for Authorities and their partners the position for Bridgend needs to be considered. Although Bridgend is fundamentally concerned in this, other partners including other Local Authorities and the Local Health Boards also have valid interests. We are therefore seeking views on how best to address the issues set out here.

Bridgend and its relationship and collaboration with other public bodies is a key issue and will be a matter for further exploration between Bridgend, its neighbouring authorities, other stakeholders and the Welsh Government.

Consultation Question 13. (Para 2.7.9):

The Welsh Government believes that 'Option3: A framework and a Footprint' is the

most appropriate model for future regional working.

- a) What are your thoughts on the proposed mandatory economic development footprint for 'Joint Governance Committees'?
- b) How could a framework approach for sub-regional working in other services areas operate in practice?
- c) Is it appropriate for there to be flexibility for regional working to cross economic development boundaries in exceptional circumstances? Which circumstances would they be?
- d) How should the governance arrangements at the mandatory economic development 'Joint Governance Committees' have oversight of sub regional working?

The WLGA's proposal is that the regional boards (based on the Economic Development footprint) should be the main forum for determining the regional direction of travel. That said, there should be further discussion regarding the place of the Growing Mid Wales partnership and its proposed integration with the 'Swansea Bay City Region'; Mid Wales has a distinct identify and development partnership, which also crosses other sectors such as the Mid Wales Healthcare Collaborative.

These regional arrangements should allow some flexibility however, to determine appropriate sub-regional arrangements and to establish cabinet member-led committees to lead on relevant service areas; several regional (or sub-regional) joint committees might be necessary to ensure adequate member and officer time and expertise to discharge oversight of the respective functions.

Consultation Question 14. (Para 2.7.9):

The Welsh Government are seeking views on the appropriateness of seeking powers to create a Combined Authority, in particular, comments on what minimum expectations there should be in considering the appropriateness of creating a Combined Authority would be welcomed.

The WLGA has previously produced a discussion paper exploring the potential of combined authorities in Wales. The WLGA would therefore support the inclusion of powers to establish combined authorities in Wales, as this would give local and regional flexibility to choose the most appropriate governance managements in the future.

Consultation Question 15. (Para 2.8.7):

The Welsh Government believes that a mandatory financial framework should be developed to ensure the expenditure of each 'Joint Governance Committee' is met through pooled contributions from the constituent Local Authorities.

- a) Should the expenditure of 'Joint Governance Committees' be met by constituent Local Authorities, in proportions to be agreed locally, to ensure the most flexible approach?
- b) Should the framework provide for a default position if local agreement cannot be reached, and how such a process might be triggered?
- c) What further considerations might relate to, or need to be included in, a financial framework?

The WLGA supports the local budgetary determination approach which aligns with one of the WLGA's three core principles of local accountability and flexibility outlined in the introduction above.

Matters around triggering 'default positions' are more complex and controversial however and a centrally prescribed approach will undermine local accountability, Further detailed consideration is required and experiences of the City Deal developments and LGPS pooling arrangements could inform proposals

Consultation Question 16. (Para 2.10.7):

The Welsh Government believes that to support organisations to move to a more consistent and regional approach to delivering services it will be necessary to issue statutory guidance where there is an identified need.

Do you agree or disagree? If you agree, what types of advice, guidance and support on leadership and workforce matters might lead to greater local, regional and national consistency?

WLGA has fully participated in the Workforce Partnership Council as the employers' organisation. We support the social partnership approach and seek consensus between unions and employers wherever this is possible. WLGA has supported the new trade union bill in Wales and regrets the approach taken by the Westminster government to curtail trade union rights. However, we are a representative body of 22 sovereign bodies in terms of workforce. They equally are supportive of a social partnership approach but as employers reserve the right to undertake decisions that are in the best interests of council tax payers and all other residents. The idea of statutory guidance stemming from the WPC is not supported. WLGA has no authority from its leadership to support such an approach and would find it difficult to work in a context where national direction cuts across local negotiating frameworks

Consultation Question 17. (Para 2.11.4):

The Welsh Government believes it would be helpful if Public Services Boards could collaborate or merge across Local Health Board Boundaries.

Do you agree or disagree? Why?

The WLGA supports this proposal.

Consultation Question 18. (Para 2.11.4):

The Welsh Government believes Public Services Boards should be allowed to de-merge as well as merge. Do you agree or disagree? Why?

The WLGA supports this proposal.

SECTION 3

Consultation Question 19. (Para 3.1.7):

The Welsh Government would welcome comments on what minimum expectations there should be in considering the appropriateness of voluntary merger.

Voluntary merger proposals, if they are forthcoming, will be a matter for local determination. It is not clear whether or what minimum expectations Welsh Government would need to apply; any such proposal will not be made lightly by an authority, and would be based on the premise of seeking to improve local outcomes and financial and service sustainability. There would be public engagement, extensive political dialogue and due diligence from an employment, financial and legal perspective.

SECTION 4

Consultation Question 20. (Para 4.2.3):

The Welsh Government would welcome comments on any of the proposals set out previously in the draft Local Government Bill and associated consultation paper, Annex One refers.

The WLGA supports most of the proposals 'carried forward' from the draft Local Government Bill and the WLGA notes that the Welsh Government has reflected on consultation feedback and revised or removed several previous proposals.

The WLGA particularly welcomes the proposed revision of and recommitment to the Partnership Scheme and the commitment to reduce burdens on authorities and increase financial flexibilities.

The proposed introduction of the General Power of Competence for local authorities is welcomed. Whilst the increase of powers for local authorities and the removal of unnecessary legislative restraints is supported, the English drafting of the General Power contains several restrictions that considerably reduce its scope and which make it difficult to use. The inability to use the Power for a purpose that was subject to a pre-commencement limitation means that existing restrictions or prohibitions will not be lifted. It is often these as much as an absence of power that prevent local authorities from acting, for example, there are 41 UK General Acts with local government in their title dating back to 1888, 3 acts and 2 measures of the National Assembly for Wales plus numerous others as well as Statutory Instruments that apply to local authorities without this being in their title. Lawyers would therefore have to search each of these and demonstrate that they do not contain a pre-commencement limitation as this is neither simple nor quick. The WLGA would therefore welcome further dialogue between the Welsh Government and Lawyers in Local Government to explore how this power could be more flexibly applied.

Consultation Question 21. (Para 4.3.8):

The Welsh Government believes that Part 1 of the Local Government (Wales) Measure 2009 should be repealed for all 'Improvement Authorities'.

Do you agree? Why?

The WLGA welcomes this proposal and has worked during recent years to improve and embed good governance underpinned by self-assessment and peer-assessment. The 2009 Measure has increasingly become outdated and has recently

been superseded by the governance, objective setting, planning and reporting arrangements of the Wellbeing of Future Generations (Wales) Act 2015.

As noted above, the WLGA believes that the new councils following the May elections should explore a self-funded local government approach to improvement. Authorities should also be expected to engage with and promote and support peer challenge and commit to undertake a peer review at regular intervals, as was agreed by the WLGA in 2013 and as is the case in England via the LGA. A collective 'Improvement Concordat' or something similar could be a compelling demonstration to Welsh Government of local government's commitment to improvement and reform.

SECTION 5

Consultation Question 22. (Para 5.2.8):

The Welsh Government believes there should be minimum expectations on Councillors for interacting with their local constituents.

Do you agree or disagree? If so, what should these minimum expectations be?

The proposed 'Performance Duties' on councillors were not supported when previously consulted on in the earlier White Paper and Draft Bill.

They are not supported by the WLGA as they are not only inconsistent with expectations placed on Assembly Members for example, but also appear to be based on an outdated understanding of the role of a local councillor.

The range of performance duties included does not adequately equate to assessing a councillor's 'performance', for example, a councillor may attend every council meeting and therefore be deemed to be performing well by the criteria, but he or she may not contribute effectively or at all to those meetings.

Notwithstanding the above, the conflation of 'performance duties' with the current standards regime is problematic, as the comparable seriousness of breaches is questionable. The proposals as drafted risk the generation of a significant number of vexatious complaints which will affect the reputation of councillors and councils and create additional workload for Monitoring Officers and Standards Committees.

Councillors' standards of conduct and performance is overwhelmingly high, and the WLGA previously proposed that the Welsh Government should instead therefore consider the effectiveness of the current '6 month rule' and empower councils to set and 'enforce' their own attendance and/or performance standard regimes, as is the case in the Assembly.

The WLGA furthermore does not support the proposed power to recall of councillors, who are subject to the ultimate test of public opinion at the ballot box and already subject to close scrutiny. While WLGA members are fully prepared to engage in a national debate on the right to recall this must be on the condition that it covers all levels of political representation across Wales, including the National Assembly for Wales.

Consultation Question 23. (Para 5.3.2):

The Welsh Government believes it could be helpful to make some minor changes to existing area committee legislation to increase their flexibility.

What do you believe these changes should be?

The WLGA is supportive of this proposal.

Consultation Question 24. (Para 5.4.3):

The requirement for Local Authorities to work on a regional basis will require Councillors, the Local Authority and employees to balance the responsibilities they have to their local area, with those for the larger region.

How best could this be achieved?

Councillors and local authority employees already balance local and joint responsibilities effectively. Although the WLGA is supportive in principle for revisions to the codes of conduct to increase flexibility and clarify roles and responsibilities, it is not clear whether there is a need for such a reform. This perhaps is therefore a matter that can be explored further in the proposed Welsh Government convened officer working group?

Consultation Question 25. (Para 5.5.4):

The Welsh Government intends to make a return to a form of the committee system available to Local Authorities where it best meets local circumstances.

How would this option best work within the context of the proposals for new regional arrangements?

The WLGA does not support this proposal. The current Leader and Cabinet system is established, has served councils well and significantly improved the governance of local authorities in Wales. The most recent Welsh Government commissioned independent evaluation of the Cabinet system in 2015 concluded that the arrangements were working well and that it provided clear accountability and increased transparency.

WLGA members believe that wholesale reversion to the pre-2000 system is neither practical or desirable. The policy and economic landscape is now radically different from the last time councils took decisions through a service committee system. The flaws of that system were well rehearsed at the time of the implementation of cabinet structures. The perceived shortcomings of the committee system included criticism on the following lines:

- Unstrategic (i.e. councillors were involved in micro-management);
- Complicated (i.e. large numbers of committees);
- Slow (i.e. multiple sign-offs of key decisions, including sign-off at an overarching policy and resources (P&R) committee);
- Confusing to electors with a lack of clear member accountability

- “Paper chases” with service officers looking to fill committee agendas with issues of minutiae that are now dealt with through delegation powers
- Prone to exclusive control by the majority party (i.e. all the committee chairs, from the majority party, acting as a de facto cabinet).

It is also not clear how compatible the committee system model would be with the proposed new regional executive decision-making ‘Joint Governance Committees’ and creates additional complexity and undermines transparency and accountability.

Consultation Question 26. (Para 5.6.4):

The Welsh Government believes it may be appropriate to limit future designation of relevant statutory Senior Officer posts to a regional level where the functions are being delivered regionally.

Do you believe this is appropriate? Why? If so, how might this best be delivered?

Council responses are overwhelmingly against the proposal to designate regional statutory officers as it would undermine local accountability and links between senior officers and local members and local authorities losing local statutory functions. Current arrangements, where local statutory officers fulfil regional roles on a voluntary, rotated or shared basis have worked well and there is no evidence of a need to change.

SECTION 6

Consultation Question 27. (Para 6.1.7):

The Welsh Government believes there are things that can be done now to help build resilience and renewal in the sector in the short to medium term and would welcome comments on the list of actions at paragraph 6.1.6. Views on any other actions which could be taken are also welcomed

The WLGA works closely with One Voice Wales in promoting partnership working between local authorities and community and town councils. The WLGA therefore supports the proposed actions outlined in the White Paper and looks forward to contributing to the proposed comprehensive review of the sector in the future.

SECTION 7 & General Questions

Consultation Question 28. (Para 7.1.14):

The Welsh Government is seeking initial views on all of the proposals set out in Chapter 7 on elections and voting.

The WLGA supports the proposals to modernise electoral registration and elections practices such as proposed reforms around electoral administration, piloting of new electoral approaches and the proposal to reduce the voting age to 16 is universally supported.

The proposal to allow local choice to introduce proportional representation however is not supported in most authority responses, and the WLGA’s view is that

there should be a common electoral system across all local authorities to avoid complexity and confusion, particularly as community and town council elections held on the same day would remain 'First Past the Post' elections.

It has also been noted that, linked to the proposed committee system model too, there may be issues in terms of different members playing a regional 'executive' role, having been elected via different democratic arrangements and appointed via different governance arrangements.

The White Paper is silent on councils' decision-making process on how to change the electoral system, other than once changed, it could not be changed again for two terms. It would however be consistent with Assembly provisions to ensure a two-thirds majority required in a vote in council (as per the super-majority provisions on the Assembly should it vote for change to its own electoral arrangements, as per S8 of the Wales Bill). Furthermore, it is noted that national proposals for electoral reform previously were subject to a referendum.

Consultation Question 29. (Para 7.1.14):

The Welsh Government would welcome any views on the potential financial and non-financial benefits and costs associated with the proposals in the White Paper.

The White Paper's proposals for reforms are like are likely to have significant financial and non-financial benefits and costs; the main proposals outline major structural reforms to the delivery of some of local government's largest service areas. The proposed reforms are however complex and include a range of variables and it is too soon to make any assessment of likely costs, benefits or risks without undertaking a detailed analysis on a service by service proposal using the 'underpinning tests' as a framework.

Consultation Question 30. (Para 7.1.14):

The Welsh Language Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on the opportunities for people to use the Welsh language and treating the Welsh language no less favourably than the English language. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

WLGA has no comments on the impact assessment.

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

WLGA has no comments on the impact assessment.

Consultation Question 31. (Para 7.1.14):

The Children's Rights Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on children and young people. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

WLGA has no comments on the impact assessment.

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

WLGA has no comments on the impact assessment.

Consultation Question 32. (Para 7.1.14):

The Equalities Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

WLGA has no comments on the impact assessment.

b) Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

WLGA has no comments on the impact assessment.

Consultation Question 33. (Para 7.1.14):

Please provide any other comments you wish to make on the content of this White Paper.

The proposals regarding establishment of joint governance committees for fire and rescue authorities need further consideration and discussion; the performance of fire and rescue services have improved significantly over recent years and it is believed that while there are checks and balances in the governance arrangements of fire and rescue authorities and their constituent authorities, if these are believed to not be effective other improvements could be made. The WLGA does not therefore believe the case for reform as outlined in the White Paper is compelling and would welcome further discussions and involvement in any new arrangements to be developed.