



# The Local Government and Elections (Wales) Bill consultation

## A RESPONSE FROM WCVA

1. Wales Council for Voluntary Action (WCVA) is the national membership organisation for voluntary organisations in Wales. Our vision is for a future where the voluntary organisations and volunteering thrive across Wales, improving wellbeing for all. Our mission is to be a catalyst for positive change by connecting, enabling and influencing.
2. We are pleased to have the opportunity to respond to the Equality, Local Government and Communities Committee [consultation](#) on the Local Government and Elections (Wales) Bill. This response draws on previous material produced by WCVA and incorporates some evidence from WCVA members and partners; however, engagement has been difficult given the timing of this consultation. Running consultations over the Christmas period is far from ideal and we would ask that all efforts are taken to avoid this in the future.

## PURPOSE OF THE BILL

3. Although local government should certainly be “provided with new ways to support and serve communities”, local government must also support those who are not, or do not feel, part of a community, either by choice or exclusion.

## ELECTIONS

4. WCVA welcomes the extension of the vote to 16 and 17-year-olds and foreign citizens legally resident in Wales. Several of our members have been calling for this. . Similarly, we welcome proposals to allow citizens of any country to stand for local government.
5. However, there is potential for confusion in changes to local authority electoral arrangements. If councils are to be given a choice of First Past The Post and Single Transferable Vote, there will need to be a strong programme of engagement with the public to explain why voting systems may be different between local authorities in the same election period and why this is beneficial. A lack of public understanding in this area may lead some to feel there is a lack of legitimacy in the electoral process. At a time where trust in politicians and the democratic process is at such a low, this legislation runs the risk of entrenching negative attitudes rather than alleviating them.
6. Allowing registration officials to add individuals to the Electoral Registers without said individuals being required to apply needs further consideration. In its favour, it will allow hard-to-reach groups more opportunity to have their voices heard in the democratic process. This is an important benefit, not to be overlooked. However, we echo concerns already voiced by Cytun that people should not be included on the ‘open’ register (from which data is made available to third parties), because there are valid reasons, such as women fleeing domestic violence, why people would not want their details to be on such a register. But even if they are added to the ‘closed’ register only, from which data is not made available to third parties, this register is still viewable by the public at council offices, therefore there is still a risk that some people may be identified without wishing to. The Impact Assessment published alongside the consultation documents does not cover this area. We would recommend further engagement on this point, particularly with organisations such as Women Connect First and Women’s Equality Network Wales.
7. Giving Welsh Ministers the power to impose a specific electoral pilot at a local government election without consent from the Assembly risks accusations of bias, depending on the circumstances, and could further entrench the lack of trust in democratic processes. Ministers should be required to take such proposals to the Assembly, which should then be enabled to give or deny permission for such pilots.

## **GENERAL POWER OF COMPETENCE**

8. WCVA welcomes proposals that allow councils to do more to improve the economic, social or environmental wellbeing of their communities, but sound caution on the notion of Ministers being able to impose conditions on particular schemes or projects. Heavy-handed application of this regulation has the potential to undermine the good intentions of the general power of competence.

#### **REFORMS TO INCREASE PUBLIC PARTICIPATION IN LOCAL DEMOCRACY AND IMPROVE TRANSPARENCY**

9. WCVA supports measures requiring local authorities to publish Public Participation Strategies, but communities must be effectively engaged in the development of these strategies so people can tell local officials how they would like to engage in local democracy. Engaging with local Community Anchor Organisations would be of great assistance in this.
10. We support webcasting of public meetings, but these meetings must be left online after the meeting has concluded so that people can refer to them later and hold authorities to account. They should not be simply livestreamed and not archived. Authorities, particularly in rural areas, should be aware of problems with a lack of reliable broadband connections, or lack of digital skills of some individuals, and ensure other formats and records of such meetings are readily available.
11. We support measures to require councils to set out their constitutions and how they will deal with petitions.
12. Local Authorities should be encouraged to sign up to the Welsh Government-endorsed [National Principles for Public Engagement](#)

#### **LOCAL AUTHORITY EXECUTIVES, MEMBERS, OFFICERS AND COMMITTEES**

13. We welcome provisions for council cabinet members to job-share, as this has potential to improve the diversity within local democracy.
14. We welcome provisions to ensure council leaders must take steps to promote high standards of conduct within their group and cooperate with their council's Standards Committee to do so.

## **COLLABORATIVE WORKING BY PRINCIPAL COUNCILS**

15. The Working Group on Local Government identified a need for “more consistent mechanisms and structures to support regional working and collaboration”, leading to the establishment of the Corporate Joint Committees established in the Bill. However, there is no clarity given on how Corporate Joint Committees (CJCs) will work alongside Regional Partnership Boards (RPBs). The Bill makes no mention of RPBs. However, it seems there may well be overlap in the remits of CJCs and RPBs. If this is the case, what arrangements will be in place to establish certainty about which forum is responsible for what? RPBs play a key role in delivery of the Social Services and Wellbeing (Wales) Act and there should be no confusion about their role, which would risk hindering their work.

## **PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS**

16. We support the renaming of the Audit Committee to the Governance and Audit Committee to reflect a broader role for the committee in monitoring the governance of councils, and the provision to ensure the Auditor General, Estyn and Care Inspectorate Wales have due regard to the need for coordination in exercising their functions.

## **MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS**

17. This area covers some territory explored by previous consultation responses issued by WCVA in [2017](#) and [2018](#). Although any local authority mergers will now be voluntary, the issues we have set out in previous consultation responses regarding increased regional service delivery remain.

18. Should any mergers happen:

- It will be important to engage with organisations delivering services jointly across more than one region or service area and to ensure strong relationships between social services are built with other relevant services - e.g. housing and education.
- Service deliverers will need clarity of communication on who they should be in contact with and who is ultimately responsible for service standards. Where two or more organisations are delivering a service in different regions, then find regions become merged –

are they expected to work together to deliver this service? Would one organisation be expected to drop the service? Clarity will be needed.

- Local authorities must work closely to ensure that transport services that cross regional borders are managed effectively and efficiently.
- Local third sector organisations must be engaged with throughout the process. The third sector infrastructure bodies of WCVA and CVCs are able to assist.

19. The impact on voluntary sector delivery organisations of possible mergers must be considered. Community safety, for example, requires a great deal of local knowledge, both geographic and cultural, and the forging of relationships with local people. Sector organisations have voiced concerns that knowledge of local issues and concerns could be lost through a regional delivery model, and services may become less effective as a consequence.

## **LOCAL GOVERNMENT FINANCE**

20. In [our response](#) to the 2018 consultation on non-domestic rates, we agreed that ratepayers should be obliged to provide notification of a change in their circumstances, but that there must be clear guidance as to what ‘a change in circumstances’ means. If notification of a change is to become law, we await the regulations to see specific details of what “a change” may entail.

21. We are pleased that the Bill makes no reference to previous proposals to remove the provisions exempting charitable organisations from paying rates on empty properties.

## **DISCUSSION**

22. WCVA will be pleased to discuss these or any other points relating to this consultation response with officials, committees or Ministers if requested.

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