

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 28 th January 2020
Report Subject	Local Government & Elections (Wales) Bill
Report Author	Chief Executive & Chief Officer (Governance)

EXECUTIVE SUMMARY

Welsh Government has published the Local Government & Elections (Wales) Bill. This is a significant and substantial piece of legislation. This report summarises the provisions of the Bill and guides Council for a debate on a response as part of the on-going consultation.

The Bill is the culmination of several years of prior policy consultation which has included:-

- Draft Local Government (Wales) Bill – November 2015
- Consultation on Electoral Reform – October 2017
- *Reforming Local Government: Resilient and Renewed* - Welsh Government White Paper - January 2017
- Consultation on Powers and Flexibilities – January 2018
- *Strengthening Local Government: Delivering for People* Welsh Government Green Paper - June 2018.

The report includes as appendices papers of the Welsh Local Government Association (WLGA) Council as our representative body.

RECOMMENDATIONS

1	That Council responds to the Local Government & Elections (Wales) Bill, building on the positions we taken previously and aligning ourselves with the position and views of the Welsh Local Government Association.
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REPORT DETAILS

1.00	EXPLAINING THE LOCAL GOVERNMENT & ELECTIONS (WALES) BILL AND ITS PREDECESSORS
1.01	<p>The Local Government & Elections (Wales) Bill is a significant and substantial piece of legislation. This report is intended to provide a digest of the provisions. The Bill and accompanying documentation can be accessed via the hyperlink in the appendices section of this report.</p> <p>References to ‘principal councils’ are to unitary councils including Flintshire. References to community councils also include town councils. A reorganisation of local government in Wales, which had been discussed previously, is not a part of this new Bill.</p> <p>The Bill is the culmination of several years of prior policy consultation which has included:-</p> <ul style="list-style-type: none">• Draft Local Government (Wales) Bill – November 2015• Consultation on Electoral Reform – October 2017• <i>Reforming Local Government: Resilient and Renewed</i> - Welsh Government White Paper - January 2017• Consultation on Powers and Flexibilities – January 2018• <i>Strengthening Local Government: Delivering for People</i> Welsh Government Green Paper - June 2018. <p>Reform of local government, including collaboration, governance arrangements, improvement and structural reform have been the subject of discussions between the Welsh Government and Welsh local authorities over the last five years. More recently, there have been more congenial relationships between Cabinet, the Minister for Housing and Local Government and local government leaders.</p> <p>Through collaborative working groups, the Minister has sought to engage constructively with local government, sharing proposals and seeking views. We support the constructive engagement approach even if we are not to agree with all of the contents of the Bill.</p> <p>The Welsh Local Government Association (WLGA) gave initial evidence on the bill to the Assembly’s Equality, Local Government and Communities Committee on 23rd January 2020. A copy of the report to the WLGA Council is attached as an appendix.</p> <p>It is anticipated that, subject to successful passage through the Assembly with or without amendment, the Bill will receive Royal Assent by the end of the Summer of 2020, with some provisions being commenced immediately and others being introduced for the start of the 2022 municipal term.</p>
1.02	<p>Since Council first considered the Local Government (Wales) Bill 2015, we have commented robustly on proposed legislation. Our position remains unchanged on many provisions of the Bill. We opposed a local government reorganisation without a clear indication of the benefits of such</p>

	<p>reorganisation and because of its potential to disrupt services to the public. We are satisfied that no such proposal has been carried forward into this new Bill.</p> <p>At that time we supported :</p> <ul style="list-style-type: none"> • the principles of localism and subsidiarity; • the importance of local authorities being granted both the power of general competence and specific powers and freedoms to act in the best interests of their localities; • the granting of financial freedoms and flexibilities to councils; • less central control over performance objectives and standards; • local authorities being held to account primarily by their local communities and stakeholders for performance and governance with reduced central control and regulation; • streamlined arrangements for setting policy priorities for local government at a national level; and • less central determination of constitutional provisions for the governance of local authorities.
1.03	<p>In 2017, Welsh Government published a White Paper called <i>Reforming Local Government: Resilient and Renewed</i> which replaced the earlier Local Government (Wales) Bill. In a change of policy direction, the new White Paper advocated extensive regional collaborative working, supported by the existing unitary local authorities as an alternative to a structural reorganisation. The White Paper re-included some of the provisions of the earlier Bill, and added new provisions for local government governance, the powers and functions of local authorities, performance and improvement, the roles of councillors, local democracy, workforce, community councils and electoral reform.</p>
1.04	<p>In our consideration of that White Paper, we emphasised that North Wales is the most advanced of the Welsh regions in collaborative regional working. The White Paper built on some of the progressive work of North Wales and the other regions in advocating regionalism as the preferred model. The Council's response was:</p> <p><i>"We welcome the opportunity to modernise electoral registration and elections practices through, for example, digitisation and mobility of voting. We fully support a public debate on lowering the voting franchise age to 16.</i></p> <p><i>Any modernisation should ideally be introduced across the whole of Wales uniformly in the interests of consistency of practice. Given that Wales has a small and expert professional elections community this is entirely possible.</i></p> <p><i>National investment will be required to support systems development and testing, new equipment, and training and skilling. As yet there has been no consultation with the professional community or national expert bodies such as the Electoral Commission.</i></p>

	<p><i>We do not support the conferment of the power to councils to introduce the Single Transferable Vote (STV) for local elections. There should be a uniform voting system in Wales which is commonly understood and practiced consistently. Flintshire calls for a national referendum on the introduction of STV if Welsh Government is to pursue its introduction.”</i></p>
1.05	<p>Subsequently, a more detailed consultation paper: <i>Electoral Reform in Local Government in Wales</i> was published This covered:-</p> <ul style="list-style-type: none"> • the voting franchise (proposal to lower the age of franchise for voting to 16 for elections where Welsh Government has jurisdiction); • registration (various options for modernising electoral registration and voting methods; • the voting system (the proposals to introduce the discretionary power for councils to introduce the Single Transferable Vote (STV) for their own elections if there is a two-thirds majority of the council membership in favour); • standing for election (the option for council employees being eligible to stand for election for their own council); <p>The Council had already taken a position on these issues. It was felt to be disappointing that despite an overwhelming rejection of the STV proposal by local government during the earlier White Paper consultation, this proposal had still been carried forward into this next paper. Similarly, the option for council employees to stand for election for their own council was tested out by Welsh Government in a much earlier consultation (entitled <i>Power to the People</i>) and, as the commentary in this new consultation paper notes “at that time the weight of opinion was against this idea but we wish to test it again”. We strongly objected to this option as restrictions to prevent employees (not bound by the rules on political restrictions due to seniority) from entering into high profile political or partisan roles which would bring their impartiality into question and could cause conflicts in relationships with Members and fellow officers.</p>
1.06	<p>In 2018 we had a new ‘green’ consultation paper on the future of local government: <i>Strengthening Local Government: Delivering for People</i>. This green paper made an ‘about-turn’ and advocated reorganisation, whether through voluntary mergers or a single directive merger programme, with the aim of having “fewer, larger local authorities with the powers and flexibility to make a real difference in their communities”.</p>
1.07	<p>To provide an overview of the various consultations, and provide context for the current Local Government & Elections Bill, we should note that we have made the following principal observations throughout this whole series of consultations:-</p> <ul style="list-style-type: none"> • the Council is open-minded on the question of local government reform and mergers; • there has to be a compelling case for change if reform is to be supportable, with the ‘tests’ of any such case including the questions as to whether a smaller number of larger councils are capable of (1) being well governed and democratically accountable

	<p>(2) performing as well or better than the current councils and (3) being financially sustainable;</p> <ul style="list-style-type: none"> • any such case has to be supported by an objective and robust cost benefit analysis; • any reform should include significant new freedoms and flexibilities to act; • any reform should be underpinned by a fair and sustainable funding base for local authorities; • any reform should be well planned and executed; and • any reform should be fully funded and supported by additional change management capacity given its likely scale.
1.08	<p>In conclusion, over the last four or so years, we have shown Flintshire to be open-minded towards potential changes, so long as those changes had demonstrable benefit. We have resisted proposals which are too centralist, intrusive and controlling.</p>
1.09	<p>Turning to the current bill, Part 1 deals with Elections. Sections 2-4 deal with <i>Rights to vote in local government elections</i> and propose reforming electoral arrangements for local government, including:</p> <ul style="list-style-type: none"> • extending the voting franchise to 16 and 17 year olds; • European union and foreign citizens legally resident in Wales; • changes to voter registration so that principal councils must take steps to help young people in the area (14-18 year olds) and other young people not resident in the council's area but who are looked after by the Council (out of county placements) to register as local government electors. <p>These are some of the most fundamental reforms included in the Bill, and will have a significant impact on local authorities and, in particular, electoral services administration.</p> <p>The position of the WLGA on this since 2017 has been:</p> <p><i>Our stance is that these proposals are responsible and proportionate and should be supported, but also bear in mind the views of the Electoral Commission that:</i></p> <p><i>‘All primary and secondary legislation needed to change the franchise for the local government elections scheduled for May 2022 should be clear six months before Electoral Registration Officers are due to begin annual canvass activities in summer 2021 to enable all those who are newly eligible to vote to be able to register and participate in the elections.</i></p> <p><i>Welsh Government should commit to providing adequate resources to Returning Officers, Electoral Registration Officers and local authorities to ensure that any changes to the electoral process as a result of the provisions in the Bill can be implemented in the best interests of voters.’</i></p> <p>We commend support for the WLGA position.</p>
1.10	<p>Sections 5 -13 provide for councils to choose between the current ‘first past the post’ or the ‘single transferable vote’ voting systems. If a council</p>

	<p>choses (which must be by a two thirds majority vote) to use the single transferrable vote system, the number of councillors for each electoral ward must be no less than three but no more than six.</p> <p>Given the concerns which we expressed recently in our case to the Local Democracy & Boundary Commission for Wales about the appropriateness of multi-member wards in Flintshire, this is a particular concern for us.</p> <p>The majority view of the WLGA is that individual councils should not be able to choose their own voting systems. It should be noted that the WLGA Plaid Group supports the introduction of the Single Transferable Vote for local elections.</p> <p>There are various views across local government of the benefits or otherwise of the Single Transferable Vote for local elections., with the general view being concerns that:</p> <ul style="list-style-type: none"> • the approach would be administratively complex; • it would mean that council could not combine UK and devolved elections on the same day as two different voting systems would confuse electors, resulting in a larger number of spoilt papers; • the larger electoral wards which would need to be created may undermine the local links between a councillor and his/her community. (This links back to the arguments which we made to the LDBC in November). <p>The WLGA view was generally supportive of the Electoral Commission’s position that there should be a common electoral system across all local authorities to avoid complexity and voter confusion.</p> <p>The Electoral Commission, in its response to this proposal in the Reforming Local Government White Paper in April 2017 stated:</p> <p>“...we would note that allowing councils to decide which electoral system to use in their own area could create significant risks and challenges, particularly in relation to voter understanding of how to cast their vote...The question of public awareness around two different electoral systems for one set of elections is likely to be a major challenge and one where there is a very real risk of confusion to electors if this type of change is implemented.”</p> <p>We commend support for the WLGA and Electoral Commission positions.</p>
1.11	<p>Section 13 requires the conduct of local government elections in Wales to be conducted in accordance with rules made by the Welsh Ministers.</p> <p>We offer no objection to this.</p>
1.12	<p>Sections 14-17 change the electoral cycle for principal, community and town and elected mayors from the current four to five years. (The life of the current council has already been extended to 2022 to align with Parliamentary and Assembly terms.) Welsh Ministers will have the ability to change the ordinary day of local elections in Wales.</p>

	Both Flintshire and WLGA support this.
1.13	<p>Sections 18-22 deal with electoral registration and the piloting of new arrangements to improve the accuracy of information contained in the registers of electors for local government and of Senedd Cymru (Welsh Assembly) elections and confer on electoral registration officers (in Flintshire, the Chief Executive) the ability to register electors who are not currently on the register, subject to conditions.</p> <p>Whilst WLGA have not commented on this, we support this in principle but have concerns that this could compromise the individual electoral registration process and also cause problems because automatic registration would only apply to elections within the remit of the Welsh Government and not UK wide elections such as Parliamentary General elections of Police & Crime Commissioner elections.</p> <p>The Electoral Commission have commented that the details of how automatic registration in Wales would work will be set out in secondary legislation.</p>
1.14	<p>Sections 23 - 24 set out new proposals for qualification and disqualification from being a member of a local authority. Qualifying foreign citizens are those who are not Commonwealth, Irish or European Union citizens but who either do not require 'leave to enter or remain' in the UK or who has indefinite leave to remain. Essentially, a citizen of any country, as long as they are in the UK legally would be able to stand for election as a member of a local authority in Wales.</p> <p>Persons who are subject to a bankruptcy or debt restrictions order are to be disqualified from standing in elections, as are persons who have been sentenced to imprisonment for more than three months or more without option of a fine in the last five years, or someone subject to a the notification requirements of, or an order under, the Sexual Offences Act 2003.</p> <p>Both Flintshire and WLGA support this.</p>
1.15	<p>Section 25 updates the current section 116 of the Local Government Act 1972 preventing members of councils from also being an employee of that authority. Council employees, other than those holding politically restricted posts, will be entitled to stand for election to their own council. They will only be required to resign their paid employment with the Council if they are elected. The Welsh Government's intention is that this will widen the pool of potential candidates while ensuring there is no conflict of interest once the candidate is elected.</p> <p>This is a cause for concern both to WLGA and to Flintshire: all council employees have to demonstrate impartiality and a responsibility to serve the council as a whole; this risks being compromised should an employee stand or serve as a Member. There may also be problems with ongoing working relationships between members and officers. The WLGA position</p>

	<p>on this is that they would wish to explore the implications and options for this further with the Welsh Government.</p>
1.16	<p>Section 26 -27 give Welsh Ministers discretion to make orders for election pilot schemes to develop new approaches. Section 28 clarifies that Returning Officers can only claim expenses properly incurred in the running of a local government elections. Personal fees in respect of services rendered during the conduct of a local government elections could not in future be claimed as they would not be deemed as “expenses”. It is proposed that the personal fee will also be removed for National Assembly for Wales elections when an order is next made under article 23 of the National Assembly for Wales (Representation of the People) Order 2007 (currently the National Assembly for Wales (Returning Officers’ Charges) Order 2016 is in force).</p> <p>The Welsh Government has decided not to proceed with the previously consulted upon proposal to incorporate the Returning Officer role within that of the Chief Executive. The WLGA did not support this proposal and so the Welsh Government’s decision is welcome.</p> <p>The role of Returning Officer is independent of the Council, is a significant additional and increasing workload and there are significant personal liabilities and risks in discharging the role. Returning officers are not being employed by their council when they carry any election or referendum duties. We concur with the WLGA position is that this is a contentious issue.</p> <p>The WLGA’s response in 2017 was:</p> <p><i>The WLGA agrees with the SOLACE response that...one option is for any remuneration for the oversight of local elections to be included within a single consolidated salary for the position. A form of this arrangement is already operated by several employing councils in Wales, where the Chief Executive is also contracted to be the Returning Officer but for no additional fee beyond their evaluated salary. The decision should remain a matter of local discretion. The additional responsibilities, demands and risks of being a Returning Officer should be appropriately reflected in any local review of remuneration and should not be dismissed.</i></p> <p>As the Electoral Commission has rightly observed ‘They (Returning officers) are independent statutory officeholders and they are accountable to the courts for the delivery of their official duties’</p> <p>It is not acceptable that any local authority should be required to provide a free returning officer service for a third party.</p> <p>We support the WLGA and Electoral Commission positions on this.</p>
1.17	<p>Section 29 provides for translation of elections documents into Braille or languages other than English and Welsh.</p>

	<p>We have no objection to this: WLGA have not expressly commented on it.</p>
1.18	<p>Part 2 concerns the introduction of a General Power of Competence Sections 31 – 44 deal with a general power of competence for principal councils and eligible community councils.</p> <p>We concur with the WLGA that this should be welcomed in principle. However, the drafting is problematic and Monitoring Officers, through their professional network, Lawyers in Local Government (LLG) have been pushing for Welsh Government to reword this part of the legislation. It is recommended that the Flintshire response should also reflect that view.</p>
1.19	<p>Part 3 deals with Promoting Access to Local Government, intending to reform public participation in local democracy. Section 45 gives an overview; sections 46 – 48 provide a duty to encourage local people to participate in local government and for councils to prepare a ‘public participation strategy’.</p> <p>Both Flintshire and WLGA support the promotion of democratic engagement, public participation and transparency.</p> <p>However, it should also be noted that section.46, promoting access to local government, would put a duty on principal councils to promote access to community councils within their respective areas. The view of monitoring officers is that this is an interference with the sovereignty of community councils and also that they would have no duty to co-operate with principal councils. It should be reworded to impose an equal duty on community councils to promote access or, better still, to co-operate with principal councils so that there is just one public participation strategy document for an area. We concur with this view.</p>
1.20	<p>Section 49 requires principal councils to publish a scheme for handling both paper and electronic petitions. The provision for the holding of community polls consequent on community meetings will also be repealed under section 158.</p> <p>Both Flintshire and WLGA support this, as it will reduce burden and costs for local authorities as well as providing a more accessible approach for the public.</p>
1.21	<p>Sections 50 – 52 require principal councils to publish both electronic and postal addresses for each member and keep an up to date Constitution and guide thereto, both of which are published electronically.</p> <p>Both Flintshire and WLGA support this.</p> <p>Members will be aware that we are currently consulting them on discontinuing the automatic publication of Members’ home addresses where the Members request this. Members will still all be accessible by post, using the County Hall address, or electronically.</p> <p>Our Constitution is already published electronically.</p>

1.22	<p>Section 53 requires principal councils to webcast all meetings which are open to the public and section 54 provides for remote attendance by Members.</p> <p>Whilst WLGA note that there is agreement in principle to an initiative which makes local government decision making more accessible, this has a significant cost implication for the 22 principal councils. We support the WLGA view and concerns.</p> <p>Work to provide robust cost estimates is being undertaken through the professional networks for Monitoring Officers and Statutory Heads of Democratic Services.</p> <p>We have previously not supported remote attendance because the legislative provisions in the Local Government (Wales) Measure 2011 were prescriptive. Both Flintshire and WLGA have supported greater flexibility in local implementation.</p>
1.23	<p>Section 55 requires community (and town) councils to allow public participation at meetings. Section 57 requires community councils to produce an annual report as soon as practicable after the end of the financial year.</p> <p>In Flintshire, we have no objection to these initiatives .The WLGA has not expressed a view. .</p>
1.24	<p>Section 56 and schedule 4 updates the requirement to post notice of meetings both at council offices (as present) and electronically.</p> <p>WLGA has not commented on this. In Flintshire, we already do this, as do most, if not all, of the other principal councils in Wales. We support this requirement which reflects current practice.</p>
1.25	<p>Part 4 deals with Local Authority Executives, Members, Officers and Committees. The overview (section 58) identifies a requirement for a statutory post of chief executive, rather than to designate an officer as head of paid service, as at present, and statutory requirements for performance management of such post holders and their remuneration (Sections 59 -62)</p> <p>WLGA have indicated that they are exploring the implications of reforms affecting chief executives with SOLACE (Society of Local Authority Chief Executives - professional body for such post holders) and ALACE (Association of Local Authority Chief Executives - trade union for chief executives and senior managers/statutory officers)</p> <p>We support the establishment of a statutory post of chief executive. The current 'head of paid service' designation under the Local Government & Housing Act 1989 is anachronistic.</p>

	<p>All authorities should have a performance review mechanism in place for their chief executive. However, we cannot support the possibility of publication of such performance reviews. A performance review forms part of the contract between an employer and employee and should not be information which could be published. To do so would be to compromise the integrity of the process. Such information should be confidential to leading members of the council and the post holder.</p> <p>The WLGA had not expressed a view on this previously.</p>
1.26	<p>Sections 63 to 65 introduce the concept of councillors to become 'assistants to the executive' which will provide for career progression and potentially promote diversity and enable job sharing for leaders and cabinet members.</p> <p>We support this in principle, recognising the benefits of providing for career progression and potentially promoting diversity and enabling job sharing for leaders and cabinet members.</p> <p>Section 66 clarifies issues around family absence of members from the 2011 measure.</p> <p>We support this, as does WLGA.</p>
1.27	<p>Section 67 makes leaders of political groups of a principal council responsible for standards of conduct amongst their group members.</p> <p>Whilst this can be seen as beneficial in principle, we are concerned that across Wales, this may prove very difficult in practice, potentially destabilising those groups which are not formed from members of one particular political party.</p> <p>The WLGA have not expressed a view on this and we have concerns at its implications.</p>
1.28	<p>Section 68 requires Standards Committees to produce annual reports as soon as practicable after the end of the financial year.</p> <p>No view expressed by WLGA. We support this in principle on the basis that other parts of local authorities, such as Overview & Scrutiny and Audit produce annual reports, so this would provide consistency of approach.</p>
1.29	<p>Section 69 and schedule 8 amend current requirements concerning Public Services Ombudsman for Wales investigations into failures to comply with a code of conduct.</p> <p>No view expressed by WLGA. We support this in principle.</p>
1.30	<p>Sections 70 and 71 clarify the provision of information to Overview & Scrutiny committees and amend powers relating to the establishment of joint Overview & Scrutiny committees.</p>

	No view expressed by WLGA. We support this clarification in principle.
1.31	<p>Section 72 requires community councils to make and publish training plans for community council members and staff, within three months of ordinary (5 yearly) elections.</p> <p>No view expressed by WLGA. We support this in principle as it reflects good governance and thus is acceptable.</p>
1.32	<p>Part 5 relates to Collaborative Working by Principal Councils. It provides for the development of a framework and powers to facilitate more consistent and coherent regional working mechanisms through 'corporate joint committees' (CJCs) (Sections 73-86) There has already been extensive discussions between the Minister and council leaders.</p>
1.33	<p>The Bill provides for powers for local authorities to request the establishment of CJCs covering any functions. The Bill also provides Ministerial powers to establish CJCs in the functions of school improvement, economic development, strategic planning and transport.</p> <p>The WLGA has advised that the Minister has expressed her desire that the Regulations are co-produced with local government and there is scope for existing governance agreements and arrangements (such as City Deal or Growth Bid Joint Working Agreements or Governance Agreements) to be transferred into Regulations to avoid duplicating, 'reinventing the wheel' or undoing or undermining existing, effective arrangements such as those for the North Wales Economic Ambition Board or GWe.</p> <p>We support the WLGA stance as detailed in the report to WLGA Council (see attached, which expresses concerns about the principle of 'mandation' which is seen as undermining local democracy'.)</p>
1.34	<p>Part 6 deals with Performance and Governance of Principal Councils in sections 88 - 112. The Bill proposes a new streamlined performance framework for local government, repealing the Wales Programme for Improvement and performance provisions of the Local Government (Wales) Measure 2009.</p> <p>There is a new duty for a council to keep its performance under review to the extent to which it is</p> <ul style="list-style-type: none"> (a) it is exercising its functions effectively, (b) it is using its resources economically, efficiently and effectively, <p>and</p> <ul style="list-style-type: none"> (c) its governance is effective for securing the matters set out in paragraphs (a) and (b). (Section 88). <p>Section 88 will require councils to consult local people, businesses, trades unions and council staff on performance and produce a performance report (sections 89 and 90). At least once every electoral cycle (i.e. five years) a council must arrange for a panel to assess the extent to which it is meeting its performance requirements.</p>

	<p>The other sections up to section 113 deal with administrative matters relating to the new performance regime.</p> <p>The WLGA has supported these changes, which have been extensively discussed, but there are concerns at the potential cost of the assessment panels. We concur with the WLGA view.</p>
1.35	<p>Section 114 alters the statutory requirement to rename Audit Committees as Governance and Audit committees which will also become responsible for performance assessment, and reviewing and assessing an authority's ability to handle complaints effectively.</p> <p>This was an aspect of the 2015 Bill. At that stage, the WLGA supported the proposal with the caveat that the relationship with and role of Overview & Scrutiny committees would require review to avoid confusion and duplication. In Flintshire, we have the Liaison group between Audit and Overview & Scrutiny Chairs and Vice-chairs to monitor and address issues of duplication.</p> <p>Section 115 requires that at least one third of the members of the committee must be lay (non-elected) persons, one of whom would be appointed as chair.</p> <p>The WLGA does not support the proposed changes to membership of Corporate Governance & Audit committees. The value of lay members is recognised but the balance of membership should be left to local discretion. In Flintshire, we have long recognised the added value provided by our lay members: the vice-chair of the committee is, and has for several years been, a lay member. In recognition of the value of the role, a second lay member was recruited during 2019. We now have 2 lay members and 7 elected Members on the Audit Committee. The Bill proposes that the deputy (vice) chair can be a councillor but not an executive or assistant executive member. Section 116 defines lay members and 117 deals with chairing arrangements in the absence of both post holders.</p> <p>Sections 118 and 119 require the Auditor General for Wales and other relevant regulators to co-ordinate the exercise of their respective functions, which are defined in section 119. The WLGA has not expressed a view on this. Our view is that this should be supported in principle as a means of avoiding duplication.</p>
1.36	<p>Part 7 is about Mergers and Restructuring of Principal Areas. Whilst the Welsh Government has decided not to proceed with prescribed mergers of local government, section 120 does provide for any two or more principal councils to voluntarily apply to the Welsh ministers for consideration of a merger.</p> <p>WLGA and local authorities collectively have previously indicated that they were supportive of voluntary mergers. Our position has previously been stated as :</p> <ul style="list-style-type: none"> • the Council is open-minded on the question of local government reform and mergers;

	<ul style="list-style-type: none"> • there has to be a compelling case for change if reform is to be supportable with the ‘tests’ of any such case including the questions as to whether a smaller number of larger councils are capable of (1) being well governed and democratically accountable (2) performing as well or better than the current councils and (3) being financially sustainable; • any such case has to be supported by an objective and robust cost benefit analysis. <p>Sections 121 to 148 deal with various administrative issues related to any merger process, including shadow arrangements (section 124) elections (section 125- 6) the establishment of transition committees (section 135) and the role of the Independent Remuneration Panel for Wales in relation to the new principal councils .</p>
1.37	<p>Part 8 deals with Local Government Finance, and specifically non-domestic rating (sections 149-152); changes to the Local Government Finance Act 1988 as it relates to revenue support grant in Wales (section 153) and Council Tax – the removal of the power to provide for imprisonment of council tax debtors (section 154). Section 155 makes technical amendments for certain regulations and orders made under the Local Government Finance Act 1992, which preceded devolution and subsequent legislative competence.</p> <p>We support the WLGA view that these proposed reforms will need further exploration with local authorities and their treasurers.</p>
1.38	<p>Part 9 is Miscellaneous and deals with:</p> <ul style="list-style-type: none"> • information sharing between regulators, the Auditor General for Wales and Welsh Ministers (section 156); • the inclusion of an authority’s head of democratic services within the meaning of chief officer for the purposes of pay policy statements (section 157); • the ability of the Local Democracy & Boundary Commission to appoint its own chief executive (section 159) • amendments to the Local Government (Democracy) (Wales) Act 2013 relating to reviews and the merging and demerging of public services boards under the Well-being of Future Generations (Wales) Act 2015. <p>Sections 162- 165 relate to Fire & Rescue and National Park authorities. Section 166 repeals the Local Government (Wales) Measure 2009.</p> <p>WLGA has not expressed views on these and Flintshire has no observations without greater detail being provided to substantiate some of the proposals.</p>
1.39	<p>The indicative timeline for the Bill is</p> <p>November 2019 onwards - Stage 1 scrutiny of the general principles by the Assembly’s Equality, Local Government and Communities Committee begins Mid-March 2020 - Stage 1 Reports</p>

	<p>May 2020 – Stage 2 Committee consideration of amendments concludes</p> <p>Early Summer 2020 – Stage 3 Plenary consideration of amendments Before Summer Recess</p> <p>Stage 4 Passing of the Bill in Plenary</p>
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2.00	RESOURCE IMPLICATIONS
2.01	Whilst there will be resource implications of several elements of the bill, these have not be quantified at this early stage of consultation.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	This report has been produced to initiate consultation with Council on the bill.

4.00	RISK MANAGEMENT
4.01	Not applicable at this stage of consultation.

5.00	APPENDICES
5.01	<p>Hyperlink to bill: http://senedd.assembly.wales/mgIssueHistoryHome.aspx?Ild=26688&Opt=0</p> <p>Appendix 1: Report to WLGA Council 29th November 2019 – Local Government and elections (Wales) Bill</p> <p>Appendix 2: Annex 1 to previous report, Corporate Joint Committees</p> <p>Appendix 3: Annex 2 to previous report_ Letter from Julie James, AM, Minister for Housing & Local Government to Cllr Baroness Debbie Wilcox, Leader of WLGA.</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Report of the Chief Executive: <i>Reform of Local Government and Public Services</i> . Council 9 th September 2014 and resultant minute.
6.02	Report of the Chief Executive: <i>Welsh Government White Paper: Devolution, Democracy and Delivery – Reforming Local Government: Power to the People</i> . Council 14 th April 2015 and resultant minute.
6.03	Report of the Chief Executive: <i>Local Government (Wales) Bill</i> . Council 26 th January 2016 and resultant minute.

6.04	Report of the Chief Executive: <i>The White Paper Reforming Local Government: Resilient and Renewed and Regional Working</i> . Council 1 st March 2017 and resultant minute.
6.05	Report of the Chief Executive: <i>Welsh Government Consultation Paper Electoral Reform in Local Government in Wales</i> . Council 27 th September 2017 and resultant minute.
6.06	Report of the Chief Executive: <i>Welsh Government Consultation Paper Strengthening Local Government: Delivering for People</i> . Council 24 th April 2018 and resultant minute.

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Robert Robins, Head of Democratic Services Telephone: (01352) 702320 E-mail: robert.robins@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	<p>First past the post – traditional form of election where the person with the highest number of votes wins and is thus elected.</p> <p>Single transferable vote systems – proportional representation so that instead of one person representing everyone in a small area, bigger areas elect a small team of representatives. These representatives may then reflect the diversity of opinions in the area. On election day, voters number a list of candidates. They put their favourite as number one, their second favourite number two, and so on. Voters can put numbers next to as many or as few candidates as they like. Parties will often stand more than one candidate in each area.</p> <p>Principal councils: the twenty two unitary county and county borough councils in Wales.</p> <p>SOLACE (Society of Local Authority Chief Executives - professional body for such post holders).</p> <p>ALACE (Association of Local Authority Chief Executives- trade union for chief executives and senior managers/statutory officers)</p>

