



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
COUNCIL**

15 JANUARY 2020

LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

**JOINT REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC SERVICES
AND COMMUNICATIONS AND THE DIRECTOR, LEGAL SERVICES**

1. PURPOSE OF THE REPORT

1. To provide Members with:-

- (i) Details of the initial submission by the Chair of the Council's Overview & Scrutiny Committee to the WLGA's evidence gathering on the Local Government and Elections (Wales) Bill; and
- (ii) A verbal update from the Service Director Democratic Services and Communications summarising the salient points of the discussions to have arisen from the Special Overview & Scrutiny Committee held on Monday, 13th January 2020.

2. RECOMMENDATIONS

It is recommended that:-

- 2.1 Council acknowledges the initial response formulated by the Chair of the Council's Overview & Scrutiny and submitted on the 3rd January 2020 (attached as Appendix 1);
- 2.2 Council receives a verbal update from the Service Director, Democratic Services and Communications in respect of the key points considered by the Overview & Scrutiny Committee; and

3 REASONS FOR RECOMMENDATIONS

- 3.1 The need to advise Members of the initial Local Government and Elections (Wales) Bill submission by the Chair of the Overview & Scrutiny Committee by the 3rd January 2020.
- 3.2 The need to consider the proposals contained within the bill.

4. BACKGROUND

- 4.1 The Local Government and Elections (Wales) Bill was published on 18th November 2019 (the briefing paper was presented to Full Council on the 27th November 2019).
- 4.2 The Bill is a significant and substantial piece of legislation at 176 pages and 683 pages of accompanying documents, including an Explanatory Memorandum and Regulatory Impact Assessment which can be found at [Local Government Elections \(Wales\) Bill](#).
- 4.3 The WLGA has been invited to provide 'Stage 1 - consideration of general principles' evidence to both the Assembly's Finance Committee on 11th December 2019 and the Equality, Local Government and Communities Committee on 23rd January 2020. The Welsh Government invited observations by 3rd January 2020.
- 4.4 It is anticipated that, subject to successful passage through the Assembly, the Bill would 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.

5. COUNCIL CONSIDERATIONS

- 5.1 In line with the approach previously adopted for developing formal responses for consideration and adoption by Council, it was proposed that this matter would be considered by the Council's Overview & Scrutiny Committee, by receiving a detailed report outlining the proposals contained and the ability of the Council to effectively respond to these proposals.
- 5.2 As supported by Full Council, it was proposed that the Overview & Scrutiny Committee develop a view on the detail contained within the Bill, based on the information provided by the appropriate Officers and that this response would be subsequently presented for endorsement and adoption by Full Council at a future meeting.
- 5.3 An initial response was formulated by the Chair of the Overview & Scrutiny Committee which met the deadline of submission set by the responsible Minister, of the 3rd January 2020 (attached as Appendix 1). In his letter the Chair expressed his disappointment to the Welsh Government in respect of the short timescales for submission over the Christmas and New Year period which meant that the Council was unable to formally respond. However, the

proposal gave a clear indication that the Overview & Scrutiny Committee would provide its evidence to the Equality, Local Government and Communities Committee.

5.4 In the accompanying email to the Chair's submission it was made clear that the enclosed views had been submitted in his capacity as Chair of the Overview & Scrutiny Committee and did not represent the views of the Council and sought to ensure a view from Rhondda Cynon Taf was provided.

5.5 At the Special meeting of the Overview & Scrutiny Committee, arranged for the 13th January 2020, specifically to determine the basis of the Council's submission, Members received the following documents:-

- Original WLGA summary briefing report (considered by Council at its meeting on the 27th November 2019);
- A response form which would help facilitate Members' response; and
- The submission of the Chair of the Overview & Scrutiny Committee

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 Equality and diversity implications will be considered as part of the WLGA's recommendations and any subsequent implementation arrangements

7. CONSULTATION

7.1 The WLGA has been invited to provide 'Stage 1 - consideration of general principles' evidence to both the Assembly's Finance Committee on 11th December 2019 and the Equality, Local Government and Communities Committee on 23rd January 2020. The Welsh Government sought views by 3rd January 2020.

7.2 The Welsh Assembly's Business Committee has remitted the Bill to the [Equality, Local Government and Communities Committee](#) which is undertaking the public consultation. In addition to the call for evidence from local authorities to the Equality, Local Government and Communities Committee on 23rd January 2020, it is also anticipated that a number of other organisations such as SOLACE and the Association of Electoral Administrators will also submit evidence.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications aligned to this report.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES

9.1 The Local Government Elections (Wales) Bill links with the three priorities

within the Corporate plan of People, Economy and Place, as it will help People and Communities by encouraging a more diverse range of members of the public to engage with local democracy, encourage public participation in council decision-making and support openness and transparency.

9.2 The revised Bill reflects the seven well-being goals and the five ways of working, from within the Wellbeing of Future Generations Act, with particular reference to:

- A Wales of cohesive communities
- A resilient Wales
- And all of the 5 ways of working - collaboration, involvement, long term, integration, prevention.

10. CONCLUSION

10.1 The WLGA has already been invited to give evidence to two separate Assembly Committees scrutinising the Bill. It is anticipated that, subject to successful passage through the Assembly, the Bill would 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.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

15 JANUARY 2020

**JOINT REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES &
COMMUNICATION AND THE DIRECTOR, LEGAL SERVICES**

Local Government and Elections (Wales) Bill



Julie James AC
Y Gweinidog Tai a Llywodraeth Leol
Llywodraeth Cymru
Caerdydd
CF99 1NA

2 Ionawr 2020

Annwyl Weinidog,

Parthed: Bil Llywodraeth Leol ac Etholiadau (Cymru)

Dyma ysgrifennu atoch chi i fynegi fy marn a sylwadau mewn perthynas â Bil Llywodraeth Leol ac Etholiadau (Cymru) a gyhoeddwyd yn ddiweddar. Mewn cyfarfod diweddar o'r Cyngor, fe drafodon ni sut y gallem ni ymateb i'r ymgynghoriad a chymryd rhan ynddo, yn ogystal ag yn y gwaith o gasglu tystiolaeth ar y mater hwn gan Gynulliad Cenedlaethol Cymru.

Rwy'n ysgrifennu yn rhinwedd fy swyddogaeth yn Gadeirydd Pwyllgor Trosolwg a Chraffu y Cyngor. O ganlyniad i'r amserlenni tynn, yn enwedig gyda gwyliau'r Nadolig a'r Ŵyl ei hun wedi bod ar ein gwarthaf, dyw hi ddim wedi bod yn bosibl i'm pwyllgor na'r Cyngor ystyried yn ffurfiol y cynigion a'r manylion sydd yn y Bil. Bydd fy mhwyllgor a'r Cyngor yn ystyried y mater ddechrau mis Ionawr ac yn ymateb i'r galw am dystiolaeth gan Bwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau Cynulliad Cenedlaethol Cymru.

Rwy'n gefnogol o'r cynigion i ymestyn yr etholfraint pleidleisio i bobl ifanc 16 a 17 oed yng Nghymru. Wrth wneud hynny, fodd bynnag, mae'n hanfodol bod Llywodraeth Cymru yn darparu cyllid i awdurdodau lleol i hyrwyddo'r hawl i fwrw pleidlais, ac yn ehangach na hynny, yn rhan o hyrwyddo dinasyddiaeth, darparu'r adnoddau priodol i addysgu pleidleiswyr ifanc – mewn ffordd heb fod yn wleidyddol – am bwysigrwydd pleidleisio a'r materion i'w hystyried. Gwael ac yn annemocrataidd o beth fyddai gadael i sefydliadau gwleidyddol wneud hynny.

Dydw i ddim o'r farn bod y cynigion ynghylch rhoi'r hawl i awdurdodau lleol unigol weithredu systemau pleidleisio amgen yn rhai synhwyrol. Mae Cymru yn wlad gymharol fach a byddai cael un awdurdod lleol yn gweithredu model pleidleisio gwahanol i awdurdod lleol cyfagos, yn fy marn i, yn arwain at ddryswch sylweddol, ac yn ei dro, yn pylu cyfraniad etholwyr mewn etholiadau llywodraeth leol.

Yn ystod y blynyddoedd diwethaf mae Rhondda Cynon Taf wedi rhoi cryn sylw i gynyddu cyfranogiad yn ein penderfyniadau allweddol, yn enwedig er mwyn annog mwy o gymryd rhan yn ein swyddogaethau craffu, felly rwy'n croesawu'r cynigion a fydd yn caniatáu inni nodi'r camau a'r modd i'r cyhoedd gymryd rhan yn ffurfiol, drwy statud.

Ar hyn o bryd mae'r Cyngor wrthi'n paratoui at ddarlledu cyfarfodydd a phwyllgorau'r Cyngor, felly fyddai gan Gyngor Rhondda Cynon Taf dim gwrthwynebiad i hyn ddod yn ofyniad statudol. Serch



hynny, byddai mynd ati mewn perthynas â holl gyfarfodydd y Cyngor yn golygu costau cyfalaf a refeniw sylweddol, a bydden ni felly yn annog Llywodraeth Cymru i ddarparu'r cymorth ariannol angenrheidiol i ategu'r cynigion hyn, er mwyn osgoi unrhyw effaith ar wasanaethau rheng-flaen.

Er bod yr egwyddorion sy'n ymwneud â chyflwyno trefniadau presenoldeb o bell yn ddilys, dyw hynny, yn fy marn i, ddim yn gynnig hyfyw yn ymarferol.

Dydw i ddim o'r farn bod y cynnig i ehangu rôl a chylch gwaith y Pwyllgor Archwilio yn angenrheidiol. I mi, byddai'r cynigion hyn yn arwain at ymbellhau oddi wrth y cyfrifoldebau statudol o ran cylch gorchwyl 'cadw cydbwysedd' y pwyllgor hwn, a symud mwy tuag at swyddogaethau democrataidd ehangach y Cyngor, megis craffu. Lle mae'r cylch gwaith newydd hwn ar gyfer y Pwyllgor Archwilio yn cynnwys mwy o aelodau lleig, credaf fod hynny yn lleihau atebolrwydd democrataidd.

Mae'n braf nodi bod rôl bwysig gwaith craffu yn cael ei chydabod ynghyd â chynigion i atgyfnerthu swyddogaeth graffu i herio a gweithredu fel ffrind beirniadol. Mae'r Cyngor hwn eisoes yn cydnabod pwysigrwydd rôl statudol Pennaeth y Gwasanaethau Democrataidd, gyda'r rôl hon eisoes yn rhan o Uwch Dîm Arwain y Cyngor.

Dydw i ddim o blaid y cynigion i ganiatáu i swyddogion a gweithwyr y cyngor sefyll mewn etholiadau i gael eu hethol i'w cyngor eu hunain - byddai hyn yn codi gwrthdaro buddiannau posibl a gallai gael effaith niweidiol ar berthnasoedd cyflogwyr / gweithwyr wrth leihau'r lefelau didueddrwydd disgwylidig ymhlith staff y cyngor.

Rwy'n cefnogi barn arweinyddiaeth Cymdeithas Llywodraeth Leol Cymru mewn perthynas â threfniadau Cyd-bwyllgor, ond yn fy rôl fel Cadeirydd Pwyllgor Craffu, rwy'n effro i'r diffyg craffu sy'n bodoli gyda rhai trefniadau cydbwyllgor cyfredol, yn enwedig mewn perthynas â threfniadau consortiwm addysg ar y cyd. Byddwn i'n annog bod unrhyw drefniadau cyd-bwyllgor yn y dyfodol yn hyrwyddo pwysigrwydd craffu a bod trefniadau craffu clir ar y cyd yn cael eu nodi gan Lywodraeth Cymru ar gyfer y trefniadau hyn yn y dyfodol.

I gloi, hoffwn i nodi eto fy mhryderon am yr amserlenni tynn y gofynnwyd inni ymateb yn ffurfiol i'r cynigion sydd wedi'u nodi yn y Bil. Byddwch cystal â derbyn y llythyr hwn fel ymateb cychwynnol gan Gyngor Rhondda Cynon Taf hyd nes y cawn ni gyfle pellach i lunio ein tystiolaeth ar gyfer ei chyflwyno i'r Pwyllgor Llywodraeth Leol a Chymunedau yn y Flwyddyn Newydd.

Yn gywir,

Y Cyngorydd Bwrdeistref Sirol Mark Adams
Cadeirydd y Pwyllgor Trosolwg a Chraffu

Copiâu: John Griffiths AC, Cadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau.



Julie James AM
Minister for Housing and Local Government
Welsh Government
Cardiff
CF99 1NA

2nd January 2020

Dear Minister,

RE: Local Government Elections Bill Wales

I am writing to express my views and observations in respect of the recently published Local Government Elections Bill Wales. At a recent Council meeting, we considered how we might respond and engage the consultation on the by yourself and also in the evidence gathering on this matter by the National Assembly for Wales.

I am writing in my capacity as the Chair of the Council's Overview & Scrutiny Committee. As a result of the tight timescales, particularly with much of this period falling over the Christmas lead-in and holiday period, it has not been possible for my committee as a whole or the Council to consider formally the proposals and detail contained within the Bill. Both my committee and the Council will consider the matter in early January and respond to the call for evidence by the Equality, Local Government and Communities Committee of the National Assembly for Wales.

I am supportive of the proposals to extend the franchise for voting to 16 and 17 year olds in Wales, however in doing so, it is vital that the Welsh Government provide funding to local authorities to promote this entitled to vote and more broadly as part of promoting citizenship, provide the appropriate resources to educate young votes in a non-political way about the importance of voting and the issues to consider. It would be wrong and undemocratic if this was left to political organisations to undertake.

I do not believe that the proposals to offer alternative voting systems to individual local authorities is a sensible proposal. Wales is a relatively small country and a model which could see one local authority operating a different voting model to a neighbouring local authority will, in my view, lead to significant confusion and in turn will reduce participation in local government elections.

In recent years Rhondda Cynon Taf has placed significant focus on increasing participation in our key decisions, particularly to encourage involvement in our scrutiny, so I welcome the proposals which will allow us to identify the steps and the ability for the public to engage on a formal statutory footing.

The Council is currently in the process of introducing the broadcasting of Council meetings and committees, so Rhondda Cynon Taf would have no objection to this becoming a statutory requirement, however to undertake this ability for all Council meetings would come at a significant



capital and revenue costs and we would therefore urge the Welsh Government to provide the necessary funding support to support this proposals, to avoid any impact upon frontline services.

While the principals surrounding the introduction of remote attendance are valid, I do not believe this to be a viable proposal in practice

The proposal to expand the role and remit of the Audit Committee, I do not believe to be necessary. For me, these proposals would result in 'mission creep' from the statutory responsibilities in terms of checks and balances of this committee into the broader democratic functions of the Council, such as scrutiny. Where this new remit for the Audit Committee includes increased lay members, I believe decreases democratic accountability.

It is pleasing to see the important role of scrutiny is recognised and with proposals to strengthen the abilities of scrutiny to challenge and act as a critical friend. This Council already recognises importance of the statutory role of the Head of Democratic Services, with this role already forming part of the Council's Senior Leadership Team.

I do not support the proposals to allow council officers and employees to stand for election to their own council – this would raise potential conflicts of interest and could have a detrimental impact upon employer/employee relationships whilst diminishing the expected levels of impartiality amongst council staff.

I am supportive of the view already by the WLGA leadership in respect of Joint Committee arrangements, but in my role as a Chair of Scrutiny Committee, I am aware of scrutiny deficit which exists with some current joint committee arrangements, particularly relating to joint education consortium arrangements. I would urge that any future joint committee arrangements champion the importance of scrutiny and that clear joint scrutiny arrangements are set out by the Welsh Government for these future arrangements.

In conclusion, I would like to reiterate my earlier concerns about the tight timescales in which we were asked to formally respond to the proposals contained within the Bill. Please accept this letter as an initial response which Rhondda Cynon Taf Council until we have further opportunity to formulate our evidence to the Local Government and Communities Committee in the New Year.

Yours Sincerely,

County Borough Councillor Mark Adams
Chair of the Overview & Scrutiny Committee

CC: John Griffiths AM, Chair of the Equality, Local Government and Communities Committee.