



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

COMMITTEE SUMMONS

C Hanagan
Service Director of Democratic Services & Communication
Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale CF40 2XX

Meeting Contact: Julia Nicholls - Democratic Services (01443 424098)

YOU ARE SUMMONED to a meeting of **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL** to be held at the **The Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX** on **WEDNESDAY, 15TH JANUARY, 2020** at **5.00 PM**.

AGENDA

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No's**

**10.1. LOCAL GOVERNMENT & ELECTIONS (WALES) BILL -
SUBMISSION**

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Service Director of Democratic Services & Communication

To: All Members of the Council

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Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Cynulliad Cenedlaethol Cymru

Bae Caerdydd

Caerdydd,

CF99 1NA

14 Ionawr 2020

Annwyl Cadeirydd,

Parthed: Bil Llywodraeth Leol ac Etholiadau (Cymru)

Fe'm cyfarwyddwyd gan Bwyllgor Trosolwg a Chraffu'r Cyngor hwn i gyfleu sylwadau ac arsylwadau'r Aelodau mewn perthynas â'r Bil Etholiadau Llywodraeth Leol (Cymru). Mae'r Aelodau hefyd wedi gofyn imi gyfleu eu gwerthfawrogiad am ymestyn y dyddiad cau. Rhoddodd hyn gyfle i Aelodau'r pwyllgor hwn gyfrannu at y gwaith o graffu ar y ddeddfwriaeth bwysig hon.

Ystyriwyd y mater gan y Pwyllgor Trosolwg a Chraffu ar 13 Ionawr 2020 ac ymatebion a sylwadau'r Aelodau wedi'u nodi yn y profforma atodedig a ddefnyddiwyd i hwyluso trafodaethau yn y cyfarfod uchod.

I gloi, mae'r Cyngor yn ddiolchgar am y cyfle i ymateb i gasgliad tystiolaeth Cymdeithas Llywodraeth Leol Cymru ar y Bil ac i ymateb i'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau yn y drefn honno.

Yn gywir,

Christian Hanagan

Cyfarwyddwr Gwasanaeth – Gwasanaethau Democraidd a Chyfathrebu

Equality, Local Government and Communities Committee
The National Assembly for Wales,
Cardiff Bay,
Cardiff,
CF99 1NA

14th January 2020

Dear Chair,

Re: Local Government Elections Bill (Wales) Bill

I have been instructed by this Council's Overview & Scrutiny Committee to convey the comments and observations of members in relation to the Local Government Elections (Wales) Bill. Members have also asked me to convey their appreciation for the extension in deadline which provided the opportunity for members of this committee to contribute to the scrutiny of this important legislation.

The matter was considered by the Overview and Scrutiny Committee on the 13th January 2020 and the responses and comments of members are set out in the attached proforma used to facilitate discussions at the above meeting.

In conclusion, the Council is grateful for the opportunity to respond to the WLGA's evidence gathering on the Bill and to respond to the Equality, Local Government and Communities Committee respectively.

Yours Sincerely,

Christian Hanagan
Service Director - Democratic Services & Communications

Ymgynghoriad - Bil Llywodraeth Leol (Cymru) Drafft

Mae'r Aelodau'n ymwybodol nad yw'r amserlenni yn ôl disgresiwn y Pwyllgor ac fe wnaethant gydnabod bod amserlenni ar gyfer cyflwyno ymatebion yn heriol. Wedi dweud hynny, mae Aelodau Pwyllgor Trosolwg a Chraffu'r Cyngor yn ddiolchgar am yr estyniad ychwanegol i'w dyddiad cau ar gyfer cyflwyno ymatebion, yn ogystal â'r cyfle i ymateb i'r cynigion sydd wedi'u cynnwys yn y Bil Llywodraeth Leol ac Etholiadau (Cymru).

Rhan 1: Etholiadau:

Croesawodd yr Aelodau'r cynigion ynghylch diwygio'r drefn etholiadol, serch hynny roeddent yn teimlo bod cyfleoedd i fynd â'r gwaith ymhellach, e.e. ystyried pleidleisio gorfodol, wedi'u colli.

Roedd y rhan fwyaf o'r Aelodau'n cefnogi'r etholfraint i bobl ifainc 16-17 oed, ac o'r farn ei bod hi'n bwysig ystyried sut mae'r system Addysg a'r cwricwlwm yn cefnogi pleidleiswyr newydd o safbwynt galluogi pobl ifainc i wneud penderfyniadau gwybodus mewn etholiadau yn y dyfodol.

Yn gyffredinol, cefnogodd yr Aelodau'r cynnig i ymestyn etholfraint llywodraeth leol i ddinasyddion o unrhyw wlad. Roedden nhw'n teimlo, pan fo dinasyddion a thrigolion yn defnyddio ein gwasanaethau ac yn ymrwymedig i'r ardal, y dylent fod â'r hawl i bleidleisio mewn etholiadau lleol yng Nghymru, ni waeth beth yw eu statws preswyllo.

Arweiniodd y cynnig i ymestyn etholfraint llywodraeth leol i garcharorion at wahaniaeth barn ymhlith yr Aelodau, a chynhaliwyd pleidlais. Dangosodd hyn fod mwyafrif yr Aelodau yn erbyn y cynnig hwn.

Roedd nifer o Aelodau yn cefnogi'r cynnig i gyflwyno Pleidleisio Sengl Trosglwyddadwy (STV) mewn etholiadau llywodraeth leol, gan nodi bod y drefn yn fwy democrataidd. Serch hynny, nododd y rhan fwyaf o'r aelodau eu bod nhw'n credu bod y drefn 'cyntaf i'r felin' gyfredol yn cynnig mwy o dryloywder, yn haws i'r cyhoedd ei deall ac yn darparu atebolrwydd ar lefel mwy uniongyrchol. Roedd yr holl Aelodau'n cytuno nad oedd rhoi'r gallu i awdurdodau lleol unigol ddewis trefn bleidleisio wahanol yn gynhyrchiol, yn enwedig o ystyried maint Cymru, ac y byddai hynny'n achosi cryn ddryswch i'r etholwyr.

Roedd y rhan fwyaf o'r Aelodau'n cefnogi'r gwaith o newid y cylch etholiadol ar gyfer prif gynghorau o bedair blynedd i bum mlynedd.

Nid oedd yr Aelodau'n cytuno â'r cynnig i ganiatáu i swyddogion a gweithwyr y Cyngor, ac eithrio'r rhai sy'n dal swyddi â chyfyngiadau gwleidyddol, sefyll i'w hethol yn eu Cyngor eu hunain. Roedden nhw o'r farn y byddai hyn yn peri achosion o wrthdaro buddiannau posibl, ac y gallai effeithio ar berthynas y cyflogwr/gweithiwr.

O ran talu ffioedd personol i Swyddogion Canlyniadau, roedd y rhan fwyaf o'r Aelodau o'r farn y dylai'r corff perthnasol ad-dalu costau amser y Swyddogion Canlyniadau wrth ymgymryd â'r cyfrifoldebau ychwanegol o weinyddu etholiadau/refferenda datganoledig i'r Awdurdod Lleol.

Rhan 2: Pŵer Cymhwysedd Cyffredinol

Cafodd hyn ei groesawu gan yr holl Aelodau ond cytunwyd bod angen gwneud gwaith pellach i roi rhagor o sicrwydd cyfreithiol pan ddaw'r Bil i rym, a hynny yn seiliedig ar y profiadau o ran llywodraeth leol Lloegr. Cytunwyd hefyd y dylid ystyried y gwaith a wneir gan gangen Laywers in Local Government (LLG) Cymru ymhellach.

Rhan 3: Hyrwyddo Mynediad i Lywodraeth Leol

Croesawodd yr holl Aelodau'r bwriad o fewn y cynigion hyn, yn enwedig y rheiny a oedd yn ffurfioli llawer o'r camau rhagweithiol y mae'r Cyngor hwn eisoes wedi'u cymryd i hyrwyddo ymgysylltiad.

Er eu bod nhw'n anfodlon â'r peth, derbyniodd yr Aelodau fod angen diwygio'r cynnig i ddileu'r ddyletswydd i gyhoeddi cyfeiriadau Cynghorwyr, gan gydnabod yr angen i gefnogi preifatrwydd a diogelwch yr Aelodau mewn achosion lle mae bygwth ac aflonyddu yn risg.

Darlledu cyfarfodydd yn electronig - Croesawodd yr Aelodau'r cynnig yma ond roedden nhw o'r farn y dylai'r cam hwn gael ei gefnogi gan y cyllid angenrheidiol. Gwrthododd yr Aelodau'r opsiynau cost isel a nodwyd gan Lywodraeth Cymru, gan dynnu sylw at yr anallu i gydymffurfio â Safonau'r Gymraeg fel rheswm allweddol. Roedd yr Aelodau hefyd yn teimlo bod angen rhywfaint o hyblygrwydd o ran cyfarfodydd sy'n wynebu'r cyhoedd yn y gymuned lle na ddylai darlledu fod yn ofynnol.

Presenoldeb o Bell - Fel egwyddor, roedd yr Aelodau'n cefnogi'r cynnig hwn. Serch hynny, byddai angen datrys rhai materion sylfaenol wrth gyflwyno'r trefniadau ymarferol; ystyriwyd bod darparu cymaint o hyblygrwydd a disgresiwn a phosibl i awdurdodau lleol unigol o ran symud cynigion o'r fath yn eu blaenau yn flaenoriaeth.

Rhan 4: Swyddogion Gweithredol, Aelodau, Swyddogion a Phwyllgorau'r Awdurdod Lleol

Mae'r Aelodau'n cefnogi'r newidiadau o ran penodiad a statws Prif Weithredwyr a swyddogion gweithredol awdurdodau lleol. Serch hynny

roeddent o'r farn glir eu y dylai pob swydd statudol fod yn wahanol ac ar wahân (gan gynnwys swydd y Prif Weithredwr a'r Prif Swyddog Cyllid (a151)), ac ni ddylai fod cyfle i swyddog ymgymryd â dwy rôl statudol.

Rhan 5: Cydweithio rhwng y Prif Gyngorau

Cyfeiriodd yr Aelodau at enghreifftiau cadarnhaol o drefniadau gweithio ar y cyd fel Bargaen Ddinesig Prifddinas-Ranbarth Caerdydd, ond mynegwyd pryder ynghylch y diffyg craffu ar drefniadau cydbwyllgorau eraill, gyda rhai Aelodau'n tynnu sylw at drefniadau'r Consortiwm Addysg ar y Cyd fel enghraifft. Cred yr Aelodau y byddai deall model ehangach y llywodraeth a'r angen cysylltiedig am drefniadau craffu ar y cyd clir yn unrhyw un o'r Cydbwyllgorau Corfforaethol (CJCs) yn allweddol ar gyfer rhoi'r cynigion hyn ar waith a deall y ffordd maen nhw'n gweithredu yn y model llywodraethu llywodraeth leol ehangach.

Rhan 6: Cyflawniad a Gwaith Llywodraethu'r Prif Gyngorau

Yn gyffredinol, derbyniwyd y cynigion i symleiddio'r fframwaith cyflawniad ar gyfer llywodraeth leol. Serch hynny, roedd yr Aelodau'n gwrthwynebu'r newidiadau arfaethedig ar gyfer y Pwyllgorau Archwilio a fyddai'n golygu y byddai'r pwyllgor yn crwydro y tu allan i'w gyfrifoldeb arfaethedig o ran craffu a llywodraethu corfforaethol gyda'i gylch gwaith cynyddol. O ganlyniad i'r cynnig, roedd yr Aelodau'n teimlo y byddai llai atebolrwydd democrataidd o fewn cyfrifoldeb ehangach y Cyngor. Nid oedd yr Aelodau'n cefnogi'r cynigion i gynyddu nifer yr aelodau lleyg am yr un rhesymau.

Rhan 7: Uno ac Ailstrwythuro'r Prif Ardaloedd

Roedd yr Aelodau o blaid cydweithredu yn hytrach na diwygio llywodraeth leol yn gyfan gwbl.

Rhannau 8 a 9 Cyllid a Diwygiadau Amrywiol

Roedd yr Aelodau'n niwtral eu barn o ran cyllid a'r diwygiadau penodol sy'n ymwneud â:

- Cael gwared ar y pwerau i ddarparu ar gyfer carcharu dyledwyr treth y cyngor;
- Cael gwared ar bwerau'r Panel Taliadau Annibynnol dros gyflogau Prif Swyddogion (a gyflwynwyd fel mesur dros dro yn Neddf Llywodraeth Leol (Cymru) 2015);
- Diddymu arolygon cymunedol;

- Diwygiadau i Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 er mwyn caniatáu dadfeilio Byrddau Gwasanaethau Cyhoeddus;
- Newidiadau i'r Awdurdodau Tân ac Achub

Consultation on the Draft Local Government (Wales) Bill

Members are aware that the timescales are not at the discretion of the Committee and acknowledged the challenging timescales for submission. That said, Members of the Council's Overview & Scrutiny Committee are grateful for the additional extension to their deadline for submission and the opportunity to submit its response to the proposals contained within the Local Government & Elections (Wales) Bill.

Part 1: Elections:

Members welcomed the proposals around electoral reform however felt that there had been missed opportunities to take it further e.g. consideration of compulsory voting.

The majority of Members supported the franchise to 16-17 year olds and considered it important to consider how new voters are supported through the Education and the curriculum to enable young people to make informed decisions at future elections.

Generally, Members supported the proposal to extend the local government franchise to citizens from any country. They felt that where citizens and residents are using our services and giving a commitment to the area they should, have the right to vote in local elections in Wales, whatever their status of residence.

With regard to the proposal to extend the local government franchise to prisoners, this issue polarised Members and a vote was undertaken. This determined that a majority of Members were against this proposal.

A number of Members were supportive of the proposal to introduce Single Transferrable Voting (STV) into local government elections, citing that the system is more democratic, however the majority of members commented that they believe the current 'first past the post' system offers more transparency and easier for the public to understand and provides more direct accountability. All Members were in agreement that the ability for individual local authorities to select a different voting system was not productive, particularly in a country the size of Wales, and would cause considerable confusion to the electorate.

The majority of Members supported the change of electoral cycle for principal councils from four years to five years.

Members did not agree with the proposal to allow council officers and employees, other than those holding politically restricted posts, to stand for election in their own council, as it was believed this would raise potential conflicts of interest and could impact the employer/employee relationship.

In respect of payment of personal fees to Returning Officers the majority of Members felt that the costs of the Returning Officers time in undertaking the additional responsibilities of administering devolved elections/referenda should be reimbursed to the Local Authority by the relevant body.

Part 2: General Power of Competence

This was welcomed by all Members but agreed that further work needs to be undertaken to provide greater legal assurances from the onset of the Bill based on the experiences in English local government and that the work undertaken by Lawyers in Local Government (LLG) Wales branch be given further consideration.

Part 3: Promoting Access to Local Government

All Members welcomed the intent within these proposals, particularly where they placed many of the proactive steps this council has already taken to promote engagement on a more formal footing.

Reluctantly, Members accepted that the proposal to remove the duty to publish councillors' addresses acknowledging this needs to be amended to assist the privacy and safety of Members where intimidation and harassment are a risk.

Electronic broadcasts of meetings – Members welcomed this proposal but felt this move should be supported by the necessary funding. Members dismissed the low-cost options cited by the Welsh Government, pointing to the inability to comply with Welsh Language Standards as a key reason. Members also felt that there needed to be a degree of flexibility regarding public facing meetings in the community where broadcasting should not be a requirement.

Remote Attendance – As a principal, Members were supportive of this proposal, however, some fundamental issues when rolled out in practice would need to be resolved; there providing as much flexibility and discretion provided to individual local authorities to progress such proposals was considered paramount.

Part 4: Local Authority Executives, Members, Officers and Committees

Members are supportive of the changes to the appointment and status of Chief executives and local authority executives, however, they held a clear view that all statutory posts should be distinct and separate (including that of Chief Executive and Chief Finance (s151) Officer) and there should not be an opportunity for an officer to undertake two statutory roles.

Part 5: Collaborative Working by Principal Councils

Members cited positive examples of joint working arrangements such as Cardiff Capital Region City Deal, but expressed concern at the scrutiny deficit in other joint committee arrangements, with some members pointing to Joint Education Consortium arrangements as an example. Members believe that understanding the wider government model and the accompanying need for clear joint scrutiny arrangements in any of the Corporate Joint Committees (CJCs) would be key to these future proposals and how they operate in the wider local government governance model.

Part 6: Performance and Governance of Principal Councils

There was a general acceptance of the proposals to streamline the performance framework for local government. However, Members opposed the proposed changes to the Audit Committees which, with its increased remit would mean that the committee would stray outside its intended responsibility into scrutiny and corporate governance. As a consequence of the proposal, members felt there would be a reduced level of democratic accountability within the wider council responsibility. Members did not support proposals for increase the level of lay membership for these same reasons.

Part 7: Mergers and Restructuring of Principal Areas

Members were in favour of collaboration rather than wholesale reform of local government.

Part 8 & 9: Finance and Miscellaneous Reforms

Members were neutral in their view in respect of the finance and specific reforms relating to:

- Removal of power to provide for imprisonment of council tax debtors;
- Removal of the powers of the Independent Remuneration Panel over Chief Officer salaries (which had been introduced as a temporary measure in the Local Government (Wales) Act 2015);
- Abolition of community polls;
- Amendments to Wellbeing of Future Generations (Wales) Act 2015 to allow PSBs to demerge; and
- Changes to the Fire & Rescue Authorities

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