

## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**Minutes** of the Special Meeting of the Overview and Scrutiny Committee held on Thursday, 7<sup>th</sup> January, 2016 at 4.30 p.m. at the Council Headquarters, The Pavilions, Cambrian Park, Clydach Vale.

### **PRESENT**

County Borough Councillor L.M.Adams – in the Chair

#### **County Borough Councillors**

J.Bonetto	P.Jarman	S.Rees-Owen
W.J.David	(Mrs.)S.Jones	G.Smith
(Mrs.)M.E.Davies	R.Lewis	P.Wasley
S.Evans	B.Morgan	M.J.Watts
A.S.Fox	(Mrs.)S.Pickering	R.Yeo

#### **Non-Committee Members and Co-opted Members in Attendance**

##### County Borough Councillors

A.Davies,MBE	C.Leyshon	M.Weaver
M.Griffiths	R.W.Smith	C.J.Willis
P.Griffiths		

##### Co-opted Members

Mr.J.Horton – Elected Parent/Governor Representative  
Mr.J.Fish – Elected Parent/Governor Representative

Chair of Audit Committee (Layperson)

Mr.R.Hull

#### **Officers in Attendance**

Mr.P.J.Lucas – Director, Legal & Democratic Services  
Mr.P.Griffiths – Service Director, Performance & Improvement  
Ms.K.May – Head of Democratic Services

### **30 APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillor S.Powderhill and Mrs.C.Jones (representing the National Union of Teachers and Teachers' Panel) and Mr.M.Cleverley (representing NASUWT and Teachers' Panel).

**31 DECLARATIONS OF INTEREST**

**RESOLVED** – to note that there were no declarations of interest made at the meeting pertaining to the agenda.

**32 WELSH GOVERNMENT CONSULTATION – DRAFT LOCAL GOVERNMENT (WALES) BILL**

Following the Extraordinary Meeting of Council held on the 16<sup>th</sup> December, 2015, Members met to consider the documents published by the Welsh Government in relation to the Draft Local Government (Wales) Bill (“Draft Bill”) in order that at the meeting on the 27<sup>th</sup> January, 2016, full Council can receive comments from Members of the Overview and Scrutiny Committee (including non-executive Members and co-opted Members) and Members of the Cabinet at a meeting to be held on the 14<sup>th</sup> January, 2016, which will form the basis of the Council’s response by the deadline of the 15<sup>th</sup> February, 2016.

To assist Members in making their comments to the 53 questions posed by the Welsh Government, the Director, Legal and Democratic Services, with the aid of PowerPoint slides outlined the proposals in the Draft Bill within each of the eight Parts.

At the meeting, Members indicated that they did not wish to respond to the 53 questions, 17 of which included additional proposals which were not incorporated on the face of the Draft Bill, but wished to give a general overview to each of the eight parts as shown below:-

**Part 1 – Local Government Areas and County Councils**

- 1.1 Members were concerned that the merging of authorities to form larger Councils, coupled with the proposal for a higher ratio of electorate to Councillors could result in a further distancing of elected Members from the people they represent. The aims of the Bill to bring politics and accountability closer to the people, may then, in fact, be harmed and not advanced by these proposals.
- 1.2 Members felt that whilst a further aim of the proposals would be to achieve cost savings, this assumption is not supported by a coherent evidence base. There is no evidence to suggest that larger Councils would necessarily deliver better services in a more efficient way, nor has sufficient work been undertaken to outline the initial cost of mergers to local authorities, how these costs could be absorbed nor at what point the savings become advantageous to Local Government. Moreover, further work needs to be done to support claims that services could be delivered more efficiently and in an improved way to local people by the introduction of larger Councils.
- 1.3 Members agreed that should a new County Council be established then it is right that the name of the Authority should be decided by the Authority itself.

## **Part 2 – General Power of Competence**

- 2.1 Members welcomed the proposals contained within Part 2 of the Bill concerning General Power of Competence as under the Localism Act, it had been in England for the past 6 years without any problems.

## **Part 3 – Promoting Access to Local Government**

- 3.1 Members agreed that the creation of larger Councils does make it necessary for new models of local engagement to be developed. For the reasons as stated above, large authorities may well increase the distance between decision makers and the local electorate and questions of accountability are of paramount importance. However, Members felt that the proposals for Community Area Committees as contained within Chapter 3 of Part 3 of the Bill provide little flexibility for local authorities to respond to the needs of local communities in different ways. The geography and culture of Wales is such that one size does not fit all. It was therefore suggested that the ways in which Members promote access to local government are left at the discretion of local authorities in consultation with local communities.
- 3.2 Notwithstanding the general comment above, it was felt that there are several considerable complications which could arise should the specific proposals contained within this section proceed, including the designated area covered by the Committee, the membership and the legitimacy of the mandate of its representatives and their own accountability to local people, the method of selection of the members, political balance, the responsibility of members of such Committees to the Code of Conduct together with delegation of functions
- 3.3 Whilst Members felt that there are advantages and disadvantages to the broadcasting of Council meetings, again it was suggested that the proposals in the Bill were too prescriptive and should be left to the discretion of local authorities in consultation with local communities. Evidence from webcasting both from this Authority and elsewhere suggests that there is not a high level of demand for a service, which potentially could be very costly.
- 3.4 Members did not support the ad hoc filming and recording of Council meetings by the public as there would be no control over the potential of filming of other members in the public gallery who would not have given consent to be filmed and could result in complications especially in cases of children and vulnerable adults.
- 3.5 Rhondda Cynon Taf already conducts an annual Leader's Debate at a full meeting of the Council at which members of the public can attend and submit questions and indeed can put questions and make a presentation to full Council within the procedural rules contained within the Council's Constitution. This proposal is therefore welcomed.

- 3.6 Members also welcomed a more user friendly publication of the Council's Constitution.
- 3.8 Agreed that local members should be freely accessible to local people and their respective contact details are and always have been published on the Council's website.

#### **Part 4 – Functions of County Councils and their Members**

- 4.1 Members were of the view that the consequences of the proposals contained within Part 4 are highly complex and wide ranging, as a general view, Members felt that the performance of elected Members ought not be a matter for legislation but is rather a judgment best left in the hands of local people. It is important to distinguish between behaviour under the current Code of Conduct from subjective opinion of the performance of individual Councillors.
- 4.2 Likewise, it cannot be deemed that a Member who attends every meeting is performing effectively as that person may not contribute or participate whatsoever. The same view was given in respect of the holding of surgeries, as many long standing experienced Members felt there were various methods of engaging with their constituents e.g. the holding of street surgeries, walking their Wards, communicating by way of the use of email, and therefore it was found that these alternative arrangements was a better use of their time and were certainly more productive.
- 4.3 Chapter 5 misunderstands the way in which Councils select their Leader at an annual meeting of the Council. The Leader of the Council in most situations is nominated by a political group or group which command a majority of support within the Council. There is already an opportunity at the AGM for an alternative nomination to be made upon which a debate would then ensue as to the merits of each candidate. The manifesto as proposed would already have been the subject of debate in the preceding election upon which the respective nominees for leader of the Council would be expected to deliver. Further, there was no definition of a candidate or how a candidate can be determined within the Draft Bill.
- 4.4 Members were of the view that the granting by County Councils of voting rights to co-opted Members should remain discretionary.
- 4.5 Members felt that the Independent Remuneration Panel for Wales should remain **independent** and should be able to conduct its work without direction from Ministers.
- 4.6 Members were not opposed to the principle of Remote Attendance but given the complications and resources required, it was felt that it ought to be discretionary.
- 4.7 Members appreciated the idea behind the proposal for Recall of Councillors which is that elected Members should be accountable to their local electorate.

## **Part 5 - County Councils – Improvement of Governance**

- 5.1 Whilst Members welcomed the proposals contained with Part 5 of the Draft Bill, as many of which are already being undertaken by this Authority e.g. the production of a Corporate Plan, they still felt that they were too prescriptive and too bureaucratic.
- 5.2 Since the introduction of the Local Government (Wales) Measure, 2011, the appointment of Chair of the Council's Audit Committee has been a layperson, and the individual concerned is a very valued Member of that Committee as he has a wealth of experience, having been previously employed as an `Auditor` and is familiar with the workings of local government. However, there were many questions surrounding the membership of the Corporate Governance and Audit Committee, such as where does the role of an elected Member begin and end, should a third of its membership comprise laypersons and if payments were to be made to the lay Members then that would be an added cost to local government. How would the lay Members be selected? Again, it was felt that the prescription around the membership of this Committee would affect local discretion and local democracy.

## **Part 6 – Community Councils**

- 6.1 Members welcomed the proposal contained in Chapter 1 of Part 6 of the Draft Bill in that the Local Democracy and Boundary Commission for Wales to undertake a review of Community Council arrangements.
- 6.2 In respect of the proposal contained within Chapter 2, which places a duty on County Councils to consider the training needs of Community Councillors and to make arrangements to meet those needs. Members were of the view that this would be an additional burden for County Councils.
- 6.3 Members were further of the view that the monitoring of Members' performance should not be the responsibility of the Clerk and if this was to be the case then it was likely that the number of Clerks would be reduced.
- 6.4 Members welcomed the repeal of community polls, which will be replaced by duties to set up petitions and e-petitions as it would reduce bureaucracy and costs.
- 6.5 Members also felt that not many people would wish to sign up to a six year term as a Community Councillor following the elections in May, 2017.

## **Part 7 - Workforce Matters**

- 7.1 Members welcomed the proposals within Part 7 of the Draft Bill.

**Part 8 – General and Schedules**

8.1 Members had no comment to make in respect of this Section of the Bill.

**L.M.ADAMS  
CHAIRMAN**

**The meeting closed at 8.20 p.m.**