



RHONDDA CYNON TAF COUNCIL OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the special meeting of the Overview and Scrutiny Committee held on Monday, 13 January 2020 at 5.00 pm at the Council Chamber, The Pavilions, Cambrian Park. Clydach Vale, Tonypandy, CF40 2XX.

County Borough Councillors - Overview and Scrutiny Committee Members in attendance:-

Councillor M Adams (Chair)

Councillor S Evans	Councillor J Bonetto
Councillor P Jarman	Councillor J Harries
Councillor L Walker	Councillor E Stephens
Councillor M Griffiths	Councillor G Caple
Councillor A Cox	Councillor S Morgans
Councillor W Jones	

Co-Opted Members in attendance:-

Mr J Fish, Voting Elected Parent / Governor Representative

Officers in attendance:-

Mr C Hanagan, Service Director of Democratic Services & Communication
Mr A Wilkins, Director of Legal Services

31 Apologies

An apology of absence was received from County Borough Councillors H. Boggis and J. Brencher.

32 Declaration of Interest

In accordance with the Council's Code of Conduct, the following declaration of interest was made pertaining to the agenda:-

Mr A. Wilkins, Director, Legal Services – “In my capacity as the Council’s Returning Officer and in relation to Section 28 of the Local Government & Elections (Wales) Bill”.

33 Local Government & Elections (Wales) Bill

The Service Director, Democratic Services & Communications presented his report in relation to the Overview & Scrutiny Committee submitting its response to the proposals within the draft Local Government & Elections (Wales) Bill. He advised that the matter had been considered by Council on the 27th November 2019 when Members had acknowledged the challenging timescales for engagement. Subsequently the Chair of the Overview & Scrutiny Committee submitted his response by the 3rd January 2020.

A further representation had been made to Welsh Government for an extension to the original

deadline to allow members of the Overview & Scrutiny Committee to respond, the extension had been allowed, by 5pm on the 14th January 2020. This would also enable the Service Director to present the submission to Full Council at its meeting on the 15th January 2020.

Members were reminded that the Welsh Government Association (WLGA) has provided a useful summary document highlighting the key headlines within the Bill (attached at Appendix 3 to the report) for Members information. Members were referred to the proforma attached which reflects the areas for consideration which would assist Members set out their final submission.

The Chair suggested that each section within the Bill would be considered in turn to provide more structure and focus to the responses provided by Committee.

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

This meeting closed at 6.30 pm

**CLLR M. ADAMS
CHAIR.**