



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 3
Legislation Committee No. 3**

**Dydd Iau, 4 Tachwedd 2010
Thursday, 4 November 2010**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Christine Chapman	Llafur Labour
Veronica German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Helen Mary Jones	Plaid Cymru The Party of Wales
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Dr Rita Austin	Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol Independent Remuneration Panel for Wales
Rhian Connick	Pennaeth Ffederasiwn Cenedlaethol Sefydliadau'r Merched Cymru Head of the National Federation of Women's Institutes Wales
Jessica Crowe	Cyfarwyddwr Gweithredol, y Ganolfan Craffu Cyhoeddus Executive Director, Centre for Public Scrutiny
Nick Lambert	Swyddog Polisi Cyfreithiol y Comisiwn Cydraddoldeb a Hawliau Dynol Legal Policy Officer, Equality and Human Rights Commission
Paula Manley	Cydgysylltydd Rheoli, Prosiect Merched yn Gwneud Gwahaniaeth Managing Co-ordinator, Women Making a Difference Project
Yr Athro/Professor Laura McAllister	Prifysgol Lerpwl University of Liverpool
Richard Penn	Cadeirydd, Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol Chair, Independent Remuneration Panel for Wales
Jamie Westcombe	Cynghorydd Cyfreithiol y Comisiwn Cydraddoldeb a Hawliau Dynol Political Adviser, Equality and Human Rights Commission

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Ruth Hatton	Dirprwy Glerc Deputy Clerk
Carys Jones	Clerc Clerk
Bethan Roberts	Cynghorydd Cyfreithiol Legal Adviser
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Dr Alys Thomas	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

*Dechreuodd y cyfarfod am 1.01 p.m.
The meeting began at 1.01 p.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **David Lloyd:** Croeso i chi i gyd i'r cyfarfod hwn o Bwyllgor Deddfwriaeth Rhif 3 Cynulliad Cenedlaethol Cymru. Nid wyf wedi derbyn ymddiheuriadau—mi fydd yr Aelodau i gyd yma yn y pen draw. Bydd tair sesiwn dystiolaeth y prynhawn yma. Mae pum tyst ar gyfer y rhan gyntaf; mae pedwar ohonynt yn yr ystafell ac un ym Mhrifysgol Lerpwl. Felly, bydd angen cryn dipyn o gydlynw, ond yr ydym wedi gwneud y math hwn o beth o'r blaen, ac nid wyf yn rhagweld y bydd problemau.

David Lloyd: I welcome everyone to this meeting of Legislation Committee No. 3 of the National Assembly for Wales. I have not received any apologies—all the committee members will be here eventually. There will be three evidence sessions this afternoon. There are five witnesses for the first part; four of them are in the room and one is at the University of Liverpool. Therefore, a certain amount of co-ordination will be necessary, but we have done this kind of thing before, and I do not foresee any problems.

[2] Os bydd larwm tân yn canu, dylai Aelodau adael yr ystafell drwy'r allanfeydd tân penodol a dilyn cyfarwyddiadau'r tywyswyr a'r staff. Nid ydym yn disgwyl prawf y prynhawn yma, ac nid ydym yn disgwyl tân ychwaith. Dylai pawb ddiffodd eu ffonau symudol, eu galwyr a'u 'mwyar duon', gan eu bod yn amharu ar yr offer darlledu. Fel y gwyddoch, mae Cynulliad Cenedlaethol Cymru yn gweithredu'n ddwyieithog, ac mae clustffonau ar gael ar gyfer clywed y cyfieithiad ar y pryd. Gellir hefyd addasu'r sain arnynt os ydych yn drwm eich clyw. Gobeithiaf fod y clustffonau yn gweithio tra fy mod yn siarad. Ni ddylid cyffwrdd y botymau ar y meicroffonau, oherwydd gall hynny amharu ar y system ddarlledu. Dylid sicrhau bod y golau coch yn disgleirio cyn dechrau siarad—bydd hynny'n digwydd yn awtomatig. Mae'r cyfieithiad ar y pryd ar sianel 1, ac mae darllediad gair am air ar sianel 0. Mae'r cyfieithu ar y pryd hefyd ar gael i'n tyst ym Mhrifysgol Lerpwl.

If the fire alarm sounds, Members should leave the room through the appropriate exits and follow the instructions of the ushers and staff. We are not expecting a fire drill this afternoon, and we are not expecting a fire either. Everyone should switch off their mobile phones, pagers and BlackBerrys, because they affect the broadcasting equipment. As you know, the National Assembly for Wales operates bilingually, and headphones are available to hear the simultaneous translation. The volume can be adjusted on them if you are hard of hearing. I hope that the headphones are working as I am speaking. Do not touch the buttons on the microphones, as doing so can affect the broadcasting system. Please ensure that the red light is on before speaking—that will happen automatically. The simultaneous translation is on channel 1, and a verbatim broadcast is on channel 0. The simultaneous translation is also available for our witness at the University of Liverpool.

1.03 p.m.

Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru)—Sesiwn Dystiolaeth 5 Proposed Local Government (Wales) Measure—Evidence Session 5

[3] **David Lloyd:** Fel y gwyddoch, swyddogaeth y pwyllgor hwn yw ystyried egwyddorion cyffredinol y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru), fel y'i cyflwynwyd ar 12 Orffennaf

David Lloyd: As you will be aware, the role of this committee is to consider the general principles of, and produce a report on, the Proposed Local Government (Wales) Measure as laid by the Minister for Social

gan y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, Carl Sargeant, yn ogystal â chyflwyno adroddiad ar y Mesur arfaethedig. Mae'n rhaid i'r pwyllgor gwblhau ei waith a gosod adroddiad gerbron y Cynulliad erbyn 17 Rhagfyr eleni. Dyma ein pumed sesiwn dystiolaeth ar y Mesur arfaethedig. Daeth ein hymgyngoriad i ben ar ddydd Gwener, 1 Hydref, a gellir gweld yr ymatebion ar wefan y pwyllgor.

Justice and Local Government, Carl Sargeant, on 12 July. The committee has to complete its work and lay a report before the Assembly by 17 December of this year. This is our fifth evidence session on the proposed Measure. Our consultation ended on Friday, 1 October, and the responses can be seen on the committee's website.

[4] Diben y cyfarfod heddiw yw cymryd rhagor o dystiolaeth ar lafar mewn cysylltiad â'r Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). Caiff y cyfarfod ei rannu yn dri sesiwn. Ar y panel cyntaf bydd yr Athro Laura McAllister o Brifysgol Lerpwl. A allwch ddweud rhywbeth, Laura, er mwyn inni gadarnhau y gallwn eich clywed?

The purpose of today's meeting is to take further oral evidence on the Proposed Local Government (Wales) Measure. The meeting will be divided into three sessions. On the first panel is Professor Laura McAllister from the University of Liverpool. Laura, could you say something so that we can make sure that we are able to hear you?

[5] **Yr Athro McAllister:** Prynawn da.

Professor McAllister: Good afternoon.

[6] **David Lloyd:** Diolch yn fawr, Laura. Mae hynny'n gysur mawr. Hoffwn groesawu aelodau'r panel cyntaf yma heddiw, sef Paula Manley, cydgysylltydd rheoli'r prosiect Menywod yn Gwneud Gwahaniaeth; Rhian Connick, pennaeth Ffederasiwn Cenedlaethol Sefydliadau'r Merched Cymru; Nick Lambert, swyddog polisi cyfreithiol y Comisiwn Cydraddoldeb a Hawliau Dynol; a Jamie Westcombe, cynghorydd cyfreithiol y Comisiwn Cydraddoldeb a Hawliau Dynol.

David Lloyd: Thank you very much, Laura. That is very reassuring. I would like to welcome the members of today's first panel: Paula Manley, managing co-ordinator of the Women Making a Difference project; Rhian Connick, head of the National Federation of Women's Institutes Wales; Nick Lambert, legal policy officer, Equality and Human Rights Commission; and Jamie Westcombe, political adviser, Equality and Human Rights Commission.

[7] Yr ydym wedi derbyn eich tystiolaeth ysgrifenedig, ac mae nifer o gwestiynau wedi eu paratoi ymlaen llaw. Y drefn arferol yw ein bod yn symud yn syth at y cwestiynau, gan fod amser bob tro'n pwyso arnom. Anogaf fy nghyd-Aelodau i fod yn weddol gryno wrth ofyn eu cwestiynau, gan obeithio hefyd y bydd yr atebion yn weddol gryno. Diolch i bawb am hynny ymlaen llaw.

We have received your written evidence, and a number of questions have been prepared in advance. We usually move straight on to questions, given that we are always pressed for time. I encourage my fellow Members to be fairly brief in their questioning, and I hope that the answers will be fairly brief, too. I thank everyone for that in advance.

[8] Dechreuaf y sesiwn gyda chwestiwn cyffredinol, sydd i bawb. Gyda llaw, nid oes disgwyl i bawb ateb pob cwestiwn, neu byddwn ni yma drwy'r dydd. Serch hynny, os oes gennych chi rywbeth gwahanol neu atodol i'w ddweud, teimlwch yn rhydd i wneud hynny.

I will start the session with a general question, which is for everyone. By the way, you are not all expected to answer every question, or we will be here all day. Nevertheless, if you have something different or additional to say, feel free to contribute.

[9] Y cwestiwn cyntaf yw: a ydych yn cytuno ag egwyddorion cyffredinol y Mesur Arfaethedig ynghylch Llywodraeth Leol

The first question is: do you agree with the general principles of the Proposed Local Government (Wales) Measure 2010? Perhaps

(Cymru)? Efallai yr hoffai Laura McAllister yn Lerpwl ddechrau. Laura in Liverpool would like to kick off.

[10] **Yr Athro McAllister:** Diolch yn fawr iawn, Gadeirydd. **Professor McAllister:** Thank you very much, Chair.

[11] Thank you very much for the opportunity to contribute to this afternoon's session. My remarks will centre entirely on the equality and diversity aspects of the proposed Measure, which is what the committee requested evidence on. First of all, I am very supportive of the drift and focus of the proposed Measure in this respect. Issues surrounding more diverse representation at local government level—and at all levels of government in Wales—are very important. The proposed Measure addresses some of the structural and cultural matters that prohibit women and other under-represented groups from coming forward. Therefore, yes, I do.

[12] **David Lloyd:** A hoffai rhywun ymhelaethu ar hyn? A ydych yn cytuno ag egwyddorion cyffredinol y Mesur arfaethedig hwn? **David Lloyd:** Would anyone like to expand on that? Do you agree with the general principles of this proposed Measure?

[13] **Mr Westcombe:** I would also like to thank the committee for the opportunity to provide evidence. We certainly welcome the general principles of the proposed Measure. Representation is a key issue, and the stats speak for themselves—25 per cent of councillors in Wales are women, for example. We broadly welcome the general move to identify gaps, to ease difficulties in balancing life and work, and to increase the confidence of people to stand for election.

[14] **David Lloyd:** Symudwn ymlaen yn awr at yr ail gwestiwn. O hyn ymlaen, bydd y cwestiynau yn fwy manwl, o ran y prif themâu. Fel yr ydych wedi ei grybwyll eisoes, mae'r mater o amrywiaeth yng nghynrychiolaeth llywodraeth leol wedi ei gydnabod yn eang. Gan dderbyn hynny, pam y mae'n ofynnol inni ddeddfu yn y modd hwn i fynd i'r afael â'r sefyllfa bresennol? Hefyd, a yw'r Mesur arfaethedig yn mynd yn ddigon pell i newid y sefyllfa er gwell o safbwynt amrywiaeth a chydaddoldeb? Efallai yr hoffai Laura ddechrau eto. **David Lloyd:** We move on now to the second question. From now on, the questions will be more detailed, in terms of the main themes. As you have already mentioned, the issue of diversity in local government representation is widely acknowledged. If we accept that, why is it necessary to legislate in this way to address the current situation? Also, does the proposed Measure go far enough in improving the situation with regard to diversity and equality? Perhaps Laura would like to start again.

[15] **Professor McAllister:** I think that all of the literature and evidence out there suggests that you need a range of measures to address under-representation of certain groups. Legal and statutory provision is one important aspect of that. It does not address everything, and it will not solve some of the deeper-seated cultural and social issues that affect women and other under-represented groups in terms of coming forward as potential candidates. However, as part of the armoury to address the abysmal levels of representation in local government, legal measures and regulation are a very important component. In academic literature, we use the terms 'hardware' and 'software'. You need some hardware, which usually comes in a legislative or constitutional framework; but you also need some software, which means decisions about the conduct, timing and access of meetings. You need the whole armoury, really.

1.10 p.m.

[16] **David Lloyd:** Diolch yn fawr, Laura. **David Lloyd:** Thank you very much, Laura. A hoffai rhywun arall ateb? Would anyone else like to respond?

[17] **Ms Manley:** I will, if I can. We think that there needs to be legislation. We would like to see a discussion around gender quotas in legislation rather than leaving it to the political parties to have their own voluntary codes of positive action. Perhaps now is the time that we have to say that, in county councils, a third of seats must be for women. It is a discussion; we have the opportunity now to look at what the barriers are. There is a big gap between this sort of proposed Measure and women on the ground, and something has to happen to get those women to that door in the first place. Perhaps, knowing that there would be an opportunity for them through legislation, now might be the time.

[18] **David Lloyd:** Okay. Does anyone else want to say anything?

[19] **Mr Lambert:** Women are one group that will be covered by this proposed Measure, but there are other under-represented groups as well that it is important to deal with. More broadly, there are points to do with flexible working, making things clear to people and giving people the confidence to stand for election. Those are very important and will go a long way towards encouraging people who are perhaps reluctant for whatever reason to stand for election.

[20] **Christine Chapman:** I want to ask you some questions about the survey. Part 1 of the proposed Measure will place a duty on local authorities to conduct a survey of councillors and unsuccessful candidates with a view to providing information relating to the diversity of candidates and representatives in local government. What are your views on this duty? What would be the value of such a survey? [*Interruption.*]

[21] **David Lloyd:** Laura, do you want to kick things off? There is a strange noise on the line, which will reduce the tension if nothing else. [*Laughter.*]

[22] **Professor McAllister:** The survey is an important first step, but no more than that. I do not think that we could suggest for a moment that a survey will solve some of the structural difficulties we face in terms of encouraging different groups to come forward. However, I do not buy the arguments that some individuals and organisations within local government have put forward that this simply imposes an extra burden on principal authorities without due reward. I think that the reward will be the provision of some half-decent management information, certainly about the post-selection phase of candidates coming forward, and I think that that will be useful. However, you will see in the evidence that Dr Diana Stirbu and I provided that we suggest some additional methodological advances, if you like, that I think would be of more use to Welsh Ministers. These would certainly involve a more qualitative focus in the second phase. Obviously, there is a cost element to that, but my argument would be that the survey by each local authority is phase 1; phase 2 is the collation of the data by Welsh Ministers; and phase 3 might be a more qualitative look at what is out there.

[23] **Christine Chapman:** Thank you for that, Laura. You have talked about a more qualitative phase. How should the proposed Measure be drafted to reflect this?

[24] **Professor McAllister:** That is a good point. In many respects, given that Ministers will be charged with looking at the data in the round, so to speak—the national picture—it may be that it does not have to be prescribed too tightly. However, there can certainly be some recommendations for how those data are used. Many of the issues to do with difficulties in encouraging people to come forward happen much earlier than the selection phase of candidates. We are not looking at the current competition in local authorities and the candidates. We need to step back and see where the structural problems arise with women

putting themselves forward in the first instance. I would not wish to be too prescriptive about that, but it needs to be noted that the survey is partial as it stands. The devil would be in the detail of what the Ministers decide to do with it.

[25] **Ms Connick:** We agree with Laura on that. The issues coming through from the Women Making a Difference project highlight the barriers to participating in public life and to entering local government, community councils and so on that women face.

[26] **Ms Manley:** I hope that the survey will highlight the fact that women are standing for some seats, but that some of them find that they are being put up for seats that they are not going to win. So, the numbers look good, because they have been put forward, but it comes down to the end results, and the last UK election was typical example of that. We do need to collect those data; I am for it. I do not think that it addresses the issues around what motivates women to stand as a councillor, however. Based on our evidence, they are motivated by wanting to make a difference in their community. They want to make a change and make things happen. It is not a career move for them. They do not want to be put up to run as cannon fodder four or five times before they are selected. It is not what they want to do; it is not doing their confidence any good. They get disheartened and decide not to stand again. The whole system and process needs to be addressed before that survey.

[27] **Mr Westcombe:** I would echo what has been said. It is important that the survey is not data for data's sake. This information will be used to identify gaps in representation and to deliver transparency and accountability, so that people know who is representing them. As has been discussed, there are good data on gender in particular, but there are serious gaps in other areas. We rely, to a degree, on anecdotal evidence in some areas. The survey could go some way towards helping to better that. As has been discussed, we are aware that there are issues that may be better analysed through qualitative evidence. We would welcome any thoughts on how that could be done.

[28] **David Lloyd:** Let us move on, Chris.

[29] **Christine Chapman:** I have covered everything that I wanted to cover.

[30] **Veronica German:** Part 1 of the proposed Measure includes provision to have remote attendance at meetings—as we have here now—and to give Welsh Ministers powers to issue guidance about the timing of council meetings. Previous witnesses have expressed concerns about the application of that. They feel that it is down to local councils to make their own decisions and that it should not come from the centre. Do you have any views on that?

[31] **David Lloyd:** We will kick off in situ, then we will come to Laura, on the subject of remote attendance.

[32] **Mr Lambert:** We at the Equality and Human Rights Commission have undertaken a major piece of work called 'Working Better', in which we look at flexible working, particularly for parents and those who have caring responsibilities. We found that people greatly value the ability to have flexible work patterns. It can only be a good thing if what is being suggested is to enable councillors to balance their work and home life through, perhaps, having meetings at hours when they would not traditionally have them. That goes to the heart of today's discussion about how we can get more diverse groups of people into local government and onto councils. This is one step that can be used to achieve that and help to give people confidence. It should be welcomed.

[33] **Ms Connick:** While we agree that remote working is a good idea, we are concerned about the structures. How will they access the equipment that will enable them to do that? It is

not commonplace to have a video link in your own community. Even if people have a video link at home, there might still be issues around care. If they have a very young child or are caring for an older person, they would still need support in the home to enable them to participate in the video-conference. There is also the issue of timings. We discussed yesterday that maybe timing is not such a big issue, but it is often an issue because of childcare. If childcare could be arranged for the duration of the meeting, maybe it would not be such an issue. These are support mechanisms that some women need to enable them to take part in committee meetings that matter.

[34] **David Lloyd:** Laura, do you have anything to add on remote attendances, timings and such issues?

1.20 p.m.

[35] **Professor McAllister:** Putting it in context, the issue here is to do with national prescription through the proposed Measure and local autonomy and decision making. Local authorities have had quite some time to make their procedures, processes and meeting times more flexible. As far as I can see, they have not done it in a way that has encouraged under-represented groups to come forward. So, that gives some stronger rationale to the proposed Measure's inclusion of these areas. I suppose that the issue is about incentives or prescription. Is it better to prescribe a central line on this or is it better to incentivise local authorities from the point of view of recognising that they would get a better and more diverse type of candidate coming forward? I think that it is a combination of the two approaches. They are definitely important parts of the armoury; they should not be overlooked or dismissed as if they are part of a kind of authoritarian central approach. I think that they can be useful too.

[36] **Veronica German:** Everyone, in their evidence, has welcomed the idea that authorities have to give reasonable training and development opportunities for their members. Should the proposed Measure be more specific with regard to the type of training that they should try to achieve? It is very general as it is currently written.

[37] **Ms Manley:** I think that there are many different levels of training. I appreciate that the Welsh Local Government Association has stated that it thinks that there is adequate training in place for councillors. However, we have had evidence from a woman who became a town councillor as an independent member; she did not have the support of a political party and did not have a mentor or anyone who was bringing her on. All that she had was half an hour's training on the code of conduct. There needs to be more training available to people, particularly if they are independent members and are there on their own, trying to find their way around those committees. We would certainly welcome on-the-job training. Taking it even further back, before all of this, there is the issue of political education and the need for schools to have more political education so that children, as they grow up, become more engaged in the democratic and electoral process. The same can be said for communities. The women that we work with are very often mothers. If you change mothers' attitudes, hopefully you will change the families' attitudes. If you get them to vote, hopefully their children will vote.

[38] In terms of political parties and understanding their manifestos, it is sometimes difficult even for women who want to be political to understand what parties stand for, and which is the right one for them. That kind of political education would be welcome. May I promote our kind of programme? It is very much community-based and progressive, and it includes mentoring and role-shadowing. Those are the kinds of things that people need.

[39] **Mr Westcombe:** The commission also has research that shows a lack of confidence or concern over the lack of necessary skills to become a councillor; it is one of the main reasons that hinder people from standing for election. So, anything that gave people the

confidence to know that the training was available would be welcome—it would certainly help them to stand for election. Also, if they did become a councillor, it would help them to reach out to all parts of the community that they served. I do not think that we would be looking at a one-size-fits-all sense of training here for everyone, not least in equality issues. Like people, communities are different, so training would need to be tailored to individuals in different areas. Any confidence that could be given to people about training would be good.

[40] **Veronica German:** Do you think that the training should specifically be for new members and that they should know that? I know, from my experience as a member of two different councils, that everyone is lumped in together—you will have people who have been on the council for 25 years going into the same training session as people who have just arrived. You really do not want to say or ask anything, because you think ‘They are all going to laugh at me’. In terms of looking at specific types of training, is there anything along those lines that we should consider?

[41] **Ms Manley:** I think that you need training for new recruits. Before people even sit in a council chamber following their election, they should have the opportunity to be trained.

[42] **Ms Connick:** Some kind of induction training would be very useful.

[43] **Professor McAllister:** I have two quick points to make. First, all the evidence out there suggests that the needs of women are more nuanced with regard to training and development than the needs of men. So, there must be a slightly more bespoke approach to the training and development of members, and we should not regard them as one holistic group. It is important to disaggregate where possible. Secondly, there is a need to make development work more outward-facing. Some of the good training and development work that I have been engaged with has been cross-sectoral—it has not just looked at the local government arena or the arts arena. That is an important initiative as well.

[44] **David Lloyd:** Os yw pawb yn hapus, **David Lloyd:** If everyone is happy, we will symudwn ymlaen at y set nesaf o gwestiynau. move onto the next set of questions.

[45] **William Graham:** My first question has been answered, so I will move on to my second question. What will be the impact of the provisions in Part 2 of the proposed Measure that introduce a requirement for local authorities to put arrangements in place for family absence?

[46] **Ms Manley:** I would love to see that, of course, but I realise that there will be an impact in that the community may feel that it is going to be without a councillor for six months. It is a fantastic move, but you must have provision in place to replace them. One of our women suggested job sharing. Is there any reason why we cannot have a job-share councillor role?

[47] **Mr Lambert:** I know that we keep going on about this, but it is about people having the confidence that they can stand for election, even though they recognise that they want to have a family or have caring responsibilities, and that that will not prohibit them from being involved in running their local communities. It would probably set a very positive example to community members that the council, or their local councillor in particular, is leading the way in recognising that people have caring responsibilities and in taking a progressive approach. So, it could be very positive.

[48] **David Lloyd:** Laura, do you have anything to add to that?

[49] **Professor McAllister:** No, I do not have anything to add.

[50] **Joyce Watson:** The Equality and Human Rights Commission's evidence suggests that Part 6 of the proposed Measure could be used to build in scrutiny of equality issues into the work of local authority scrutiny committees. How do you envisage that operating in practice?

[51] **Mr Lambert:** That is interesting. We were considering how equality could be included in the work that local councillors do. I do not think that there is a straight answer for that, but there are a number of possible options to consider. For instance, equality could be factored into the scrutiny undertaken by the committee, and a particular committee member could have responsibility for it. It could also be considered as part of how authorities discharge their functions. We were trying to drive at equality being given weight within the decision-making process for authorities, particularly if they are to have more diverse membership. It is important to take account of that in order for the authority to properly represent the community in the decisions that it makes.

[52] **Mr Westcombe:** From its inception, there has been a duty on the Assembly with regard to equality of opportunity and human rights, which has been a good example. Having that duty written down like that is positive, and it should be broadened to local government, so that equality and human rights issues are at the forefront of people's minds. Local government has a responsibility for equality and human rights, so that would be helpful.

[53] **Professor McAllister:** To add a slight note of caution to that, I have experienced some quite clunky approaches to equality scrutiny within boards, and public boards in particular. I do not particularly like the idea of separating an equality scrutiny role. That would almost be like putting the cart before the horse, in the sense that, if we had better representation within our local councils and more diverse representation, one would assume that equality would be better mainstreamed anyway within the scrutiny process. Of course, there is an argument that we are not there yet, so what should be done in the meantime? That is where I suppose the argument for its inclusion lies. However, you could almost sideline equality by allocating it to an individual within a scrutiny committee and so on. That is a potential danger with that part.

1.30 p.m.

[54] **Joyce Watson:** The National Federation of Women's Institutes generally welcomes the provisions—so you tell us—that relate to strengthening the role of community councils. In your submission you also comment that, to broaden representation on community councils, more needs to be done to improve their image and awareness of them in communities. Again, you say that the perception that becoming a councillor requires a particular skill or background must be addressed. Will the proposed Measure achieve that?

[55] **Ms Connick:** We hope that it will. There is a need to educate people about what community councillors do, and what the role involves. I know that the Women Making a Difference project goes through the different structures. Being a community councillor is often the first step to people becoming a county councillor or Assembly Member, as I am sure that many of you around the table know. There is a need to get people to understand what the role involves, perhaps educating children in school, giving them more contact with their community councillors, showing them the impact that they have on their communities, and the services that they can support and provide and so on. It is about raising the profile of the community councillor and what the role involves—the responsibilities that they have, and the impact that they can have on their community, which will hopefully be a positive one. It is about awareness raising.

[56] **David Lloyd:** Are there any other thoughts on community councils?

[57] **Professor McAllister:** I do not have much to add to what Rhian has said.

[58] **Joyce Watson:** The proposed Measure provides for the power of wellbeing to be extended to community councils. Will that address equalities issues?

[59] **Mr Lambert:** It would have to be used in a careful way. Part of what we have been talking about today is having evidence and data to support that. The point that Laura makes about having more diverse councils should, in theory, lead to diversity being more of a consideration in decision making; that is important. It is one that could be thought about, yes.

[60] **Ms Connick:** I would just add that issues around wellbeing and sustainable development in general are often not understood. That sustainable development and wellbeing strand could, perhaps, be incorporated into any training given to community councillors and county councillors, so that they truly understand what it means and the impact that it can have.

[61] **David Lloyd:** That is generally a valid point. Laura, do you have any comments on the power of wellbeing and community councils?

[62] **Professor McAllister:** The argument is that it should apply across the piece. If it is being integrated at principal authority level, then it should also apply at community council level. That is an important tier for all the reasons that the panel have mentioned. It is about bringing the concept alive. I would struggle to understand the concept of wellbeing if it did not have a strong equalities dimension to it, because it would be partial and exclusive. One would hope that the bringing alive of that concept would also include some equity, fairness and equality issues.

[63] **David Lloyd:** Dyna ddiwedd ein cwestiynau swyddogol, byddwch yn falch o nodi. A ydych eisiau dweud rhywbeth atodol—rhywbeth nad ydym wedi eich cwestiynu yn ddigonol arno, rhywbeth yr ydym wedi'i osgoi'n llwyr neu rywbeth yr ydych am gael cyfle i'w ddweud? Laura, a ydych am wneud unrhyw sylwadau atodol, gan ein bod wedi cyrraedd diwedd y cwestiynu swyddogol?

David Lloyd: That brings us to the end of our formal questions, you will be pleased to note. Do you want to make any additional comments on something that we have not asked you about enough, something that we have completely missed or something that you just want to say? Laura, do you want to make any additional comments, as we have reached the end of the formal questioning?

[64] **Professor McAllister:** I do not think so, Chair. I have had a good opportunity to express everything that I wished to.

[65] **David Lloyd:** A yw pawb arall yn hapus? **David Lloyd:** Is everyone else happy?

[66] **Ms Manley:** There are just one or two points that I would like to make. One is about the cost involved. One of our women who is visually impaired ran as a candidate for a county council, and she had to do all of that on her own without her personal assistant being paid for. I supported her one day, so I know how difficult it was for her to go through that process. It would have been impossible without family and friends. So, I would ask that some consideration is given to that.

[67] **David Lloyd:** A oes unrhyw sylw arall? Gwelaf fod pawb yn hapus. Diolch yn fawr yn swyddogol i'r tystion yn yr ystafell ac i'r tyst sy'n bell i ffwrdd yn Lerpwl am **David Lloyd:** Are there any other comments? I see that everyone is content. I officially thank the witnesses in the room and the witness who is far away in Liverpool for

eich cyfraniadau ac am ateb y cwestiynau mewn modd mor aeddfed a bendigedig y prynhawn yma. Bydd y clerch yn anfon trawsgriafiad drafft o drafodaethau'r prynhawn yma atoch er mwyn i chi eu cywiro os bydd angen o ran materion manwl. Ni fedrwch wyrdroi cwrs hanes, ond os oes manylyn sy'n anghywir, teimlwch yn rhydd i'w gywiro. Gyda hynny, dyna ddiwedd panel 1.

[68] Prynawn da. Symudwn ymlaen i ail sesiwn y cyfarfod hwn. I'r perwyl hwnnw, hoffwn groesawu Jessica Crowe, cyfarwyddwr gweithredol y Ganolfan Craffu Cyhoeddus. Yr wyf yn credu, felly, y byddwn yn canolbwyntio ar y pwyntiau penodol ar graffu yn y Mesur arfaethedig, ond nid wyf yn sicr i le yr aiff y cwestiynu. I ddechrau, yr ydym wedi derbyn eich papur a dylech ei gymryd ein bod wedi ei ddarllen i gyd. Mae cwestiynau wedi eu paratoi, ac, fel sy'n arfer gennym, fel Cadeirydd, gofynnaf y cwestiwn cyntaf.

[69] Mae eich papur yn dweud eich bod yn cefnogi'r Mesur arfaethedig ar lywodraeth leol, ond yr ydych hefyd yn credu bod Llywodraeth Cymru yn gorddeddfu. Felly, a ydych yn galw am ddrafftio symlach neu a ydych yn credu y dylai'r Mesur fod yn llai rhagnodol neu yn fwy hyblyg yn nhermau deddfwriaeth? Beth yw eich barn?

[70] **Ms Crowe:** It is not about drafting. We have seen a lot of legislation coming from the Westminster Parliament in relation to scrutiny in England over recent years, and we think that the drafting of the proposed Measure is much clearer than that which comes out of Westminster. So, it is not about the drafting, but we would prefer to see less prescription. It contains many requirements regarding committee composition, how chairs should be chosen, the democratic services committees and so on. There are 22 local authorities in Wales, and we feel that they should be able to determine many of these affairs for themselves.

[71] **Joyce Watson:** I understand why you think that self-determination in local government is wonderful when it comes to chairs, but I am sure that many people around this table would tell you that, for many reasons, that is not always the case, and I would be one of them. So, I will put another question to you. At the Centre for Public Scrutiny, you must have noticed the imbalance that happens, in Wales too, with the position of scrutiny chairs being in the hands of the few, namely the ruling group. You must also have the figures for the number of scrutiny chair posts that are not held by women. Since this is about improving local government, making it more balanced and representative, do you not think that there is room for intervention? They have had plenty of time since 1995, and it is now 2010.

1.40 p.m.

[72] **Ms Crowe:** The issues relating to chairs are interesting. I have figures for Wales as well as England. Wales does slightly better than England in terms of sharing out the chairs

their contributions and for answering the questions so maturely and wonderfully this afternoon. The clerk will send you a draft transcript of today's proceedings for correction, if needed, in terms of the detail. You cannot change the course of history, but if there is an incorrect detail, please feel free to correct it. With those comments, that brings us to the end of panel 1.

Good afternoon. We will move on to the second session of this meeting. To that end, I welcome Jessica Crowe, executive director of the Centre for Public Scrutiny. I think that we will therefore be concentrating on the specific points on scrutiny in the proposed Measure, but I am not certain as to where the questioning will take us. To begin, we have received your paper and you should take it for granted that we have read all of it. Questions have been prepared and, as is our custom, as Chair, I will ask the first question.

Your paper states that you support the proposed Measure on local government, but you also think that the Welsh Government is over-legislating. Therefore, are you calling for simpler drafting, or do you think that the Measure should be less prescriptive or more flexible in terms of legislation? What is your view on that?

more widely. We have seen an improvement over time. We do an annual survey—and I am happy to leave a copy of the latest one with the committee—that gives some figures on how the chairs are shared out and we have seen an improvement. It varies; it can vary by party or by type of authority, but certainly in Wales, in our last survey, only 14 per cent of the councils had no chairs given to the opposition, 86 per cent had at least some opposition chairs and most of those seemed to be shared out quite proportionately. We can do a bit more digging if you would like precise figures. That compares with the overall position of 44 per cent not sharing any chairs with the opposition, 37 per cent giving some, and 19 per cent giving all chairs of scrutiny committees to the opposition. So, you can see that Wales is not doing too badly by comparison with the wider picture across England.

[73] There are many reasons why chairs are not shared out. There is also the question of finding the best person to be the chair. Having a very rigid prescription in the proposed Measure as it is drafted creates different scenarios and you could end up with a position where a good chair is not given a position. I would like to give you an example of a London borough, which is a completely balanced council, where a small independent group holds the balance of power. It was very difficult to fit that example into any of the different scenarios in the proposed Measure. The leader of that small group holds the main opposition chair and plays an important role in ensuring independent scrutiny. So, councils should be encouraged and advised, and best practice should be promoted, but we are seeing moves in the right direction and we should allow that flexibility, which I do not think is currently in the proposed Measure.

[74] **William Graham:** I would like to ask supplementary question on what you have just referred to. Do your figures record examples from those councils where the majority group offers the chairs to the minority group, but they do not take up that offer?

[75] **Ms Crowe:** No, they do not, unfortunately. That is another reason why you cannot always just go by what the outcome is.

[76] **Christine Chapman:** On that point, and following up on what Joyce said, you have said that it should be at their discretion, and you have quoted figures that show that we are moving in the right direction, but at what point do we say that we need to bring in something firmer? There is obviously a case in England where it is not working, so at what point would you say that we need to be a little bit more prescriptive?

[77] **Ms Crowe:** You could, for example, have stronger guidance, but I do not think that there should be a rigid set of arrangements that should be applied to all councils. You can get strong and effective scrutiny by members of the ruling party. There was a case in Birmingham where a highly critical scrutiny report was produced by a committee chaired by a member of one of the administration parties. It was quoted all over the press and was even referred to as an independent report, because no-one could believe that it had come out of a committee chaired by a member of the council and a member of one of the ruling parties in that coalition administration. So, it is a very complex picture and that kind of prescription makes it difficult for councils to do what is right.

[78] **Christine Chapman:** I want to move on to talk about the survey. Part 1 of the proposed Measure places a duty on local authorities to conduct a survey of councillors and unsuccessful candidates with a view to providing information relating to the diversity of candidates and representatives in local government. This talks about training, development and appraisal for members. Your submission says that these issues would be best dealt with by the Welsh Assembly Government and the Welsh Local Government Association. Could you explain what the WLGA and the Welsh Assembly Government should do as an alternative to the provisions contained in the proposed Measure?

[79] **Ms Crowe:** That is for them to say. I know that you asked them a lot of questions about how they thought that the survey should be carried out. My view has been developed as a result of my experience as a member of the Councillors Commission in England, which looked at how to encourage a more representative group of councillors to come forward. We considered many things, including the survey. We said that the survey of councillors and candidates should be continued. It stopped briefly at one point and we said that it should be reinstated—that survey was carried out by the Improvement and Development Agency for Local Government. I certainly think that it is something that the sector should do for itself in that it should determine what it needs to know to help it to improve and tackle issues around diversity and other matters. So, it is for the sector to decide and to be able to change it as times move on. If you encapsulate something like that only in legislation, there is a danger that it could be frozen in aspic.

[80] **Christine Chapman:** Part 1 of the proposed Measure also includes provisions that relate to remote attendance at meetings, and give Welsh Ministers powers to issue guidance about the timing of council meetings. Previous witnesses have expressed concerns about the practical application of these provisions, and believe that they are too prescriptive. What are your views on that?

[81] **Ms Crowe:** For large rural areas in particular, I can see that remote attendance by video-conferencing offers a way forward. There could be a big benefit for scrutiny in terms of how committees gather evidence with regard to hearing evidence from other places, and not always requiring everyone to come to the county hall, or wherever, to do so. So, we see a role for it. In scrutiny, you can get around some of the issues that were raised by the Association of Council Secretaries and Solicitors about confidential items and how you know that people who should not be there have left, but that is not such an issue in scrutiny. So, we think that it has some positive applications. However, I do not think that it is a matter for a national Government to determine at what time of day councils should hold their meetings.

[82] **Christine Chapman:** This is my final question. What alternatives could be introduced to ensure that the Welsh Assembly Government achieves its aim of making it easier for representatives with more diverse backgrounds to participate in local government?

[83] **Mr Crowe:** I would draw on the research that we did as part of the Councillors Commission to answer that, as it is not the Centre for Public Scrutiny's area of expertise. From the Councillors Commission's perspective—I am also a founder member of a small organisation called the Women's Local Government Society, which was re-founded to get more women into local government—there are a number of things that could be introduced. Work with political parties is crucial as they are the gatekeepers for the majority of councillors. I would commend to you the Leadership Centre for Local Government's work on its 'Be a Councillor' campaign, which you may have already come across in your work. The campaign has had some success in London, where it ran quite a well-funded campaign to increase diversity. A lot of that work was done through the political parties. Councils also should not shy away from this. The duty to promote democracy, which the Councillors Commission recommended, was intended to clarify the fact that councils should not be anxious about working with local political parties and it being a party political matter, because they can do it cross-party. They should take an interest in the health of their local democracy, so they should be encouraged to work with local parties to have open days, shadowing and mentoring, and other things that you have heard about already. A whole range of different measures need to be implemented, and it will vary depending on the different groups that you are trying to attract.

[84] **Veronica German:** I came across the 'Be a Councillor' campaign with our councillors' organisation, and I was very disappointed that it was only happening in England, because it seemed to have a very good structure. Since you are here and you know about it,

how successful was the campaign, and would it be worth while doing something similar in tandem with legislation to encourage people to become councillors?

[85] **Ms Crowe:** I do not have the full metrix; it was the leadership centre that was working on local government leadership that was involved in organising it, so it will have the figures and the outcome. Up to the point of the elections, candidates had come through following the different campaigning and outreach activities that had been carried out as part of the campaign who said that they would not have got involved and put themselves forward otherwise. We found from the work of the Councillors Commission that the most important reason for standing is that someone asks you to do it, and that is particularly important for women and black, minority and ethnic councillors, so it is about doing work to encourage people to put themselves forward. Getting them to put themselves forward as candidates is the first hurdle. There are then issues about where people get selected, namely whether they are winnable seats or not. The campaign was successful in relation to the first hurdle of getting a different range of people to put themselves forward.

1.50 p.m.

[86] **William Graham:** Turning to sections 8 to 21, what are your concerns regarding the current proposals that require the creation of a head of democratic services?

[87] **Ms Crowe:** It depends a lot on the purpose of the role. Is it about ensuring a minimum level of resource, or is it about status and protecting and safeguarding the scrutiny role? I know that you have heard evidence in support of the proposed statutory head of scrutiny, which we would certainly prefer. I will give you some figures. At the last evidence session, Ms Jones wanted to know where scrutiny officers tend to be based currently. The majority are not based in democratic services: 37 per cent are in democratic services, 21 per cent are in the chief executive's directorate, 24 per cent are in a policy or corporate department, and 18 per cent are elsewhere. It is not only where they are based, but how that support is organised that is important. We see some correlation between effectiveness and having what we would call a dedicated scrutiny team. It almost does not matter where it is based, as it could be based in democratic services or elsewhere, but it is important that it works only on supporting scrutiny and on no other democratic services. In Wales, the majority of scrutiny teams are dedicated teams, and there are some that also support other member decision-making structures. So, having a dedicated team seems to be the norm already.

[88] We have done some research with the University of Warwick, which found that the role of scrutiny support officers is significantly different from that of the traditional democratic services support officer. It requires working across a whole range of different areas to do more negotiating, communicating and so on. So, it is important to think about the purpose of the role that you are trying to support. However, status is a different matter. In some authorities, the monitoring officer has been assigned that role, which could be a good option, because that person is already a chief officer with statutory protection. If you add scrutiny to their responsibilities, that gives it status at the top table.

[89] **William Graham:** What are your views on the suggestion made by previous witnesses that having a statutory scrutiny officer would be more appropriate? What would need to be put in place to ensure that that position was given sufficient status and independence?

[90] **Ms Crowe:** If it were aligned with the monitoring officer role, it would not necessarily need to be a separate role. It is about having a voice at the top table for scrutiny.

[91] **Veronica German:** Your submission refers to the fact that joint scrutiny tends to

operate on an informal basis, and often through joint task and finish groups. Why does the process of establishing joint committees need to be simplified? Why would that be preferable to continuing with the current, more informal, ad hoc approach?

[92] **Ms Crowe:** It again depends on the purpose of the joint committee. If what is being done is a piece of policy development or review work that would be better carried out in an informal task and finish group, where you would not get into issues relating to the power of call-in, for example, or clearing decisions before going back to their constituent parts, an informal approach works. You do not need to worry about political proportionality or all the arrangements under the Local Government Act 1972 that govern joint committees. So, we think that that is absolutely fine. Where it is getting more complex, which may increasingly become the case, and where there is a case for simplifying and clarifying the law as it stands is where services are shared between authorities, because you are stuck with having to go back to the individual decision-making structures. That can introduce delays. For example, what happens if something gets called in at one council but not at another? I think that that is the case.

[93] One of the issues on which there is a lack of clarity is the extent to which all the scrutiny powers of the Local Government Act 2000 can be applied to joint committees under the 1972 Act. This is all very technical, so I apologise for that to the committee. However, the regulations that followed the 2000 Act referred specifically to executive joint committees because, at that time, the existence of joint scrutiny committees was not envisaged. So, that is a question that could be clarified. We have seen conflicting legal advice, sometimes from the same set of chambers—because that is what happens when you ask a lawyer a question—so there is a lack of clarity about the extent to which the 1972 Act provisions on joint committees can be applied to joint scrutiny committees. Clarity on that would be welcome.

[94] **Veronica German:** In evidence, previous witnesses have called for the provisions in respect of scrutinising designated persons to be a power rather than a responsibility or duty. What are your views on that? Have you heard this said anywhere else?

[95] **Ms Crowe:** We welcome the extension of the power to scrutinise. Local authorities are the democratically elected bodies in their local areas, and so councillors should be able to ask questions of anybody exercising functions of a public nature. We have called long and hard for that definition, so we welcome this legislation from the Welsh Government. However, we agree with the Welsh Local Government Association that it should not be a duty, because there are resource implications. There are also issues about providing information. How will the scrutiny committee know to ask questions of a particular individual if it does not have that information? So, it should be a power, but a committee should be able to determine the priorities of its work programme.

[96] The proposed Measure also suggests leaving some of the definitions to regulations. We think that the definitions and the designations in the proposed Measure—the conditions set out in section 60—are very clear, and we do not see why they cannot be in the proposed Measure. It would make it much simpler. We also had a bad experience with English legislation where a great deal was left to legislation, and there was subsequent legislation amending legislation that had not even come into effect yet, because the regulations had not been brought forward. It creates a great deal of confusion and disjointedness. So, the more that can be included in the proposed Measure in a simple format, the better. That would be welcome.

[97] **Veronica German:** That makes sense. Section 61 contains provisions that would place on a statutory footing the requirement for overview and scrutiny committees to take into account views on any issue under consideration by them. Why do you question the validity of that provision?

[98] **Ms Crowe:** This is quite a difficult one—not only in the drafting—because scrutiny is immeasurably improved the more the views of local people can be heard. That is what potentially makes it stand out and add value to the whole process; it makes it worth while. So, we think that it is important, and we know that people struggle with it. Our surveys over the years have told us that people struggle with how to be meaningfully involved with scrutiny. Some shining examples are developing and people are getting better at it, but, ultimately, if the local population feels that a council is not involving it and is being high-handed, it can vote the council out. That is the ultimate arbiter.

[99] So, we have a concern about that. There are also resource implications. It costs a great deal to involve people in a meaningful way, and you cannot force people to get involved. So, the council could put in all sorts of efforts and resources to this, but, if they do not work, it may be because the topic does not grab many people's attention. However, it may still be a worthwhile piece of work that needs to be done. Requiring that involvement to take place is difficult. You could consider making it part of the statutory overview and part of scrutiny officers' duties to ensure that, overall, the council's overview and scrutiny function seeks to involve local people as much as possible. So, there would be a way of checking and commenting, and the scrutiny officer could perhaps do that.

2.00 p.m.

[100] We suggested another possibility in response to a consultation by the Local Government Association in England with regard to self-regulation, namely that scrutiny should have the power of referral and to trigger interventions. It could also be a trigger for intervention itself. So, if scrutiny is seen to be ineffective, that could be a measure of a council in difficulty. We think that scrutiny is a crucial part of this, and how it works with the public is one part of it. So, there are many ways in which this could be done, but we do not think that a blanket requirement is the way forward.

[101] **Joyce Watson:** We have already touched on political balance among committee chairs. You say that there is a more 'legislatively proportionate' way of achieving this. Can you suggest what that might be?

[102] **Ms Crowe:** I suggest not having all those different scenarios, which, as I said before, seem very complex. They are clearly trying to address the great variety that you will see in councils in respect of political control, and yet they still do not cover every possible circumstance. You could try to come up with more examples of different scenarios and still not cover all the different things that might emerge in a locality. That is the issue with trying to be proportionate: it is very complex.

[103] Another option that you could consider would be for committees to be allowed to elect their own chairs. We have seen that reform recently in the House of Commons, where only backbenchers are allowed to elect their scrutiny chairs. That takes it out of the executive's patronage. That is another possibility to think about. I suppose that I am saying that there are many different options and not all are legislative.

[104] **Joyce Watson:** All that I will say to that, through you, Chair, is that, while that may take it out of immediate patronage, it will not take it out absolutely. Committees are politically balanced.

[105] **Ms Crowe:** It would be a secret ballot. Nobody would know how you had voted. If you had hustings, and everybody—*[Interruption.]*

[106] **Joyce Watson:** In an ideal world, they would not know how you had voted.

[107] **Ms Crowe:** I accept that this is not easy. This is why the whole issue of whipping is difficult to legislate for. There would be an informal whip, but who would be able to prove it?

[108] **Joyce Watson:** Indeed. We will move on. [*Laughter.*] Section 77 of the proposed Measure allows co-opted members of an overview and scrutiny committee to vote if the local authority wants them to. Do you have any opinions on that?

[109] **Ms Crowe:** Yes. We are broadly not in favour of granting voting rights to co-optees. There is a democratic question around this, and it can also have a huge effect on the size of committees and can make them very unwieldy. Co-optees are always counted as part of the opposition, so you have to increase the number of majority group members. We think that co-optees can make a huge contribution to scrutiny work, such as in task and finish groups and as expert advisers. It depends on why they are there. If they are there to represent the voice of a group that would otherwise be unheard, working informally with councillors might be better. They may not like the formal and perhaps intimidating surroundings of a committee. If they are there because they have some great expertise, they should be expert advisers to the committee. We think that those would be better approaches.

[110] **Joyce Watson:** We can agree on that. As you just mentioned, you also support the provision that would prevent the use of the party whip in scrutiny committees. How could that provision operate in practice, and what are your views on the challenges that would be faced by those responsible for implementing it?

[111] **Ms Crowe:** They would be quite large challenges. It is impossible to legislate against it, as I said. It is hugely beneficial if scrutiny committees approach their work in a non-partisan spirit. There is nothing wrong with committee members bringing their political values to bear, but it is important that they are open minded about the evidence that they hear. Ultimately, if a majority group, or, indeed, an opposition group, is determined to act in a party-political way, it will do so. There is also a lot of self-whipping. There may not even be a need for the group whip to tell members what to do, because they will operate in that way. This can be affected by the culture, such as whether it is a hugely politicised authority that changes hands every election. There are a lot of ramifications. I think that it is impossible to police. It can only be done by encouraging best practice, supporting people and showing them how much more effective it is when they do not operate like that.

[112] **David Lloyd:** Cwestiwn atodol ar y mater o 'self-whipping'. **David Lloyd:** A supplementary question on the issue of 'self-whipping'.

[113] **Helen Mary Jones:** Playing devil's advocate, I am not famous for self-whipping. [*Laughter.*] Taking what you just said in qualifying your support for the provision to try to prevent whipping, would it not be better to continue to allow a formal whip, if that was what the local authority wanted to do? At least, in that sense, the fact that the whipping is happening is transparent. I am talking about whipping in relation to votes, rather than in relation to how witnesses are dealt with. Is it not better to admit to whipping than to have all the informal mechanisms of self-whipping, nods and winks, and all the usual channels?

[114] **Ms Crowe:** A lot of authorities have a declaration at the start of a meeting as to whether a whip has been applied, and that provides a measure of transparency. The other thing is that a lot of scrutiny committees do not have votes; they operate without the need for them. They are only used if there is a controversial issue on which there is a division between the parties and there is nothing that can be done about it. Therefore, I agree that if there is a party difference, it should be transparent. However, rather than just allowing a blanket whipped vote, minority reports could be allowed, which would allow for a different voice to be put out into the open. There are other ways of allowing for political difference that would

be preferable.

[115] **William Graham:** In support of what you are saying, the effect of that would be that, in any particular council, you would expect the majority group to vote in accordance with its agreed policy anyway, would you not?

[116] **Ms Crowe:** I agree. A lot of what makes scrutiny effective depends on when they choose to look at something. If there are a lot of reports that go to cabinet and face scrutiny along the way, by that point, the political parties will have taken a position. It is unreasonable to expect people to revisit the issues from first principles with a completely open mind. Scrutiny is much better when policies can be examined early on in the policy-making process, when the fixed position has not been reached. The other point in relation to whipping, chairing, who chooses the chair and so on, is that it is often about the effectiveness of the people who are there. In our last survey, we asked what reforms would make scrutiny more effective, and we found that there was much more support for ensuring mandatory training for chairs than there was for reforming the way in which the chairs are chosen.

[117] **William Graham:** Part 6 of the proposed Measure introduces community/councillor calls for action, enabling local councillors and their electors to ensure a response from the council's leadership on issues of local importance. How should the proposed Measure ensure that these provisions are effective? What guidance do you give on the operation of similar provisions in England?

[118] **Ms Crowe:** I have brought along something we prepared earlier. [*Laughter.*] I am happy to leave it with the committee. We produced it a couple of years ago when it was introduced in England. We undertook a study about six months after it was introduced in England and found that it did not take off in great leaps and bounds. Where it was introduced, however, it was bedding down nicely. We found that introducing complex and formal procedures relating to how it was going to work made life difficult for everybody. However, in some cases, it helped to provide a route to unblocking a long-standing problem in which councillors had been raising problems through the usual channels—casework, petitions and everything else that you will be familiar with—and it still had not resulted in any kind of movement. Referring it to a scrutiny committee, having a public debate, and getting people to the table to talk about what might be able to unblock it meant that it worked. It was about approaching the problem pragmatically, almost as a last resort for councillors to unblock something that had not been working for them in their local area.

[119] **William Graham:** The Chartered Institute of Public Finance and Accountancy has commented that, as drafted, the provisions relating to audit committees in section 84 are too restrictive. It suggests that such committees will only be concerned with the authority's financial affairs. What are your views?

2.10 p.m.

[120] **Ms Crowe:** This is tricky, because audit and scrutiny do have some overlapping responsibilities. It is important that scrutiny committees have a kind of value for money element to all of the work that they do. We did some research a few years ago, which found that there were benefits from audit committees, scrutiny committees and audit functions working very closely with scrutiny and in almost co-ordinating their work programme. Therefore, we think that it is important that they work closely together and share information and understanding. Again, I suppose that we would say that it should be a local decision as to how councils choose to make that work. As I said earlier, it could be a helpful, additional power to enable scrutiny to formally refer concerns to the auditor for consideration, or perhaps to the audit committee, if one has been set up. That would provide another means of escalating something that was a cause for concern to the set of people with the expertise to

deal with it.

[121] **William Graham:** What are your views on the balance between powers on the face of the proposed Measure and those that will follow in regulations?

[122] **Ms Crowe:** As I have said before, we would like as much as possible in the proposed Measure, please, because of our experience in England. I am sure that you would not follow bad practice in England, but as far as is possible, having all legislation in one place makes it much easier for people to make it work.

[123] **David Lloyd:** Diolch yn fawr. Dyna ddiwedd y cwestiynau swyddogol. Ni wn a oes gennych unrhyw sylwadau ychwanegol atodol i gloi. A ydych yn hapus? Efallai fod rhywbeth nad ydym wedi gofyn digon o gwestiynau yn ei gylch, neu ryw ddarn sydd wedi'i adael allan. A ydych yn fodlon?

David Lloyd: Thank you very much. That is the end of the formal questions. I do not know whether you wish to add any supplementary comments to close. Are you content? Perhaps there is something that we may not have asked about or something that has been omitted. Are you content?

[124] **Ms Crowe:** I think that you have covered a lot of ground. As well as the community call for action guidance, I can leave a copy of our latest survey, along with our most recent successful scrutiny publication. Welsh scrutiny a few years ago had a very bad name and was felt to be lagging behind and not having as much good practice as elsewhere, but I commend the work that has been done by the Welsh Assembly Government and the Welsh Local Government Association. We have tried to help wherever we could to support better practice. We now see that Welsh scrutiny functions are better resourced than the average, they have more scrutiny officers than the average, and they have slightly higher discretionary budgets. They are doing work that comes through into a kind of national recognition. Two of the winners in our last scrutiny awards came from Wales. So, we think that Welsh scrutiny is ready for some of these new powers that are being proposed, and we would welcome those. It should all be about scrutiny being able to determine its work for itself, but we think that it is up for the challenge.

[125] **David Lloyd:** Diolch yn fawr am eich cyfraniad y prynhawn yma, am ateb yr holl gwestiynau, ac am osod y dystiolaeth ger ein bron, gan gynnwys y dystiolaeth ychwanegol ysgrifenedig.

David Lloyd: Thank you very much for your contribution this afternoon, for responding to all of the questions, and for presenting the evidence to us, including the additional written evidence.

[126] Bydd y clerc yn anfon atoch drawsgriafiad drafft o drafodaethau'r prynhawn yma er mwyn ichi gywiro unrhyw fân wallau. Nid wyf yn rhagweld unrhyw wallau mân neu fawr. Ni fedrwech myndroi holl gwrs hanes; ni allwch ond cywiro rhai manylion os bydd angen. Gyda hynny, diolch yn fawr i chi.

The clerk will send you a draft transcript of this afternoon's proceedings for you to correct any minor errors. I do not anticipate any errors, minor or major. You cannot change the course of history, but you can correct some details if necessary. With those few words, thank you very much.

[127] Dyna ddiwedd yr ail sesiwn o'r cyfarfod hwn. Symudwn yn awr at y trydydd panel, sef yr un olaf am y prynhawn.

That concludes the second session of this meeting. We will now move to the third and final panel for this afternoon.

[128] Hoffwn groesawu Richard Penn, cadeirydd Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol, a Dr Rita Austin, sydd hefyd o Banel Annibynnol Cymru ar

I welcome Richard Penn, chair of the Independent Remuneration Panel for Wales, and Dr Rita Austin, who is also from the Independent Remuneration Panel for Wales.

Gydnabyddiaeth Ariannol. Yn naturiol, yr ydym am fynd ar drywydd materion gwahanol i'r rhai a drafodwyd gennym eisoes y prynhawn yma. Yr ydym wedi derbyn tystiolaeth, felly, yn ôl ein harfer, fe awn yn syth at y cwestiynau, a fydd yn manylu ar ambell agwedd o'r Mesur arfaethedig.

Naturally, we will discuss different issues to those that we have so far discussed this afternoon. We have received evidence, therefore, as usual, we will go straight into questioning, which will concentrate on certain aspects of this proposed Measure.

[129] Yr wyf am ddechrau gyda chwestiwn gweddol gyffredinol. A gytunwch yn sylfaenol ag egwyddor yr hyn y mae'r Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru) yn ceisio'i gyflawni? Mae croeso i'r ddau ohonoch ateb, neu un ohonoch yn unig. Pwy sydd eisiau dechrau? Richard?

I will start with quite a general question. Do you fundamentally agree with the principles of what the Proposed Local Government (Wales) Measure is trying to achieve? You are both welcome to respond, or just one of you. Who wants to start? Richard?

[130] **Mr Penn:** Thank you, Chair, for inviting the panel to be here this afternoon to assist you with its views on the proposed Measure. Rita Austin is the only other panel member present, but I hope that, between us, we can answer all your questions satisfactorily.

[131] In response to your first question, the letter that I sent on behalf of the panel simply welcomes the provisions in the proposed Measure. Not all of them affect the remit of the panel, of course, though some of them are directly related to it. However, the panel entirely supports the declared principles relating to reducing barriers to public service generally and broadening and increasing participation in local government. Our work as a panel is to assist that process, to ensure that councillors are not only properly and appropriately remunerated, which is what we are trying to do in creating a framework for members' allowances, but also that they have access, for example, to the kind of training provision that is available in normal employment, if I can call it that. The proposed Measure not only relates directly to us, but to our broader principles as a panel, so, in general terms, we very much welcome it.

[132] **Helen Mary Jones:** You have welcomed the provisions in the proposed Measure that will widen the panel's remit to cover the national park authorities, fire and rescue authorities and town and community councils. Can you expand on why you welcome the provisions to widen your remit to cover the national park authorities and the fire and rescue authorities in particular? I have separate questions about town and community councils, because the issues are slightly different there.

[133] **Mr Penn:** I am happy to start, but Rita might also want to come in. The national park authorities and the fire and rescue authorities in Wales already have their own frameworks for allowances. As part of the research that we conducted last year, we consulted with the fire and rescue authorities and national park authorities as they must have regard to the allowance framework that we set in developing and updating their own frameworks. So, there is already a connection there. It just makes sense that the kind of framework that we have responsibility for, which applies to all county councillors in unitary authorities, should also be extended to cover national park authorities and fire and rescue authorities. After all, most of the members of those authorities are councillors, so they are operating in the same kind of environment. So, we welcome the proposed Measure, if it does eventually create an opportunity and the responsibility for the panel to extend its remit.

[134] Town and community councils are different. There are a great number of them and lots of councillors, and they are very different in the way that each operates, how they are structured and in the kind of work that they do. It would be much simpler to extend our remit to the national park authorities and the fire and rescue authorities than it will be to extend it to all of those town and community councils. It would require a lot of investment in time and

effort by the panel to come up with a framework for town and community councils that would reflect and deal with all the differences between them, from a big town council, such as Barry Town Council, to a small parish council in a rural area in the middle of Wales.

[135] So, yes, we welcome the proposed extension of the panel's remit; it is appropriate and timely.

2.20 p.m.

[136] **Dr Austin:** It is also nice to know that we are wanted, because the national park authorities and the fire and rescue authorities have clearly expressed their wish to us and to their representative bodies that they would wish for the independent remuneration panel to set their allowances. As Richard said, we already know quite a bit about them.

[137] I think that I speak for most of our members when I say that we will start from a low base of knowledge with regard to community and town councils. The way that we have set about our work with the principal councils has not only meant that we have done a lot of our desk research, relying on our secretariat for the bits that we could not reach, but we also went on what we call roadshows to every principal council in 2009. All five of us did not go to each one, but we went in pairs. So, we have a good body of knowledge and I think that our visits were appreciated.

[138] The question of scale in extending to community councils is a different matter. There are 700-odd community councils with 8,000-odd members, whereas we have dealt with 22 principal councils with about 1,200-odd members. So, there is a huge difference in scale. There is also a difference in function, as Richard mentioned. We were talking before we came in about how, to our knowledge, some councils only meet once a year for a bit of a jolly, while others have a budget of about £1 million. Community councils vary a lot in size and function. We will have to embark on quite a programme of education in relation to community councils. We would want to avoid a one-size-fits-all approach and we would try to tailor a framework. The trick is to get a national framework that properly accommodates any regional or other local differences.

[139] We have produced a national framework on the principal councils, although maybe we can later talk a little about how our vision for a national framework does not seem to be happening. A national framework for principal councils is one thing, but a national framework for community councils would have to be clever, and it will take some understanding on our part to devise one that the councillors involved feel is appropriate.

[140] **Helen Mary Jones:** I am encouraged to hear you say that, because some of the evidence that we have received from town and community councils' representatives has expressed precisely that concern about trying to impose a single model on a diverse sector. Do you think that your remit, as the proposed Measure would set it out and extend it to community councils, would allow for a sufficiently flexible approach to pick up on what you were talking about, namely everything from an organisation with no employees to an organisation with dozens, or almost no budgets to budgets of £1million? Is the remit, as it is at present, flexible enough for you as an independent panel to come up with precisely the kind of framework that you are talking about to reflect those huge differences?

[141] **Dr Austin:** I have looked at the proposed Measure closely and I cannot see anything in it that would restrict our flexibility—let me put it like that. It would be up to us to test the proposed Measure and to use it to its full extent. I cannot see anything in the proposed Measure that would prevent us from coming up with an imaginative response to this issue. The other difference is this: we might not always agree with the WLGA, or it with us, but at least we know that all the principal councils belong to it—it has provided us with a useful

conduit—and we know that not all community councils belong to One Voice Wales. So, there are some difficulties in our hearing all the right messages and responding to them. However, you asked a precise question on the proposed Measure. I cannot see anything in it that prevents us. I do not know whether Richard has anything to add.

[142] **Mr Penn:** No, I would agree with that.

[143] **Helen Mary Jones:** That is encouraging.

[144] **William Graham:** Why is having discretion to set actual levels of remuneration in addition to setting maximum levels important?

[145] **Mr Penn:** As we read the proposed Measure, it will enable the panel to continue to do what it currently does, which is to set maximum levels payable for particular posts. We set the basic allowance, of course, but also all the special responsibility allowances for appropriate posts. That is where we are, and as Rita said, there may be an opportunity later to comment on how that is working in practice. There are some issues: there is a huge variation in the basic allowance that is paid, although it is supposed to be common across Wales, and there are big variations in the SRAs as well. We could continue to operate on that basis. However, in some of the work that Rita talked about, and in other submissions, such as responses to an electronic survey of all councillors, we consistently heard that the panel should have the powers not just to set maximum levels, but to prescribe them. For all sorts of reasons—some understandable and others more complicated—we believe that that power to set actual prescribed levels would be useful. The panel has not come to a final view on that as yet, but it would certainly give us a real opportunity to produce what we think is required, which is a consistent, national framework for all unitary councillors across Wales, where the basic allowance is the same, and the special responsibility allowances reflect the responsibilities in different population groupings. I do not know whether this is the point at which Rita, who has done a lot of work on this, analysing the current pattern of implementation of our framework, might come in; it might be that you want to hear about that, because it reinforces our view that what we need to do, given the passing of the proposed Measure, will be to prescribe allowances, not set maxima.

[146] **Dr Austin:** We are charged as a panel to come up with a national framework, and we naturally wished to see whether we have been able to do so. I regret to say that our best intentions have been subverted by the 22 councils, because they set their own limits. Just to give you a preview of what has happened in the allowance framework for the current year—we will be publishing this shortly in our annual report—just seven of the 22 councils implement the maximum basic allowance. Five implement the maximum leaders' allowance; five implement the maximum deputy leaders' allowance; seven implement the maximum cabinet and board members' allowance; 10 implement the maximum for scrutiny chairs; nine the maximum for planning chairs; eight the maximum for licensing chairs; seven the maximum for audit chairs. So not even half of the councils implement the maxima.

[147] To give you some examples, the basic allowance is set at £13,868 per year, and the average for the councils that do not implement the maximum is almost £1,000 less. That is not a magic figure, the £13,868; a lot of thought has gone into it. It represents three fifths of the median annual gross earnings of the Welsh electorate; in other words, we have deliberately pitched and aligned the basic allowance to the all-Wales median annual gross earnings from 2009, which are the most recent figures available. Our work has suggested that the basic responsibility of councillors can be discharged in three days a week, so we have gone for three fifths of median earnings. We have tried to pitch and align our allowance to the income of the Welsh electorate. Councils decide allowance levels for all sorts of reasons. Many of you have served as councillors, so you will know some of the reasons that are aired in the council chamber on that horrible day when members have to vote for their own

allowances. With all the political pressures, the net result is that the income of councillors is drifting, year by year, further away from the median income of the Welsh electorate, which we have precisely tried to align it with. The special responsibility allowances are all multiples of that basic allowance, so councils' decisions on special responsibility allowances also influence the drift.

2.30 p.m.

[148] You will see in our reports that we were having a debate regarding the lack of knowledge that councils have as to the effect of their decisions. One of our duties, which, although perhaps not a statutory duty at the moment, is one that we are taking seriously, is that of improving the recruitment and retention of councillors. In this modern age, the council is modern, there is modern council work to do, it is not just a jolly, there are important decisions to make and many people's lives will be affected by the decisions that are made by local councillors, so to attract people of a suitable calibre and to retain them, they must be recompensed appropriately. However, councils are taking decisions and ignoring the maximum that we are very carefully setting and very carefully arguing for—I hope that you have seen our 'Moving Forward: Proposals Beyond 2010' report; the argument is all set out in there. Our intentions towards a consistent national framework are certainly not being met. I hope that, when we have the powers to prescribe, should we choose to use them, they will be met.

[149] **Mr Penn:** To add to what Rita has said, we are not blind to the difficulties that individual councils might face as a result of prescription, as they make this quite dramatic shift from paying at perhaps £2,000 below the basic allowance of £13,868. So, there is obviously an issue about implementation and it might have to be to be phased. This will cause a problem for some councils. However, as a panel, we are committed to the notion that we have to have consistency across Wales that relates to what the Welsh electorate earns and we therefore welcome this provision in particular.

[150] **Dr Austin:** This is particularly true of the so-called 'fourth-option councils'. Under current regulations, they have been paid at a band lower than those with executive arrangements. We changed that for the current year, but we have found that, in the decisions that they have made, they are still paying much less than councils with executive arrangements. I understand that the proposed Measure has proposals to do away with so-called 'fourth-option councils'. I read Gwynedd's response on the web, which states that, if it moves away from alternative arrangements, it will have a marked effect on the budget that will be necessary to recompense councillors.

[151] **David Lloyd:** That covers some of the ground that you were about to discuss, William.

[152] **William Graham:** The publication that you have just referred to, 'Moving Forward: Proposals Beyond 2010', considers whether a link between councillor performance and the payment of the basic allowance could be established in practice. Does the proposed Measure enable you to do this?

[153] **Mr Penn:** I will start, Chair, and perhaps Rita would like to add to my response. One thing that we have been very conscious of since we started our work is the link between what an elected member, a councillor, receives by way of remuneration and the contribution that they make for that remuneration. There is considerable variation, as I am sure that those of you who have been members of councils will be aware. In our research, we encountered many examples of councillors who do between 50 and 70 hours per week across the various responsibilities—and these were backbench councillors, not leaders or executive members. However, we also heard, perhaps somewhat anecdotally, about some councillors who did very

little for the same reward. So, as a panel, we have considered this at great length already and we need to do a lot more on this. If we are moving away from the perception that this is an allowance that you get because you have been elected to being remuneration for the contribution you make to local governance, then that has to be demonstrated in some way. There has to be some accountability for what is a not inconsiderable sum of money, particularly if it is paid at the maximum.

[154] So, we have talked a lot about this and, during our travels around Wales, we came across examples of different authorities operating different mechanisms. Some use their standards committee to police attendance, some use annual reports and others use reports on the website. The link between the performance and the accountability of an elected member for the remuneration that they get is something that needs to be developed. We see the proposed Measure, particularly in respect of the requirement for councillors to produce annual reports, as an important recognition that there has to be a link between remuneration and performance, and that the proposed Measure provides for that link to be explored and developed. Therefore, we welcome that.

[155] **Veronica German:** From what you have just said, do you think that performance is directly related to attendance? That is the danger. We are talking about having an annual report that might state that such and such a councillor has attended every single meeting. However, the councillor might not have said a word at those meetings, or anything that they have said might be completely off the wall. Therefore, there is no way to measure that councillor's performance in terms of attendance. Councillors might also do a lot of work in their community, which is not measurable. I struggle with the idea of how you can do this, and that is why I have a problem with an annual report, because any councillor worth their salt will be doing that anyway, and the result of whether they have been communicating with their electorate or not would be in the ballot box at the next election.

[156] **Mr Penn:** On that particular point, there are problems, because some councillors do not have to face the electorate as they are returned unopposed in a number of councils, so the 'every four years' response is not even valid in every case. We have never suggested that member performance should be based on attendance at committees. I was a chief executive of a local authority for 19 years, and I used to watch many council meetings, believe you me, and it was often the councillors who did not contribute at council meetings that were doing most good in their own communities. What we are saying is that there should be a basket of measures, one of which could be an annual report, and another of which could be monitoring of attendance at those committees that they were supposed to attend. One of things that we have talked about—again, this is something that has been picked up—is a statement of responsibility. Some English authorities already do this voluntarily. They have a concordat within the party group or with the electorate at large that they will do x, y and z, and that is stated and monitored. We are at the early stages of this, and we have to get over this hump that all you have to do to get your basic allowance is to go to a meeting every six months. There is still a view out there that that is all you have to do. I am not saying that that is widespread, but to be paid £6,000 or £7,000 a day is not a bad reward, so we need to move people away from the assumption that this is an allowance that you are entitled to, to an acceptance that it is something that you have to earn. That is the psychological hurdle that we need to overcome, and the proposed Measure is a good step towards it.

[157] **Dr Austin:** You were kind enough to mention our report, 'Moving Forward'. Your Members' research service will no doubt draw your attention to it, but on page 13 we do not just go straight into annual reports—it is a step process for us. We first want councils to make a public statement about the basic responsibilities that are expected of every councillor. Templates exist on this because we have seen them in English councils, where there is a statement of basic responsibility. What we advocate is that the 'basic salary'—which is the term that we prefer to 'allowance'—is a recompense for meeting those basic responsibilities.

We then ask for a publicly available annual reporting process for councillors. An annual reporting process is not necessarily the same as an annual report. An annual reporting process can mean the councillor posting on the web the work that has been done by them every month with regard to the community, council responsibilities or whatever, but it is an annual reporting process. Finally, we make the link, as a longer-term aim, between allowances and performance. We are doing some work on that thorny question of withholding allowances. We know that that is an issue among councillors, because they have told us so. So, we are advocating that step-by-step approach.

2.40 p.m.

[158] **Helen Mary Jones:** I can see the attraction in having ‘salaries’ rather than ‘allowances’. However, in my professional experience, linking performance to pay has very rarely increased the performance of the good performers, although it has sometimes enabled one to get rid of the rubbish ones. I have come across situations where some of the structures that councils have for monitoring attendance, for example, have created real difficulties for someone who, for example, has a small baby or is genuinely ill. Forgive me, I have not studied the report in depth—local government is not my thing, except when it comes to this proposed Measure—and I will go back to look at it in light of what you have said. However, if we move towards treating councillors’ jobs as salaried posts, would it also be your view that we ought to ensure that there are mechanisms in place for provisions such as sick pay and maternity pay so that any mechanisms that exist to tie salary into performance, which might involve an element of monitoring attendance, do not discriminate against someone who is ill, taking care of a small child or an elderly relative or ill partner? I have seen those mechanisms used quite brutally, and it has always been women who have been targeted in my experience.

[159] **Dr Austin:** Always. Yes, and there is provision within the proposed Measure for family absence. Clearly, we, as a panel, will have to take note of that. It will be a question of looking at the payment of the basic allowance and/or the special responsibility allowance—or basic salary and senior salary, to use our newer terminology—in relation to both the person taking on the new responsibilities as cover as well as the person who is absent and who should not be penalised and lose out. We will have to work out a process for that and issue guidance on it and adjudicate upon it at some point. It would be wrong of us to tell you that we have got this all down pat; we have not, but we will have to work on it.

[160] However, the principle of what you say goes without saying. We uphold a care allowance because we recognise that situation. Sometimes, we uphold a care allowance in the face of many councillors and others telling us that there should not be a care allowance. However, we have upheld it and, I hope, we will uphold it into the future. We are very sensitive to these points and the effect that they have on women. We know that the number of women councillors has stood still; it might even have gone backwards. However, it has certainly not improved, and there are also issues to do with councillors from the minority groups as well that this will affect.

[161] **Christine Chapman:** While you are on that point, we heard evidence from witnesses earlier who were talking about why there are not as many women as men putting themselves forward as councillors. One thing that was said was that, sometimes, there is a difference in motivation. They were quoting anecdotal evidence of women saying that they want to make a difference in their communities, while men may do it for other reasons. I know that that is the extreme. However, if that is the case—and Richard was talking about performance—it comes down to what you value as performance. That is not an issue for today; we cannot discuss all of this today, but there is an issue as to why people become councillors and what they are going to be judged on. Perhaps that is for the panel to look at.

[162] **Mr Penn:** In doing this research and visiting the authorities—I did not visit all of

them myself, but between us we went to all 22—two things struck me: one was that so many new councillors said, ‘God, we didn’t realise what we were taking on. We were told by someone from the party that this was going to be a day a month, just going to council meetings’. Suddenly, it is a huge job that interferes with family arrangements and, if they work, with their work arrangements. That struck me time and again. To some extent, that has driven our perception of what would be fair basic remuneration. I do not think that it will ever be enough for people to do it as a full-time job. There are some councillors who do nothing apart from council work because of their personal circumstances, but we do not see being a basic councillor as full-time. This cannot be employment. You cannot be employed by the council of which you are a member; technically, you cannot. However, it struck me how many councillors had gone into being a councillor without really understanding what was involved. Part of our work is working with the WLGA and others to try to increase the understanding among the public and with candidates and others about exactly what is involved. The statement of responsibility is part of that process as well.

[163] The second thing that struck me personally—and I have not talked about this with others—is how many one-term councillors there were: people who said, ‘I’m not doing this again for another four years; it’s ruined my job, my life, my marriage’, and I thought, ‘How tragic’. These people, who come into it with a lot of good will, find that it is not sufficiently rewarding. That is in every sense, not just monetarily. If we can get the money right, at least we have made a contribution in that regard. However, it is not a job—this is not employment. We are very alert to the issues about not just being hard-nosed while seeking this link between performance and remuneration. It is not payment by results. It is about saying that there has to be a step change from an allowance mentality, where you get it just because you have been elected, to being accountable to those who have elected you, and showing what value you have added to the council and the governance of the community at large. That is the step change that we are looking for.

[164] **Veronica German:** You have covered allowances and salaries, but I will just make the point that if you call it a salary, then people will think that it is a full-time job.

[165] **Mr Penn:** We are not as one on this on the panel. We all see that ‘allowance’ is not the right word. ‘Remuneration’ is what we have tended to use more recently. We talk about ‘remuneration’ rather than ‘allowance’. Just for your information, in Scotland, it is called a salary. Scotland’s scheme is based on ‘salary’, so it has gone that step further.

[166] **Dr Austin:** I am a Welsh learner, and I will find out rapidly whether there are Welsh words for ‘basic salary’ and ‘senior salary’ that might just do the job. [*Laughter.*]

[167] **Veronica German:** There is no mechanism in the proposed Measure for setting the percentage of special responsibility allowances, as you have highlighted in your submission. At the moment, it is 50 per cent, I believe. Why do you want the power to set an appropriate percentage, and the power to vary it for different authorities?

[168] **Dr Austin:** There is a provision in current regulations, which we have found very useful, that not more than 50 per cent of the council’s membership shall hold an SRA. The fundamental point is that the SRAs are a payment for additional responsibility—special responsibility, as it says on the tin. We think that 50 per cent of a council is probably enough. In fact, the debate in the panel is about whether it might not be too much. For some councils, 30 per cent might be enough. Clearly, you need sufficient folk to do the major jobs. That is why we would want to vary it according to the council. Once you come to an understanding of how many folk you need, then the question is whether you can vary that percentage from council to council. There is a possibility at the moment of councils applying for additional SRAs. This is very new, and it is only because we took a whole load of SRAs away the last time that we did an annual report, so we offered councils the opportunity to apply for

additional SRAs, and, of course, many of them have made the mistake of thinking that this is an allowance for workload; it is not. It is an allowance for a responsibility that is, first, substantial, and, secondly, sustained over a long period. Those are the principles behind our notion of special responsibility.

[169] So, we have found the principle of a percentage useful, although we do not always think that 50 per cent is the right proportion, which is why we want to vary it, and it is a pity that we do not have it in the proposed Measure; we hoped that we might see it in the proposed Measure.

[170] **David Lloyd:** Symudwn ymlaen, ac **David Lloyd:** We move on, and the next two y mae'r ddau gwestiwn nesaf o dan ofal questions are from Christine Chapman.
Christine Chapman.

[171] **Christine Chapman:** Why should the proposed Measure provide for the panel to have discretion to set aggregate levels of allowances for local authorities within a set formula?

2.50 p.m.

[172] **Mr Penn:** I am happy to answer that question. I do not think that my letter on behalf of the panel was terribly helpful to the committee on this, because it dealt with the scrutiny function as an example of why we think that the power or responsibility should be given to the panel to set aggregate levels within a formula. As for why we think it is important, it goes back to the fact that every council is different. What we do not want—and we have talked about it at great length and have tried to guard against it—is for us as a panel to determine the structure of individual local authorities. That would be wholly inappropriate. There are already regulations about cabinet size and so on. At the minute, every portfolio holder gets the same special responsibility allowance. Whichever local authority you look at, it pays every portfolio holder, that is, every executive member, the same amount, even though their portfolios might be very different. I am sure that you will know this, but we found that some portfolios are huge and have great budgetary and other responsibilities—and, again, it is about responsibility and not workload—whereas others are significant but small. It would be a choice for the local authority to make, but we think that one way for this to be accommodated would be to say, 'Here is some money for the cabinet', and invite the leader or the group to decide on how they would distribute that budget for the executive in their authority. Someone might say—and I do understand that it would be a brave leader who said this—that councillor X gets twice as much as councillor Y. We are not imposing it. If the authority were to decide that every member of the executive should get the same because, for example that is how it operates, in that it shares responsibility, even though portfolios might be different, then that is fine. However, during our research, we heard it said by leaders and others that they would like some power to operate differentials within the executive. That is why it is discretionary rather than a requirement. That is what lies behind it, and I do not think that the example in my letter was very helpful to you.

[173] **Christine Chapman:** The proposed Measure would expand your remit. Would you be able to make the most of your new powers within your current budget?

[174] **Dr Austin:** No. We started off with a budget of £50,000 in our first year of operation. We undertook the roadshows and visits, and we barely lived within that budget. This year, we hope to live within our reduced budget of £30,000. We all understand the reasons why it was reduced, but this year, we did have plans, as foreshadowed in the 'Moving Forward' report, to consult the general public. Everyone bemoans the fact that the public does not know enough about what councillors do, and each set of councillors, when it comes to the annual meeting, is afraid of what the press will say about the allowances that they are getting and so on. No-

one seems to take on the task of educating, informing or finding out from the public about these matters. We thought, fools that we were, that we would like to do that, but then we found that we had no money to do it. All the messages that we have received indicate that key players would like us to consult the public, and I am sure that the Assembly Government would also like us to consult the public, but we do not have the budget to be able to do it. If you expand our powers, we will certainly need more simply to live with the powers that you are to give us to extend our remit and so on, especially if we want to go about our work as we have gone about it. We could just sit in a room and pluck figures out of the air, but we would be of use to neither man nor beast. It is better that we have slightly more money and do a better job.

[175] **Joyce Watson:** Could you explain why the current size of the secretariat that is provided by the Welsh Government to support your work needs to be maintained, or maybe increased?

[176] **Mr Penn:** I will start by saying that I am conscious that some of them are sitting in the gallery. We were talking over lunch about the support that we get from our secretariat, which has been so essential to our work over the past two or three years. They have day jobs as well; they do not just support us, as they do a lot of other things. In fact, they probably spend the minority of their time with us. If our remit is to be extended, in our view the secretariat has to be maintained at the very least. The work involved on the town and community council side in particular would be such an additional workload for the panel that it would reflect on the secretariat. So, in line with our suggestion that our budget might need to be increased to accommodate the additional remit, we would also say that the secretariat has to be maintained at its current level or, preferably, increased to reflect the increased workload.

[177] **Dr Austin:** The further point to make on that subject is that, when the proposed Measure is approved, the regulations on which we currently rely will disappear. There is much in the regulations that will have to be retained, such as the definition of approved duty, for example. The proposed Measure does not have anything near what is contained within regulations in this regard. So, there is plenty to do with the regulation of councillors' remuneration that we will have to invent. We will not be inventing it from scratch, and we will not be able to do that unless we have a secretariat to do it. The knowledge of all of that resides within the secretariat. If we are to do some adjudication work, such as on family absences, that, too, will require preparation time for the secretariat to issue guidance and establish a process. We have dipped our toe into this this year—entirely of our own volition, because we allowed councils to apply for additional special responsibility allowances—and then we discovered that it is necessary to issue guidance, set a process, and so on. There also had to be meetings in two parts. So, there is a lot of straightforward administrative work for the secretariat to do to support us as a panel and, because of the proposed Measure, that work will be expanded. Therefore, our secretariat has to stand still or, preferably, be expanded.

[178] **David Lloyd:** Dyna ddiwedd y cwestiynau swyddogol. A oes gennych unrhyw sylwadau adotol i'w gwneud cyn ein bod yn cloi? A oes rhywbeth nad ydym wedi ei drafod neu sylw yr hoffech ei wneud?

David Lloyd: That brings the formal questions to an end. Do you have any further comments to make before we close? Is there something that we have not discussed or some point that you would like to make?

[179] **Mr Penn:** I would just repeat the panel's thanks for being given the opportunity to come along this afternoon to respond to your questions and to make what we hope are relevant and helpful points to you.

[180] **David Lloyd:** Diolch yn fawr iawn i chi am eich cyfraniadau ac am eich contributions and for your evidence. The

tystiolaeth. Bydd y clerwr yn anfon trawsgrifiad drafft o'n trafodaethau'r prynhawn yma i chi gywiro unrhyw fân wallau. Ni fedrwyd mynd i'r cwrw hanes, ond mae croeso i chi gywiro unrhyw fân fanylion.

clerk will send a draft transcript of our discussions this afternoon for you to correct any minor errors. You cannot change the course of history, but you are welcome to correct any minor details.

[181] Ni fydd cyfarfod ddydd Iau nesaf. Dyddiad y cyfarfod nesaf yw dydd Iau, 18 Tachwedd. Diolch yn fawr i chi am eich presenoldeb a'ch cyfraniadau, a diolch yn fawr i'r cyfieithwyr. Dyna ddiwedd y cyfarfod.

There will be no meeting next Thursday. The date of next meeting is Thursday, 18 November. Thank you for your attendance and for your contributions, and thanks to the interpreters. That concludes the meeting.

*Daeth y cyfarfod i ben am 2.57 p.m.
The meeting ended at 2.57 p.m.*