

# Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

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Lleoliad:  
**Ystafell Bwyllgora 2 – y Senedd**

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Dyddiad:  
**Dydd Iau, 26 Mawrth 2015**

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Amser:  
**09.00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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Clerc y Pwyllgor

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## Agenda – Dogfennau Ategol

Ymateb i'r ymgynghoriad ar Bil Llywodraeth Leol (Cymru)

Noder bod y dogfennau a ganlyn yn ychwanegol i'r dogfennau a gyhoeddwyd yn y  
prif becyn Agenda ac Adroddiadau ar gyfer y cyfarfod hwn

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(Tudalennau 1 – 94)

**Y Pwyllgor Cymunedau, Cydraddoldeb a  
Llywodraeth Leol**

Bil Llywodraeth Leol (Cymru)

**Ymatebion i'r Ymgynghoriad  
Mawrth 2015**

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**Communities, Equality and Local Government  
Committee**

Local Government (Wales) Bill

**Consultation Responses  
March 2015**

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\*Ar gael yn Gymraeg | \*Available in Welsh

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LG 01

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Cymdeithas Llywodraeth Leol y Cymru ac SOLACE Cymru:

## **WLGA and SOLACE Evidence**

### **Communities, Equality and Local Government Committee**

#### **Local Government (Wales) Bill**

**February 2015**

### **Introduction**

1. The WLGA and SOLACE welcomes the opportunity to give evidence to the Committee's inquiry into the general principles of the Local Government (Wales) Bill [the Bill].
2. Local government engaged constructively with the Williams Commission and has since sought to work with the Welsh Government in determining a collective response to the Williams proposals. Whilst the Williams Report covered all public services and made many broad recommendations, much of the debate has since focused on structural reform of local government. From the outset, local government through the WLGA recognised the need for some structural reform noting in its submission to the Williams Commission that:

“We fully accept that the current structure of twenty two councils is essentially contested but any proposals for structural change must clearly demonstrate a compelling case for change supported by hard evidence.”

3. The Reforming Local Government White Paper in July 2014 set out the Welsh Government's current preferred map of 12 local authorities and confirmed its intention to encourage and incentivise early voluntary mergers. In its response to the White Paper the WLGA stated:

“There is consensus across Welsh local government and the Welsh Government about the need for public service reform. The size of the financial and demographic challenges facing councils is such that their sustainability into the future is an issue. There are however honestly held and passionate views across local government regarding the nature, scale, timing and timescale of such reform and whether proposed structural changes provide the answer.

Local government has responded constructively and proactively to the debate, putting forward discussion documents outlining a vision for local democracy and local government and alternative options for delivering services differently. A number of authorities have also indicated that they are prepared to further explore options for early voluntary mergers.”

4. The Welsh Government published its Prospectus for Voluntary Mergers on 18<sup>th</sup> September 2014. On 26<sup>th</sup> September, the WLGA Council unanimously passed the following resolution:

“The WLGA considers that whilst some authorities do not favour mergers, there are a number of authorities that are prepared in principle to consider voluntary

mergers. However, all authorities need considerably more information on the support, including financial support that would be available in order to be in a position to develop a sound business case.”

5. There was overwhelming support, at least in principle, within local government to explore opportunities for voluntary mergers. Three formal expressions of interest, from six authorities, were submitted to the Minister for consideration by the 30<sup>th</sup> November 2014 deadline. In addition, a further eight authorities confirmed that they were prepared to consider mergers, but either did not have willing merger partners or were constrained from proposing alternative options which required boundary changes. Two authorities were determined as ‘stand alone’ authorities in the map of twelve.
6. Although the formal expressions of interest were rejected on 27<sup>th</sup> January 2015, the Welsh Government continues to encourage voluntary mergers and intends to produce a further local government map by the Summer 2015.

### **Comments in response to the Committee’s Terms of Reference:**

#### **1. the general principles of the Local Government (Wales) Bill and the need for legislation to:**

- **enable preparations to be made for a programme of local government mergers and reform;**
  - **allow Principal Local Authorities to merge voluntarily by April 2018;**
7. The Bill (Section 11 onwards) sets in place appropriate and non-contentious arrangements to enable the preparation for voluntary mergers and subsequent ‘enacted’ mergers of local authorities. The Bill features mechanisms and governance arrangements, such as transition committees and shadow authorities, which are common to previous legislation which initiated the reform of principal authority structures.
  8. There are two sections however which may require further clarification and/or consideration at Stage 2 scrutiny:
    - a. Section 29(1) states that a merging authority cannot undertake certain transactions without providing the detail specified in S29(3) to the transition committee and considering its opinion. However S29(3) does not specify what detail is to be provided.
    - b. Section 31(1) is intended to control land transactions. It governs any transaction where the ‘consideration for the acquisition or disposal exceeds £150,000’. The legislation therefore would not stop a disposal at an undervalue (or for free); for clarity this section could refer to ‘land value’ rather than the more technical legal term of ‘consideration’.
  9. Sections 3-10 set out arrangements relating to the Voluntary Mergers of local authorities. The most significant challenge to this part of the Bill is provision of early clarity and the manageability of timescales (the risks of the electoral review process is explored further below). The Bill allows Ministers to make a range of regulations relating to the governance arrangements of voluntary merging authorities, such as the establishment of transition committees and shadow authorities. The dates for the establishment of these are therefore not on the face of the Bill and are not considered in detail in the Explanatory Memorandum. The WLGA however raised a number of points during consultation on the Reforming Local Government White Paper in September notably that for voluntary mergers there was only a proposed 6 months shadow authority period compared to 12 months for later mergers. 6 months is a very short period of time for

- transition and set up given need for senior officer recruitment, business and financial planning and continuity, establishment of governance arrangements and hand-over.
10. Sections 3-10 relating to the Voluntary Mergers of local authorities appears unusual if not unique in Assembly legislation, as noted in the Explanatory Memorandum, as the Bill seeks to retrospectively give powers to Welsh Ministers (to issue guidance which has already been published i.e. the Prospectus) and to authorities (to make applications for voluntary mergers) before the Bill has been enacted.
  11. It is well documented that whilst the Welsh Government's current preferred map is the Williams Map of 12 authorities and Welsh Ministers now intend to produce a new map by the Summer 2015. Until a new map is produced, it is unlikely that any further expressions of interest or formal proposals for merger will be submitted, as was recognised by the Minister for Local Government in his evidence to Committee on 5<sup>th</sup> February 2015.
  12. The absence of a final agreed map therefore means that it is difficult to assess the practicability and costs of the Bill in entirety. In particular, the timescales between the anticipated Summer publication of a map and the 30<sup>th</sup> November 2015 deadline (*or such later date as per (S3(1))*) does impact significantly on the practicability of voluntary mergers – this would allow only around five months to develop a fully costed, consulted upon voluntary merger proposal, compared to the original Prospectus timetable of ten months (from publication of the Prospectus to deadline of 30<sup>th</sup> June 2015).
  - **amend provision in the Local Government (Wales) Measure 2011 relating to the Independent Remuneration Panel for Wales and the survey of councillors and unsuccessful candidates for election as councillors;**
  13. The WLGA supports the provisions in the Bill (Sections 25-27) relating to amending the powers of the Independent Remuneration Panel for Wales with regards undertaking preparatory reviews of remuneration for future Shadow Authorities and/or new Principal Authorities.
  14. The WLGA has been in correspondence with the Welsh Government with regards the implications of the definition of Chief Officers (S35(2) (for the purposes of the extension of the Panel's remit) as defined in the Localism Act 2011. The WLGA has queried this on the basis that the Localism Act's definition of Chief Officer was based on that of the Local Government and Housing Act 1989 which was introduced for the purposes of political restriction rather than determination of salary levels. The statutory Chief Officer definition therefore also includes 'Deputy Chief Officers' who are described as an officer who '...report directly or is directly accountable...chief officers'. This means that the Panel's workload could be unintentionally but significantly affected by having responsibility for managing pay policy and salary determinations for numerous comparatively junior local government employees.
  15. There are also wider potential implications of the Panel making recommendations as to the level of pay for Chief Officers (from the date of commencement until 2020) which would need to be further considered and covered in Guidance. The Panel's remit would appear to apply to any Chief Officer vacancy that might arise during that period. Notwithstanding the above difference in interpretations around the definition of Chief Officers, the provision will prove challenging in practice if it is applied to individual Chief Officer vacancies in an authority with a number of incumbent Chief Officers. For example, a Chief Officer vacancy arises in an authority with a Senior Management Team of 5 Chief Officers; the Panel recommends a lower salary for the new post than the other current Chief Officers. The authority will then have to consider either the contractual

implications of reducing the salaries of the 4 other Chief Officer posts in line with the Panel's recommendation or discriminate against the one Chief Officer post. Furthermore, there would be equal pay implications if the authority applied the Panel's determination only to the vacant post, where the incumbent Chief Officers were men and the authority decided to appoint a woman to the vacant lower paid Chief Officer role.

16. The WLGA supports S36 which increases the Panel's membership from five to six, which is appropriate given anticipated workload in advance of any mergers, notably around members' remuneration and senior officer salaries.
17. The WLGA welcomes the amendments to the Local Government (Wales) Measure 2011 regarding the survey of candidates and councillors, these amendments have been shaped by feedback from authorities' experiences of the first statutory survey in 2012. The survey could be further improved with the inclusion of additional qualitative questions, however, this is a matter for regulations.

- **amend provision in the Local Government (Democracy) (Wales) Act 2013 relating to electoral reviews.**

18. The provisions relating to electoral reviews (Sections 16-24 and 38) are deemed necessary to provide the Local Democracy and Boundary Commission [the Commission] to undertake any preparatory or electoral review work as early in the merger process as possible. A significant responsibility is placed on the Commission as the electoral review process presents a potential risk to the effectiveness and timeliness of the local government reform programme.
19. Preparatory work and an early Ministerial direction to conduct an initial electoral review are critical given the potential time and capacity constraints of a local government reform programme. An early direction, for example, in the second anticipated Local Government (Wales) Bill 2016, in advance of enactment however does present (albeit a small) potential risk that early electoral review work could be made redundant should a 'proposed principal area' as set out in a Bill alter as a result of any amendments to the map during the passage of that Bill.
20. Section 23 appears to introduce a significant 'back-stop' power for Welsh Ministers to make 'electoral regulations if no recommendations [are] made' by the Commission by the date set out in any direction. Whilst a back-stop power may be necessary, this is a significant Ministerial power particularly as the Explanatory Memorandum notes that there is 'No Assembly procedure' for this subordinate legislation. The WLGA and SOLACE believe that whilst a reserve back-stop power may be necessary, the Bill should be amended at Stage 2 to ensure that there adequate consultative safeguards are put in place. S23 currently outlines that should a Minister need to make such regulations, any evidence gathered through the Commission's investigation and consultation should be passed to Welsh Ministers to inform their decision which the WLGA and SOLACE would support, however, it appears Welsh Ministers can then make regulations on electoral arrangements for a proposed principal area without any consultation on the final proposals. The Bill should therefore be amended to ensure that Welsh Ministers also have to follow the Commission's consultative procedures (as set out in Section 20(3) and (4) and produce a final report with publication and local (and mandatory) consultation for between 6 and 12 weeks.

2. **any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them,**

21. The most significant potential barrier to the implementation of the Bill's provisions is whether any authorities decide to make an application for voluntary merger following



the publication of a revised map in the Summer. Similarly, successful implementation is dependent on whether any application fulfils the criteria set out in the enacted Bill and any accompanying guidance and whether the appropriate preparatory electoral review work can be completed expeditiously.

22. The resourcing of any voluntary mergers (or enacted mergers) is still an issue of some debate (as was reflected in the Committee's discussions on 5<sup>th</sup> February); the totality of predicted costs is contested and it remains unclear how (and by whom) any mergers will be funded.

23. Although perhaps unlikely, it also appears a possibility that a voluntary merger process started before the end of this Assembly term could be 'revoked' before completion by a new Welsh Minister in the fifth Assembly term, if for example, an alternative map was introduced by a new administration through a new Bill.

**3. whether there are any unintended consequences arising from the Bill,**

24. The WLGA is not aware of any unintended consequences arising from the Bill, other than any outlined above.

**4. the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum),**

21. The financial implications of the Bill appear to be appropriate as far as they go in terms of assessing the costs of known factors, such as the potential cost implications on the Local Democracy and Boundary Commission, the Independent Remuneration Panel and the establishment of Transition Committees and Shadow Authorities.

22. As noted above however, the regulatory impact assessment can only be completed and any financial implications considered when an agreed map is produced and the costs and benefits of (voluntary or enacted) mergers of authorities have been fully and robustly assessed.

**5. the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).**

23. The powers for Welsh Ministers to make subordinate legislation appear appropriate and proportionate (noting the reference to powers under Section 23 above).

Y Pwyllgor Cymunedau, Cydraddoldeb a  
Llywodraeth Leol

Communities, Equality and Local Government  
Committee

Cynulliad  
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Assembly for  
Wales



Bae Caerdydd  
Caerdydd  
CF99 1NA

**Daniel Hurford**  
**Cymdeithas Llywodraeth Leol Cymru**

LG 01a  
Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Bil Llywodraeth Leol (Cymru): Cyfnod 1  
Cais gan y Pwyllgor am wybodaeth ychwanegol

4 Mawrth 2015

Annwyl Daniel

### **Sesiwn dystiolaeth Bil Llywodraeth Leol (Cymru) – 26 Chwefror 2015**

Diolch am ddod i'r sesiwn dystiolaeth ar y Bil Llywodraeth Leol (Cymru) ar 26 Chwefror, ynghyd â'ch cydweithwyr a oedd yn cynrychioli llywodraeth leol.

Mae nifer o faterion na chafodd y Pwyllgor gyfle i'w trafod gyda chi a'ch cydweithwyr yn ystod y sesiwn oherwydd cyfyngiadau amser. Nodir y rhain isod:

- I ba raddau yr ydych yn fodlon â'r darpariaethau yn y Bil yn ymwneud â sefydlu pwyllgorau pontio a'r ffordd y byddant yn gweithredu?
- A ydych yn cytuno bod angen i'r Gweinidog roi pŵer cyfarwyddo dros bwyllgorau pontio, ac os felly, pam?
- A yw'n briodol na fydd pwyllgorau archwilio a chraffu awdurdodau lleol yn gallu arfer eu swyddogaethau mewn perthynas ag unrhyw beth a wneir gan bwyllgor pontio? Os felly, a fydd pwyllgorau pontio yn ddigon atebol, ac i bwy?
- Gan mai dim ond aelodau fydd yn cael pleidleisio ar bwyllgorau pontio, pa rôl yr ydych yn rhagweld a fydd gan uwch swyddogion wrth i'r pwyllgorau hynny baratoi ar gyfer uno?
- A all CLILC ymhelaethu ar ei sylwadau ar Bapur Gwyn Gorffennaf 2014 y gallai'r rhaglen uno effeithio'n negyddol ar gapasiti ac arbenigedd swyddogion cyffredinol yn ogystal â darparu gwasanaeth parhaus? Sut y gellir mynd i'r afael â hyn?
- A oes unrhyw faterion penodol eraill ynghylch staffio a fyddai'n achosi pryder i lywodraeth leol mewn cysylltiad ag uno, gan gynnwys eu barn ar rôl y Comisiwn Staff?

- Yn ei sylwadau ar Bapur Gwyn Gorffennaf 2014, nododd CLILC bryderon nad oedd manylion am y dreth gyngor ac y bydd yn rhaid i Lywodraeth Cymru fod yn glir beth yw ei pholisi treth gyngor ynghylch cysoni. A yw'r pryderon hyn wedi'u datrys?
- Beth yw eich barn ar sut y dylid ymdrin â materion ynghylch y defnydd o'r Gymraeg pan fydd awdurdodau yn uno, a pha rôl fydd gan CLILC ac arweinwyr o ran hyn?

Byddai'n ddiolchgar pe gallech gyflwyno ymateb ar y cyd erbyn dydd Gwener 13 Mawrth.

Yn gywir

A handwritten signature in cursive script that reads "Christine Chapman".

**Christine Chapman AC**  
**Cadeirydd**

LG 01b

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru):Cyfnod 1

Ymateb gan Gymdeithas Llywodraeth Leol Cymru

## **WLGA Response to Supplementary Questions:**

### **Communities, Equalities and Local Government Committee Scrutiny of Local Government (Wales) Bill**

**March 2015**

**To what extent are you content with the provisions in the Bill relating to establishing transition committees and the way in which they will operate?**

The general provisions appear appropriate, subject the commentary below. It should also be noted that the Explanatory Memorandum indicates that the costs of Transition Committees would be an additional cost of c£2m for local authorities over a four year period and that these costs had not been included in the CIPFA calculations for the Transitional Costs, Benefits and Risks of Local Government Reorganisation.

**Do you agree that the Minister needs to be given a power of direction over transition committees, and if so, why?**

A Ministerial power over direction may be an appropriate back-stop power which might be used, for example, where transition committees were not able to conclude their business before statutory deadlines or where there was significant local disagreement over future direction. It would however be a potentially significant power which would arbitrate over and potentially over-rule local democratic decision-making processes. Clear criteria and guidance should therefore be outlined clarifying why, how and when such Ministerial powers could be used.

**Is it appropriate that audit and scrutiny committees of local authorities will not be able to exercise their functions in relation to anything done by a transition committee? If so, will transition committees be sufficiently accountable, and to whom?**

Transition committees would be advisory rather than decision-making bodies (S13(1) states that such committees would provide 'advice and recommendations' to merging authorities and shadow authorities). It may therefore be appropriate that audit or scrutiny committees could subsequently exercise their statutory roles when merging authorities or shadow authorities consider or make decisions based on the advice and/or recommendations of transition committees.

**As only members will be allowed to vote on transition committees, what role do you envisage senior officers having as those committees make preparations for merger?**

Officers would prepare reports, provide appropriate advice, guidance and information as appropriate and as requested by the committees, as is the approach for other local government committees.

**Can the WLGA expand on its comments on the July 2014 White Paper that the merger programme “could impact negatively on general officer capacity and expertise as well as on-going service delivery”? How could this be addressed?**

**Are there any other particular issues around staffing that would cause concern to local government in respect of mergers, including their views in the role of the Staff Commission?**

The WLGA’s White Paper Response stated that: ‘...in the last re-organisation all staff rather than the very senior officers were guaranteed a job, this is unlikely to be the case in a climate of continuing local government funding cuts. This situation would make the staffing issues more difficult (and more costly), rather than easier. Staff who will not be guaranteed jobs in the new authority may seek alternative employment and this could impact negatively on general officer capacity and expertise as well as ongoing service delivery.’

Much of the Welsh Government’s analysis and narrative around the ‘cost-cutting’ agenda of mergers has focused on reduced number of senior officers or reduced number of councillors; the reality is however that a significant number of jobs will be lost at all levels as a result of the merger process. Councils are of course already making significant reductions to workforces as a result of the current financial pressures, in advance of any potential merger reform programme. This will have a potentially significant impact on local employment and economies, as councils are not only the largest local employers but ensure that employment opportunities are distributed throughout Wales’ communities.

Notwithstanding the above issues which relate to impact on morale and the retention of staff to maintain core local services in a period of significant reform, there will be the inevitable impact on capacity given the officer resources required to plan for and manage the merger process. The CIPFA analysis suggested that dedicated senior teams would need to be established to manage mergers – estimated at around 20 staff for a merger of 2 authorities and 30 for a merger of 3 authorities. Corporate and senior professional capacity in Welsh local government is already under pressure, as most councils have already significantly reduced their corporate centres and senior management teams as a cost-saving measure during the recent period. Mergers will be an incredibly complex, time-consuming process with significant implications and risk for senior managers who are currently having to manage and deliver services under enormous, unprecedented pressure of finances and public expectation. It is therefore vital that Welsh Government provides adequate capacity and support for the merger process.

Moreover, it is important to consider the age-profile of senior managers who may be most likely to be affected by and expected to manage the merger process. Many senior officers are in their mid-50s and a longer timetable for a merger programme will have varying risks; as a result many senior officers will have less of a personal stake in the process as a result and, furthermore, many senior managers will and are already seeking redundancy or

retirement in the years in the run-up to mergers as a result of the current financial climate. This contraction of senior manager capacity will further mean a significant loss of 'collective memory', will impact on the collective capacity to self-manage to merger process and will require early succession planning, support and development.

**In its comments on the July 2014 White Paper, the WLGA raised concern that there were no details about council tax and that "the Welsh Government will have to be clear what its council tax policy is regarding harmonisation". Have these concerns been addressed?**

The 2014 White Paper and the Welsh Government Guidance/Prospectus for voluntary mergers were silent on the issue of Council Tax harmonisation. Council Tax harmonisation is however a fundamental issue as was shown with Home Office plans for Police Authority mergers in 2006. It has significant financial as well as legal and political ramifications and impact on the public acceptability of merger plans. Council Tax harmonisation is not addressed through the Bill, but the Welsh Government will have to provide clear guidance around what its council tax policy and legal considerations are regarding harmonisation. Harmonisation of Council Tax may occur under a number of scenarios i.e. council tax may level down to the lowest of the merging authorities, council tax may equalise around the weighted average or council tax may level up to the highest council. According to CIPFA, in terms of ensuring local financial stability the third option is the most prudent. However, even under this scenario there is a significant amount of income foregone of around £57m over 5 years. There are also potential legal issues around setting different council tax levels in different parts of a county. We note that the Minister in his previous evidence to the Committee suggested that the Welsh Government might seek to 'create a situation legally where it is possible, for a transitional period, for authorities to hold different council tax levels in different parts of their authority.' It would therefore be appropriate that such key matters should be addressed through this Bill.

**What are your views on how issues around the use of the Welsh language should be dealt with when authorities merge, and what role will there be for the WLGA and leaders in this?**

The merger process will be subject to the Welsh Language Standards and the Welsh language implications of merger will be the responsibility of transition committees and shadow authorities. The Williams Commission however noted the need to fully consider the issues of Welsh language with regards the establishment of new authorities: 'We have been particularly mindful of issues around the Welsh language. Several of our respondents urged us to propose boundaries that reflected and sustained public use of Welsh as well as the use of the language as a medium of civic life and administration.' It is therefore important that these issues are covered in guidance (which the Minister confirmed in previous evidence to the Committee) given the potential issue where merging councils have different approaches and policies with regards the use of Welsh in council business and administration, and the resultant impact on member and officer working, organisational culture and council procedures and policies for the new authorities.

LG 02

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Uno'r Undeb



## Local Government (Wales) Bill

### Unite Wales response



#### **Background**

The Local Government (Wales) Bill will enable the biggest changes to local government in Wales for twenty years. The responsibility falls upon the National Assembly for Wales to scrutinise this legislation effectively to ensure that the merger process removes as much uncertainty as possible from the thousands of people working in local authorities across Wales as well as the working for the millions who rely on the services they provide.

#### **General overview**

The Welsh Government have recently completed a White Paper consultation on the establishment of a Public Services Staff Commission. The Wales TUC submitted a joint response on behalf of all of the trade unions involved in the Workforce Partnership Council – the social partnership structure for the public services in Wales. The trade union movement argues strongly that there should be a Public Services Staff Commission/er with statutory powers established as soon as possible. We have been arguing for this for well over 12 months as a response to ever-declining financial settlements and the concurrent push for public service reform.

Paragraph 3.116 of the Williams Report states that:

“...austerity is likely to continue for at least the next decade, as we explained in our introduction. As matters stand, local authorities will be unable to offset such pressures with the scale of long-term savings that merger is very likely to bring. So the choice becomes either one of prolonged and ultimately unsustainable cuts to frontline jobs and services; or investing in a reformed structure which will yield significant long-term savings and so mitigate the need for service cuts. In our view that is no choice at all: it is infinitely preferable to invest in a public sector that is fit for the future and to protect front-line jobs and services than to allow public services to decay and decline to the point of failure.”<sup>1</sup>

We remain concerned for our members that unless a whole-Wales public sector approach can be taken to look at the shape of public services and the workforce required to deliver them then we will face year on year of redundancies leading to eventual local government reorganisation and the services left to deliver by the new authorities will be unrecognisable from those that the public rely on today.

The Local Government (Wales) Bill does not introduce any requirements for a Public Services Staff Commission/er to oversee the merger process, leaving the individual transition committees, individual authorities and the Independent Remuneration Panel to address issues of pay without any recourse to either the recognised trade unions or to a Public Services Staff Commission/er.

Section 28 of the Bill which details the requirements for Pay Policy Statements is explored further below.

The other general observation from the trade union movement relates to statutory guidance re-issued by the Welsh Government last year – the Code of Practice on Workforce Matters (commonly referred to as the Two-Tier Code). This Code covers all aspects of the public service and relates to protection for employees who find themselves working for part of the public service that is ‘outsourced’. It provides a level of protection unfound in any other part of the United Kingdom and we have warmly welcomed the commitment of the Welsh Government to the public service workforce when they re-issued the Code.

Unfortunately, the powers available to the Welsh Government mean that local government only have to ‘have regard to’ this Code, unlike the ability of the Welsh Government to be able to ensure that the NHS ‘must’ follow the Code. This has meant, in our experience, a number of authorities ignoring the spirit in which the Code was issued.

We urge the National Assembly for Wales and the Welsh Government to include a reference to the Two Tier Code in this legislation to put local government on the same legal footing as the NHS with regard to this document thus ensuring that local authorities cannot wriggle out of implementing it.

### **Specific Sections of the Bill**

The specific sections of the Bill that we intend to concentrate on in our written evidence are set out below. We will be happy to explore these issues further in our oral evidence as well as take any questions on other aspects that Assembly Members may feel affect our membership.

#### **Section 4: Consultation before making merger application**

While this section relates to the voluntary mergers and we understand that are currently no voluntary mergers going ahead, the wording of Section 4.1 (g) has caused us and other TUs extreme concern.

Sub section (g) states that the local authority must consult “*any organisation representing staff employed by any of the principal local authorities which has asked to be consulted*”. The explanatory notes of the Bill make it clear that the intention of this sub-section is for the authorities to consult with ‘any trade unions or other organisations representing staff employed by....’

The trade union movement has long fought for (and continues to fight for in many workplaces) trade union recognition in the workplace. Local authorities in Wales all recognise trade unions and this clause does not acknowledge this fact, allowing for local authorities to by-pass the recognised workplace trade unions.

We have raised this matter with the Minister for Public Services directly since the publication of the Bill and have sought an oral commitment that a Government amendment will be tabled to address our concerns.



**Section 10** (6) sets out that TUPE will apply in relation to the voluntary mergers and to a transfer made under the merger regulations whether or not the transfer is a relevant transfer for the purposes of those regulations. This section is welcomed.

**Section 13** sets out the functions of the transition committees including recommendations on:  
*1(a) facilitating the economic, effective and efficient transfer of functions, staff and property rights and liabilities from the merging authorities to the new principal local authority;*  
*1(b) ensuring that the new principal local authority and its staff are in a position to perform the new principal local authority's functions effectively as from the time when it assumes them, and*  
*1(c) any other purposes that the Welsh Minister may specify by directions.*

As stated in the general overview above, we are looking to the Public Services Staff Commission/er to take a wider look at workforce planning across the public sector and to play a specific role in local government reorganisation that is not recognised in this section of the legislation.

**Sections 28 and 35** deal with Pay policy statements and the extension of the functions of the Independent Remuneration Panel (IRP) to enable them to make recommendations with regard to these statements. We have very little engagement with the preparation of pay policy statements in accordance with the Localism Act 2011 and are, therefore, unsure of the full implications of this section on our members. At the time of writing, we are exploring the relationships between our existing bargaining arrangements, the requirements of this Bill, the Independent Remuneration Panel and our preferred all-Wales Public Services Staff Commission model.

The proposals for an expanded IRP are new to the trade union movement and we are, at the current time, unsure as to their full implications upon our members. As previously stated, we have initial concerns that the expansion of the IRP will undermine the work of the Public Services Staff Commission/er and lead to fragmentation of the arrangements for local authority merger in relation to workforce matters – something we have strongly argued against. We have read with interest the cost implications outlined in the Regulatory Impact Assessment for the extended IRP.

The final question for the Committee on Section 28 is – is 42 days long enough to enable certainty for staff about arrangements for the new authorities in the event of mergers being imposed rather than volunteered for? We reach no conclusion on this but it is an area that we will continue to monitor closely.

Submitted by Paddy McNaught at Unite Wales  
Contact details – [paddy.mcnaught@unitetheunion.org](mailto:paddy.mcnaught@unitetheunion.org)

LG 03

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Unison Cymru



UNISON welcomes the opportunity to comment on the Local Government (Wales) Bill, on behalf of our members employed in Local Government.

UNISON is the largest Local Government trade union in Wales organising over 50,000 members across 22 local authority based branches.

### **Summary**

The Minister for Public Services laid the Local Government (Wales) Bill before the National Assembly for Wales on Monday 26<sup>th</sup> January 2015.

At the same time he issued a written statement which outlined his rejection of the voluntary merger prospectus he had received.

This piece of legislation outlines the procedures for any authorities going down the route of merger; sets out the legislation for the transition committee arrangements, the electoral arrangements, the remuneration arrangements and restraints for any future merging authorities.

This Bill will enable the biggest changes to local government in Wales for twenty years. The responsibility falls upon the National Assembly for Wales to scrutinise this legislation effectively to ensure that the merger process removes as much

uncertainty as possible from the thousands of people working in local authorities across Wales as well the millions who rely on the services they provide.

## **General Overview**

The Welsh Government has recently completed a White Paper consultation on the establishment of a Public Services Staff Commission. UNISON submitted a response to this White paper. UNISON argues strongly that there should be a Public Services Staff Commission/er with statutory powers established as soon as possible.

Paragraph 3.116 of the Williams Report states that:

“...austerity is likely to continue for at least the next decade, as we explained in our introduction. As matters stand, local authorities will be unable to offset such pressures with the scale of long-term savings that merger is very likely to bring. So the choice becomes either one of prolonged and ultimately unsustainable cuts to frontline jobs and services; or investing in a reformed structure which will yield significant long-term savings and so mitigate the need for service cuts. In our view that is no choice at all: it is infinitely preferable to invest in a public sector that is fit for the future and to protect front-line jobs and services than to allow public services to decay and decline to the point of failure.”<sup>ii</sup>

UNISON remains concerned for our members that, unless a whole-Wales public sector approach can be taken to look at the shape of public services and the workforce required to deliver them, we will face year on year mass redundancies leading to eventual local government reorganisation and the services left to deliver by the new authorities will be unrecognisable from those that the public rely on today.

The Local Government (Wales) Bill does not introduce any requirements for a Public Services Staff Commission/er to oversee the merger process, leaving the individual transition committees, individual authorities and the Independent Remuneration Panel to address issues of pay without any recourse to either the recognised trade unions or to a Public Services Staff Commission/er.

Section 28 of the Bill which details the requirements for Pay Policy Statements is explored further below.

Last year statutory guidance was re-issued on the Code of Practice on Workforce Matters (commonly referred to as the Two-Tier Code) by the Welsh Government. This Code covers all aspects of the public service and relates to protection for employees who find themselves working for part of the public service that is ‘outsourced’. It provides a level of protection unfound in any other part of the United Kingdom and we have warmly welcomed the commitment of the Welsh Government to the public service workforce when they re-issued the Code.

Unfortunately, the powers available to the Welsh Government mean that local government only have to 'have regard to' this Code, unlike the ability of the Welsh Government to be able to ensure that the NHS 'must' follow the Code. This has meant, in our experience, a number of authorities ignoring the spirit in which the Code was issued.

We urge the National Assembly for Wales and the Welsh Government to include a reference to the Two Tier Code in this legislation to put local government on the same legal footing as the NHS with regard to this document thus ensuring that local authorities cannot wriggle out of implementing it.

As stated in our response to the Reforming Local Government White Paper, UNISON would like to reiterate that there is no need for moving powers and responsibilities centrally. By retaining current powers and responsibilities and by expanding their remit, Local Authorities will become more accessible, democratic and accountable. However, with any additional powers or responsibilities must come appropriate funding.

Whilst the Welsh Government is cutting funding to public services and the cuts, largely dictated by the Coalition Government in Westminster, have resulted in highly constrained resources for Welsh local authorities. Mergers, whether voluntary or otherwise, should not become a short-sighted approach to coping with reducing budgets.

Wales cannot have world class facilities in one sector and inadequate servicing in another - there needs to be a consistent approach across the board which provides a commitment to public sector staff. The costs of mergers, whether voluntary or otherwise, should be classified as a new burden on local authorities and therefore fully funded by the Welsh Government - not taken from Local Government budgets at the detriment of local services.

## **Specific Sections of the Bill**

### **Section 4: Consultation before making merger application**

UNISON supports a statutory commitment to consultation before voluntary mergers are undertaken. This section outlines the key individuals and organisations that will be consulted as part of any voluntary proposals to pursue merger under this Bill.

UNISON believes that community groups and local organisations should be continually briefed on the timetable and reorganisation of Local Government so that they are fully aware of all events.

While this section relates to the voluntary mergers and we understand that there are currently no voluntary mergers going ahead, the wording of Section 4.1 (g) has caused us and other TUs extreme concern.

Sub section (g) states that the local authority must consult “*any organisation representing staff employed by any of the principal local authorities which has asked to be consulted*”. The explanatory notes of the Bill make it clear that the intention of this sub-section is for the authorities to consult with ‘any trade unions or other organisations representing staff employed by....’

UNISON and the wider trade union movement has long fought for (and continues to fight for in many workplaces) trade union recognition in the workplace. Local authorities in Wales all recognise trade unions and this clause does not acknowledge this fact, allowing for local authorities to by-pass the recognised workplace trade unions.

UNISON has raised this matter with the Minister for Public Services directly since the publication of the Bill and has sought an oral commitment that a Government amendment will be tabled to address our concerns.

**Section 10** (6) sets out that TUPE will apply in relation to the voluntary mergers and to a transfer made under the merger regulations whether or not the transfer is a relevant transfer for the purposes of those regulations. This section is welcomed.

As stated above UNISON welcomes the Welsh Government’s reissuing of the Code of Conduct for Workforce Matters which sets out to prevent the establishment of two tier workforces delivering public services that have been transferred out of the public sector.

In order to address UNISON’s concern that currently Local Authorities only have to have consideration of this Code and are not bound to apply it. UNISON would therefore like to see the Welsh Government extend legislation to make the application of this Code mandatory for all Local Authorities, not just Health bodies.

So, in addition to where Section 10 makes reference to the Transfer of Undertakings (Protection of Employment) Regulations 2006, provision for the statutory application of the Code of Conduct for Workforce Matters with regards to local authority mergers, made as a result of this legislation, should be included.

**Section 13** sets out the functions of the transition committees including recommendations on:

*1(a) facilitating the economic, effective and efficient transfer of functions, staff and property rights and liabilities from the merging authorities to the new principal local authority;*

*1(b) ensuring that the new principal local authority and its staff are in a position to perform the new principal local authority's functions effectively as from the time when it assumes them, and*

*1(c) any other purposes that the Welsh Minister may specify by directions.*

As stated in the general overview above, we are looking to the Public Services Staff Commission/er to take a wider look at workforce planning across the public sector and to play a specific role in local government reorganisation that is not recognised in this section of the legislation.

It is essential a new Clause is introduced to provide statutory provision for a Public Sector Staff Commission/er to advise on the workforce matters that directly arise out of any voluntary or forced local government merger. Most of the 22 local authorities in Wales have completed the Single Status negotiations and have introduced pay and grading structures and those outstanding will be completed before any mergers are undertaken. As such, the Public Sector Staff Commission should be tasked with advising on a pathway that leads towards a common framework within the public sector in Wales that supports and enables the objective of service integration.

Within the above context, a Public Sector Staff Commission/er should advise on a single pay and grading structure for local government in Wales and arrangements for sector wide bargaining for common terms and conditions within the framework established by the National Joint Council.

**Sections 28 and 35** deal with Pay policy statements and the extension of the functions of the Independent Remuneration Panel (IRP) to enable them to make recommendations with regard to these statements.

The publication of a pay policy statement can better inform the wider general public as to the remuneration of the local government workforce, particularly highlighting the differences between the lowest paid officers and local authority chief executives. In our response to the Reforming Local Government White Paper, UNISON expressed support for “the attempt to ensure openness and transparency” in relation to pay and recruitment.

Mergers between local authorities, whether voluntary or otherwise, can lead to increases in privatisation and outsourcing of public services to private corporations. Section 28 should be expanded to cover the services merged authorities may provide via provision of contract with another public, private or third sector service provider. This will ensure transparency across all public services and uphold the principles behind Section 28 across all local authority public services.

UNISON has, however, had very little engagement with the preparation of pay policy statements in accordance with the Localism Act 2011 and are, therefore, unsure of the full implications of this section on our members. At the time of writing, UNISON

and the other trade unions are exploring the relationships between our existing bargaining arrangements, the requirements of this Bill, the Independent Remuneration Panel and our preferred all-Wales Public Services Staff Commission model.

The proposals for an expanded IRP are new to the trade union movement and we are, at the current time, unsure as to their full implications upon our members. As previously stated, we have initial concerns that the expansion of the IRP will undermine the work of the Public Services Staff Commission/er and lead to fragmentation of the arrangements for local authority merger in relation to workforce matters – something we have strongly argued against. We have read with interest the cost implications outlined in the Regulatory Impact Assessment for the extended IRP.

20 February 2015

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LG 03a

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Gwybodaeth ychwanegol gan Unison Cymru



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Christine Chapman AM  
Chairperson Communities, Equality and  
Local Government Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff , CF99 1NA

18 March 2015

Dear Christine

I am responding to the further queries that you raised, on behalf of the Communities, Equalities and Local Government committee, in your letter dated 9 March 2015.

### **UNISON's views on the Welsh Government's proposals for a Public Services Staff Commission**

Please see attached UNISON's submission to the Welsh Government on this matter which includes our views on the proposals and timescale. It would certainly seem appropriate, from UNISON's view point, for the Local Government (Wales) Bill to include explicit reference to the proposals to establish a Staff Commission(er) and the important role it could play in ensuring the concerns of staff are appropriately dealt with during the reorganisation of Local Government in Wales. Failure to include the need for the establishment of a commission(er) prior to council mergers, whether voluntary or otherwise, would at best heighten the fears and uncertainties currently being experienced by staff and, at worse, would fundamentally undermine the process and threaten the success of any merger. UNISON would like to have seen the Public Services Staff Commission(er) created, on a statutory basis, as soon as possible as there is work to be undertaken immediately, on an all-Wales cross public service basis, in relation to workforce planning to mitigate the effects of the financial austerity across the public services, a role we envisage for any Commission(er).

### **Wording of section 4(1)(g)**

As detailed in our submission to your committee: "UNISON and the wider trade union movement has long fought for (and continues to fight for in many workplaces) trade union recognition in the workplace. Local authorities in Wales all recognise trade unions and this clause does not acknowledge this fact, allowing for local authorities to by-pass the recognised workplace trade unions." In other words the



employers and the trade unions have established consultation and collective bargaining mechanisms which is not the case for '*any organisation representing staff*' the formulation used in section 4 (1) (g). Therefore the trade unions would like to see '*any organisation representing staff*' to be replaced with '*recognised trade unions*' failure to do so could be interpreted as an undermining of, long fought for, established recognition and collective bargaining arrangements.

### **How appropriate and practical are the provisions in sections 3 to 10 particularly in terms of time scales?**

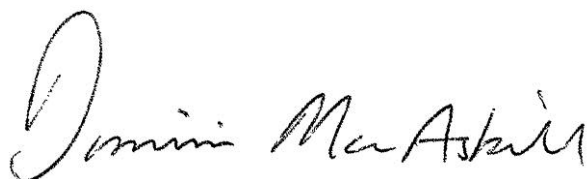
It is UNISON's view that there are unlikely to be any further expressions of interests from councils wishing to pursue a course of voluntary merger until the Minister for Public Services, in the summer, publishes a 'new map' of how the Welsh Government see local government looking in the future. This then would provide a very limited window of time, before the November 2015 deadline, for councils to put together a business case for any merger proposal. In addition the provision of a 6 month period for a shadow authority for councils who chose to go down a voluntary merger process is a very tight timescale to deal with the transfer of governance, business and financial arrangements and, not forgetting, the need to bring together two separate workforces into one.

### **Pay policy statements and extension of the functions of the Independent Remuneration Panel (IRP).**

UNISON shares the view of Richard Penn, Chair of the Independent Remuneration Panel, which he articulated in his evidence to your committee. In Mr Penn's evidence he questioned whether the IRP had the skills or expertise to take on the proposed additional responsibilities and suggested that these were much more appropriate tasks to be undertaken by the Public Services Staff Commission. This view fits in with UNISON position on the establishment of a Staff Commission(er) as detailed above and in the attached document.

I hope that you, and your committee, find these additional comments helpful in your consideration of this Bill and thank you again for inviting UNISON to provide evidence on this important issue.

Yours sincerely,



Dominic MacAskill  
**REGIONAL MANAGER**  
**HEAD OF LOCAL GOVERNMENT**



## **Welsh Government Consultation on Public Services Staff Commission**

### **UNISON Cymru Wales Response**

#### **Introduction**

1. UNISON is Wales' largest public service union representing over 90,000 public service workers. UNISON welcomes the intentions from the Welsh Government to establish a Public Services Staff Commission to advise Welsh Ministers and public service organisations on the workforce matters needing action and resolution. We hope the responses to this consultation will stimulate discussion and ensure that the trade union and labour movement is fully involved in developing responses to the current challenges.

#### **Background**

2. It is vital that the Welsh Government has a strong vision of the Wales we want for the future, a view of the steps necessary to achieve it, and how the Public Services Staff Commission or an alternative fits into this. The Welsh Government should also provide a strong, clear narrative which outlines the expectations it has for the Welsh Public Service Workforce. UNISON welcomes ongoing engagement to deliver this and achieve effective reorganisation while ensuring public service staff are fairly and equitably treated.
3. Since the Williams Report, UNISON has called on the Government to ensure that the Welsh public service is treated fairly and respectfully. An open, transparent and effective Commission can help Wales protect our valued services by providing the opportunity to ensure that the public service workforce is at the heart of discussions about quality and sustainability.
4. Public Services, and Local Government in particular, have a crucial role in reducing inequality to help deliver a fairer Wales. Inclusion and cooperation are the foundations on which the Welsh Government can renew and reinvigorate the Welsh public service delivery system and should not be ignored throughout this process.
5. It is imperative that any approach is not just a talking shop, but rather a catalyst for transformational change in Wales. The Welsh Government has a good record in crafting solutions suitable for Wales such as their

successful programme to tackle youth unemployment attracting attention from the rest of the UK.

6. In regard to the makeup of local councils, UNISON is not wedded to a specific number but are supportive of the organisations boundaries being coterminous with the Health body boundaries. This would greatly assist in moving forward with the necessary integration of Health and Social Care services and towards a one public service for Wales.

### **The Workforce Partnership Council**

7. The Welsh Government already has a successful social partnership body chaired by the First Minister for public service employers and staff trade unions to discuss both specific and cross public services issues above the official collective bargaining machinery. In UNISON's view this body, the Workforce Partnership Council, has been effective and efficient for both sides in providing a forum for raising, discussing and progressing common issues.
8. The Welsh Government are consulting about establishing a new body, The Public Services Staff Commission, to deal with the staffing issues connected with the major Local Government re-organisations over next three years but also to be a forum for making recommendations on innovation, best practise and future challenges going forward.
9. UNISON does consider that specific independent work on Local Government re-organisation would be helpful to all parties and the Welsh Government for a variety reasons. Our concern is that the new body may overlap with the work of the established Workforce Partnership Council and given tight budgets this cannot be justified on cost or effectiveness grounds.
10. In coming to this conclusion, we also considered a variety of innovation or new issues that cross all Welsh public services, such as:
  - health/social care integration
  - staff education, qualification levels and training
  - new technology, on-line services and related new jobs and skills
  - Personalised budgets and services
  - Universal Credit
  - Introduction of new EU public procurement directive in 2015 with new options for social, environmental and labour provisions
  - Increasing proportion of older workers as no default retirement age with different needs
  - Flexible Working in light on 2014 extension of right to request
  - New areas for Apprenticeships
  - Zero Hours Contracts
  - Cuts in funding Tudalen y pecyn 26

- Shortages of qualified staff in key areas such as social work or NHS
11. We came to the conclusion that all these issues would need to be discussed at both the Workforce Partnership Council and the new Public Services Staff Commission if created and this would cause confusion.
  12. However, we have considered an alternative which builds on the best of the existing social partnership but would be a resource that could advise on Local Government re-organisation and innovation and best practise to address future challenges.

### **Building on the best – a Public Services Commissioner**

13. UNISON believes that instead of a Commission the Welsh Government could have an independent Public Services Commissioner, a single post with a small team of staff with different expertise, who could work with Ministers and the Workforce Partnership Council.
14. This would avoid the duplication of two bodies reporting to ministers, reduce costs and have the advantage of some independent assessment of UK, EU and international evidence of successful public service reform that might work in the Welsh context.
15. The Commissioner could be given specific inquiries and remits by the Workforce Partnership Council (WPC) to investigate upcoming issues and challenges in Welsh Public Services and report back to the WPC with recommendations for government, employers and staff.

We would be prepared to expand on this option further on request.

### **Formal Consultation Questions**

16. We will respond to the main consultation questions for the record.

### **How would this relate to existing “bargaining arrangements”?**

17. The non-statutory Staff Commission or Commissioner should not supplant existing pay and terms and conditions collective bargaining arrangements within the public service sectors.

### **Q How best should the Workforce Partnership Council and the Public Services Staff Commission work together?**

18. The Workforce Partnership Council (WPC) has demonstrated how the Welsh Government, trade unions and employers in the public sector can work in partnership in the interest of protecting our valued public services. As set out above we believe that a Commissioner, not a Commission, would work best with the Workforce Partnership Council.

### **Q Are the public bodies listed in paragraph 49 the appropriate bodies to be included in a public service wide remit?**

19. The Careers Wales company ‘Careers Choices Dewis Gyrfa’ should be included in the list of public bodies covered in the Commission’s or Commissioners remit. Careers Choices Dewis Gyrfa is an all Wales public service that gives people **Challenges for 2027** valued career advice which assists in career development and transition which will be an important

component of any restructuring of public services. Wholly owned by the Welsh Government, UNISON believes the Careers Wales company should be incorporated into the public bodies list in paragraph 49 to ensure that it can be an integral part of the one public service Wales vision.

20. For a truly shared, collaborative and citizen centred set of public service values UNISON also believe that Further and Higher Education institutions should be covered by the remit of the non-statutory Commission or Commissioner. Any public sector body that receives funding from the Welsh Government should be included. This would provide an all-encompassing remit which would represent the entirety of the Welsh public service workforce.

**Q Is the approach outlined in paragraphs 50 to 55 the appropriate approach?**

21. UNISON agree that the Commission, or Commissioner, should be independent but have access to a range of experts, who would not only offer a range of relevant skills and experience in workforce matters and organisational development but, who have also the conviction to see the Public Service Commission or Commissioner role succeed and develop.
22. The remit of the Commission or Commissioner needs to be developed so that it is set in the context of supporting public service provision and opposing privatisation. The marketised public services in England, which UNISON opposes, have seen loss of expertise, compliance expense, secrecy and a lack of sharing best practise for commercial gain. Service improvement might only happen at the retender stage after 4 to 7 years and does not happen continuously in such a model.
23. The Commission/er needs to look at the whole public sector and its remit should also cover and apply to staff in private sector and voluntary organisations that deliver public services under contract.
24. We agree that Welsh Ministers should take direct advice from the non-statutory Commission or Commissioner via the WPC. The proposed advice to Welsh Ministers and the WPC should be published online and circulated directly, through newsletters, to the public services workforce and to the relevant organisational groups to demonstrate openness and transparency for all stakeholders.

**Q Do you have any views about the timing of the establishment on the non-statutory Staff Commission?**

25. UNISON welcome that the Commission or Commissioner will be set up prior to the voluntary Local Authority mergers taking place in order to ensure that the affected workforce are treated in a fair, equitable and consistent manner during the restructuring process.

26. Although we understand why the Commission or Commissioner should initially be set as a non-statutory body and that this could allow it to be more innovative and challenging, UNISON believes the Commission or Commissioner should either transfer to a statutory body as soon as possible or gain some other form of statutory underpinning in order to provide the necessary authority for the Welsh Government, WPC and the public sector employers to act on the recommendations.

27. Moreover, the Commission/er should continually brief the WPC and public sector staff on the timetable and reorganisation of local government, and other public sector restructurings, so that they are fully informed of all events and changes.

**Q Do you have any further comments on the functioning of the non-statutory Staff Commission?**

28. Its authority and relationship with the WPC and Welsh Ministers needs to be clearly defined. The advice and recommendations published by the Commission or Commissioner should be clear and presented in a way that makes it extremely difficult for them to be misinterpreted or ignored. The way recommendations are phrased will be of vital importance.
29. UNISON recommend that the Commission or Commissioner should itself conduct mini-consultations annually to ensure it evolves and adapts in line with what public services require. Consultations could be organised online and include an initial short questionnaire which monitors views over the years. This could then be collated at the end of the reform to measure the impact of the reorganisation on public service workers.

**Q Are the skills and experience identified in paragraph 57 correct? & Are there any skills and experience which the non-statutory Staff Commission requires which is not included in the list?**

30. We agree that the skills, experience and capability of the Commission/er and their team will be extremely important to establish its credibility and therefore believe that the skills need to be expanded upon.
31. UNISON welcome that the team should have knowledge of local government but should also have an extensive knowledge of public services as a whole to fulfil a wider role than local government reorganisation.
32. In addition the Commission or Commissioner need to have access to impartial expert advice and research capacity and are not reliant on civil servants to drive the work of this body. This would ensure that the Commission or Commissioner is sufficiently resourced to be able to pursue the remits set by the WPC. Job evaluation will be an integral part of the remit and therefore should be included in the list of skills. Members of the Commissioners team should have experience of previously delivering job evaluation in order to understand the complexities that arise from this area.
33. UNISON calls for a commitment from the Welsh Government that the Commission or Commissioner is not overly reliant on civil service support. The civil service work well in an administrative role, but their views should continue to be impartial and recommendations made purely by the Commissioner.
34. The appointment of the Commission or Commissioner should reflect the diversity of Wales and be conducted in an open, transparent and fair way.

**Q Are the proposed communication processes outlined in paragraphs 59 to 62 appropriate?**

35. The communication processes outlined in paragraphs 59 to 62 outline the need to communicate, but lack substance on exactly how this will be achieved. UNISON welcome the circulation of regular bulletins but how, at

what interval and where the information is shared needs to be defined. We recommend that the Commissioner has its own website.

36. In addition to a website, the Commission/er should utilise social media channels, such as Twitter. When bulletins are sent out, the defined bodies in paragraph 57 and all public sector stakeholders should be encouraged to, at minimum, make staff and interested bodies aware of the Commission/er website.

37. UNISON welcome further consultation to ensure the work programme remains current, flexible and adaptable to the changing circumstances for public sector workers in Wales.

**Q Are the proposed links between the non-statutory Staff Commission and the IRP appropriate?**

38. UNISON welcomes the Welsh Government's intention to extend the provisions in the Local Government (Democracy) (Wales) Act 2013 in relation to the Independent Remuneration Panel for Wales (IRP) to include all Local Authority chief officers for the duration of the local government merger programme.

39. We agree that that there will need to be a close and effective working arrangement between the IRP and the non-statutory and statutory Public Services Staff Commission or Commissioner.

40. However, the proposed links between the non-statutory Staff Commission or Commissioner and the IRP will need further consideration to avoid an unforeseen consequences i.e. under the amended regulations, Local Authorities would no longer be able to offer Chief Officers vacancies, with salaries over £100,000, as 'suitable alternative employment' in a redundancy situation and would require all such vacancies to be advertised externally. This could force councils to make senior staff redundant which would create problems for authorities restructuring at the higher level and increase transitional costs.

**Q Are there other priority workforce issues the non-statutory Staff Commission should be engaged with?**

41. UNISON support that the Commission or Commissioner will not supplant existing bargaining and negotiating mechanisms. The Commission or Commissioner should not only act as a reactive body but also proactively engage with other priority issues that occur across the public sector in Wales as a result of this reorganisation.

42. The Commission or Commissioner should be tasked to focus on maintaining directly provided integrated public services with a valued and motivated workforce that will attract and retain talent for the future.

43. Equality should be at the heart of the Commission/er's consideration and part of this will be to ensure that restructured public services can deliver equality proofed single status pay structures.

44. Other important issues for the Commission/er to develop are: developing redeployment opportunities across public sectors; developing 'best practice' and consistent discretionary policies and support; the harmonisation of Terms & Conditions; ensuring pension portability; ensuring education and support

are available for all grades of staff to ensure continual service quality improvement and to ensure there are consistent engagement and negotiation mechanisms with the recognised trade unions.

45. In some defined circumstances it may be appropriate for the Commission/er to play an arbitration role between public sector employers and their recognised trade unions.

46. If the Welsh Government is fully committed to improving the Welsh public sector then strong incentives to continue working in the public sector must be provided. In light of job mergers, the opportunity of career progression, pathways and development should be enhanced.

**Q What additional powers might Welsh Ministers need to effectively support the work of the statutory Staff Commission, for example, powers of direction or guidance?**

47. A statutory Commission/er will be able to make directions and guidance which Ministers, the WPC, unions and public sector employers should have to consider.

**Q Will making statutory provisions for the Staff Commission in the second Local Government Bill to be introduced in to the National Assembly for Wales in the Autumn of 2016 enhance the standing of the Commission?**

48. Yes, if a Commissioner

**Q Should the Staff Commission be given powers to issue guidance in its own right, or should it only be able to make recommendations to the Welsh Minister about issuing guidance?**

49. UNISON believes that the Commission or Commissioner should be given powers to issue guidance in its own right, working with the WPC. Guidance should be issued in collaboration with the WPC. The powers described in paragraph 71 are correct in that the Commissioner should have the ability to issue statutory guidance in its own name, working with the WPC and that there may be times when it is more appropriate that the Welsh Ministers address certain issues. The majority of the time it should be the Commissioner with statutory powers which issues directions to the new bodies being created, after consulting and receiving direction from the WPC.

**Q What powers will the statutory Staff Commission need in order to provide accurate and authoritative guidance?**

50. UNISON believes that the Commission/er whether non statutory or statutory needs sufficient powers to enable it to fulfil its remit, thus ensuring its guidance is followed.

**Q Are the powers described in paragraphs 71 and 72 the right ones?**

51. UNISON agree that the Commission/er will also need a power to require existing Local Authorities and any other public bodies to supply relevant information on proposed mergers and restructures.

52. Quantitative data is important in order to analyse and measure the impact of the Reform programme on the public sector workforce, but qualitative information should also be gathered. Qualitative information will provide an



in-depth source of information for the Commissioner, Workforce Partnership Council and Welsh Government which may provide an insight in the issues affecting the public service workforce.

**Q What additional powers might Welsh Ministers need to effectively support the work of the statutory Staff Commission, for example, powers of direction or guidance?**

53. Welsh Ministers should be able to accept recommendations, act on guidance and direction from the Commissioner and WPC, provide feedback and information when requested, provide early warning to the WPC and Commissioner of any planning substantive changes to previously agreed arrangements and provide early warning of any proposed changes to senior management teams.

**Q Should the statutory Staff Commission be time limited and phased out at the end of the current reform programme?**

54. The Commission/er should not be time limited or constrained to Local Government restructuring, as this body will be crucial in further monitoring and influencing staffing matters and assisting the WPC whilst the wider public sector is restructured. It would also represent a commitment by the Welsh Government to investing into the future of the one Public Services Wales vision.

**Q How could the statutory Staff Commission best support the embedding of the social partnership approach?**

55. Social partnership requires a real commitment from public service staff and the Welsh Government. The Staff Commissioner would best support the social partnership by having a clearly defined and agreed relationship with the WPC.

56. UNISON Cymru Wales are grateful for the opportunity to assist the Welsh Government with its reorganisation of Local Government and we are happy to provide further assistance if required.

LG 04

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: GMB Cymru a de orllewin Lloegr

GMB response to  
Welsh Government:  
Local Government  
(Wales) Bill 2015.



## **BACKGROUND**

The Local Government (Wales) Bill will enable the biggest changes to local government in Wales for twenty years. The responsibility falls upon the National Assembly for Wales to scrutinise this legislation effectively to ensure that the merger process removes as much uncertainty as possible from the thousands of staff who work for local authorities across Wales as well as for the millions of people in our communities who rely on the services that they provide.

### **General overview**

The Welsh Government has recently completed a White Paper consultation on the establishment of a Public Services Staff Commission. The Wales TUC submitted a joint response on behalf of all of the trade unions involved in the Workforce Partnership Council – the social partnership structure for the public services in Wales. The Trade Union Movement argues strongly that there should be a Public Services Staff Commission/er with statutory powers established as soon as possible. The GMB and its sister Trade Unions have been arguing for this for well over 12 months as a response to ever-declining financial settlements and the concurrent push for public service reform.

Paragraph 3.116 of the Williams Report states that:

“...austerity is likely to continue for at least the next decade, as we explained in our introduction. As matters stand, local authorities will be unable to offset such pressures with the scale of long-term savings that merger is very likely to bring. So the choice becomes either one of prolonged and ultimately unsustainable cuts to frontline jobs and services; or investing in a reformed structure which will yield significant long-term savings and so mitigate the need for service cuts. In our view that is no choice at all: it is infinitely preferable to invest in a public sector that is fit for the future and to protect front-line jobs and

services than to allow public services to decay and decline to the point of failure.”<sup>1</sup>

We remain concerned for our members that unless a whole-Wales public sector approach can be taken to look at the shape of public services and the workforce planning required to deliver them, then we will face year on year redundancies, leading to eventual local government reorganisation and the services left to deliver by the new authorities will be unrecognisable from those that the public want and rely upon today.

The Local Government (Wales) Bill does not introduce any requirements for a Public Services Staff Commission/er to oversee the merger process, leaving the individual transition committees, individual authorities and the Independent Remuneration Panel to address issues of pay without any recourse to either the recognised trade unions or to a Public Services Staff Commission/er.

Section 28 of the Bill which details the requirements for Pay Policy Statements is explored further below.

However as a general point, at this stage, I would like to flag up the need to look to protect and enhance the position of Councils that have completed Job Evaluation/Single Status and or have also implemented the Living wage. A Staff Commission/er could ensure that there is not a retrograde step in this regard, but could look to apply a consistent approach across from the old to the new Authorities. In addition, a Staff Commission/er could ensure that the legal requirement for Equal Pay is applied across Local Government in Wales and thereby reduce the threat for further equal pay claims being made, especially where those authorities that have completed Job Evaluation/Single Status negotiations, merge with ones that have not yet completed this task.

The other general observation from the GMB relates to statutory guidance re-issued by the Welsh Government last year – the Code of Practice on Workforce Matters (commonly referred to as the Two-Tier Code). This Code covers all aspects of the public service and relates to protection for employees who find themselves working for part of the public service that is ‘outsourced’. The Code provides a level of protection unfound in any other part of the United Kingdom and we have warmly welcomed the commitment of the Welsh Government to the public service workforce when they re-issued the Code.

Unfortunately, the powers available to the Welsh Government mean that local government only has to ‘have regard to’ this Code, unlike the ability of the Welsh Government to be able to ensure that the NHS ‘must’ follow the Code. This has meant, in our experience, a number of authorities ignoring the spirit in which the Code was issued.

We urge the National Assembly for Wales and the Welsh Government to include a reference to the Two Tier Code in this legislation to put Local Government on the same legal footing as the NHS with regard to this document thus ensuring that local authorities cannot wriggle out of implementing it.

### **Specific Sections of the Bill**

The specific sections of the Bill that we intend to concentrate on in our written evidence are set out below. We will be happy to explore these issues further in our oral evidence as well as take any questions on other aspects that Assembly Members may feel affect our membership.

#### **Section 4: Consultation before making merger application**

While this section relates to the voluntary mergers and we understand that there are currently no voluntary mergers going ahead, the wording of Section 4.1 (g) has caused the GMB extreme concern.

Sub section (g) states that the local authority must consult “*any organisation representing staff employed by any of the principal local authorities which has asked to be consulted*”. The explanatory notes of the Bill make it clear that the intention of this sub-section is for the authorities to consult with ‘any trade unions or other organisations representing staff employed by....’

The GMB and the trade union movement has long fought for (and continues to fight for) trade union recognition in the workplace. Local authorities in Wales all recognise trade unions via the appropriate National collective Bargaining arrangements, and this clause does not acknowledge this fact, thereby potentially allowing for local authorities to by-pass the recognised workplace trade unions in this process.

We have raised this matter with the Minister for Public Services directly since the publication of the Bill and have sought an oral commitment that a Government amendment will be tabled to address our concerns.

**Section 10** (6) sets out that TUPE will apply in relation to the voluntary mergers and to a transfer made under the merger regulations whether or not the transfer is a relevant transfer for the purposes of those regulations. This section is welcomed.

**Section 13** sets out the functions of the transition committees including recommendations on:

*1(a) facilitating the economic, effective and efficient transfer of functions, staff and property rights and liabilities from the merging authorities to the new principal local authority;*

*1(b) ensuring that the new principal local authority and its staff are in a position to perform the new principal local authority’s functions effectively as from the time when it assumes them, and*

*1(c) any other purposes that the Welsh Minister may specify by directions.*

As stated in the general overview above, we are looking to the Public Services Staff Commission/er to take a wider look at workforce planning across the public sector and to play a specific role in local government reorganisation that is not recognised in this section of the legislation.

**Sections 28 and 35** deal with Pay policy statements and the extension of the functions of the Independent Remuneration Panel (IRP), to enable them to make recommendations with regard to these statements. We currently have very little engagement with the preparation of pay policy statements in accordance with the Localism Act 2011 and are, therefore, unsure of the full implications of this section on our members. At the time of writing, we are exploring the relationships between our existing National Collective bargaining arrangements, the requirements of this Bill, the Independent Remuneration Panel and our preferred all-Wales Public Services Staff Commission model. (We would welcome further clarity upon this point, and opportunity for response if necessary, as the bill progresses)

The proposals for an expanded IRP are new to the trade union movement and we are, at the current time, unsure as to their full implications upon our members. As previously stated, we have initial concerns that the expansion of the IRP will undermine the work of the Public Services Staff Commission/er and lead to fragmentation of the arrangements for local authority merger in relation to workforce matters – something we have strongly argued against. We have read with interest the cost implications outlined in the Regulatory Impact Assessment for the extended IRP.

The final question for the Committee on Section 28 is – is 42 days long enough to enable certainty for staff about arrangements for the new authorities in the event of mergers being imposed rather than volunteered for? We reach no conclusion on this but it is an area that we will continue to monitor closely.

LG 05

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Estyn

### **Ymateb i ymgynghoriad y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol i Fil Llywodraeth Leol (Cymru)**

Dyma gylch gorchwyl ymchwiliad y Pwyllgor:

Ystyried:

1. Egwyddorion cyffredinol y Bil Llywodraeth Leol (Cymru) a'r angen am ddeddfwriaeth i:

- alluogi paratodau i gael eu gwneud ar gyfer rhaglen o uno a diwygio llywodraeth leol;
- caniatáu i Brif Awdurdodau Lleol uno yn wirfoddol erbyn mis Ebrill 2018;
- diwygio darpariaeth ym Mesur Llywodraeth Leol (Cymru) 2011 yn ymwneud â'r Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol a'r arolwg o gynghorwyr ac ymgeiswyr aflwyddiannus i gael eu hethol yn gynghorwyr;
- diwygio darpariaeth yn Neddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 yn ymwneud ag adolygiadau etholiadol.

Mae'r egwyddorion cyffredinol yn ymddangos yn rhai cadarn ac mae'r ddeddfwriaeth yn angenrheidiol.

2. Unrhyw rwystrau posibl rhag rhoi darpariaethau'r Bil ar waith, ac a yw'r Bil yn eu hystyried,

Dim sydd heb gael ei ystyried eisoes.

3. A oes unrhyw ganlyniadau anfwriadol yn deillio o'r Bil,

Un canlyniad anfwriadol caniatáu uno gwirfoddol yw'r posibilrwydd na fydd ceisiadau am uno ad hoc yn cydymffurfio â gweledigaeth genedlaethol gytûn ar gyfer ad-drefnu llywodraeth leol.

Ar hyn o bryd, mae Llywodraeth Cymru'n gofyn bod awdurdodau lleol yn cydweithio mewn consortia rhanbarthol i ddarparu gwasanaethau gwella ysgolion trwy ei Model Cenedlaethol ar gyfer Gweithio'n Rhanbarthol, er mai'r awdurdodau lleol unigol sydd â chyfrifoldeb statudol o hyd. Os yw awdurdodau lleol ar draws mwy nag un consortiwm yn uno, gallai hyn greu cymhlethdod di-fudd yn y system. Mae rôl y Model Cenedlaethol ar gyfer Gweithio'n Rhanbarthol yn cael ei chodi yn y papur ymgynghorol, gan gyfeirio at fodel cenedlaethol ar gyfer cyflwyno gwasanaeth addysg, ond ychydig iawn o ymhelaethu sydd ar hyn.

4. Goblygiadau ariannol y Bil (fel y nodir yn Rhan 2 y Memorandwm Esboniadol),

Yn ogystal â'r costau sy'n cael eu nodi yn y Memorandwm Esboniadol, mae'n bosibl y byddai costau tymor byr i'w talu pe bai'r consortia rhanbarthol ar gyfer gwella ysgolion yn cael eu had-drefnu neu eu dileu wrth i brif awdurdodau newydd ddod i'r amlwg.

5. Priodoldeb y pwerau yn y Bil i Weinidogion Cymru Iunio is-ddeddfwriaeth (fel y nodir ym Mhennod 5 Rhan 1 y Memorandwm Esboniadol).

Dim sylw.

**WELSH GOVERNMENT CONSULTATION**  
**Local Government (Wales) Bill**

**CONSULTATION**

**Introduction**

This response to the consultation on the Local Government (Wales) Bill is presented by Welshpool Town Council of Triangle House Union Street Welshpool SY21 7PG Tel 01938 553142 email [wtcouncil@btinternet.com](mailto:wtcouncil@btinternet.com)

The Bill was discussed at a meeting of the Council dated 18<sup>th</sup> February 2015.

**Background**

The Williams Report was published early in 2014 with recommendations with regard to both Principle and Local councils. Since that time there has been uncertainty as to what form local government will take in the future.

The Williams Report suggested 10-12 principle authorities in place of the current 22. Powys County Council was left as a single unit in those recommendations but linked with the Health Board.

There have been several statements by the Minister but to date there is no confirmation of the final plan expected.

This bill sets out the start point for local government reform.

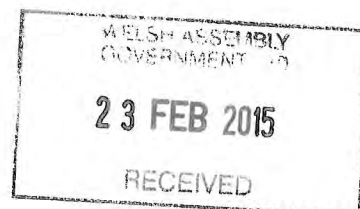
**Consultation**

The consultation runs until 13<sup>th</sup> March following which the Bill will go forward towards enactment.

**General Outline**

The general outline and main points of note are:

1. The Minister has not yet issued any decision on the number or make up of principle authorities so this bill does not refer to any specific proposals with regard to the number of authorities there might be in Wales.
2. The bill gives the power to the Minister to implement proposed local government reform.





3. The bill sets out a programme for the implementation of any voluntary mergers and any imposed mergers of principle authorities which is:
  - i. Voluntary merges by 2018
  - ii. Compulsory mergers by 2020
4. Those authorities who merge voluntarily will have delayed elections from 2017 into 2018.
5. The bill contains provisions to control authorities' actions and finances in a lead up to a merger.
6. The boundary commission will be asked to advise on new boundaries once the decision has been made by the Minister on which authorities there are to be.
7. There are provisions for shadow authorities to enable the merging of principle authorities; however these are to be paid for by the merging authorities.
8. The remuneration panel will be adjusted to allow them to be involved in setting the salaries and expenses of principle authority Councillors and senior officers.

### **Proposed response**

The proposed response on behalf of Welshpool Town Council is set out below:

1. The bill is generally supported subject to the comments below.
2. There is a need for clarity and a need to remove the uncertainty which current exists within both Principle and Local Councils.
3. The Minister is urged to make clear announcements on which authorities are to merger as soon as possible.
4. The Minister is urged to bring forward details of the future of Town and Community Councils at the same time.
5. The period of 2020 for new authorities is too long and should be brought forward following an early decision on mergers.
6. There should be help for merging authorities by the Welsh Government with regard to shadow authorities and transitional arrangements.
7. The new remit for the remuneration panel is supported.

**R A Robinson FRICS AILCM**  
**Town Clerk**  
**18<sup>th</sup> February 2015**



LG 07

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol

## **Local Government (Wales) Bill**

### **Communities, Equality & Local Government Committee**

#### **Written Evidence from the Independent Remuneration Panel for Wales**

The Independent Remuneration Panel for Wales (IRPW) has considered the Local Government (Wales) Bill and has agreed the following as written evidence to the Communities, Equality and Local Government Committee concentrating on those sections of the Bill that have implications for the Panel's work and its future functions.

#### **About the Independent Remuneration Panel for Wales**

The Panel is independent of central and local government and was established to determine the range and levels of allowances payable by county and county borough councils to their councillors and co-opted members with voting rights. The Panel's remit was extended under the Local Government (Wales) Measure 2011 to include the remuneration of members of national park authorities, fire and rescue authorities, and community and town councils in Wales. The Panel consists of a Chair, appointed by the Minister and four other members. The Panel must produce an annual report setting out its remuneration framework every year, and may produce supplementary reports at any time.

Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the 2011 Measure by inserting section 143A which enables the Panel to take a view and make recommendations, in relation to Principal Councils and Fire and Rescue Authorities, on anything in their Pay Policy Statement which relates to the salary of a Head of Paid Service. Principal Councils and Fire and Rescue Authorities are obliged to then have regard to any recommendation the Panel makes in relation to what is in their Pay Policy Statement concerning Chief Executives' pay.

The current Panel members, both individually and collectively, have considerable experience and knowledge of local government in Wales both as officials and as elected members and have appreciate the wider implications of the Local Government (Wales) Bill.

## **Implications of proposed mergers on remuneration of elected members**

The Bill's proposal to enable mergers of the existing 22 Principal Councils has potentially significant implications for the remuneration generally of councillors and, in particular, of those holding senior positions in the new authorities. At this stage the likely size (in terms of councillor numbers) of each of the merged councils has not been determined although the Panel has assumed that there is likely to be a reduction from the current total of 1254 councillors.

The Panel has analysed the populations and revenue budgets of the new authorities as proposed by the Williams Commission. This analysis indicates that there will be considerable and significant variations in the size of authorities with populations ranging from over 470,000 to just over 100,000 and revenue budgets (based on current estimated figures) ranging from over £600m to £230m.

The Panel would need to take these variations into account when considering the appropriate levels of remuneration of leaders, members of the executive and other senior post-holders as there will be significant differences in the levels of responsibility. The outcome of reviews to be undertaken by the Local Democracy and Boundary Commission for Wales and the resultant representation ratio of members to electorate could also impact on the Panel's consideration of appropriate remuneration. The Panel will also continue to have regard to affordability and reasonableness in all its determinations.

It is not inconceivable that in future the IRPW might have to consider bespoke remuneration frameworks for each council once the Bill has been implemented and the Panel is ready to respond to these issues when the detailed decisions about the size of councils and electorates emerge. To develop and maintain individual frameworks would increase the workload of the Panel considerably and the provision for increasing the Panel's membership from five to six in Section 36 of the Bill is welcomed by the Panel.

## **The salaries of Chief Executives and Chief Officers of the proposed shadow authorities**

The Panel notes the intention to extend the current powers in respect of salaries of Heads of Paid Service (Chief Executives) and Chief Officers to the shadow authorities. If it is considered appropriate to develop/extend the powers of the IRPW in this way, it will be important to examine the skill set of the Panel members to ensure that there is the necessary capacity to undertake this wider role. Once again, taking these extra responsibilities into account, the IRPW welcomes Section 36 of the Bill which would increase its membership from five to six, particularly given the far greater number of officers for which the Panel would become responsible in relation to their salaries.

## **Diversity within council membership**

The Panel's visits during 2013 to each principal council in Wales demonstrated that there are major issues in respect of diversity in the representative role. The current balance of gender, age and ethnicity is clearly not representative of the population of Wales or of individual local authority areas. We recognise that this is not unique to local government, but the proposed reform provides an opportunity to influence this situation.

The Panel supports the proposals at Section 37 of the Bill and considers that the survey of local authority candidates is a will provide useful benchmarking data regarding diversity in local government in wales.

Richard Penn

Chair of the Independent Remuneration Panel for Wales

LG 08

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Huw Vaughan Thomas, Archwilydd Cyffredinol Cymru

Ms Christine Chapman AC  
Cadeirydd  
Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Cynulliad Cenedlaethol Cymru  
Bae Caerdydd  
Caerdydd CF99 1NA

Dyddiad: 27 Chwefror 2015  
Ein cyf: HVT/2279/fgb  
Tudalen: 1 o 1

Annwyl Christine,

### YMGYNGHORIAD AR FIL LLYWODRAETH LEOL (CYMRU)

Diolch am eich llythyr dyddiedig 28 Ionawr yn fy ngwahodd i roi tystiolaeth i'r Pwyllgor ynghylch yr ymchwiliad rydych yn ei gynnal i mewn i egwyddorion cyffredinol Bil Llywodraeth Leol (Cymru).

Mae fy nhystiolaeth ysgrifenedig wedi ei atodi. Rwyf yn edrych ymlaen at ymddangos gerbron y Pwyllgor ar ddydd Iau, 12 Mawrth 2015.

Yn gywir

**HUW VAUGHAN THOMAS**  
**ARCHWILYDD CYFFREDINOL CYMRU**

Amg: *Tystiolaeth Archwilydd Cyffredinol Cymru*

**Tystiolaeth Archwilydd Cyffredinol Cymru  
Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Y Bil Llywodraeth Leol (Cymru)  
Chwefror 2015**

**Sylwadau'n ymateb i Gylch Gorchwyl y Pwyllgor:**

**1. Egwyddorion cyffredinol y Bil Llywodraeth Leol (Cymru) a'r angen am ddeddfwriaeth i:**

- alluogi paratodau i gael eu gwneud ar gyfer rhaglen o uno a diwygio llywodraeth leol;
- caniatáu i Brif Awdurdodau Lleol uno yn wirfoddol erbyn mis Ebrill 2018
- diwygio darpariaeth ym Mesur Llywodraeth Leol (Cymru) 2011 yn ymwneud â'r Panel Taliadau Annibynnol Cymru a'r arolwg o gynghorwyr ac ymgeiswyr aflwyddiannus i gael eu hethol yn gynghorwyr;
- diwygio darpariaeth yn Neddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 yn ymwneud ag adolygiadau etholiadol.

1.1. Mae egwyddorion cyffredinol y Bil yn ymddangos yn briodol. Fodd bynnag, o ystyried penderfyniad y Gweinidog i wrthod y tri datganiad o ddiddordeb i uno'n wirfoddol, rhaid gofyn a fydd angen cynnwys y darpariaethau sy'n ymwneud ag uno'n wirfoddol. Yn ogystal â hyn, fel y mae'r ymateb i gwestiwn 2 yn ei awgrymu, mae'n bosibl y bydd anawsterau ymarferol yn ymwneud â'r amserlen ar gyfer uno'n wirfoddol oherwydd y bwriad i gadarnhau'r map uno yn ystod haf 2015.

**2. Unrhyw rwystrau posibl rhag rhoi'r darpariaethau hyn ar waith, ac a yw'r Bil yn eu hystyried.**

2.1. Bydd yn anodd cadw at yr amserlen ar gyfer uno'n wirfoddol. Yn adran 2(8), nodir mai'r dyddiad trosglwyddo yw 1 Ebrill 2018. Fodd bynnag, er mwyn cadw at y dyddiad hwn, ymddengys y byddai angen:

- I awdurdodau weld map y Gweinidog sy'n dangos yr awdurdodau y bwriedir eu gorfodi i uno – ni fyddai fawr o ddiben i awdurdodau gynnal trafodaethau manwl ag awdurdodau na fyddant yn cael uno â nhw.
- I awdurdodau gynnal trafodaethau manwl â'r awdurdodau hynny y byddant yn uno â nhw (ac y byddent yn cael eu gorfodi i uno â nhw yn 2020 beth bynnag).
- I Aelodau bob cyngor benderfynu'n ffurfiol mewn cyfarfod cyngor llawn i fwrw ymlaen â chynllun i uno'n wirfoddol.
- I Awdurdodau sydd am uno'n wirfoddol baratoi cynigion ffurfiol i uno, gan ddilyn y canllawiau a gyhoeddodd y Gweinidog o dan adran 5.
- I Awdurdodau gynnal ymgynghoriad cyhoeddus eang yn unol ag adran 4, cyn cyflwyno cais.

- Cyflwyno cais i Weinidogion Cymru erbyn 30 Tachwedd 2015 (neu erbyn rhyw ddyddiad a bennir gan Weinidogion Cymru yn y rheoliadau).

2.2. Hyd yn oed os newidiwyd y dyddiad cau ar gyfer ceisiadau i 1 Ebrill 2016, er enghraifft, byddai'n dal yn anodd, o fewn yr amserlen a bennwyd, rhoi'r holl drefniadau angenrheidiol ar waith i sefydlu Awdurdodau Cysgodol, fel sy'n ofynnol o dan adran 7.

### 3. A oes unrhyw ganlyniadau anfwriadol yn deillio o'r Bil.

3.1. Mae perygl y gallai'r darpariaethau yn adran 28 o'r Bil, yn ymwneud â chyflogau uwch swyddogion, arwain at anghysondeb yn y modd y cânt eu dehongli. Mae hyn yn digwydd ar hyn o bryd wrth gofnodi cyflogau uwch swyddogion yn natganiadau cyfrifon awdurdodau lleol. I osgoi anghysondebau o'r fath, bydd angen rhoi diffiniad clir a diamwys o'r 'prif swyddogion' y cyfeirir atynt yn adran 28 o'r Bil.

3.2. Mae adran 4 o'r Bil yn ei gwneud yn ofynnol i awdurdodau lleol ymgynghori ag amrywiaeth o randdeiliaid cyn cyflwyno cais i uno. Yn ogystal â'r rhai y byddai'r awdurdodau lleol eu hunain yn penderfynu y dylid ymgynghori â nhw, byddai'n ddymunol pe bai'r Bil yn nodi'n benodol fod yn rhaid i awdurdodau lleol ymgynghori â'r rhai y maent yn cydweithredu'n ffurfiol â nhw, er enghraifft, Byrddau Gwasanaethau Lleol, Byrddau Lleol Diogelu Plant a'r Byrddau Rheoli Timau Troseddu Ieuencid.

3.3. Os bydd unrhyw ddiffygion gweithdrefnol yn y broses o uno, fel diffygion yn y broses ymgynghori, mae'n bosibl y gellid gwneud cais am Adolygiad Barnwrol, fel a ddigwyddodd mewn nifer o ardaloedd pan ad-drefnwyd llywodraeth leol yn Lloegr rhwng 1994 a 97. Gallai ceisiadau o'r fath arwain at wariant ac oedi ychwanegol.

### 4. Goblygiadau ariannol y Bil (fel y nodir yn Rhan 2 o'r Memorandwm Esboniadol)

4.1. Ymddengys nad yw'r gwaith costio yn y Memorandwm Esboniadol yn rhoi trosolwg llawn ar gost debygol y Bil. Er mai teitl Atodiad A ar dudalen 104 yw "Pennu Cost yr Opsiynau", ymddengys mai dim ond cost y pwyllgorau pontio sydd dan sylw. Gellir ystyried bod tablau 17 ac 18 ar dudalennu 96 a 97 yn crynhoi costau Llywodraeth Cymru a llywodraeth leol ond mae llawer o eitemau wedi'u nodi'n "Amh", ac mae paragraff 208 ar dudalen 95 yn dweud "er y ceir rhai meysydd (bwriad polisi 4 yn enwedig) lle na fu'n bosibl llunio amcangyfrif hyd yma." Fodd bynnag, ymddengys bod y Bil yn cynnwys darpariaeth ddeddfwriaethol sylfaenol ar gyfer cynlluniau i uno'n wirfoddol, a byddai'n briodol, felly, i'r Memorandwm Esboniadol roi amcangyfrif o gost cynlluniau o'r fath. Mae'n werth nodi bod y papur ar y Bil a baratowyd gan Wasanaeth Ymchwil y Cynulliad yn cynnwys amcangyfrif mwy cynhwysfawr o'r gost o ad-drefnu llywodraeth leol yn gyffredinol.

4.2. Mae gan y Bil oblygiadau i'm gwaith i o archwilio cyfrifon awdurdodau lleol. Gan ei bod yn bur debygol y bydd yn rhaid i awdurdodau cysgodol wario arian cyhoeddus,

byddai'n briodol cynnwys darpariaeth benodol ar gyfer rheoliadau i ddarparu ar gyfer y gwaith o archwilio'u cyfrifon. Ffordd briodol o wneud hynny fyddai drwy ddynodi awdurdodau cysgodol yn gyrrff llywodraeth leol at ddibenion adran 12 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004, a gellid gwneud hynny yn y rheoliadau. Byddai'n ddefnyddiol pe bai Llywodraeth Cymru yn cadarnhau'r hyn y mae'n bwriadu ei wneud yn y cyswllt hwn.

- 4.3. Mae'r amserlen ar gyfer ad-drefnu llywodraeth leol yng Nghymru yn cyd-daro â'r flwyddyn gyntaf arfaethedig ar gyfer cau cyfrifon llywodraeth leol yn gynnar, yn ôl gofynion Trysorlys Ei Mawrhydi, a bydd hyn yn creu rhagor o anawsterau o ran amserlen yr archwilwyr a'r awdurdodau. A bwrw bod yr awdurdod newydd cyntaf yn cael ei sefydlu ar 1 Ebrill 2018, byddai angen archwilio datganiad cyntaf o gyfrifon (2018-2019) yr awdurdod hwnnw erbyn mis Gorffennaf 2019. Yn ystod y flwyddyn flaenorol (2017-18) byddai angen archwilio datganiadau o gyfrifon yr awdurdodau sy'n dirwyn i ben a'r awdurdod cysgodol a'r pwyllgor pontio erbyn diwedd mis Gorffennaf 2018, a byddai'r amserlen honno'n un uchelgeisiol iawn.
- 4.4. Hefyd, wrth baratoi eu cyfrifon ar gyfer 2017-2018, byddai angen i'r awdurdodau sy'n dirwyn i ben ystyried y cydsyniad angenrheidiol ar gyfer y trafodion y cyfeirir atynt yn adrannau 30, 31 a 32. Fodd bynnag, ni fyddai gadael y gwaith hwnnw nes caiff y cyfrifon diwedd blwyddyn eu harchwilio yn ystod haf 2018 yn rhoi fawr o sicrwydd gan y gallai'r trafodion hynny fod wedi'u cwblhau erbyn hynny. Byddai angen, felly, ymgymryd â rhywfaint o waith archwilio sicrwydd penodol rhwng mis Ebrill 2017 a mis Mawrth 2018 at y diben hwn.
- 4.5. Mae'r gwerthoedd ariannol a bennir ar gyfer y darpariaethau caffael/gwaredu tir perthnasol yn ymddangos yn isel. Pe bai'r trothwyon hyn yn cael eu defnyddio, gallai amharu ar allu'r cyngor presennol i redeg busnes yr awdurdod o ddydd i ddydd. Gallai'r pwyllgor pontio/awdurdod cysgodi fod yn ystyried nifer sylweddol o gytundebau, tra byddai hefyd yn cynllunio i uno, a gallai hyn greu oedi mewn prosiectau dilys ac angenrheidiol.
- 4.6. Mae paragraff 235 o'r adran honno o'r Memorandwm Esboniadol sy'n ymdrin â chynnal adolygiad ar ôl gweithredu'n nodi:  
"Byddai swyddogaethau Swyddfa Archwilio Cymru o ran archwilio gwariant cyhoeddus yn parhau'n gyfraniad pwysig i'r gwaith o fonitro effeithiolrwydd Awdurdodau presennol wrth i drefniadau cydweithio ymddangos fwyfwy. Mae Swyddfa Archwilio Cymru yn cyflawni rhaglen o archwiliadau yng nghyswllt cyfrifon statudol Prif Awdurdodau Lleol yn flynyddol. Mae'r archwilwyr yn nodi eu canfyddiadau a'u hargymhellion drwy'r dystysgrif archwilio (y farn archwilio) ac adroddiad i'r Awdurdod Lleol. Mae'r Archwilydd Cyffredinol yn annog archwilwyr i ddatrys problemau gydag Awdurdodau Lleol, pryd bynnag y bo hynny'n bosibl, drwy'r dulliau hyn. Mae'r argymhellion yn statudol ac mae gofyn i Brif Awdurdodau Lleol weithredu ar eu sail."



4.7. Mae nifer o agweddau ar baragraff 235, yn anffodus, yn anghywir:

- Dylai gyfeirio at 'Archwilydd Cyffredinol Cymru' yn hytrach na "Swyddfa Archwilio Cymru" er mwyn adlewyrchu'r swyddogaethau cyfreithiol yn briodol.
- Mae'n aneglur sut y mae'r gwaith o archwilio cyfrifon yn berthnasol i'r adolygiad ar ôl gweithredu. Bydd y gwaith o archwilio trefniadau i sicrhau bod yr awdurdod yn gweithredu'n economaidd, yn effeithlon ac yn effeithiol, ynghyd â'r asesiadau o welliannau, a gynhelir o dan Fesur Llywodraeth Leol (Cymru) 2009, yn fwy perthnasol i'r broses o fonitro pa mor effeithiol yw'r uno nag unrhyw waith yn ymwneud ag archwilio cyfrifon. Hefyd, byddaf yn ystyried y rhaglen ddiwygio fel pwnc posibl i'w astudio o dan adran 41 o Ddeddf 2014 i helpu gyda'r adolygiad ar ôl gweithredu.
- Nid yw argymhellion yr Archwilydd Cyffredinol yn statudol yn yr ystyr bod yn rhaid i'r cyrff a archwiliwyd gydymffurfio â nhw (er bod darpariaethau statudol yn ymwneud â'r modd y dylid ystyried yr argymhellion mewn rhai amgylchiadau, er enghraifft, o dan adran 25 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004).

## **5. Priodoldeb y pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (fel y nodir ym Mhennod 5 o Ran 1 o'r Memorandwm Esboniadol)**

5.1. Nid oes gennyf unrhyw sylwadau ar briodoldeb y pwerau arfaethedig.

LG 09

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

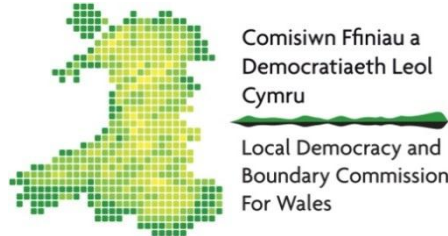
Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Comisiwn Ffiniau a Democratiaeth Leol Cymru

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Mrs Christine Chapman AC  
Cadeirydd  
Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Cynulliad Cenedlaethol Cymru  
Bae Caerdydd  
CF99 1NA

25 Chwefror 2014

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Annwyl Gadeirydd,

### **Bil Llywodraeth Leol (Cymru): Tystiolaeth Ysgrifenedig**

Diolch i chi am y cyfle i roi barn y Comisiwn ar Fil Llywodraeth Leol (Cymru) a'i rôl i gyflwyno argymhellion ar gyfer trefniadau etholiadol newydd i Lywodraeth Cymru ar gyfer prif gynghorau newydd arfaethedig.

Ar ôl ystyried yn ofalus, mae'r Comisiwn o'r farn fod meysydd lle gellid gwneud darpariaeth ddeddfwriaethol i alluogi'r Comisiwn i ystyried yn effeithiol a gwneud argymhellion ar gyfer trefniadau etholiadol i'r awdurdodau newydd. Hefyd, mae ystyriaethau mwy cyffredinol i'r Comisiwn y cred y dylai eu codi yn y cyswllt hwn; ac nid yw'r un ohonynt yn bwysicach na mater amseru ar gyfer yr adeg pan fydd y Comisiwn wedi'i alluogi i gynnal yr arolygon.

Bydd cynnal arolygon o'r awdurdodau newydd yn fwy cymhleth ac yn mynnu mwy o adnoddau na'r arolygon a gynlluniwyd o dan y rhaglen arolygon deng mlynedd flaenorol. Dymuna'r Comisiwn weithio gyda

Llywodraeth Cymru i nodi'r lefel adnoddau y bydd ei hangen i ymgymryd â'r rhaglen waith o fewn y graddfeydd amser gofynnol, ac i gyflawni deilliant priodol o ran ansawdd yr argymhellion a gyflwynir i Weinidogion Cymru.

Mae'r ymateb hwn wedi'i rannu yn adrannau sy'n adlewyrchu cylch gorchwyl y Pwyllgor.

## **1. Egwyddorion cyffredinol Bil Llywodraeth Leol (Cymru) a'r angen am ddeddfwriaeth.**

Mewn ystyr cyffredinol, nid yw'r cynnig i ddiwygio strwythur llywodraeth leol yng Nghymru yn fater i'r Comisiwn ei ystyried, a bydd yn cydnabod penderfyniadau Gweinidogion a'r Cynulliad Cenedlaethol yn hyn o beth. O ran y Bil sydd dan ystyriaeth ar hyn o bryd, mae'r Comisiwn yn croesawu ei gynigion, yn enwedig y pŵer i'r Gweinidog roi cyfarwyddyd i'r Comisiwn gynnal arolygon cychwynnol o brif gynghorau arfaethedig.

## **2. Rhwystrau Posibl rhag Gweithredu a pha un a yw'r Bil yn eu hystyried.**

Mae'r Comisiwn o'r farn fod y materion hanfodol ar gyfer galluogi cynnydd yn faterion datrys pryderon a fyddai'n atal y Comisiwn rhag cael amser digonol i ymgymryd â'r arolygon cychwynnol ac i ddarparu eglurder ynghylch materion hanfodol. Mae'r datrysiad i rai o'r materion hyn yn y Bil ac mae rhai eraill yn destun camau gan y weithrediaeth a fyddai'n cyd-fynd â'r Bil. Gellir eu nodi fel a ganlyn:

### **1. Darpariaethau'r Bil.**

Mae'r Comisiwn yn croesawu mesurau penodol sy'n galluogi i gynnydd gael ei wneud.

- Ar hyn o bryd nid yw'r Comisiwn wedi'i rymuso i gynnal arolygon o brif gynghorau arfaethedig; mae Adran 16(1) yn grymuso'r Gweinidog i gyfarwyddo'r Comisiwn i gynnal arolygon cychwynnol; byddai defnyddio'r pŵer hwnnw yn galluogi i'r broses arolygon ddechrau yn gynnar.
- Y ddarpariaeth sy'n galluogi'r Comisiwn i ddechrau'r broses o gynnal arolygon cychwynnol ar y diwrnod y ceir Cydsyniad Brenhinol Adran 41(2). Byddai gweithredu yn amodol ar Gyfarwyddyd yn cael ei roi gan y Gweinidog.

- Diwygiadau i Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013: dileu'r 'Cyfnod cyn-etholiad' gan y bydd hyn yn cynorthwyo ag amseroldeb y cyfnod sydd ar gael ar gyfer y broses cynnal arolygon, a'r grym i ailddechrau'r rhaglen 10 mlynedd ar ôl cwblhau'r cylch arolygon cychwynnol.

Mae amheuan gan y Comisiwn ynglŷn â'r canlynol, fodd bynnag, a gofynna gyda pharch fod ystyriaeth yn cael ei rhoi i newid darpariaethau'r Bil fel y'u cyflwynwyd yn y meysydd a ddynodwyd:

- Arolwg: Ymgynghoriad Cychwynnol.

Cred y Comisiwn y dylai ystyriaeth gael ei rhoi i Adran 20 mewn perthynas ag ymgynghoriadau ar arolwg cychwynnol cyn bod y cynigion drafft yn cael eu cyhoeddi. Mae'r weithdrefn ar gyfer cynnal arolygon cychwynnol fel y'i hamlinellir yn y Bil yn mynnu yn gyntaf ymgynghori ar Bolisi ac Arfer arfaethedig y Comisiwn ar gyfer cynnal arolygon, ac yna'r hysbysiad o arolwg a chyfnod ymgynghori cychwynnol, cyhoeddi'r adroddiad cynigion drafft, saib o wythnos, cyfnod ymgynghori pellach (6 i 12 wythnos) a chyflwyno a chyhoeddi adroddiad cynigion terfynol.

Mae'r Comisiwn yn cydnabod, yn ôl trefn arferol rhaglen arolygon etholiadol deng mlynedd, fod y broses hon yn gwbl briodol. Fodd bynnag, yn achos y rhaglen arbennig hon o arolygon cychwynnol, a'r amserlenni tynn y mae'n debygol y rhoddir i'r Comisiwn, dylid gwneud eithriad er mwyn galluogi'r Comisiwn i gwblhau ei weithgareddau mewn modd amserol.

Profiad y Comisiwn o arolygon etholiadol blaenorol yw bod 60% o'r cynrychiolaethau a ddaw i law yn y cyfnod ymgynghori cychwynnol yn geisiadau i gadw'r trefniadau presennol. Bydd rhaglen arolygon etholiadol yr awdurdodau cyfunedig newydd fel y'u rhagwelir yn arwain yn anochel at gynigion am drefniadau etholiadol sy'n amrywio'n sylfaenol oddi wrth y trefniadau presennol. Gan ddisgwyl y newidiadau hyn, mae'r niferoedd o gynrychiolaethau a dderbynnir yn ystod yr ymgynghoriad cychwynnol sy'n galw am gadw'r trefniadau presennol yn debygol o fod yn fwy fyth nag o dan arolygon blaenorol. Mae'r Comisiwn o'r farn na fyddai cynrychiolaethau felly yn ychwanegu gwerth at y broses arolygon.

O ran cynnal arolwg, mae'r gofyniad i gynnal ymgynghoriad cychwynnol yn peri pryder i'r Comisiwn am fod y gwaith o brosesu cynrychiolaethau yn mynnu llawer o adnoddau a swyddogion. Rhaid i'r holl gynrychiolaethau gael eu cofnodi a'u cydnabod, eu crynhoi ar gyfer yr adroddiad, eu hystyried a'u cynnwys mewn crynodebau o gynigion. Ni all cynlluniau ar gyfer trefniadau etholiadol gael eu hystyried yn effeithiol hyd nes bod y cyfnod ymdrin â chynrychiolaethau wedi dod i ben. Gwaethygir y broblem hon gan y ffaith y daw mwyafrif y cynrychiolaethau i law ar ddiwedd y cyfnod ymgynghori. Felly, nid nifer wythnosau'r cyfnod ymgynghori yw'r amser y mae'n ofynnol ei gael ar

gyfer cyfnod cychwynnol arolwg, ond sawl wythnos arall ar gyfer prosesu ac ystyried y cynrychiolaethau.

Mae'r Comisiwn wedi nodi nad yw'r gweithdrefnau ar gyfer arolygon seneddol a gynhelir gan y Comisiwn Ffiniau i Gymru (o dan Ddeddf System Pleidleisio Seneddol ac Etholaethau (PVSC) 2011) yn mynnu cyfnod ymgynghori cychwynnol. Mae hyn yn galluogi'r Comisiwn Ffiniau i Gymru i edrych ar drefniadau yn annibynnol a gwrthrychol i gychwyn.

Wrth gynnal y rhaglen o arolygon a amlinellir yn y Bil, bydd polisïau a gweithdrefnau'r Comisiwn ar gyfer yr arolygon cychwynnol yn cael eu cyhoeddi a'u cylchredeg yn eang cyn dechrau'r rhaglen arolygon cychwynnol. Bwriedir y bydd y ddogfen polisïau a gweithdrefnau yn cynnwys amserlen a manylion nifer arfaethedig y cynghorwyr ar gyfer yr awdurdodau lleol newydd. Cyn dechrau pob arolwg, bydd y Comisiwn yn cynnal cyfarfodydd gyda swyddogion yr awdurdodau lleol ac yn gwneud cyflwyniadau yn esbonio'r broses arolygon i Aelodau'r Cyngor a hefyd i'r Cynghorau Cymuned yn yr ardal lle cynhelir arolwg. Fel hyn, bydd pawb sydd â buddiant mewn arolwg penodol wedi cael y cyfle i ddeall prosesau a gweithdrefnau'r arolwg, a byddant wedi cael eu hannog i gyfranogi yn yr arolwg. Os darperir cyfnod amser gryn dipyn byrrach i gynnal arolygon, gallai dileu'r ddarpariaeth hon fod yn allweddol bwysig i'r Comisiwn.

I gloi felly, mae'r Comisiwn yn gofyn, ar gyfer y rhaglen arbennig hon o arolygon cychwynnol o dan y darn hwn o ddeddfwriaeth, bod ystyriaeth yn cael ei rhoi i ddileu'r gofyniad i ymgymryd â'r cyfnod ymgynghori cychwynnol hwn (Adran 20(1)(a)).

- Gwahaniaeth rhwng Poblogaeth Gymwys ac Etholwyr Cofrestredig.

Mae'r Bil yn mynnu bod y Comisiwn yn ystyried unrhyw anghysondeb rhwng nifer yr etholwyr ar y cofrestrï a'r rheiny sy'n gymwys i bleidleisio. Nid yw'r ystadegau hyn, i'r lefel manylder a chywirdeb a fynnir gan y Comisiwn, yn bodoli ar hyn o bryd. Dim ond ym mlwyddyn y Cyfrifiad y caiff data ar boblogaeth ei chadw'n gywir. Mae'r holl ystadegau poblogaeth eraill yn amcangyfrifon a gaiff eu cywiro, ar ôl y ffaith, gan y Cyfrifiad canlynol.

Nid yw manylion amcangyfrifon poblogaeth islaw lefel ward etholiadol ar gael ar lefel cymuned neu lefel ward gymunedol yng Nghymru. Nid yw'r Ardaloedd Cynnyrch Ehangach Haen Is, sef yr unedau lleiaf y bydd y Swyddfa Ystadegau Gwladol yn eu cynhyrchu, naill ai'n cydweddu â'r ffiniau hyn neu maent yn fwy na'r ardaloedd hyn. Yn wir, nid yw rhai o'r Ardaloedd Cynnyrch Ehangach Haen Is (neu Ardaloedd Cynnyrch Ehangach Haen Is cyfunedig) yn cydweddu â llawer o ffiniau wardiau etholiadol Cymru, ac maent, mewn gwirionedd, yn amcangyfrifon o boblogaeth yn hytrach na'n ffynhonnell awdurdodol poblogaeth wirioneddol.

Oherwydd yr ystyriaethau technegol hyn, byddai defnyddio data poblogaeth yn cyfyngu'n sylweddol ar allu'r Comisiwn i greu wardiau etholiadol gan nad yw'r data poblogaeth ar gyfer cymunedau a wardiau cymunedol yn bodoli ar hyn o bryd.

Fodd bynnag, mae'r Comisiwn yn cydnabod fod cyflwyno Cofrestru Etholiadol Unigol (IER) wedi codi pryderon yn y maes hwn a bydd y Comisiwn yn defnyddio'r amcangyfrifon ar gyfer poblogaeth sydd ar gael; y wardiau presennol fel ag yr oeddent yn 2011. Er eu bod o gymorth yn yr arolygon lle'r ydym yn cyfuno wardiau etholiadol cyfan i ffurfio rhai newydd, ni fydd yn bosibl lle'r ydym yn rhannu wardiau etholiadol presennol.

Yn ddelfrydol, hyd nes y cynhelir ymarferiad i greu data poblogaeth newydd ar gyfer cymunedau a wardiau cymunedol, yna dylai'r ddarpariaeth hon gael ei hatal o arolygon y mae'r Comisiwn yn eu cynnal.

Yn unol â hynny, mae'r Comisiwn yn awgrymu bod ystyriaeth yn cael ei rhoi i argymhell dileu'r darpariaethau perthnasol yn Adran 18.

## 2. Penderfyniadau Gweinidogion

Ffactor hanfodol o ran galluogi'r Comisiwn i ddechrau ei waith ac i gynnal arolygon yw dyddiad cyhoeddi a chynnwys Cyfarwyddyd a gaiff ei roi gan y Gweinidog o dan ei bwerau arfaethedig a gynhwysir yn Adrannau 16 a 17. Gallai Cyfarwyddyd gynnwys y canlynol:

- (a) trefn a nifer yr arolygon;
- (b) y dyddiad cau ar gyfer cyflwyno cynigion;
- (c) cyfarwyddyd neu arweiniad ar nifer yr aelodau etholedig ar gyfer pob cyngor arfaethedig;
- (ch) unrhyw amrywiant yn y gymhareb etholwyr i aelodau etholedig mewn wardiau etholiadol a gynhwysir mewn Cyfarwyddyd neu arweiniad;
- (d) ymgylgoreion gorfodol; a,
- (dd) ffactorau ychwanegol pellach neu ddiffiniadau i'w hystyried.

Mae ffactorau yr effeithir arnynt gan Gyfarwyddyd yn cynnwys :

- Amseru Rhaglen Arolygon

Yr ystyriaeth allweddol i'r Comisiwn, o ran darparu trefniadau etholiadol ar gyfer yr awdurdodau lleol newydd, yw derbyn Cyfarwyddyd sy'n awdurdodi dechrau arolygon cychwynnol cyn gynted â phosibl ar ôl y dyddiad cael Cydsyniad Brenhinol. Bydd galluogi'r amser mwyaf posibl yn galluogi'r Comisiwn i gynnal yr arolygon mewn modd amserol. Bydd oedi sylweddol o ran derbyn Cyfarwyddyd cynhwysfawr a dechrau arolygon yn peryglu'r rhaglen arolygon.

Bydd pwyntiau dechrau gwahanol yn effeithio ar ffactorau pwysig, fel recriwtio staff y Comisiwn a pholisïau a gweithdrefnau arolygon. Ceisir Cyfarwyddyd eglur gan Lywodraeth Cymru cyn gynted ag sy'n ymarferol bosibl.

- Nifer yr Aelodau Etholedig

Un ffactor hanfodol wrth gynnal arolwg o drefniadau etholiadol yw nifer yr aelodau a gaiff eu hethol i brif gyngor newydd. Yn unol â hynny, mae'n hollbwysig bod syniad cynnar yn cael ei roi o niferoedd aelodau a bod hynny'n cael ei ddatgan yn y Cyfarwyddyd neu'r Arweiniad. Nodir bod y Papur Gwyn '*Grym i Bobl Leol*' yn ystyried mater aelodau etholedig.

Fel arall, pe bai'n ofynnol i'r Comisiwn ei hun bennu'r nifer briodol o aelodau fesul cyngor, yna byddai cynnig ar y pwnc hwn yn mynnu cynnal ymgynghoriad agored a byddai hynny'n ymarferiad a fyddai'n cymryd cryn amser. I ddangos hynny, cymerodd yr ymarferiad diwethaf ar niferoedd cynghorwyr ar gyfer y 22 awdurdod presennol 18 mis o'i gychwyn i'w gwblhau. Dyluniwyd y model a'r fethodoleg gyfredol yn benodol ar gyfer y 22 awdurdod lleol presennol, gyda'u nodweddion amrywiol o ran maint a dwysedd poblogaeth, a natur drefol/wledig awdurdodau. Pan fydd map cytûn wedi'i benderfynu, byddai angen i'r Comisiwn ymgymryd â phroses debyg felly i geisio cytundeb ar fodel newydd ar gyfer y nifer briodol o aelodau ar gyfer pob Prif Cyngor newydd. Byddai goblygiadau sylweddol ynghlwm wrth hyn o ran gallu'r Comisiwn i gwblhau'r amserlen mewn pryd.

Gan hynny, y cynnig a ffefrir yw i nifer yr aelodau gael ei datgan mewn Cyfarwyddyd neu mewn Arweiniad a gyhoeddir yn fuan ar ôl y dyddiad cael Cydsyniad Brenhinol.

### **3. Canlyniadau anfwriadol yn deillio o'r Bil.**

Nid yw'r Comisiwn hyd yma wedi nodi unrhyw ganlyniadau anfwriadol i'r rhan o'r Bil sy'n ymwneud yn benodol â'r Comisiwn. Fodd bynnag, mae pryder y gallai darpariaethau ar gyfer cyfuniadau gwirfoddol, (Adrannau 3 a 5) gael effaith sylweddol ar raglen arolygon y Comisiwn. Fel y mae wedi'i ddrafftio, byddai'r Bil yn galluogi i gynigion ar gyfer cyfuniadau gwirfoddol gael eu gwneud hyd at ac ar ôl 30 Tachwedd 2015, gyda'r dyddiad diwethaf yn dibynnu ar Reoliadau yn y dyfodol. Mae'r Comisiwn yn pryderu, pe bai unrhyw gynigion o'r fath yn cael eu gwneud, a fyddai'n mynnu gwneud a chyhoeddi Rheoliadau newydd ac Arweiniad newydd gan Weinidogion, y gallai amseru'r rhaglen arolygon fel y'i deallir ar hyn o bryd gael ei beryglu. Gellid unioni hyn drwy wneud Cyfarwyddiadau yn rhoi dyddiadau diwygiedig ar gyfer cwblhau'r arolygon, ond gallai arwain at etholiadau ar gyfer prif gynghorau newydd yn cael eu cynnal ar ddyddiadau gwahanol.

#### 4. Goblygiadau ariannol.

Mae Rhan 2 y Memorandwm Esboniadol yn cynnwys goblygiad ariannol y Bil i'r Comisiwn. Cymerwyd y ffigurau hyn o amcangyfrifon a ddangoswyd i Lywodraeth Cymru. Ers mis Tachwedd, mae cyflwyniad y Bil a'r gwrthodiad i gynlluniau ac amcangyfrifon pellach cyfuniadau gwirfoddol wedi'u darparu i Lywodraeth Cymru. Mae'r Comisiwn yn falch fod y costau amcangyfrifedig i Lywodraeth Cymru wedi'u cynnwys yn eu hamcanestyniadau a bydd y Comisiwn yn parhau i ddarparu amcangyfrifon wedi'u diweddarau wrth i'r Bil fynd yn ei flaen ac wrth i unrhyw newidiadau gael eu gwneud.

#### 5. Priodoldeb Pwerau ar gyfer llunio Is-ddeddfwriaeth

Mae'r pwerau i lunio is-ddeddfwriaeth mewn perthynas â'r rheiny sy'n effeithio ar y Comisiwn i weld yn gwbl briodol.

#### Gwybodaeth Ategol

I ategu ei dystiolaeth, credai'r Comisiwn y byddai'n fuddiol amlinellu i'r Pwyllgor ei ddehongliad o'r Bil o ran ei amseru a gweithgareddau'r Comisiwn:

Trefn	Amseru	Gweithgaredd
1	Gorffennaf 2015	Caiff map ei gyhoeddi ar gyfer awdurdodau lleol newydd arfaethedig yng Nghymru
2	Tachwedd 2015	Mae'r Bil yn cael Cydsyniad Brenhinol
3	Rhagfyr 2015	Caiff y Comisiwn gyfarwyddyd i gynnal arolygon cychwynnol o awdurdodau lleol cyfunedig arfaethedig
4	Rhagfyr 2015	Mae'r Comisiwn yn cyhoeddi ei Bolisi ac Arfer ar gyfer ymgynghori
5	Dechrau'r Gwanwyn 2016	Mae'r Comisiwn yn dechrau ei arolwg cychwynnol cyntaf
6	Gwanwyn 2018	Mae'r Comisiwn wedi cyflwyno adroddiadau i Lywodraeth Cymru ar bob arolwg cychwynnol
7	Mai 2019	Cynhelir etholiadau llywodraeth leol cysgodol ar yr awdurdodau cyfunedig newydd
8	Mai 2022	Etholiadau llywodraeth leol ar gyfer pob awdurdod lleol

O'r uchod fe welir y bydd yn ddymunol iawn i'r Comisiwn weithio i amserlen a ddeallir yn glir. Fel y disgrifiwyd uchod, mae amseru a chynnwys y Cyfarwyddyd gan Lywodraeth Cymru yn hollbwysig ar gyfer paratoi ar gyfer arolygon a chynnal arolygon, ac i fodloni'r dyddiad cau rhagweledig ar gyfer gwneud argymhellion i Lywodraeth Cymru. Mae'n dilyn fod oedi o ran cyhoeddi'r Cyfarwyddyd yn peri'r risg ei bod yn debygol iawn na fydd gan y Comisiwn ddigon o amser i wneud argymhellion i Lywodraeth Cymru yn unol â'r gofyniad.

Mae'r pryderon a'r amserlenni hyn i gyd yn seiliedig ar y map sy'n adlewyrchu'r Opsiwn y mae Llywodraeth Cymru'n ei ffafrio (Opsiwn Williams 1 – 9 o arolygon cychwynnol), y Bil yn pasio fel y mae wedi'i



ysgrifennu ar hyn o bryd, ac etholiad llywodraeth leol cysgodol ym mis Mai 2019. Bydd newidiadau i'r map, darpariaethau'r Bil neu ddyddiad yr etholiad yn newid rhaglen a gweithgareddau'r Comisiwn.

Rydym yn ddiolchgar am y gwahoddiad i fod yn bresennol gerbron y Pwyllgor, ac i gynnig ystyriaethau'r Comisiwn i'r Pwyllgor ar y deddfiad arfaethedig pwysig hwn.

Yn Gywir,



Owen Watkin OBE DL  
Cadeirydd  
Comisiwn Ffiniau a Democratiaeth Leol Cymru

LG 10

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Prif Gwnstabiliaid yng Nghymru

I am responding to the request for consultation feedback on the above Bill by the 13<sup>th</sup> March 2015. This e-mail represents the views of the Chief Constables in Wales.

**Structural Changes:** Chief Constables feel that it would be inappropriate to comment on the need to merge or reform local authorities. However, it is important that police forces are engaged in further specific consultation on the mergers because of the importance of coterminosity with force boundaries and, where possible, with internal force structures to support partnership work.

The current alignment of public service boundaries is not consistent and whilst this Bill is not designed to resolve these matters, the creation of additional inconsistency should be avoided.

Notification of and /or the lead in times for the implementation of change should be sufficient to allow partner organisations to implement any necessary change either to their own organisations or to partnership arrangements.

LG 11

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Grŵp Cyfarwyddwyr Adnoddau Dynol Llywodraeth Leol (Cymru)

# HRD

Local Authority Human Resources Directors (Wales) Network  
Grŵp Cyfarwyddwyr Adnoddau Dynol Llywodraeth Leol (Cymru)

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

Date: 11<sup>th</sup> March 2015

E-mail: [hardag@caerphilly.gov.uk](mailto:hardag@caerphilly.gov.uk)

Telephone: 01443 864309

Address:

Caerphilly County Borough Council

Penallta House, Nelson Road

Tredomen

Ystrad Mynach

Hengoed

CF82 7WF

Dear Sir/Madam

## **Consultation on the Local Government (Wales) Bill**

I am writing in response to the consultation as the Chair of the HR Directors (HRD) Network (Wales). The HRD Network (Wales) consists of the most senior HR Officers for the 22 Welsh Local Authorities. Our members have considerable practical experience of managing the wide range of workforce issues that are found in local councils, which are complex organisations deliver a plethora of different services through a diverse workforce with a varied range of skills and backgrounds.

It is the HR Heads and their teams in local government that will be at the sharpest end of any public service reform impacting upon staff and we are concerned to ensure that our knowledge, understanding and experience of workforce issues in local government are given due weight and utilised effectively at an all-Wales level. We are therefore pleased to be able to make this submission of evidence on the Bill.

Our evidence is wholly concerned with Section 35 of the Bill which proposes the temporary extension of the current function of the Independent Remuneration Panel (IRP) in relation to Heads of Paid Service in local government to changes in the salary of all local government 'chief officers' as defined under the Localism Act 2011. We would offer the following views:

1. Section 35 of the Bill as it is currently drafted will create significant operational problems for local government and indeed the IRP. This provision will mean that councils will need to consult the IRP on any proposed change to the salary of any of its 'chief officers' *'which is not commensurate with a change to the salaries of the authority's other staff'*.
2. The policy intention behind this provision as explained within the White Paper *'Reforming Local Government –Power to the People'* is to drive down what the Welsh Government regards as 'the excessive cost' of management in local government and introduce 'greater consistency' by subjecting senior salaries to external scrutiny by an independent body.
3. We feel that there exists within Welsh Government a serious and prejudicial misconception about the size and costs of local government senior management teams (particularly when related to the rest of the devolved Welsh public sector including Welsh Government itself). This was evidenced by the wholly inaccurate account of these that was published in the current White Paper *Reforming Local Government: Power to the People*.
4. Unfortunately, it appears that Welsh Government is formulating policy based on these misconceptions and the evidence from a small minority of exceptional cases rather than on the basis of evidence from the majority of councils. Policy is also being formulated without any real understanding of the unintended consequences that may ensue. For these reasons we feel it is essential to explain the practical impact of the provision it is proposed to introduce via the Bill:

### **Number of Officers that Will be Affected**

5. The policy intention may be to focus on senior salaries in local government. However, Section 35 of the Bill states that the definition of 'Chief Officer' to be used is that contained in section 43(2) the Localism Act 2011. This is as follows:

(2)In this Chapter "chief officer", in relation to a relevant authority, means each of the following—

- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- (b) its monitoring officer designated under section 5(1) of that Act;
- (c) a statutory chief officer mentioned in section 2(6) of that Act;
- (d) a non-statutory chief officer mentioned in section 2(7) of that Act;

(e) a deputy chief officer mentioned in section 2(8) of that Act.

6. The definitions are drawn directly from the Local Government and Housing Act 1989 (which actually uses them to denote officers whose posts will be politically restricted so for quite a different purpose). It can be seen that 2(e) above, 'a deputy chief officer' is included in the definition of 'Chief Officer'.
7. The LG&HA goes on to define 'a deputy Chief Officer' as follows at 8) below:

*'(8)In this section "deputy chief officer" means, subject to the following provisions of this section, a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.'*

8. This means that for the purposes of the Localism Act an officer who reports directly to a 'Chief Officer' is also a Chief Officer for the purposes of the Act (unless the post's duties are purely secretarial or clerical in nature).
9. This is not in any way indicative of large 'senior teams'. Local government actually has relatively few Chief Officers in most councils in current times, generally 3 or 4 at most. However, Operational Heads of Services and other middle managers will often report directly to this much reduced cadre of chief Officers. This has become more and more the case in recent years due to the flatter structures put in place to save money. Therefore what we find is Chief Officers with many direct reports and wide spans of control. Their jobs have actually increased many fold in terms of complexity and responsibility.
10. There is some confusion as local government's definition of 'Chief Officer' is not the same as that in the Localism Act. Heads of Service wouldn't be considered or referred to as 'Chief Officers' within local government and generally wouldn't be part of a council's senior team directly under the CEO.
11. It can be seen then that the group encompassed by the definition of 'Chief Officers' under the Localism Act is quite large, and also that it does not correspond to an authority's Senior Management Team under the Chief Executive (it is much wider than this). The WLGA has surveyed authorities to see how many officers there are who either report to the Head of Paid Service or a statutory or non-statutory Chief Officer and the total is **566.5** at the current time.

## **Issues that Will Need to be Referred**

12. As the Bill is currently written, once it is law councils will have to refer the following salary issues in relation to any of the 566.5 officers to the IRP for a decision:

- Nationally negotiated contractual cost of living awards for those on CO terms and conditions (including any heads of service on CO terms and conditions) if these are different to the rest of the workforce (as happened this year - they got less).
- Changes connected to restructuring for posts from relevant head of service upwards (where these involve Heads of Service reporting to COs)
- Re-grading applications for posts from relevant head of service upwards
- Any posts for advertisement for replacement officers including relevant heads of service where the salary is changing
- Honoraria payments (even in line with stated policy) for relevant heads of service upwards
- Market forces payments (even if in line with stated policy) for relevant heads of service upwards
- Implementation of JE exercises for Heads of Service upwards

This may not be an exhaustive list.

13. The impact of this would be that councils will be unable to make many day to day decisions about operational pay, grading and organisational design matters for a sizeable group of officers, and the IRP will find itself swamped with referrals. Additionally a good portion of the referrals will be far more complex in nature than those relating to the salary of Chief Executives' and will necessitate a detailed understanding of a council's existing structures and proposed changes.

14. We note that the Welsh Government's regulatory impact assessment on the Bill details at paragraph 147 the need for 'expanded capacity' for the IRP in relation to the Bill's provisions. This is identified as one additional member. We consider that this will be insufficient given the size of the cadre of local government officers that will need to have any salary changes referred to the IRP. We also consider that the

impact assessment should encompass the considerable cost to local government of the preparation of potentially high numbers of submissions to the IRP under this provision.

15. We further believe that the impact assessment does not recognise the range of additional detailed knowledge and skills which members of the IRP will need to have in order to make informed and accurate decisions on a range of complex organisational design and remuneration matters.

### **Equal Pay and Other Discrimination and Legal Issues**

16. A further issue relates to the fact that in dealing with individual chief officer posts or groups of posts referred to it, the recommendations of the IRP may impact on other posts in the authority.
17. For example with Heads of Service or Directors there will be a number of related posts at that level, and a pay structure for that Group, in relation to other groups, will have been developed and agreed within the authority. If, for example, one post falls vacant and it is proposed to change the post and salary prior to advertisement, or it is otherwise subject to a proposed salary change and the IRP makes a recommendation for a lower salary, then this may well be out of kilter with the other salaries in the related posts.
18. In these circumstances it will be difficult for the council to treat this one post differently and implement a lower (or indeed higher) salary. There may also be an incumbent chief officer and imposing a salary cut would create a breach of contract issue in such cases. If it is a new post then there could be an equal pay issue if, for example a woman is recruited to a new post with a lower salary than the rest of the related posts at that grade within the authority, or an ethnic minority or disabled person is.

### **Potential Impact on Recruitment and Retention of Local Government Chief Officers in Wales**

19. A further issue is the potential impact on the recruitment of Chief Officers to local government in Wales. We already have a situation in Wales (since July 2014) whereby the 2014 amendments to the Standing Orders (Wales) (Regulations) 2006 introduced a requirement to externally advertise all Chief Officer vacancies with a salary of £100K or over.
20. This means that existing local government Chief Officers in Wales at that level have less employment protection than their counterparts in England, or any other part of the public Sector. This is because this requirement means that if they are 'at risk' of redundancy they cannot

be offered any existing vacancies that would otherwise be 'suitable alternative employment'. These must be advertised externally and if an external candidate is successful they must be made redundant at the expense of the tax payer.

21. A further impetus to drive down senior local government salaries in Wales is hardly going to assist in making Welsh local government an attractive place to work or help in attracting good candidates from a wide field across the UK.
22. In the run up to local government re-organisation councils are going to need strong senior teams to steer the changes through. However, the 2014 Standing Order amendment referred to already makes it likely that senior local government officers will be looking elsewhere for employment at that time (as they will not have any vacancies in the new authorities ring-fenced to them and will be in open competition with external candidates). A compressed salary structure relative to England and / or other parts of the public sector is likely to make it difficult to recruit effective replacements.
23. We fully appreciate that S.35 of the Local government (Wales) Bill is intended to increase transparency, accountability and consistency in matters of local government senior pay. We have no difficulty with these principles save for the proviso that with regard to consistency it must be assured that it is always apples and apples that are being compared. However, it is our strongly held view that the Section 35 provisions are very much a sledgehammer to crack a nut, in that they are wholly disproportionate to the real size of the problem they are aiming to resolve. Further in terms of the difficulties and problems that would ensue as a result of their becoming law, the end can in no way be considered to justify the means.

I very much hope these views will be given full consideration in the consultation and due weight attached in terms of the collective response. We are of course more than willing to assist the Welsh Government should there be a wish to consider alternative and more workable arrangements for regulating senior pay than the current proposals.

Yours faithfully



**Gareth Hardacre**  
**Chair, HRD Network (Wales)**







Cyngor Bwrdeisdref Sirol

**Blaenau Gwent**

County Borough Council

LG 12

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Cyngor Bwrdeistref Sirol Blaenau Gwent

12 March 2015

Committee Clerk

Communities, Equality and Local Government Committee

National Assembly for Wales

Cardiff Bay, CF99 1NA.

Dear Sir/Madam,

### **Consultation on the Local Government (Wales) Bill**

Blaenau Gwent County Borough Council welcomes the opportunity to give evidence as part of the Committee's inquiry into the general principles of the Local Government (Wales) Bill.

The Council's Corporate Management Team have considered the request as outlined in the letter dated 28 January 2015 from Christine Chapman AC/AM. This was carried out taking into consideration the response submitted by WLGA and SOLACE in their evidence in February 2015. It is considered that the response from the WLGA and SOLACE covers all the points that this organisation would wish to highlight, particularly given Blaenau Gwent County Borough Council was an authority which indicated we were prepared to explore an early voluntary merger.

Furthermore, we will be looking to respond to the consultation being carried out by Welsh Government on the *Reforming Local Government: Power to Local People* by 28 April 2015.

Regards,

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

**Municipal Offices**  
Civic Centre  
Ebbw Vale  
NP23 6XB

**Swyddfeydd Bwrdeisiol**  
Canolfan Dinesig  
Glyn Ebwy  
NP23 6XB

*a better place to live and work*  
*lle gwell i fyw a gweithio*



Cyngor Bwrdeisdref Sirol

**Blaenau Gwent**

County Borough Council



*Bernadette Elias*

Bernadette Elias  
Head of Policy & Performance (on behalf of the Chief  
Executive)

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

*a better place to live and work*  
*lle gwell i fyw a gweithio*

LG 13

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Cyngor Bwrdeistref Sirol Conwy

I am responding on behalf of Conwy CBC to the consultation on the Local Government (Wales) Bill.

My Council supports the representations made by the WLGA and SOLACE

We fully understand that the Bill provides for consultation over a proposal for a voluntary merger but would wish to highlight that the provisions would be very extensive which could bring specific pressures to meet the proposed deadline of 30<sup>th</sup> November taking account of the process to develop an Expression of Interest, have it approved for consultation and then consider the outcome of the consultation.

We would also like to make a general comment related to local government having already making a significant contribution to having a more efficient and cost effective management regime since 1996 when the 22 current local authorities came in to existence which replaced 8 former County Councils and something like 34 former Borough and District Councils.. As a consequence 42 management teams were replaced 22. It is appreciated that this not specifically referred to in the Bill or supporting documentation but it an indication of local government responding to new ways of administration.



LG 14

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol: Cyfnod 1

Ymateb gan: Comisiynydd y Gymraeg

Clerc y Pwyllgor

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Cynulliad Cenedlaethol Cymru

Bae Caerdydd

CF99 1NA

SeneddCCLLL@Cynulliad.cymru

19/03/2015

Annwyl Glerc

### Ymgynghoriad ar y Bil Llywodraeth Leol (Cymru)

1. Mae Comisiynydd y Gymraeg yn croesawu'r cyfle i roi sylw ar Fil Llywodraeth Leol (Cymru). Mae'r sylwadau isod yn ymwneud yn benodol ag egwyddorion y Bil ac unrhyw oblygiadau anfwriadol a allai ddeillio o'r Bil. Yn ogystal, tynnir sylw at rai cymalau penodol yng nghyd destun gofynion Mesur y Gymraeg (Cymru) 2011.
2. Prif nod y Comisiynydd yw hybu a hwyluso defnyddio'r Gymraeg. Gwneir hyn drwy ddwyn sylw at y ffaith bod statws swyddogol i'r Gymraeg yng Nghymru a thrwy osod safonau ar sefydliadau. Bydd hyn, yn ei dro yn arwain at sefydlu hawliau i siaradwyr Gymraeg.

Mae dwy egwyddor yn sail i waith y Comisiynydd:

- Ni ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg yng Nghymru;
- Dylai personau yng Nghymru allu byw eu bywydau drwy gyfrwng y Gymraeg os ydynt yn dymuno gwneud hynny.

Dros amser fe fydd pwerau newydd i osod a gorfodi safonau ar sefydliadau yn dod i rym trwy is-ddeddfwriaeth. Hyd nes y bydd hynny'n digwydd bydd y Comisiynydd yn parhau i arolygu cynlluniau iaith statudol trwy bwerau y mae wedi eu hetifeddu o dan Ddeddf yr Iaith Gymraeg 1993.

Crëwyd swydd y Comisiynydd gan Fesur y Gymraeg (Cymru) 2011. Caiff y Comisiynydd ymchwilio i fethiant i weithredu cynllun iaith; ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg yng Nghymru ac, yn y dyfodol, i gwynion ynghylch methiant sefydliadau i gydymffurfio â safonau.

Comisiynydd y Gymraeg  
Siambrau'r Farchnad  
5-7 Heol Eglwys Fair  
Caerdydd CF10 1AT

Welsh Language Commissioner  
Market Chambers  
5-7 St Mary Street  
Cardiff CF10 1AT

0845 6033 221  
post@comisiynyddygybraeg.org  
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

0845 6033 221  
post@welshlanguagecommissioner.org  
Correspondence welcomed in Welsh and English



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

Un o amcanion strategol y Comisiynydd yw dylanwadu ar yr ystyriaeth a roddir i'r Gymraeg mewn datblygiadau polisi a deddfwriaethol. Felly un o brif swyddogaethau'r Comisiynydd yw darparu sylwadau yn unol â'r cylch gorchwyl hwn gan weithredu fel eiriolwr annibynnol ar ran siaradwyr Cymraeg yng Nghymru y gallai'r newidiadau arfaethedig hyn effeithio arnynt. Mae'r ymagwedd hon yn cael ei harddel er mwyn osgoi unrhyw gyfaddawd posibl ar swyddogaethau'r Comisiynydd ym maes rheoleiddio, a phe byddai'r Comisiynydd yn dymuno adolygu'n ffurfiol berfformiad cyrff unigol neu Lywodraeth Cymru yn unol â darpariaethau'r Mesur.

### 3. Safonau Mesur y Gymraeg (Cymru) 2011

Fe fyddwch yn ymwybodol bod Y Gwir Anrh. Carwyn Jones AC, Prif Weinidog wedi gosod Rheoliadau Safonau'r Gymraeg (Rhif 1) 2015<sup>1</sup> gerbron y Cynulliad ar 3 Mawrth 2015 ac y bydd pleidlais i'w cymeradwyo yng Nghyfarfod Llawn y Cynulliad Cenedlaethol ar 24 Mawrth 2015. O'u cymeradwyo, daw'r safonau i rym ar 31 Mawrth 2015, gan alluogi Comisiynydd y Gymraeg i gyflwyno Hysbysiadau Cydymffurfio i 26 sefydliad sydd yng nghylch 1 y safonau. Bydd gofyn i'r sefydliadau hyn gydymffurfio â'r safonau sy'n berthnasol i'w sefydliadau hwy o fewn cyfnod o 6 mis sy'n dechrau ar y diwrnod y rhoddir yr hysbysiad cydymffurfio iddynt. Mae Llywodraeth Cymru yn ogystal â'r 22 awdurdod lleol presennol ymysg y 26 corff. Bydd gofyn iddynt gydymffurfio â safonau mewn 5 maes sef:

- Cyflenwi gwasanaethau
- Llunio polisi
- Gweithredu
- Hybu
- Cadw cofnodion

### 4. Mae'r Comisiynydd eisoes wedi cynnig sylwadau i Lywodraeth Cymru ar ddau ymgynghoriad yn y maes adrefnu llywodraeth leol sef ar *Bapur Gwyn Llywodraeth Cymru: Diwygio Llywodraeth Leo<sup>2</sup> a Chomisiwn Staff i'r Gwasanaethau Cyhoeddus<sup>3</sup>*. Mae ein

<sup>1</sup> [http://www.cynulliad.cymru/laid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20\(no.%201\)%20regulations%202015%20rheoliadau%20safonau%e2%80%99r%20gymraeg%20\(rhif%201\)%202015/sub-ld10115-w.pdf](http://www.cynulliad.cymru/laid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20(no.%201)%20regulations%202015%20rheoliadau%20safonau%e2%80%99r%20gymraeg%20(rhif%201)%202015/sub-ld10115-w.pdf)

<sup>2</sup> <http://www.comisiynyddygymraeg.org/Cymraeg/Rhestr%20Cyhoeddiadau/20141001%20Ymateb%20i%20ymgyngghoriad%20ar%20ddiwygio%20Llywodraeth%20Leol.pdf>



sylwadau ynghylch adrefnu llywodraeth leol wedi canolbwyntio ar effaith yr adrefnu ar effaith newidiadau ar weithleoedd Cymraeg a dwyieithog a sut mae cynllunio'r gweithlu er mwyn hwyluso cydymffurfio â gofynion Mesur y Gymraeg (Cymru) 2011. Yn ogystal, dylid ystyried goblygiadau adrefnu llywodraeth leol ar y cymunedau a wasanaethir, yn arbennig gan fod perthynas rhwng y defnydd a wneir o iaith mewn gweithleoedd a'r defnydd a wneir o iaith yn y gymuned.

Mae gweithleoedd neu adrannau o weithleoedd nifer o awdurdodau lleol unai yn gweithredu yn ddwyieithog neu yn Gymraeg yn unig. Iaith gwaith nifer o swyddogion felly yw'r Gymraeg. Mae hyn yn ganlyniad cynllunio bwriadus a phenderfyniadau polisi dros nifer o flynyddoedd. Yn ogystal, yn sgil Mesur y Gymraeg (Cymru) 2011 bydd gofyn i nifer o sefydliadau gydymffurfio â safonau gweithredu, sef safonau ynghylch defnyddio'r Gymraeg o fewn gweinyddiaeth fewnol corff. Mae'n hollbwysig nad yw'r newidiadau a ddaw yn sgil y Bil Llywodraeth Leol yn tanseilio gallu pobl i ddefnyddio'r Gymraeg wrth eu gwaith a'i fod, i'r gwrthwyneb yn rhoi cyfle i gynyddu gweithleoedd dwyieithog a'r cyfle sydd i weithwyr weithio a defnyddio eu sgiliau yn y Gymraeg. Yn wir, un o feysydd strategol Llywodraeth Cymru yn ei dogfen strategaeth ar yr iaith Gymraeg, *iaith fyw: iaith byw*<sup>4</sup> yw cynyddu cyfleoedd pobl i ddefnyddio'r Gymraeg yn y gweithle gan nodi hefyd fod 'gan y gweithle rôl allweddol o ran ennyn hyder ymhlith siaradwyr Cymraeg i ddefnyddio'r iaith mewn agweddau eraill ar eu bywydau'.

5. Mae'r Gymraeg yn cael ei siarad ymhob cymuned yng Nghymru ac mae'n brif iaith naturiol bywyd dyddiol nifer o'r cymunedau hynny. Mae cynaliadwyedd y Gymraeg fel prif iaith nifer o'r cymunedau hynny yn faes sy'n peri gofid, yn arbennig yn sgil canlyniadau Cyfrifiad 2011 sy'n dangos nid yn unig leihad yn niferoedd y siaradwyr Cymraeg yng Nghymru ond hefyd leihad arwyddocaol yn y cymunedau hynny lle siaradir y Gymraeg gan fwy na 70% o'r boblogaeth. Mae hyn yn ganlyniad mewnfudo ac allfudo, ac yn arbennig allfudo pobl ifanc sy'n siarad Cymraeg o'u cymunedau er mwyn ceisio gwaith. Mae awdurdodau lleol yn un o brif gyflogwyr Cymru. Mae'n hanfodol felly, fod y newidiadau i awdurdodau lleol a ddaw yn sgil Bil Llywodraeth Leol (Cymru) yn fodd i atgyfnerthu cymunedau Cymraeg drwy sicrhau cyflogaeth a chyfleoedd i ddefnyddio'r Gymraeg yn y gweithle.

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3

<http://www.comisiynyddygyymraeg.org/Cymraeg/Rhestr%20Cyhoeddiadau/20150113%20C%20DG%20Ymateb%20Comisiynydd%20y%20Gymraeg%20i%20Bapur%20Gwyn%20Comisiwn%20Staff%20i.pdf>

<sup>4</sup> <http://gov.wales/docs/dcells/publications/122902wls201217cy.pdf>



6. Hoffem yn benodol gynnig sylwadau ar adrannau canlynol Bil Llywodraeth Leol (Cymru) yn y llythyr hwn:
- i. Adran 5 Canllawiau ynghylch ceisiadau i uno
  - ii. Adran 10 Darpariaeth ganlyniadol etc. arall
  - iii. Adran 13 Swyddogaethau pwyllgorau pontio
  - iv. Adran 16 (4) (d)
  - v. Adran 17 Cyfarwyddydau a chanllawiau i'r Comisiwn
- 7. Adran 5 Canllawiau ynghylch ceisiadau i uno, ac yn benodol y canllawiau 'ynghylch y materion y dylid eu hystyried wrth lunio'r cynnig sydd mewn cais o dan adran 3(1)' (Adran 5 (1) (d))**  
Mae'n deg nodi ei bod yn bosibl y byddai uno awdurdodau lleol yn effeithio ar gyfleoedd pobl i ddefnyddio'r Gymraeg. Ein disgwyliad yw y byddai'r canllawiau a ddyroddir gan Weinidogion Cymru ynghylch ceisiadau i uno yn cynnwys canllaw ynghylch ystyried materion sy'n ymwneud â'r Gymraeg ac yn arbennig dyletswyddau statudol ar y Gymraeg.
- 8. Adran 10 Darpariaeth ganlyniadol etc. arall, ac yn benodol Adran 10(4)(a)**  
Ein disgwyliad yn y fan hon yw y bydd rhwymedigaethau awdurdodau sy'n uno yn cynnwys rhwymedigaethau i gydymffurfio â gofynion Mesur y Gymraeg (Cymru) 2011.
- 9. Adran 13 Swyddogaethau pwyllgorau pontio, ac yn benodol 13(1)(a) ac 13 (1)(b)**  
Yn unol â'r hyn a nodir yn 7 uchod ein disgwyliad yn y fan hon yw y bydd y pwyllgorau pontio yn darparu cyngor ac argymhellion i'r awdurdodau sy'n uno ynghylch hwyluso trosglwyddo rhwymedigaethau sy'n ymwneud â chydymffurfio â gofynion Mesur y Gymraeg (Cymru) 2011.
- 10. Adran 13 Swyddogaethau pwyllgorau pontio, ac yn benodol 13(2) – rhoi cyfarwyddyd**  
Ein disgwyliad yn y fan hon yw y bydd y cyfarwyddydau a roddir gan Weinidogion Cymru yn ei gwneud yn ofynnol i bwyllgorau pontio ystyried rhwymedigaethau awdurdodau lleol i gydymffurfio â gofynion Mesur y Gymraeg (Cymru) 2011. Yn ogystal, yn unol â'r hyn a nodir yn 4 a 5 uchod ystyriwn mai da fyddai i'r pwyllgor pontio ystyried darparu cyngor ac argymhellion i'r awdurdodau sy'n uno ynghylch sut mae ymestyn y cyfle i weithio'n Gymraeg ac yn ddwyieithog yn y sefydliadau a unir gan gynnwys ystyried addasrwydd gwneud y Gymraeg yn iaith gweinyddiaeth fewnol sefydliadau a unir.





Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

**11. Adran 13 Swyddogaethau pwyllgorau pontio, ac yn benodol 13(4) – dyroddi canllawiau**

Deallwn o'r memorandwm esboniadol y bydd y canllawiau a gyhoeddir dan y Bil yn mynnu bod cyd-bwyllgorau pontio'n sicrhau bod materion sy'n ymwneud â'r Gymraeg yn cael eu hystyried yn y fan hon. Ein disgwyliad yw y byddai canllawiau a roddir gan Weinidogion Cymru yn ei gwneud yn ofynnol i bwyllgorau pontio ystyried rhwymedigaethau awdurdodau lleol i gydymffurfio â gofynion Mesur y Gymraeg (Cymru) 2011. Mae'r memorandwm hefyd yn nodi'r angen i sicrhau bod ymwybyddiaeth o faterion sy'n ymwneud â'r Gymraeg yn rhan o ddiwylliant gweithio awdurdodau newydd o'r dechrau. Ystyriwn mai da fyddai i'r pwyllgor pontio ddarparu cyngor ac argymhellion i'r awdurdodau sy'n uno ynghylch sut mae ymestyn y cyfle i weithio'n Gymraeg ac yn ddwyieithog yn y sefydliadau a unir gan gynnwys ystyried addasrwydd gwneud y Gymraeg yn iaith gweinyddiaeth fewnol sefydliadau a unir.

**12. Adran 16 (4) (e)**

Ystyriwn y byddai enw unrhyw ward etholiadol neu ward gymuned yn cynnwys enw Cymraeg a Saesneg neu enw Cymraeg yn unig.

**13. Adran 17 Cyfarwyddydau a chanllawiau i'r Comisiwn**

Ystyriwn y byddai cyfarwyddydau a chanllawiau i'r Comisiwn yn cynnwys cyfarwyddydau a chanllawiau yn unol â'r safonau llunio polisi a nodir yn 7 uchod. Ymhellach credwn y dylent hefyd ystyried cyfansoddiad ieithyddol y cymunedau a wasanaethir.

14. Diolch yn fawr iawn ichi am y cyfle i gyflwyno tystiolaeth ysgrifenedig ichi ynghylch Bil Llywodraeth Leol (Cymru). Buaswn yn falch o gyfrannu ymhellach at yr ymchwiliad gan gynnwys ddarparu tystiolaeth ar lafar os ydych yn dymuno hynny.

Yr eiddoch yn gywir,

**Meri Huws**

Comisiynydd y Gymraeg

LG 15

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Gwasanaeth Tan ac Achub De Cymru

Committee Clerk

Communities, Equality and Local Government Committee

National Assembly for Wales

Cardiff Bay,

CF99 1NA.

Dear Sir / Madam

### Response to Consultation on the **Local Government (Wales) Bill**

Thank you for the opportunity to contribute to the consultation process for the above Bill.

The Service has considered the issues in relation to the specific impacts to the proposed provision (section 10(9)) to suspend the requirement under the Fire and Rescue Act 2004 for the Welsh Ministers to hold an inquiry if they wish to revoke or amend a Fire and Rescue combination order as a consequence of a voluntary merger, even if Fire and Rescue authorities may not agree with the proposed changes.

Yours faithfully

Paul Mason

Station Manager – Staff Officer (ELT)

For – CHIEF FIRE OFFICER

## **SOUTH WALES FIRE AND RESCUE SERVICE**

### **RESPONSE TO CONSULTATION ON THE LOCAL GOVERNMENT (WALES) BILL**

In relation to your latest correspondence dated 28<sup>th</sup> January 2015, and your inquiry into the general principles of the Local Government (Wales) Bill, please find the following observations from South Wales Fire and Rescue Services Perspective in relation to the proposed provision (section 10(9)) to suspend the requirement under the Fire and Rescue Act 2004 for the Welsh Ministers to hold an inquiry if they wish to revoke or amend a Fire and Rescue combination order as a consequence of a voluntary merger, even if Fire and Rescue authorities may not agree with the proposed changes:

We would not look to frustrate the legitimate wish of two or more local authorities to merge or delay any amendments to the orders, although as a Fire and Rescue Service our current Strategic Planning is provided for 2015 – 2020. This strategic plan outlines the strategic direction for the next five years and how we intend to meet the challenges over this time frame in order to continue to deliver a high quality service and meet the needs of our communities. It incorporates the longer term community and organisational challenges, with short term service improvements required to support and complement our longer term objectives. Although, it must be emphasised that the current planning framework also looks at the emerging issues both internal and external, ensuring

there is sufficient flexibility to amend and adapt to such emerging issues which have the potential to impact on the Service as a whole.

Our planning framework has been revised to bring together two distinct but complementary pieces of Welsh Government legislation. Firstly, the Fire and Rescue National Framework which requires each Fire and Rescue Authority (FRA) to publish a strategic plan setting out its medium to long-term strategic goals. Also as an “improvement authority” under the Local Government (Wales) Measure 2009 we are required to set, consult and report against annual improvement objectives. By taking this approach our annual improvement objectives will focus on supporting the delivery of our long-term strategic aims. Furthermore the plan has paid due cognisance to the six priorities set out in the Fire and Rescue National Framework 2012 Onwards in developing our strategic objectives.

As a Service we have a statutory duty to demonstrate continuous improvement in the services we deliver to the public, which can be challenging at the best of times. However, we also know that the economy continues to impact on our budgets, with a worst case scenario predicting that we will need to make budget savings between £10m–£20m by 2020. With this in mind we have recently completed our fire cover review, to ensure our resources are correctly located according to the risks within our communities. This includes a holistic review and restructure of stations, personnel, appliances and equipment resulting in considerable savings to meet the continued austerity needs and reducing budgets we potentially face in the future. Our medium-term financial plan enables a measured and timely approach to addressing current funding challenges and is the foundation for our long-term planning assumptions.

These planning assumptions are robust and prioritised on the basis of the current structure, budget, size of the organisation and area covered by the organisation. If this was to change overnight as a consequence of a voluntary merger our plans would require a complete review and overhaul, which could result in the decision making process being flawed

as the planning assumptions would or could dramatically change in many facets. The difficulties in planning for the unknown are enormous and potentially costly to the said organizations involved.

As a minimum we believe the Fire and Rescue Services need to be consulted and be an integral facet of any decision making process due to the potential and significant implications in relation to future:

Budgets / Business plans

Personnel & Human Resource Issues

Appliances, Equipment, Resources & Assests

Fire Cover provisions, Organisational risk profiles, population, demographics, geographical area changes / boundaries

Relationships and Partnership networking, LSB's, current & future collaborations

The efficient and effective planning of the Fire and Rescue Service is paramount and a Welsh Government requirement which has the potential to be compromised if the proposal to disapply the requirement to hold a local inquiry where a variation to the boundaries of the Fire and Rescue authorities is made as a consequence of a voluntary merger.

The increased additional costs for such a voluntary merger are also an unknown quantity, which have the potential to adversely impact on organisations that are already placing additional burdens and increased capacity on a reducing workforce through lean systems approach.

Until the nature, scope and details of any variations to voluntary mergers are known and fully detailed, complete additional costs or not cannot be assessed. However, costs are likely to be significant for organisations with small and reducing budgets which are already committed.

LG 16

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Awdurdod Tân ac Achub Gogledd Cymru

13 March 2015

Committee Clerk  
Communities, Equality and Local Government Committee  
National Assembly for Wales  
CARDIFF BAY  
CF99 1NA

Dear Sir/Madam

### **Consultation on the Local Government (Wales) Bill**

Thank you for your letter dated 28 January 2015 inviting comments on the above, and specifically on the proposed provision to suspend the requirement under the Fire and Rescue Services Act 2004 for the Welsh Ministers to hold an inquiry if they wish to revoke or amend a Fire and Rescue combination order as a consequence of a voluntary merger.

In response North Wales Fire and Rescue Service wish to make the following observations to assist the Communities, Equality and Local Government Committee's consideration of the Bill:

1. We note the reference in the explanatory memorandum at paragraph 47 to a continuing duty to consult in the absence of an inquiry - "However, the duty to consult on such changes will still apply". We assume that this refers to the duty on the principal local authorities that are considering entering into a voluntary merger (section 4 of the bill) but would welcome the inclusion of clarification that this is what is meant;
2. In the event of boundary changes of existing FRAs to avoid having one new local authority served by two FRAs, this would inevitably impact upon all the other local authorities served by the FRAs, not only the merging authorities. We therefore suggest the inclusion of a reference to this secondary effect framed around the need to consult with all affected authorities;

Continued .....

3. Again, with reference to boundary changes to existing FRAs, we would welcome additional consideration by the Committee of the many advantages of co-terminosity of authorities and the benefit of having mergers that contribute to achieving or maintaining co-terminosity of authorities in an area.

Yours faithfully

Simon A Smith  
**CHIEF FIRE OFFICER**

LG 17

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: RNIB (Cymru)

## **Local Government (Wales) Bill**

### **RNIB Cymru Consultation Response**

13 March 2015

RNIB Cymru is pleased to have the opportunity to respond to the consultation on the Local Government (Wales) Bill. The reorganisation and merging of local authorities throughout Wales provides an opportunity to provide better social outcomes for blind and partially sighted people. However, there is a likelihood of unintended consequences if attention is not paid to the best practice which has been formed over a number of years and the expertise of different authorities across the country.

RNIB Cymru would like to give a response to the Local Government (Wales) Bill framing our evidence around the delivery of services in local areas.

#### **1. About RNIB Cymru**

RNIB Cymru is Wales' largest sight loss charity. We provide support, advice and information to people living with sight loss across Wales, as well as campaigning for improvements to services and raising awareness of the issues facing blind and partially sighted people.

The impact of sight-loss is often far-reaching, impacting on all parts of a person's life. This means that all those who are involved in providing services to blind and partially sighted people should be engaged in working together and making it as easy as possible to access support and services.

#### **2. About sight loss**

- There are currently 106,000 people in Wales living with sight loss. (1)
- It is estimated that the number of people living with sight loss in Wales will double by 2050. (2)



Yn cefnogi pobl  
â cholled golwg

Supporting people  
with sight loss

RNIB charity nos. 226227,  
SC039316 and 1109  
RNIB rhifau elusen 226227,  
SC039316 a 1109



- The prevalence of sight loss increases with age: one in five people aged 75 and over are living with sight loss; one in two people aged 90 and over are living with sight loss. (3)

### **3. Local Government (Wales) Bill**

Losing your sight creates multiple barriers to independence. Thus many people with sight loss rely on support from public services to maintain their independence and promote their wellbeing.

However, too often RNIB Cymru is told of people who have recently lost their sight being left to fend for themselves – and all too often they are sinking into depression and isolation. We hear of unacceptably low levels of support given to people with sight loss, leaving many isolated and in some cases incapable of even leaving their own homes. It is vital that local government reform ensures a focus on public services to promote the wellbeing of blind and partially sighted people. If it fails to do this, it will undermine the positive vision set out by the Welsh Government in the Wellbeing of Future Generations Bill.

At present, any of the proposed mergers from the Williams' Commission would cut across existing service provision. For example the North East Wales Sensory Support Services (NEWSSS) is an example where cross-authority collaborative services have been introduced as a response to cost saving exercises by local authorities, as well as a recognition of the need for experts to work together across a geographical area.

There is also an example of these services in the Gwent area; Caerphilly manages the provision for five local authorities, Caerphilly, Blaenau Gwent, Monmouth, Newport and Torfaen since April 2012.

Current financial constraints mean it is unlikely that funding for such services will rise again, and it should be within this context that these functioning collaborative services are viewed.

These services have become important parts of the community and any proposed merger should take into consideration the good work which has been done over the last few years and ensure that

it is not lost, resulting in deteriorating outcomes for people with sight-loss.

The Gwent wide adult safeguarding board (GWASB) terms of reference states that they are accountable to the authorities which they are made up of. These agencies cut across the community and involve the full range of services from health boards, police authorities and even registered social landlords.

RNIB Cymru would like to ensure that functioning boards such as the two mentioned are not broken up, or if it is necessary to do so, the models they have adopted are learnt from and implemented across the rest of Wales. As these authorities have been ahead of their time in working across local authority boundaries, the lessons from their work and best practice should be the basis for the restructure of local authorities.

The Local Government (Wales) Bill provides a once in a life-time opportunity to linkup all municipal authorities and align priorities for social care and safeguarding policy priorities. Ideally any realignment of services would follow the existing health board structure, or at least not have a local authority brought into existence where there is more than one health board serving the area.

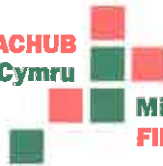
For more information please contact:

Emma Sands  
Public Affairs Manager  
RNIB Cymru  
029 2082 8560

#### References

- (1) Estimate based on Access Economics 2009, Future Sight Loss UK 1: The economic impact of partial sight and blindness in the UK adult population, RNIB, and Office of National Statistics (2014), Subnational Population Projections, Office of National Statistics.
- (2) Access Economics 2009. Future Sight Loss UK 1: The economic impact of partial sight and blindness in the UK Adult Population.

(3) Access Economics 2009. Future Sight Loss UK 1: The economic impact of partial sight and blindness in the UK Adult Population.



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

*Gofynner am/  
Please ask for:*

Chief Fire Officer  
C Davies

*Rhif Est/Extn. No.*

4401

*E-bost/E-mail:*

c.davies@mawwfire.gov.uk

*Fy Nghyf/My Ref:*

CD/MT

*Eich Cyf/Your Ref:*

*Dyddiad/Date:*

13 March 2015

LG 18

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Bil Llywodraeth Leol (Cymru): Cyfnod 1  
Ymateb gan: Gwasanaeth Tan ac Achub Canolbarth a Gorllewin Cymru

Dear Sir / Madam

### **Response from Mid and West Wales Fire Authority to the Consultation on the Local Government (Wales) Bill**

Mid and West Wales Fire Authority (MWWFA) would like to register its objection to the proposed provision set out in Section 10(9) of the Local Government (Wales) Bill, "to suspend the requirement under the Fire and Rescue Services Act 2004 for the Welsh Ministers to hold an enquiry if they wish to revoke or amend a Fire and Rescue Combination Order as a consequence of a voluntary merger, even if Fire and Rescue Authorities may not agree with the proposed change".

Whilst MWWFA fully supports the work of Welsh Government to enable a programme of local government mergers and reform, it is concerned that the proposal set out in Section 10(9) of the Bill could result in there being insufficient consideration given to the impact of realigning structural boundaries. The Authority is also concerned of the impact such a proposal would have on local accountability and decision making.

MWWFA therefore does not support this Section of the Bill and would welcome the opportunity to engage fully in consultation.

Yours faithfully

Chris Davies  
Chief Fire Officer

LG 19

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Sefydliad Siartredig Cyllid Cyhoeddus a Chyfrifyddiaeth

# **Consultation on the Local Government (Wales) Bill**

**A Submission by:**

**The Chartered Institute of Public  
Finance and Accountancy**

**March 2015**

the people  
in public finance

**CIPFA, the Chartered Institute of Public Finance and Accountancy**, is the professional body for people in public finance. CIPFA shows the way in public finance globally, standing up for sound public financial management and good governance around the world as the leading commentator on managing and accounting for public money.

Further information about CIPFA can be obtained at [www.cipfa.org](http://www.cipfa.org)

Any questions arising from this submission should be directed to:

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## **1. Executive Summary**

- 1.1 CIPFA believes that the mergers of councils should be based on the need to deliver an effective and optimum level of public services. The Welsh Government should ensure any voluntary mergers are de-politicised and decisions are based on a configuration for the optimum provision of public services.
- 1.2 Any boundary re-drawing for the new authorities should be independently completed and the basis for boundary re-drawing established and agreed based on public service provision, taking account of both local need and ability to deliver by the new authorities.
- 1.3 The Explanatory Memorandum<sup>1</sup> for the bill outlines that under the Bill provisions; there will be costs of £1.117m for the Welsh Government and £1.219m for Local Government, the latter being the costs of establishing joint transition committees minus savings made after implementing boundary commission reviews. The Bill provisions do not adequately address the full overall eventual costs of merger. CIPFA has previously estimated this to range between £160m and £268m,<sup>2</sup> which are likely to place an increased financial burden on local government in Wales at a time when budgets are under increasing pressure.
- 1.4 Urgent consideration should be given to clearly identifying the powers and transaction abilities of both the Transition Committees and Shadow Authorities to minimise risk and ensure appropriate scrutiny and value for money is in place. If not identified in the body of the legislation, these powers should be clearly identified in merger regulations issued by the Welsh Government.
- 1.5 The Welsh Government should outline overall objectives for the merger of Local Authorities in Wales in terms of anticipated efficiencies and savings. These will provide a context for establishing the structures and setting budgets for the new principal authorities.

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<sup>1</sup> National Assembly for Wales, Local Government (Wales) Bill – Explanatory Memorandum, Part 2, January 2014.

<sup>2</sup> CIPFA Report for the Welsh Local Government Association, Report on the Transitional Costs, Benefits and Risks of Local Government Reorganisation, November 2014

## **2. Basis of Mergers**

- 2.1 CIPFA believes that the mergers of councils should be based on the need to deliver an effective and optimum level of public services. The proposed legislation to allow a system of voluntary mergers could lead to merger proposals based on political judgements rather than the best fit for service delivery and the current financial position of authorities.
- 2.2 CIPFA has previously presented a blueprint for public services to the Commission for Public Service and Governance.<sup>3</sup> This recommended options for better horizontal collaboration and improving performance management frameworks.
- 2.3 Both of the above recommendations warrant consideration for local government in Wales for:
- Identifying areas where collaboration between local government and other service providers can be maximised and;
  - Identifying the appropriate measures of success for Local Government Reform.

## **3. Funding the Merger Process**

- 3.1 There will be a cost to mergers to be met by councils and the merger proposals (voluntary or forced) should also consider the cost implication and impact on reserves of merger between authorities. This means that there should be consideration of an affordability fit in the proposed new principal authorities, ensuring no one area is disadvantaged by inadequate resources.
- 3.2 Costs for the Welsh Government and for Local Government arising from the merger process are outlined in the Bill Summary document<sup>4</sup> and the Bill Explanatory Memorandum.<sup>5</sup> These costs do

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<sup>3</sup> CIPFA, [The Commission on Public Service Governance & Delivery: A Five Point Blueprint for Public Service Reform in Wales](#), September 2013

<sup>4</sup> National Assembly for Wales, <http://www.assembly.wales/Research%20Documents/15-009-Local%20Gov/15-009.pdf#search=Local%20Government%20%28Wales%29%20Bill> February 2015



not reflect the full costs associated with the eventual merger process for councils.

- 3.3 CIPFA has previously estimated these costs at between £160m to £268m<sup>6</sup> relating to people, property, systems and programme costs. Given the financial position of some councils and evidence<sup>7</sup> that some authorities may be over-relying on balancing their budgets by using reserves; we believe there is a strong case for the Welsh Government to consider financial support, either in the form of direct funding or through regulation allowing councils to mitigate the impact of merger costs.
- 3.4 In Northern Ireland for example, the local government reform arrangements include a significant funding package from the Northern Ireland Assembly amounting to £47.9m.<sup>8</sup> This covered key areas such as system convergence and rates harmonisation measures.
- 3.5 The Department of the Environment in Northern Ireland have also enabled, through regulation, the ability for councils to capitalise certain revenue costs for funding purposes, mitigating the impact on rate payers.

#### **4. Transaction Powers of Transition Committees and Shadow Authorities**

- 4.1 The proposed legislation provides details on the functions of transition committees as well as provisions relating to restrictions on transactions by merging authorities whereby they need to seek the approval of the respective transition committee or shadow authority.<sup>9</sup>
- 4.2 It is unclear in the proposed legislation what transaction abilities the transition committee or shadow authorities have in their own right.

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<sup>5</sup> National Assembly for Wales, Local Government (Wales) Bill – Explanatory Memorandum, Part 2, January 2014.

<sup>6</sup> CIPFA Report for the Welsh Local Government Association, Report on the Transitional Costs, Benefits and Risks of Local Government Reorganisation, November 2014

<sup>7</sup> Wales Audit Office, Meeting the Financial Challenges Facing Local Government in Wales, January 2014

<sup>8</sup> Department of the Environment Northern Ireland – who is funding local government reform?

[http://www.doeni.gov.uk/index/local\\_government/local\\_government\\_reform/reform\\_fags.htm#who\\_is\\_funding\\_local\\_government\\_reform?](http://www.doeni.gov.uk/index/local_government/local_government_reform/reform_fags.htm#who_is_funding_local_government_reform?)

<sup>9</sup> Local Government (Wales) Bill [as introduced] sections 7, 11 and 13.

This will be important from the point of view of setting the budget, planning staffing structures for the new principal authority prior to its establishment and to entering into other commitments for the new authority in advance.

- 4.3 CIPFA believes that in order to minimise any risks associated with these transition bodies entering into onerous arrangements or committing the New Principal Authority to large long-term future commitments, these powers should be addressed either through the legislation or through explicit reference in any merger regulations developed.

## **5. Performance Measures**

- 5.1 While not an issue for the proposed legislation, CIPFA would recommend that plans are established to identify the potential benefits from mergers, once agreed, and to set out indicative savings plans and targets. It will be important to firmly have in place overall objectives for this re-organisation, underpinned by achievable and fully costed plans.<sup>10</sup>
- 5.2 There is no doubt that Local Government in Wales is under increased financial pressure. The same is true for the public sector in Wales generally. Any savings identified should take into account the potential for collaborative arrangements outside of the Local Government Sector.
- 5.3 CIPFA has previously supported the adoption of a 'place based' model of horizontal collaboration.<sup>11</sup> The need to maintain fiscal sustainability in public services, taking account of the expected impact of demographic and other changes, suggests that this approach needs to be more widely embraced as a key step in supporting local priorities, national outcomes and best value for the taxpayer.
- 5.4 A number of agencies in English local government are working on transformational projects across different boundaries.<sup>12</sup> These may serve as examples of how a more place-based approach could operate in Wales.

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<sup>10</sup> Supported by the WLGA submission on the Reforming Local Government White Paper, October 2014

<sup>11</sup> CIPFA submission to [The Independent Budget Review](#) (April 2010)

<sup>12</sup> DCLG, [Can-do' councils leading transformation of local government](#), 2013

- 5.5 CIPFA would further propose the use of shares services approaches across the new Principal Authorities in the areas of Treasury Management and Capital Investment planning, Finance, IT and HR services. This can facilitate improved data and information as well as effective decision support and efficient use of resources.

LG 20

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Bil Llywodraeth Leol (Cymru): Cyfnod 1

Ymateb gan: Conffederasiwn GIG Cymru

<b>Briefing for:</b>	National Assembly for Wales Communities, Equality and Local Government Committee.
<b>Purpose:</b>	The Welsh NHS Confederation response to the Local Government (Wales) Bill consultation
<b>Date created:</b>	19 March 2015

### Introduction

1. The Welsh NHS Confederation, on behalf of its members, welcomes the opportunity to respond to the Local Government (Wales) Bill consultation.
2. By representing the seven Health Boards and three NHS Trusts in Wales, the Welsh NHS Confederation brings together the full range of organisations that make up the modern NHS in Wales. Our aim is to reflect the different perspectives as well as the common views of the organisations we represent.
3. The Welsh NHS Confederation supports our members to improve health and well-being by working with them to deliver high standards of care for patients and best value for taxpayers' money. We act as a driving force for positive change through strong representation and our policy, influencing and engagement work. Member involvement underpins all our various activities and we are pleased to have all Local Health Boards and NHS Trusts in Wales as our members.
4. The Welsh NHS Confederation and its members are committed to working with the Welsh Government and its partners to ensure there is a strong NHS which delivers high quality services to the people of Wales.

### Summary

5. In our response to the Local Government (Wales) Bill consultation we are not providing specific answers to all the questions posed. Rather we are providing comment on how the Bill is potentially a missed opportunity to support better integration between all public bodies in Wales. The Bill focuses too much on structures and boundaries and not on the outcomes it is trying to achieve; improving the way all public services are governed and delivered in Wales. The Welsh NHS Confederation believes that while the debate around the findings of the Williams Commission, and the Welsh Government's response, has focused on structures and boundaries, this should only be seen as part of the solution; of the 62 recommendations in the Williams Commission, only four of them related to structural change in Local Government.
6. The Welsh NHS Confederation is willing to provide oral evidence to the Communities, Equality and Local Government Committee. We believe it is important for the Committee to have the opportunity to hear directly from the health sector.

**The general principles of the Local Government (Wales) Bill and the need for legislation to:**

**- enable preparations to be made for a programme of local government mergers and reform**

7. The Welsh NHS Confederation, as the membership body for Local Health Boards and NHS Trusts in Wales, welcomed the publication of the Williams Commission report and we responded to its recommendations and findings in June last year. In our response to Williams we recognised that the report is a comprehensive study into the state of public service governance and delivery in Wales, and that it makes a number of broad recommendations relating to health and to the wider delivery of public services. In commenting on the recommendations in our response to Williams, we recognised that they have the potential to support better integration and reduce overall demands on health, and drive improvements across the board.
8. The Williams Commission recommended that *“Urgent action is required to ensure that seamless, integrated and high-quality health and social services are provided across Wales”*. In the light of this we have been concerned that Welsh Government’s response to the Commission through the White Paper<sup>i</sup> and the Bill represents a missed opportunity. There is rarely a reference made within the Bill to Local Health Boards and no reference to integration. Although the Welsh Government intent around the future of Local Government is clear within the Bill, we are disappointed that the Bill only relates to the Local Government aspects of the Williams report, specifically mergers and Local Government reform.
9. While the Minister in the Forward to the ‘Devolution, Democracy and Delivery White Paper – Reforming Local Government’ highlighted that the Bill *“proposes a new relationship between Local Government and communities. We need communities and Authorities to work together to tackle issues and create joint solutions”*, we recommend that it is an opportunity to consider the public sector more widely within this Bill. To enable all public sector bodies to tackle the pertinent issues affecting Wales, all sectors need to work in a more collaborative and integrated way and the NHS in Wales is already well on the road to integrating health and social care services.
10. For example, the Welsh NHS Confederation, in partnership with ADSS Cymru, is working to help build a much greater common understanding between NHS Wales and Local Government about the process of, and planned impact from, much closer collaboration and integration. In addition, Welsh Government’s Intermediate Care Fund is supporting projects which reflect this partnership. We feel that these initiatives demonstrate that services are already moving towards working in a more integrated way, and that this could be better reflected, indeed promoted, within the Bill.
11. The Welsh NHS Confederation welcomed the understanding within the Williams Commission report that urgent action is required in integrating health and social services to ensure high quality sustainable services are provided both now and in the future.
12. The First Minister, in response to the Williams Commission, stated that the Welsh Government’s plans *“are not just about Local Government. The commission was about improving all public services for our citizens. Therefore, we have set out a wide-ranging, ambitious programme of reform that encompasses the whole public sector... It describes wholesale integrated change so that we work and act as one public service...”*.<sup>ii</sup> While we support the rhetoric in this statement, the reality is that integration, and improving all public services, has not been discussed in this Bill.

13. The NHS in Wales supports integrating health and social services and we fully recognise that the way services are delivered now is not sustainable, and more importantly do not always meet the needs of the people of Wales. Our members are keenly aware of the need for whole system change in public services. As a service we want to see a consistent increase in quality while making sure services can meet the demand that are the consequences of demographic changes and forecasted increases in the older population. As our discussion paper *'From Rhetoric to Reality – NHS Wales in 10 years' time*<sup>iiii</sup> highlighted there is a need for wholesale change to ensure that there are positive outcomes for patients, a reduction in health inequalities and to help people avoid hospital admission through improved community and social services. To achieve these outcomes it is vital that health is not seen as a stand-alone issue and that integration is prioritised.
14. Engagement is necessary with all our public service colleagues, from social care to housing, education and transport, to take us all from an 'ill-health' service that puts unnecessary pressure on hospital services, to one that promotes healthy lives. All public bodies in Wales must build on how we might improve our ability to work together and support our partners and colleagues in other sectors. The recommendations put forward by the Williams Commission have the potential to support better integration and reduce overall demand on health, and drive improvements across the board.

**Allow Principal Local Authorities to merge voluntarily by April 2018;**

15. We support the principle that allows Local Authorities to merge voluntarily by April 2018. We are pleased that the Bill recognises the need for Local Health Boards to be consulted before mergers occur. We support section 4 of the Bill which highlighted that *'Before an application is made by principal local authorities...the principal local authorities must consult.... the local health board for any area falling wholly or partly within any affected area'*.
16. The haste with which the Bill, and the Williams Commission recommended this process takes place, reinforces the wider point about the need for radical and swift change to make public services in Wales more effective. As stated previously, structures and boundaries are not everything, but they remain an important barrier to collaboration, integration and the effective provision of public services in many instances.
17. So far Local Government re-organisation has dominated the debate surrounding the Williams Commission's findings. Although the debate is a key part of refocusing public services in Wales we are concerned that this remains the focus. Working with fewer Local Authorities will streamline the integration process for Health Boards, and there will be fewer structural barriers to collaborative working across the board. On this point we would stress that although it is important that wholesale change should be done across the board, this should not restrict progress in taking forward any discrete areas of work more quickly where this is possible.

**Any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them,**

18. It is vital that any new Local Authorities boundaries consider the structures that are already in place to minimise duplication. There are a number of structures already in place which underpin joint working, including regional collaboratives, Local Service Boards and the new structures proposed in the current Bill.

19. It is very disappointing that the Bill does not make reference to the recommendation put forward within the Williams report in relation to the greater integration, and potential merger, of Powys County Council and Powys teaching Health Board. Recommendation 18 in the Williams report states that *'Because of the unique characteristics of the county of Powys and the distinctive patterns of service delivery that this creates, Powys County Council and Powys teaching Health Board should merge'*. In our response to Williams we highlighted that overall we support the greater integration, moving potentially toward a merger of the Council and the Health Board, but that there is an urgent need for the Welsh Government to respond to the recommendation due to the uncertainty that currently surrounds the future structures and timeframes.
20. When the White Paper was introduced by the Minister for Local Government and Government on the 8th July she stated that in relation to the proposal to merge Powys teaching Health Board and Powys County Council *"the Minister for Health and Social Services and I are looking at that, and, obviously, we need to look at that as quickly as we can and come forward with some proposals"*. We would agree that there is a need for some urgency in the Welsh Government's response on this recommendation because the potential for greater integration and potential merger has now been discussed for over a year and it inevitably starts to create uncertainty for key staff who would be personally affected. The hiatus creates an uncertainty for both organisations in how to move forward. A firm position would be helpful in providing the clarity about future direction and timescales for the organisations to plan for the future.
21. Overall we support the greater integration, moving toward a potential merger, of Powys County Council and Powys teaching Health Board. However if a merger is to happen it must be seen as a joint and equal partnership between both organisations and would therefore by implication require a new type of body to be formed. Furthermore, neither the Williams Commission nor the Bill answers a core question in relation to the form any new body might take and how local and national political accountabilities can be discharged for both Local Government and NHS functions. It is our view that further work needs to be undertaken to develop a model for an integrated organisation that outlines how governance can work, and how local democracy and national directed services can work side by side before any major steps are taken.

## Conclusion

22. The debate around the findings of the Williams Commission and the Bill itself has focused largely on structures and boundaries. Undoubtedly, the complexity of these and how they impact on people's experiences of a range of public services does cause problems, but addressing these is only part of the solution, and must not be seen as an end in itself.

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<sup>i</sup> 'Devolution, Democracy and Delivery White Paper – Reforming Local Government'

<sup>ii</sup> The First Minister, 8 July 2014, The Welsh Government Response to the Williams Commission Report, National Assembly for Wales Plenary

<sup>iii</sup> The Welsh NHS Confederation, January 2014, From Rhetoric to Reality – NHS Wales in 10 years' time