

Christine Chapman AM  
Chair of Communities, Equalities and Local Government Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

29 February 2016

Dear *Chris*

**Petition P-04-666: Democracy in Local Government**

The Petitions Committee has been considering the following petition from  
Royston Jones:

*In recent years we have observed a trend in Welsh local government that has seen unelected officers effectively take control of local authorities.*

*This is invariably achieved with the connivance of a small group of councillors who commit their loyalty to the chief executive, rather than to the council to which they were elected, and those living within the local authority area.*

*A phenomenon that raises a number of concerns.*

*1/ When power is exercised by senior officers and elected representatives are, effectively, excluded from the decision-making process then, clearly, the democratic process has been undermined, and democratic accountability lost.*

*2/ Excluding the majority of the elected representatives from any role other than the cosmetic must call into question why cash-strapped councils need to pay so much money in various forms to political eunuchs.*

*We therefore call on the Welsh Government to be aware of this threat to local democracy and where it becomes clear that senior officers are exerting an unhealthy and undemocratic influence over the running of any local authority to warn that authority publicly that decision-making powers rest solely with the*



*elected representatives and, where such a warning is not heeded, to take that authority into special measures.*

*Additional information:*

*Senior local government officers, no matter what their qualifications or how inflated their salaries, remain employees of the council and servants to the electorate and the wider population. That they should subvert democracy by taking over the running of the local authorities that employ them is both unacceptable and dangerous.*

*Yet this is the situation we find in a number of our local authorities, and nowhere is this danger more obvious and established than in Carmarthenshire.*

*For reasons best known to itself the Welsh Government has turned a blind eye to the situation in Carmarthenshire, even though the problem of officer domination has been obvious there for a number of years.*

*Surely the time has come to restore democracy to our local authorities?*

The Petitions Committee considered this petition for the first time at our meeting on 19 January 2016, and agreed to close the petition. In taking this decision, they agreed to ask the petitioner to consider responding to the consultation exercise on the draft Local Government (Wales) Bill so that his views can be taken into account in that process.

Members also agreed to ask your Committee to take account of the petitioner's views when you consider arrangements for local government reform in the future. Correspondence from the petitioner and the Minister for Public Services are enclosed for information.

Yours sincerely



William Powell AC/AM  
Cadeirydd/ Chair

**Encs.**

Correspondence – Minister for Public Services to the Chair dated 7.12.15

Letter – Petitioner to the Committee dated 11.01.16



**P-04-666 Democracy in Local Government. Correspondence: Petitioner to the Committee. 11.01.16**

Dear Ms England,

Petition P-04-666

This is my reply to your e-mail of January 6th, with the attachment being the response to my petition from Leighton Andrews AM, Minister for Public Services.

My petition was not really concerned with salaries, which is why I shall focus my response on the third paragraph of Mr Andrews' letter (in panel below). Mr Andrews writes, "The prime responsibility for ensuring that officers do not acquire an unreasonable level of influence in an authority lies firmly with the political leadership of the authority". A sentiment with which no one would disagree. But my simple question is, what happens when 'the political leadership' fails to exert that control?

The prime responsibility for ensuring that officers do not acquire an unreasonable level of influence in an authority lies firmly with the political leadership of the authority. That is why I have included provisions within the Draft Local Government (Wales) Bill, published for consultation on 24<sup>th</sup> November, which make clear that the chief executive of an authority is appointable by and accountable to the authority concerned. The Draft Bill goes on to provide that the leader of the authority must set objectives for the chief executive and monitor their achievements, reporting on this to the full council.

I can see nothing changing with the new legislation referred to in the extracted paragraph (above), Mr Andrews simply reaffirms the existing powers of elected representatives, and the relationship that should obtain between councillors and officers; but he fails to tell us what can be done when elected representatives fail to curb the interference and eventual take-over by a chief executive (invariably aided by some other senior officers and one or two leading councillors).

In the right circumstances, of a determined and dictatorial chief executive and a complaisant council, it is inevitable that we shall see further examples

of the problem my petition addressed, a problem to be seen in Wales today. This is why I wish to see some higher authority invested with the power to intervene when it becomes obvious that the chief executive is exercising undemocratic control over the running of the council.

Such a mechanism of intervention cannot be objected to by anyone wishing to defend the democratic process at local authority level. Failure to do so serves only to encourage those with dictatorial propensities while also alienating ordinary people, particularly young people, from the political process. The public losing interest in politics then makes it easier for the system I'm highlighting to flourish. This is a vicious circle.

It might be argued that such power already exists with the ability of the Welsh Government to place a council in 'special measures'. So if the power is already there why has it not been used in obvious cases of the chief executive subverting the democratic operation of the council?

Then again, taking a council into special measures because the chief executive has wrested control from the elected representatives might be regarded as using a scattergun approach when something more focused is needed. So if new legislation is needed to deal with this specific problem then introduce new legislation.

But passing the buck to those who've already exposed their inability to deal with the problem is nothing less than the Welsh Government washing its hands of that problem. We have every right to expect better.

I look forward to seeing this matter debated by the Petitions Committee on the 19th of January.

Yours

Royston Jones

Leighton Andrews AC / AM  
Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-666  
Ein cyf/Our ref LA -/00794/15

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7 December 2015

*Joe William*

Thank you for your letter of 26 November regarding the petition concerning the influence of senior council officers within their local authorities. I am pleased you have given me the opportunity to put my views to your committee.

It is certainly not the case that the Welsh Government has "turned a blind eye" to the influence of some senior officers in certain local authorities, nor to the level of remuneration some of them receive.

The prime responsibility for ensuring that officers do not acquire an unreasonable level of influence in an authority lies firmly with the political leadership of the authority. That is why I have included provisions within the Draft Local Government (Wales) Bill, published for consultation on 24<sup>th</sup> November, which make clear that the chief executive of an authority is appointable by and accountable to the authority concerned. The Draft Bill goes on to provide that the leader of the authority must set objectives for the chief executive and monitor their achievements, reporting on this to the full council.

Furthermore, there is now a legislative framework in place in relation to the pay of senior officers. From January, in keeping with the provisions of the newly-enacted Local Government (Wales) Act 2015, no local authority will be able to vary the pay of their chief executive or any other chief officer without first consulting the Independent Remuneration Panel for Wales. If they do not act in accord with the Panel's recommendation, the authority will have to give their reasons and may be subject to a direction from Welsh Ministers to reconsider. This is in addition to the need for full council to approve the salary structure of their senior staff, as included in the Welsh Government's guidance on Pay Policy Statements.

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English Enquiry Line 0300 0603300  
Llinell Ymholiadau Cymraeg 0300 0604400  
[Correspondence.Leighton.Andrews@wales.gsi.gov.uk](mailto:Correspondence.Leighton.Andrews@wales.gsi.gov.uk)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Draft Bill also provides for the establishment of the Public Services Staff Commission, already operating on a non-statutory basis, which will be tasked with overseeing the public service workforce in general.

I am determined that reformed local government, which we will move towards over the next few years, will have political leaderships who understand that it is they who must set the direction of their authorities, not their senior employees, and that those senior employees are appointed fairly, and paid fairly, with full public accountability for the procedures involved.



**Leighton Andrews AC / AM**  
Y Gweinidog Gwasanaethau Cyhoeddus  
Minister for Public Services