

LG 17

Bil Llywodraeth Leol ac Etholiadau (Cymru)

Local Government and Elections (Wales) Bill

Ymateb gan: UNSAIN Cymru / Wales

Response from: UNISON Wales / Cymru

UNISON Cymru/Wales response to the consultation on the Local Government and Elections (Wales) Bill

1.1 UNISON is Wales' largest public service union organising over 90,000 public service workers.

1.2 We represent full-time and part-time staff who provide public services, although they may be employed in the public, private and third sectors.

1.3 Our interest in this consultation is threefold – 50,000 of our members in Wales work in local government; our members provide services that our councils deliver; and our members are citizens who use and rely on local services.

2. Elections

2.1 UNISON is fully supportive of reducing the voting age to 16 for all elections, including local government elections. It is important to engage, empower and inspire young people to become actively involved in the issues that affect their lives.

2.2 The Bill refers to educational support around citizenship education to run alongside the right to vote from 16. As many 16 and 17 years old are still in education, there is an excellent opportunity to educate young people on their democratic rights.

2.3 As a broader point, UNISON believes this education should also encompass education around employment rights and the role of trade unions.

2.4 Whilst the consultation refers to the right for 16 and 17 year olds to vote, it does not refer to the right to stand for election. Given that the law allows 16 and 17 years olds to give full consent to medical treatment, pay income tax and national insurance, consent to sexual relations, and become a director of a company to name but a few examples, UNISON believes it is important to explore the possibility of allowing 16 and 17 year olds to stand for election.

2.5 UNISON is fully supportive of all lawful residents in Wales being given the right to vote in elections.

2.6 Furthermore, UNISON believes all lawful residents who have the right to vote in elections should also have the right to stand in elections.

2.7 UNISON remains of the view that voting systems should be consistent across Wales. We have concerns that a change in voting system may be made for political advantage.

2.8 Where authorities to agree a change to voting systems, we agree there should be a minimum period whereby that arrangement then remains in place to avoid a situation where the system is regularly changed in line with political ambition.

2.9 A five year local government term is sensible but we would want to avoid elections to two separate bodies occurring during the same year. We are concerned this could create confusion and voter fatigue.

2.10 UNISON welcomes the Bill's intention to allow council employees (below senior level) to stand for election in their own authority. There are many local government workers who would make excellent councillors, who have great local knowledge and understanding. They are currently an untapped resource and we are keen for this to change.

3. General Power of Competence

3.1 UNISON has long advocated that the General Power of Competence should apply to local authorities in Wales.

3.2 This power could enable councils to create new possibilities for the development of and the improvement of local services and would also encourage and improve community participation in service delivery and policy development. We believe that councils should be judged on their actions not their structures and that this power is key to ensuring high quality, responsive local government.

3.3 The primary driving force must be the delivery of strong, effective and responsive local services, rather than cost saving.

3.4 UNISON is clear that, as with other negotiations, trade unions must be part of discussions on this at a local level.

4. Promoting Access to Local Government

4.1 UNISON agrees with the intention of the consultation to demystify local democratic structures and allow them to be more transparent and easy to understand.

4.2 The measures proposed within the Bill are sensible and allow public participation in the mechanics of a democratically elected and accountable body.

4.3 The measures also update current arrangements for participation around, for example, petitions, and this is welcome.

4.4 The more connected people feel to their local democratic structures, the better.

5. Local Authority Executives, Members, Officers and Committees

5.1 UNISON agrees with the separation and clarification of the key roles in local authorities as outlined in the consultation paper.

5.2 UNISON agrees with the Bill's proposal to ensure the performance management of council Chief Executives is open and transparent.

5.3 UNISON believes this element could be beneficial to the development of social partnership in Wales and in our submission to the Social Partnership Act White paper we have included the following wording:

5.4 "Social partnership arrangements have to be meaningful and understandable at local level and should form part of the senior management and leadership roles and responsibilities at local employer level. This responsibility must obviously be accompanied with the relevant and necessary training, development and communication. It could also be discussed and measured within performance review structures.

5.5 A model performance review could be developed and coordinated from the Social Partnership Council with the aim of capturing consistent data on compliance, along with other relevant statistics. This allows progress to be measured fairly and allows the development of a mechanism to address any issues with senior managers where social partnership arrangements have not been adhered to."

5.6 This must not, however, be linked with performance related pay for the senior management of councils.

5.7 UNISON wholly agrees with the measures in the Bill to allow regulations to keep up with any employment law developments. It is important to encourage candidates from as diverse a background as possible and this must include people with family responsibilities.

5.8 UNISON welcomes the Bill's intentions around the promotion and maintenance of high standards of conduct of those in elected office.

5.9 Scrutiny is an important function in order to hold elected officials to account. The Bill's proposals to improve scrutiny are welcome.

5.10 UNISON also supports proposals to provide education and training to support those elected to perform in their roles.

6. Collaborative Working by Principal Councils

6.1 UNISON is clear that any staff employed by corporate joint committees must be afforded the same pay, terms and conditions of employment as directly employed local authority staff.

6.2 Corporate joint committees must not be used as a vehicle to water down the terms and conditions of the workforce.

6.3 Staff employed through the corporate joint committee must have access to a recognised trade union and we believe it is essential for trade unions to form a part of the corporate joint committee.

6.4 There must be clear and transparent decision making processes in place which address the weighting of decisions being made between councils of differing sizes. All citizens in Wales deserve equal access to services irrelevant of the size of the local authority area where they reside.

6.4 There must be proper, robust scrutiny processes in place to ensure the decisions of corporate joint committees are open, transparent, and fair. In order for this to take place it is essential that there is provision for trade union representatives on corporate joint committees (see paragraph 10 for specific example). There must also be a consultation process ahead of the establishment of a corporate joint committee.

7. Performance and Governance of Principal Councils

7.1 UNISON welcomes the intention to develop a more regularised performance and governance system.

7.2 Currently, external auditing processes only appear to identify a problem, for example a procurement failure, after the event. It is important to ensure the audit process addresses this problem.

7.3 The presence of independent members on an Audit Committee could work, but committee members must be appointed in a way that ensures their roles are fair and accountable.

8. Mergers and Restructuring of Principal Areas

8.1 UNISON continues to be clear that the cost of any local government reorganisation should be provided centrally and under no circumstances should it be taken out of existing already stretched council services.

8.2 UNISON believes any council mergers that take place must sit within the existing health board boundaries. Local authority boundaries should be co-terminus with health board boundaries. Such an organisational alignment will support the process of health and social care integration.

8.3 Recognised trade unions must be involved at the earliest possible opportunity if local authorities are considering a restructure or a merger. Local authorities must engage with trade unions throughout any restructuring or merger process.

9. Local Government Finance

9.1 Public services offer excellent value for money and these services obviously need to be paid for. Council tax provides local authorities with much needed revenue, which is why council tax freezes are so damaging.

9.2 However, a viable level of council tax is not the answer to long-running problem of local government finance.

9.3 Any reformed council tax system would have to operate on an all-Wales basis with powers of limited local variation and mechanisms for redistribution in favour of areas with a much lower tax base.

10. Local Government Pension Scheme Welsh Funds

10.1 The LGPS in Wales is currently administered in eight funds (Cardiff and Vale of Glamorgan, Clwyd, Dyfed, Greater Gwent (Torfaen), Gwynedd, Powys, Rhondda Cynon Taf, and Swansea City and County).and managed through council committees by these respective administrating authorities.

10.2 In the run up to the 1 April 2015, Local Pension Boards were established under the provisions of Section 5 of the Public Service Pensions Act 2013 and regulation 106 of the LGPS Regulations 2013 (as amended). The Local Pension Boards were established to: assist the Scheme Manager; to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS; to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; in such other matters as the LGPS regulations may specify; secure the effective and efficient governance and administration of the LGPS for the DCPF; and provide the Scheme Manager with such information as it requires to ensure that any member of the Local Pension Board or person to be appointed to the Local Pension Board does not have a conflict of interest.

10.3 On each of Wales' 8 LGPS Pension Boards, LGPS members are represented by representatives of one or more of the National Joint Committee recognised Trade Unions (UNISON; GMB & UNITE).

10.3 In 2017 the Wales Pension Partnership (WPP) was established. The WPP is a collaboration of the eight LGPS funds (Constituent Authorities) covering the whole of Wales and is run through a Joint Governance Committee, made up of elected representatives from the eight administrating authorities. The purpose of this partnership is to pool the eight Welsh funds to improve investment returns and reduce investment costs.

10.4 To date the WPP has consistently declined the recognised trade unions' requests for a scheme member representative (nominated by a recognised trade union) to sit on the Joint Governance Committee (even in a nonvoting or observer status). As most of the investment decisions and scrutiny will now take place at a WPP level; the exclusion of a trade union scheme member representative undermines the spirit and purpose in which Pension Boards were developed.