



**WELSH GOVERNMENT
EVIDENCE FOR WELSH GOVERNMENT
LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL 2019**

Introduction:

The North and Mid Wales Association of Local Councils represents over 30 larger Town and Community Councils. The Executive was consulted in detail about this consultation and then the proposed response put the membership on their web site before presentation to the Welsh Government.

Contact details:

The contact details for the Association are:

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Consultation response:

The Association has considered the above proposed legislation. In general the Association supports the proposals but wishes to put forward, in particular, comments on various aspects of said legislation.

The Association is willing to attend a Welsh Government Committee to give oral evidence if it were felt to be helpful.



Details of consultation response

NO	Consultation section	HEADING	DETAILS	SUGGESTED RESPONSE
1	3.18 - 3.19	Electoral voting	Reforms to improve electoral arrangements for local government, including extending the franchise to 16 and 17 year-olds.	<ul style="list-style-type: none"> i) The Association accepts the arguments for including 16-17 year olds within the electoral system allowing them to vote. ii) The Association would support extending this proposal to all elections in Wales (Welsh Government iii) The interest in local politics by young people can be demonstrated by the number of Youth Councils that have been set up by both Principal and Community Councils.
2	3.20 – 3.27	Voting for those from other countries	Reforms to improve electoral arrangements for local government, including extending the franchise to foreign citizens legally resident in Wales.	<ul style="list-style-type: none"> i) The Association supports allowing foreign citizens legally resident in Wales the vote. Equality is important and the skills they bring to help the economy is recognised. ii) It is understood that the requirements for becoming a candidate in elections will remain the same, see appendix 1.
2	3.4 – 3.56	Voter registration	Improving voter registration.	<ul style="list-style-type: none"> i) The Association has had concern over voting for some time. There is currently little to stop someone looking up the electoral roll and attending a polling station and voting under a false name. Anything which makes voting more secure is welcome. ii) The Association supports the registration of voters individually and not via the head of the household. iii) The Association agrees that the electoral roll should be expanded to include those on other lists (such as the Council Tax register). Informing people that they have been added to the list has an administration cost and maybe unnecessary.

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				iv)	The Association supports the idea of an all Wales electoral database for all elections.
3	3.28 – 3.35	Voting system	Enabling a principal council to choose between the 'first past the post' or the 'single transferable vote' voting systems. See appendix 2.	i)	In the last 10 years we have seen a coalition government at Westminster and now a minority government. In the case of parties working together it appears to us that there needs to be more give and take if parties are to work together without getting entrenched.
				ii)	In the case of Powys County Council, which has been under no overall control for decades, it is clear that this situation makes it very difficult for a Council and often paralyses its work.
				iii)	The Association would not support the removal of the ward councillor but notes that it is retained in the transferable vote system. However it is noted that under STV systems there is a team for each area.
				iv)	The Association suggests that there should be one common system for all and not different areas operating different systems. The public are confused already over which services are delivered by which authority without adding to the confusion
				v)	The Association would support the first past the post system so that ward Councillors are retained and the system is easily understood by the electorate.
4	3.36 – 3.39	Term of Councils	All County and Community Councils would be for a fixed 5 year term. At present there is no prescribed set term.		The Association supports this proposal. This allows a good amount of time for new councils to set out their plans and deliver them in the set period.



5	3.57 – 3.62	Standing for election	<p>The requirements for being a candidate in local council elections to be altered to include people from other countries as long as the remaining conditions are met as follows:</p> <ul style="list-style-type: none"> • be at least 18 years old • be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union <p>And</p> <ul style="list-style-type: none"> • meet at least one of the following four qualifications: • to be, and continue to be, registered as a local government elector for the principal council area in which they wish to stand from the day of nomination onwards • to have occupied as owner or tenant any land or other premises in the principal council area during the whole of the 12 months before the day of nomination and the day of election 	The Association supports this proposal.
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			<ul style="list-style-type: none"> • have their main or only place of work during the 12 months prior to the day of nomination and the day of election in the principal council area • to have lived in the principal council area during the whole of the 12 months before the day of nomination and the day of election. 	
6	3.59 - 3.63	Council Staff standing for election	A change is proposed to allow council staff to stand for election to their council as long as the employed position is not one of a politically sensitive nature.	The Association strongly objects to this proposal. The Association has no issue with employees standing for election to other councils but not the one in which they are employed. The feeling is that working with employees could be difficult and confidentiality in danger. This is not good for staff relations.
7	3.64 – 3.67	Disqualification for election	A change is proposed whereby those with sexual offences will be disqualified from standing for election.	The Association supports this proposal.
8	3.74 – 3.78	Returning Officers payments	The change proposed is to restrict the amount of remuneration returning officers may claim.	The Association supports this proposal

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9	3.79 – 3.81	Names of electoral communities	The name 'electoral divisions' to be changed to 'electoral wards' in each piece of legislation so that there is a common terminology.	The Association supports this proposal.
10	3.82 – 3.92	Power of competence	A general power of competence for principal councils and eligible community councils	The Association supports this proposal.
11	3.98 – 3.100	Reforms to participation and transparency	Reforms to increase public participation in local democracy, and improve transparency. The provisions in this part will require principal councils to encourage public participation in their decision-making and scrutiny procedures. The proposals are also intended to support openness and transparency.	The Association supports this proposal.

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12	3.105	Constitutional	The act currently requires principal councils to adopt a constitution which sets out their standing orders and rules relating to procedures, conduct, note specifications relating to the governance, administration, finances, commercial and collaborative activities of councils. Their purpose is to enable elected members, officers, the public and stakeholders to understand how the council makes decisions and sets out who is responsible for those decisions.	The Association supports County Councils being required to have a constitution as set out by the Act.
13	3.117 – 3.118	Community Council Annual Reports	Community and Town Councils are required to publish an annual report.	The Association supports this procedure.
14	3.119 – 3.129	Principle Councils leadership	Provision relating to the leadership of principal councils, including encouraging greater diversity amongst executive members and establishing a statutory position of chief executive	The Association supports the regulations proposed regarding Chief Executives, Head of Service and Executives.
15	3.133 – 3.139	Code of Conduct matters	Review of the code of conduct and Ombudsman arrangements.	The Association supports the proposals related to the conduct of members.

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16	3.145 – 3.148	Training for community council staff.	The change would be to require community and town councils to assess the training requirements of their staff.	The Association supports this proposal but would object to such training needs being assessed by the principal authorities.
17	3.149 – 3.163	Working relationships	The development of a framework and powers to facilitate more consistent and coherent regional working mechanisms	The Association supports joint working between principal authorities but this needs to be done taking into account mergers so that work is not done only to be abandoned later.
18	3.164 – 3.170	Assessment	A new system for improving performance and governance based on self-assessment and peer review, including the consolidation of the Welsh Ministers' support and intervention powers	The Association supports this proposal.
19	3.178 – 3.180	Mergers of Councils	Powers to facilitate voluntary mergers of principal councils and restructuring a principal area	<ul style="list-style-type: none"> i) Whilst the Association understands, and supports, this proposal it has become clear that legislation is needed to implement the reduction in Principal Authorities. ii) In the view of the Association too much time has been wasted and lost in discussing a reduction in authorities, it is now urgent that this is reviewed and taken forward . iii) The Association also supports the enlargement of Town and Community Councils to allow them to deliver more local services. This will allow more local democracy and allow for more cost effective delivery of local services.

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20	3.200 – 3.206	Business Rates and	Provisions relating to local government finance including non-domestic rating and council tax	i) The Association notes the proposals regarding enforcement but feels that a revision of the business rates system is far more important and long overdue.
21	3.207 – 3.209	Council Tax		a) The Association notes the proposals regarding enforcement of Council Tax payments, however the Association feels it is more important to scrap Council Tax and provide a fairly tax payable according to ability to pay. b) The reason for the view on Council Tax held is that the number of people unable to pay the said tax is rising.
21		Miscellaneous	Miscellaneous provisions relating to information sharing between regulators, community polls, fire and rescue authorities, the Local Democracy and Boundary Commission for Wales and Public Service Boards.	The effect of the new GDPL system has caused difficulties in transfer of information between relevant authorities. The Association would support any initiative to share such information.
22	3.231 – 3.232	Miscellaneous	Public Service Boards	There has been a variance in how and when Community Councils are appointed to Public Service Boards. Principal Authorities should be required to make such appointments within set periods.



ELECTION CANDIDATE CONDITIONS – 2019

Requirements for standing as a candidate for election are:

Be at least 18 years old

Be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, **(plus with the changes proposed any person from another country who meets the following)**

and

Meet at least one of the following four qualifications:

- a. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your nomination onwards.
- b. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your nomination and the day of election.
- c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish/community area.
- d. You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.



APPENDIX 2

FIRST PAST THE POST VOTING SYSTEM

The first past the post (FPTP) system, also known as “the simple majority system”, has been the only voting system used to elect local councils in Wales since the introduction of elected local government in the late 19th century. It is also the system used to elect Members of Parliament, constituency Assembly Members and town and community councillors in Wales. Accordingly, it is the voting system with which Welsh voters are most familiar.

SINGLE TRANSFERABLE VOTE SYSTEM OF VOTING V FIRST PAST THE POST SYSTEM

STV is a preferential voting system, which means voters are asked to rank the available candidates in order of preference, using numbers.

Voters may choose to rank all the available candidates or only as many as they wish. STV is considered to be a system of proportional representation. It usually produces results which generally reflect the proportions of votes cast for the different political parties, groups and independents in an individual electoral area and across the election as a whole.

How does the single transferable vote system work?

Rather than one person representing everyone in a small area, bigger areas elect a small team of representatives. These representatives reflect the diversity of opinions in the area.

On election day, voters number a list of candidates. Their favourite as number one, their second favourite number two, and so on. Voters can put numbers next to as many or as few candidates as they like. Parties will often stand more than one candidate in each area.

The numbers tell the people counting to move your vote if your favourite candidate has enough votes already or stands no chance of winning.