



Llywodraeth Cymru
Welsh Government

John Griffiths, AM
Chair
Equality, Local Government and Communities Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
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Dear John

Local Government and Elections (Wales) Bill - Further information following the meeting held on 27 November 2019

Thank you for your letter of 5 December following my attendance at Committee on 27 November to give evidence on the Local Government and Elections (Wales) Bill. I agreed to provide the following additional information:

- details of any analysis that has been undertaken by the Welsh Government or elsewhere in relation to petitions schemes, the potential increase in their use by the public, and long-term cost implications for principal councils of running a scheme
- the timetable for the 'co-production' of the guidance and regulatory arrangements
- examples or evidence of effective self-assessment arrangements that are currently in place around the world.

Annex 1 provides information regarding the petition schemes in operation in Wales. As the evidence shows, many principal councils already run petitions schemes, though only one currently does so electronically. The aim of the provisions in the Bill is to strike a balance between enabling people to highlight an issue to the council in a more accessible way than a community poll without making the scheme too costly to run. I believe there is no need for both as the outcome is the same, and this replicates the practice used by the Assembly. It is my intention for any guidance on operating a petition scheme to be co-produced in order to learn from the experience of councils who already have schemes in place. The estimated costs are set out in the Regulatory Impact Assessment.

As requested, I will provide the Committee with a timetable for the co-production of the relevant guidance and regulatory arrangements created by the Bill in the New Year.

As mentioned at Committee, where appropriate we will seek to co-produce the guidance, in addition to working with the WLGA we will engage with the third sector through the networks available. Further consideration will be given on how best to engage with citizens and wider communities, with consideration given to the benefits to be achieved from incorporating

activities such as focus groups, when we finalise the approach to developing the guidance. I welcome the views of the Committee on this matter.

We do not have examples or evidence of any self-assessment arrangements that are currently in place around the world. Annex 2 provides more detail on the rationale behind the proposed approach to the performance and governance provisions in the Bill.

Turning to your letter in relation to the Committee's questions on the financial implications of the Bill, the broader electoral reform agenda is complex and cuts across a number of different pieces of primary and secondary legislation. While the Local Government and Elections (Wales) Bill extends the franchise to 16 and 17 year olds and qualifying foreign citizens the administrative costs directly associated with the Bill are limited. The majority of changes to electoral management systems and registration processes are being made as a result of the Senedd and Elections (Wales) Bill and the consequential changes required to the Representation of the People (Wales) (Annual Canvass) (Amendment) Regulations 2020. This work is being led by Welsh Government officials.

The Welsh Government appreciates that this significant development in democratic inclusion will grant additional responsibilities to local authorities in respect of registering new electors and promoting the right to vote to the extended franchise. To this end, the Welsh Government will make available a minimum of £1m in the 2020/21 financial year to support electoral administration teams in implementing these changes.

As part of their discussions with local authorities regarding the implementation of the Bill, my officials are exploring the potential for piloting remote attendance and I do not envisage commencing these provisions until I am confident councils are ready to meet the requirements. I am happy to consider the need for financial support.

I can confirm it is not my intention to provide financial incentives for principal councils who wish to change their voting system. It will be for the council concerned to weigh up the case for making a change. If a council made a decision to change their voting system, I would explore whether funding could be made available, for example to pay for electronic counting programmes and machines if the Welsh Government were to impose electronic counting.

I look forward to returning to the Committee on 29 January to give further evidence.



Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Annex 1: Evidence on use of petitions in principal councils in Wales

In Wales, seven councils currently make provision in respect of petitions, though only one (Powys Council) currently supports e-petitions.

Council	Provision for Petitions
Blaenau Gwent County Borough Council	<p>The Council has a Petitions Protocol that can be used when there are circumstances where the public feel strongly about an issue and they wish to directly communicate their views to the Council through a petition.</p> <p>Before submitting a petition, you should first check with your local councillor or with the Council to see if they are already acting on your concerns and that the Council is the most appropriate body to receive your petition, as sometimes your petition may be more appropriate for consideration by another public body.</p> <p>You can send petitions electronically to:- committee.services@blaenau-gwent.gov.uk</p> <p>or present petitions to:- The Head of Democratic Services Section Blaenau Gwent County Borough Council</p> <p>or contact the Business Support Democratic Services Section on 01495 356139 to make arrangements to hand in a petition</p>
Bridgend County Borough Council	None
Caerphilly County Borough Council	None

Cardiff Council	<p>The Council welcomes petitions and we recognise that petitions are one way in which people can let us know their concerns. Petitions can be presented to a meeting of the Full Council and Planning and Licensing Committees.</p> <p>To submit your petition at Full Council please contact your Local Councillor who can present it on your behalf, or for any other petition contact democraticservices@cardiff.gov.uk</p>
Carmarthenshire County Council	<p>The Democratic Services Unit administers meetings of the Council, Executive Board and Committees of the Council. Producing meeting agendas, attending meetings and recording the decisions made and also providing advice on the law and practice of meetings to Councillors, officers and the public. They also provide administrative support to all 74 Councillors. They can advise you on your rights to attend meetings and how to go about submitting petitions or any other query you may have about how the Council and its Committees work.</p>
Ceredigion County Council	None
Conwy County Borough Council	<p>Any paper petition should include a brief title and a short statement covering the subject matter of the petition.</p> <p>The petition should clearly state what action the petitioner wishes the Council to take and display the following:</p> <ul style="list-style-type: none"> •The name of the petitioner •The contact address of the principal petitioner to which all communications concerning the petition should be sent •The name and address of any person supporting the petition •Paper petitions should also include a signature <p>Paper Petitions must be presented by a Councillor and they can be presented at a meeting of the Council, the Cabinet or an Overview and</p>

	Scrutiny Committee (depending on the subject matter and advice from the Council's Monitoring Officer).
Denbighshire County Council	None
Flintshire County Council	None
Gwynedd Council	None
Isle of Anglesey County Council	None
Merthyr Tydfil County Borough Council	<p>The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.</p> <p>Anyone who lives, works or studies in Merthyr Tydfil, including under 18's, can sign or organise a petition. However, the minimum age of a person who can sign the petition is 10.</p> <p>Members of the public can submit petitions on the following:</p> <ul style="list-style-type: none"> •Issues relating to the Council's responsibilities. •Issues which affect the Borough or communities in Merthyr Tydfil, as long as the Council is in a position to exercise some degree of influence. •Anything relating to an improvement in the economic, social or environmental well-being of the area to which any of the Council's partners could contribute. <p>The Council will respond to all the petitions it receives. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.</p> <p>How do I submit a petition?</p> <p>All petitions sent or presented to the council will receive an acknowledgement from the council within 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.</p>

	<p>Paper petitions can be sent to:</p> <p>Democratic Services Merthyr Tydfil County Borough Council</p> <p>What will the Council do when it received my petition?</p> <p>We will acknowledge the petition within 14 days of receiving it and let the petition organiser know what we plan to do with the petition.</p> <p>What can I do if I feel my petition has not been dealt with properly?</p> <p>If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Scrutiny Board review the steps that the Council has taken in response to your petition.</p> <p>The Scrutiny Board will consider your request within 30 days of receiving it. Should members feel that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter.</p> <p>These powers include instigating an investigation, making recommendations to the executive or arranging for the matter to be considered at a meeting of the full council.</p>
Monmouthshire County Council	None
Neath Port Talbot County Borough Council	Possibly exploring on-line petitions
Newport City Council	None
Pembrokeshire County Council	None
Powys County Council	You can access and sign current ePetitions submitted to this Council, as well as accessing information on ePetitions that have already been completed.
Rhondda Cynon Taff CBC	None

City & County of Swansea	None
Torfaen County Borough Council	<p>Members of the public living and/or working in Torfaen and representatives of relevant organisations based in Torfaen may ask questions or present petitions at Council meetings.</p> <p>For further information about public involvement in meetings in Torfaen, please contact the Democratic and Members Services Team on 742163 or 766057.</p>
Vale of Glamorgan Council	None
Wrexham County Borough Council	Link on website to UK and NAW e-petitions webpages

Annex 2 - Performance and governance provisions in the Local Government and Elections (Wales) Bill

The performance and governance provisions in the Local Government and Elections (Wales) Bill are aiming to secure cultural change, with local government taking greater ownership of their own performance. Self-assessment and panel performance assessment in this context are about a broad, council-wide assessment of how a council is organised and the strategic decisions it makes to achieve all its objectives, goals and targets.

Rationale for approach

The effectiveness of The Local Government (Wales) Measure 2009 and the wider concept of performance assessments in the UK and across Europe was considered in the 2013 *‘Learning to Improve: An Independent Assessment of the Welsh Government’s Policies for Local Government, 2007-2011 (Final Report: Part 2)’*¹ and also later in *‘The Commission on Public Service Governance and Delivery’*² (January 2014). The latter noted:

‘Effective performance management demands far more than simply measuring the right aspects of service delivery. It requires the widespread interpretation and use of performance data to drive improvement in services... a set of policies, strategies and techniques intended to direct managers’ and employees’ attention towards the improvement of an organization’s performance. This could entail organisations themselves monitoring data to identify the need for corrective action, such as changes to delivery methods or extra investment; regulators and scrutiny bodies using data to inform and support pressure for change; or citizens receiving data, which helps them understand how far their entitlements and expectations are being met, and using that to hold service-providers to account.’

This perceived compliance approach within the 2009 Measure was potentially driving perverse behaviours towards achieving indicators and not on the wider consideration of the issues, processes and more importantly people that sit behind those numbers.

Within ‘Devolution Democracy and Delivery: Improving public service for the people of Wales’ (2014) the Commission made a number of recommendations to reduce complexity on performance and governance including:

‘to explore opportunities to reduce complexity, simplify governance arrangements, encourage flexibility for delivery partners to innovate to achieve outcomes, and keep detailed guidance and funding conditions to a minimum. This will include considering options to: streamline funding arrangements; refine performance systems to encourage innovation, flexibility, preventative approaches and a real

¹ <https://gov.wales/sites/default/files/statistics-and-research/2019-07/130924-learning-improve-independent-assessment-wg-policies-lg-2007-2011-part-2-en.pdf>

² <https://gov.wales/sites/default/files/publications/2019-01/commission-public-service-governance-delivery-full-report.pdf>

focus on outcomes; and develop the role of audit, inspection and regulation in supporting this agenda.'

The White Paper '*Reforming Local Government: Power to Local People*' (Feb 2015) proposed a number of changes relating to Corporate Governance and Improvement including introducing a system of annual self-assessment to support Local Authorities in improving their corporate capability and capacity. It noted that evaluation of the impact of Outcome Agreements³, and by extension Part 1 of the Local Government (Wales) Measure 2009, found that they have generally been effective in achieving better corporate focus on improvement and outcomes, although it was difficult to assess whether they had led to performance improvements. The White Paper also noted that the *Learning to Improve*⁴ report found improvement plans have fallen short in supporting the public to hold their Councils to account, and are not sufficiently used by local Scrutiny Committees. *Learning to Improve* also raised questions about the consistency, objectivity and usefulness of the Wales Audit Office's annual improvement assessments in supporting Local Authorities to improve. The annual assessments focus on making improvement 'auditable' has led to too much reliance on external assessment rather than local accountability. This does not always provide either the Local Authorities, Welsh Ministers or the public with the assurance they are seeking.

The response to the White Paper on self-assessment and Peer review were generally supportive. Local Authorities and the WLGA emphasised the benefits of peer assessment being sector-led. In the Public Policy Institute for Wales report '*High Performing Councils: recipe not alchemy*'⁵ (July 2015) it was noted that honest regular organisational self-assessment and embracing searching criticism from peers and inspectors was an indicator of a successful council.

³ Do Outcome Based Approaches to Service Delivery Work? Local Authority Outcome Agreements in Wales, Dr Jennifer Law, University of South Wales, 2013, <http://caspp.southwales.ac.uk/publications/>

⁴ Learning to Improve, Welsh Government, 2013, <http://wales.gov.uk/statistics-and-research/7945310/?lang=en>

⁵ <https://www.wcpp.org.uk/wp-content/uploads/2015/07/High-Performing-Councils-Thinkpiece-Final.pdf>