

CYNGOR CYMUNED CWMLLYNFELL COMMUNITY COUNCIL

**MINUTES OF THE EXTRAORDINARY MEETING HELD AT
CWMLLYNFELL HALL ON THURSDAY 11TH FEBRUARY 2016 AT 6.30 P.M.**

PRESENT: Councillor J C Rees (Chairman) presided
COUNCILLORS: M Evans, E L Morgan, R P Morgan, D C Phillips and
D B Thomas

139. COUNCILLOR EIFION L MORGAN – PENRHIWFAWR WARD

The Chairman welcomed Councillor E L Morgan to his first meeting following his c-option to fill the vacancy in the office of Councillor to represent the Penrhiwfawr Ward.

140. APOLOGIES

Apologies for their absence were received from Councillors R M Davies and R Evans.

141. DECLARATIONS OF INTEREST

No declarations of interest were made at this juncture

142. FIRST RESPONDERS & AUTOMATED EXTERNAL DEFIBRILLATORS

The Chairman welcomed Mr J Dean Llewellyn of the Ystradgynlais Community First Responder Team who had been invited to the meeting to discuss measures that could be introduced to provide a first responder service in the community to replace the former service which had been discontinued.

Mr J D Llewellyn explained to the Council that the present trend was to install Automated External Defibrillators in communities which could be accessed after a code had been issued by the ambulance service following a 999 call. The Automated External Defibrillators were fully automatic and effective in assessing whether a patient required to receive a defibrillation shock. Mr Llewellyn indicated that the cost of the equipment was approximately £1,000 per unit and he undertook to provide the Council with further information including details of how the equipment is maintained in other localities.

The Clerk suggested that the Council could address the issue both from meeting the needs within the community and also making representations to the Welsh Government with regard to the provision of the equipment in all communities.

The Chairman thanked Mr Llewellyn for his attendance and indicated that the Council would look forward to receiving further information.

143. DRAFT LOCAL GOVERNMENT (WALES) BILL

Further to Minute 120 of the meeting of the Council held on the 17th December 2015, consideration was given to submitting comments to the Welsh Government on the above mentioned draft bill. Details were also received of the draft response that One Voice Wales had prepared in respect of the consultation documents.

The Council proceeded to consider its response to a selection of the questions in the consultation document.

Resolved that the comments as indicated in the appendix hereto be submitted to the Welsh Government.

144. FINANCIAL MATTERS – PAYMENT OF ACCOUNTS

Resolved that the following accounts be paid:

No			£
1776	Paul's Plant Hire	Repairs gate & fencing Rhiwfawr Pk	222.00
1777	Neath Port Talbot CBC	Welsh Translation	28.06

145. REPORTS

The following matters were reported:

- PACT meeting 18th February to commence at 5.30pm;
- East Pit East Opencast Site – Community Benefit Scheme
- Gwrhyd Quarry – Alleged breach of conditions regarding transportation times.

The meeting terminated at 9.10pm.

Consultation on the Draft Local Government (Wales) Bill – Council’s Response

PART 1

Question 1.1: Do you have any comments on any of the provisions in Part 1 of the Draft Bill?

Cwmllynfell Community Council supports the suggestion made by One Voice Wales that the establishment of transition arrangements for community and town councils should be contained within any future Bill in order to rectify the anomaly that exists and so as to place the first tier of local government on an equal footing with the second tier. It would be patently inequitable if resources were made available to enable Unitary Authorities to enable their transition into new structures if this was not offered to the local council sector level on a proportionate basis.

Question 1.3: What are your views on the proposed configuration of Local Government areas in Wales?

Cwmllynfell Community Council supports the proposal for eight Unitary Authorities.

Key to the new configuration will be the need to ensure local representation structures are in place to enable communities to engage effectively in the new democratic structures. In the interests of parity and democratic representation local councils should also be established in areas where they do not currently exist.

Question 1.5: What are your views on the procedure for naming the new Counties?

Cwmllynfell Community Council supports the proposal for the shadow principal authorities to determine their own names following public consultation and it supports the making of regulation powers by Welsh Ministers to give effect to this.

Question 1.6: What are your views on the proposed changes to the Local Government election timetable?

Cwmllynfell Community Council supports local government elections being moved to fixed five year terms from 2023 and does not object to the proposed transitional arrangements for a six year term between 2017 and 2023. The Council is however firmly of the view that the ordinary elections for Community and Town Councils should always coincide with the ordinary elections of Unitary Authorities. Furthermore it is the view of Cwmllynfell Community Council that where there are combined contested elections that it is only the costs that are over and above the costs of the Unitary Authority Elections that should be borne by the Community and Town Councils rather than an equal share of the election costs.

Question 1.11: Do you agree that the preserved counties be abolished and that consequential amendments are made so that the appointments of Lord-Lieutenants and High Sheriffs are made in respect of the counties in existence after 1 April 2020?

Cwmllynfell Community Council does not agree that the Preserved Counties should be changed since they form part of the modern history of Wales.

PART 2

Question 2.2: Do you have any comments on our proposals relating to Community Councils with competence?

Cwmlllynfell Community Council notes the provisions with regard to the general powers of competence but would question whether the three competency requirements identified are a true measure of a Community Council being able to act in their community's best interests, generate efficiencies and secure value for money outcomes. An unqualified auditor's opinion is an obvious measure of competence but the requirement for at least two-thirds of Councillors on a Community Council to have been elected should be reviewed as many councils are having difficulty in attracting people to stand for election which inevitably results in the provisions for c-option being invoked. It is entirely a matter for the electorate to decide on the competence of their Community or Town Council and it is for those Councils as employers to determine whether the Clerk of the Council is competent. Many Councils employ Clerks with considerable local government experience with former employment at a senior level, therefore the imposition of a recently devised qualification as the only measure of competence is an insult. As such the "Democracy" and "Capability" criteria in the Bill should be reviewed.

PART 3

Question 3.1: Do you have any comments on any of the provisions in Part 3 of the Draft Bill?

Cwmlllynfell Community Council notes that the Welsh Government intends to consult on proposals including separate legislation dedicated to the mechanisms for distributing, raising, managing and accounting for the funding of Local Government in Wales. There are already many instances of service and asset transfer to community and town councils whilst Principal Councils continue to raise the level of Council Tax to offset reductions in the level of revenue support from the Welsh Government. This is resulting in a doubling of the charge on the Council Tax payer coupled with a diminution in the level of service that is being delivered. The Welsh Government should therefore include in its proposals a provision whereby Community and Town Councils receive the same level of Revenue Support Grant from the Welsh Government as Principal Councils for the provision of services which are delivered under powers that are held concurrently with Principal Councils.

Question 3.3: How should community representatives to sit on community area committees be sought and selected?

Cwmlllynfell Community Council is of the view that the proposals for Community Area Committee would create an unnecessary new layer of bureaucracy and introduce even more complexity into the local government system for local electors. If they are however created it is essential that every community council has its own seat on the area committee.

Question 3.4: Do you agree County Councils should be able to delegate functions to a community area committee? If yes, are there any functions that should or should not be capable of being delegated?

Cwmlllynfell Community Council is not in favour of the establishment of such bodies, a view that is held generally amongst member Councils of One Voice Wales.

Question 3.7: Do you have any comments on any of our further proposals relating to access to meetings?

It is understood that One Voice Wales members have raised concerns about the introduction of section 77 – filming, photography and sound recording of meetings – at each of the two Welsh Government consultation events at the beginning of February 2016 with specific concerns in relation to issues relating to the Data Protection Act and that information could be used inappropriately to peoples detriment, including the potential of cyber bullying. Cwmllynfell Community Council is currently engaged in attracting Youth Representatives to attend and participate in meetings on a non-voting basis and therefore shares the concerns that have been expressed by others.

Question 3.8: Do you have any comments on our proposals to enhance participation by children and young people through the public participation duty?

As indicated in the response to 3.7 above Cwmllynfell Community Council is currently inviting applications from Youth representatives who wish to attend and participate at meetings of the Council in a non-voting capacity.

PART 4

Question 4.1: Do you have any comments on any of the provisions in Part 4 of the Draft Bill?

Cwmllynfell Community Council is opposed to the provisions which require Principal Councils to consider if there are matters on which it should be compulsory for Community Councillors to complete appropriate training. It is essential that the autonomy of Community and Town Councils is maintained and as such the Council is opposed to the notion that the Principal Councils oversee the manner in which Community and Town Councils conduct their business. The exception of course is the role that is carried out by the Monitoring Officer which the Council acknowledges is necessary in maintaining the ethical framework.

Review of Community Council Arrangements – Cwmllynfell Community Council is wholly opposed to the enforced amalgamation of smaller councils, resulting in more remote community representation and cohesion. The Council is however not opposed to groups of adjacent councils being encouraged to work together in clusters in order to accommodate economies and efficiencies of scale. The Council is firmly of the opinion that established communities must continue to form the "building blocks" that form Community and Town Councils and as such that there should not be a merger of councils merely in order to form larger Councils. There is however scope for boundary reviews as there are many examples in Wales of communities that are divided by an artificial boundary both at Community Council and Principal Authority level. An adjustment of such boundaries away from valley floors to the watershed of hills and mountains would improve community identity and governance.

Question 4.4: Do you have any comments on our proposal to give the Welsh Ministers a power to direct the IRPW to have regard to guidance when reviewing the remuneration framework for Councillors?

Cwmllynfell Community Council is aware of and supportive of the fact that the IRPW is already engaging closely with One Voice Wales and its member councils on matters affecting the local councils sector and amending allowances and introducing new allowances inline with Unitary Authority members for community and town councillors to take account of increased and increasing workloads and responsibilities.

Question 4.5: Do you agree the provisions relating to remote attendance in the 2011 Measure should be made more flexible?

Cwmlllynfell Community Council is of the view that the provisions relating to remote attendance are irrelevant for small Community Councils and would detract from the debate and exchanges that can be achieved at a conventional meeting.

PART 6

Question 6.1: Do you have any comments on any of the provisions in Part 6 of the Draft Bill?

Review of Community Council Arrangements – Cwmlllynfell Community Council is totally opposed to the enforced amalgamation of smaller councils or the inappropriate fragmentation of smaller councils which would result in more remote community representation. The Council would not however be opposed to reasonable boundary changes especially where communities are divided by inappropriate boundaries. There are numerous examples in Wales of communities that are divided by such artificial boundaries both at Community Council and Principal Authority level. An adjustment of such boundaries away from valley floors to the watershed of hills and mountains would improve community identity and governance. The Council is also of the view that groups of adjacent councils should be encouraged to work together in order to deliver economies and efficiencies of scale.

Community Council Precept: Cwmlllynfell Community Council welcomes the fact that this will be dealt with on a longer time basis. The Welsh Government should however establish arrangements for the development of resources to enable local councils to consider the issues of precept harmonisation and equalisation as this is an area for much debate and public confusion should local councils be merged. Currently there is a trend of service and asset transfer from Principal Councils to community and town councils. Nevertheless, Principal Councils continue to raise the level of Council Tax to offset reductions in the levels of revenue and capital support from the Welsh Government which is resulting in a doubling of the charge on the Council Tax payer coupled with a diminution in the level of service that is being delivered by Principal Councils. The Welsh Government should therefore include in its proposals a provision whereby Community and Town Councils receive the same level of financial settlement from the Welsh Government as Principal Councils in respect of services and schemes which are delivered under powers that are held concurrently with Principal Councils.

Transition arrangements: Cwmlllynfell Community Council urges the Welsh Government to place local councils on an equal footing with Unitary Authorities and set in place transition arrangements and the establishment of Transition Committees for local councils. The Transition Committees could govern the recruitment and selection process for the clerk's post on new common councils; assimilation of staff generally and negotiating staff contract variations; handling redundancies; the transfer of assets and the delegation of services from the new county councils. Such transition arrangements should permit the earmarking of balances and reserves of existing councils for future allocation and spending in the relevant area of the new common council (i.e. the area of the former community or town council where the balances or reserves were accumulated) in order to prevent the appropriation of the funds unfairly by the new common council.

Question 6.2: Should the Boundary Commission be required to submit their draft reports to Shadow Authorities from May 2019?

Cwmlllynfell Community Council is opposed to the proposal for the Boundary Commission to submit draft reports to Shadow Authorities from May 2019. This would place a limited timeframe for the completion of a critical exercise for the future of local democracy. The Boundary Commission must not be rushed to complete its work programme without full consideration and consultation as this could result in unintended consequences. The Welsh Government must explain its reasoning for merging local councils as it has already demonstrated inconsistencies in this matter by suggesting a minimum turnover in its White Paper, which was a notion that the Welsh Government had to abandon.

It is imperative that the merging of councils does not result in a significant reduction in the number of local councillors as this would undermine democracy and limit the ability of the sector to act on behalf of its electorates.

Question 6.3: Should the new County Councils implement the Boundary Commission's recommendations or should this be a responsibility of the Boundary Commission itself?

The Boundary Commission should hold this responsibility to avoid the possibility of Ministers or local authorities attempting to use this power to unduly influence outcomes of such reviews. However, the development of robust transition arrangements for community and town councils must ensue so that due consideration is given to local geography, demographics, and the Welsh Language in order to overcome any perceived lack of knowledge on the part of the Local Government Democracy and Boundary Commission. Regrettably, the Commission has demonstrated such lack of knowledge previously in 2009 when Draft Proposals for the Review of Electoral Arrangements for the County Borough of Neath Port Talbot revealed major flaws. Subsequently, the Welsh Government made reforms to the structure and functions of the Commission

Question 6.4: Do you have any comments on our proposals relating to compulsory training for Community Councillors?

Cwmlllynfell Community Council is opposed to Unitary Authorities determining compulsory training and believes this should be a matter for the sector itself to determine in collaboration with its representative body One Voice Wales.

Question 6.5: Do you have any comments on our proposal to extend the term of Community Councillors elected in 2017 to six years?

Cwmlllynfell Community Council does not object to the proposed transitional arrangements for a six year term between 2017 and 2023.

Question 6.6: Do you have any comments on our proposal that Community Councils should be required to consider and plan for the training needs of their own members and employees?

Cwmlllynfell Community Council is of the view that community and town councils can determine their own training regime and should not be directed in such matters by county councils. The representative body of community and town councils, One Voice Wales is ideally placed to support and monitor such developments with appropriate support from Welsh Government.

Question 6.7: Do you have any comments in relation to the setting of objectives for a Community Council clerk?

Cwmlllynfell Community Council accepts the premise of a performance management framework as a matter of good employment practice but the resources dedicated to the matter must be proportional to the needs and appropriate for the requirements of individual councils.

Question 6.8: Do you have any comments on our proposal to repeal the legislation relating to community polls and to require instead that Local Authorities should implement a system of e-petitions?

Cwmlllynfell Community Council is of the view that the legislation relating to community polls should be retained and that a system of e-petitions should also be implemented so that both options are available and able to be selected according to the individual requirements and nature of the subject matter.

PART 7

Question 7.2: Do you have any views on whether it would still be desirable to establish a statutory Public Services Staff Commission if it would be more constrained in the matters on which it could issue guidance than a non-statutory Commission?

Cwmlllynfell Community Council supports the creation of the Staff Commission with appropriate representation thereon by the local council sector.