

**LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES
MEETING HELD ON 15 DECEMBER 2015 AT HASTINGS HOUSE.**

Present: Mr. Owen Watkin (Chair); Mr. Ceri Stradling; Mr. David Powell; and Mr. Theodore Joloza.

LDBCW Officers attending: Mr. Steve Halsall (Chief Executive); Mr. Matt Redmond (Deputy Chief Executive); Mr. David Carr (Finance Manager); Mrs. Rachel Williams (Business Support Manager); Mr. Ross Evans (Review Officer); Mr. Tom Jenkins (Review Officer); Mr. Ralph Handscomb (Review Officer); Mrs. Catherine Thomas (Review Assistant)

Time Started: 9:30

Time finished: 14:10

Apologies: Mrs. Julie May and Mr. Daniel Mosley apologised for their inability to attend the Meeting.

1. Declarations of Interest

1.1. No declarations of interest were made.

2. Chairman's Announcements

2.1. The Chair announced that there would be an 11am meeting with Officials of the Sponsor Division and that the Commission meeting would resume following that meeting.

2.2. The Chair reported that members of the Commission attended the Inter-Commission meeting in London in November and that the meeting was interesting as it highlighted the differing work situations of each Commission.

3. Minutes of the Commission meeting held on 17 November 2015

3.1. It was **Resolved** to approve the Minutes of the meeting held on 17 November 2015 as a correct record of the matters considered.

4. Issues Arising

4.1. Consideration was given to the Report dated 7 December by the Chief Executive on Issues Arising.

4.2. It was **Resolved** to accept the Report as a whole noting the issues for later discussion at this meeting, and updated progress on the following issues was also **noted**:

- (Issue 2) Community Reviews – Desk Instructions had been reviewed and updated, however it was noted that these were a live document and that changes would be made as required. **Matt Redmond**
- (Issue 8) Legal Services – A signed agreement is to be received in the New

Year. **Rachel Williams**

- (Issue 11) Welsh Language Standards – The Commission was not expecting to receive the regulations from the Welsh Language Commissioner until mid-2016. **Steve Halsall**
- (Issue 12) Accommodation – The Commission has requested a copy of the Lease from Ethical Property Ltd. **Rachel Williams**
- (Issue 15) Ordnance Survey – Travel and Accommodation for 11 February visit to be arranged. **Tom Jenkins**

5. Reviews Processes Discussion Paper

- 5.1. Consideration was given to the Report dated 8 December 2015 by the Deputy Chief Executive. The Report provided some alternative methods that could save time to the reviews process it also highlighted the benefits and risks of those suggestions.
- 5.2. The Commission considered the External Processes and **Agreed** to consider the following suggestions:
 - No printed reports
 - Limited text in reports
 - Electronic-only distribution – this would need to be further investigated
- 5.3. The Commission **Agreed** that the risks were too high to consider building the following suggestions into the review programme:
 - No Lead Commissioner
 - No maps in reports
 - No Local Government Reviews Summit
 - Oral Representations
 - English-first publication
- 5.4. The Commission considered the Internal Processes and **Agreed** to consider the following suggestion:
 - Bespoke (short notice) meetings for schemes
- 5.5. The Commission **Agreed** that the risks were too high to consider building the following suggestions into the review programme :
 - Scheme decisions made outside Commission meetings
 - No QA process
 - Reliance upon overtime for Staff would not be included as a factor in the programme
- 5.6. The Commission **Agreed** that determining the use of overtime for staff and the number of review officers required to complete the review were matters for a management consideration and not that of the Commission.
- 5.7. Further discussion was had about the consultation periods of the review and the Commission **Agreed** that it could consider the use of only a six week consultation.
- 5.8. The Commission **Noted** the report. **Action: Deputy Chief Executive**

6. Local Government (Wales) Bill Report

- 6.1. Consideration was given to the Report dated 8 December 2015 by the Chief Executive and the Deputy Chief Executive.
- 6.2. The Commission discussed and recognised the issues with the Bill.
- 6.3. It was **Resolved** to arrange a meeting with Welsh Government officials to seek clarity on a number of areas before drafting a response. **Action: Deputy Chief Executive**

7. Seaward Boundaries

- 7.1. Consideration was given to the Report dated 19 November 2015 by the Chief Executive.
- 7.2. The Commission was invited to consider the legal advice received regarding the power to review of a single seaward boundary that may extend over more than one local authority area.
- 7.3. The Commission **Noted** the Report, and the advice of Counsel that the Commission had powers to review seaward boundaries as and when required.

8. Memorandum of Understanding

- 8.1. Consideration was given to the Report dated 3 December 2015 by the Chief Executive.
- 8.2. The Commission was invited to consider the Memorandum of Understanding that had been agreed between the Cabinet Office, Welsh Government, BCW and LDBCW prior to its publication.
- 8.3. The Commission **Noted** the report and **Agreed** that it can now be published.

9. Community Review Order Making

- 9.1. Consideration was given to the Report dated 8 December 2015 by the Deputy Chief Executive.
- 9.2. The Commission considered to the draft Order making procedure and **Agreed** that the draft process should be sent to Welsh Government and Government Legal Services to obtain their views.
- 9.3. A formal Order making process document will be presented at a future Commission meeting. **Action: Deputy Chief Executive**

10. Risk Management

- 10.1 Consideration was given to the Report dated 3 December 2015 by the Finance Manager. It was noted that the Audit and Risk Assurance Committee had made two suggestions for changes to the Commission's Risk Management Policy at their November meeting. These were:
- That the Commission should consider adopting the practice of formulating separate risk appetites for individual projects which could be different to the Commission's overall risk appetite; and
 - That the Commission should include in its Risk Management Policy the practice of senior management producing a record of their reasons behind any changes they make to the Operational Risk Register.
- 10.2 **It was agreed** to adopt the suggested changes to Risk Management policy and that an amended policy would be presented to the next meeting. **Action:** Finance Manager **By:** 26 January 2016
- 10.3 The Commission noted and **Accepted** the report by the Finance Manager and considered that the Corporate Risk Register accurately reflected the current risks to the Commission's objectives. **It was agreed** that no changes to the register were required.

11. Budget Report

- 11.1 The Commission considered the report drafted by the Finance Manager and noted the proposed small changes to the budget categories and the estimated underspend for the end of the year. It was reported that there were still some uncertainties with some areas of expected expenditure in respect of legal advice for seaward boundaries and community review order making. However, it should still be possible to comfortably surrender £25,000 Grant-in-Aid back to Welsh Government.
- 11.2 **It was agreed** that a letter would be drafted for the Chief Executive to Welsh Government informing them of the Commission's decision to surrender back £25,000 and that the budget would be recast accordingly. **Action:** Finance Manager. **By:** 26 January 2016

12. Audit and Risk Assurance Committee 24 November 2015

- 12.1. Consideration was given to the Report dated 2 December 2015 by the Finance Manager regarding the Audit and Risk Assurance Committee meeting held on 24 November 2015 and the main points and decisions arising from that meeting. The Commission **Resolved** to formally note the report.

13. Ombudsman Bill Consultation.

- 13.1. Consideration was given to the Report dated 3 December 2015 by the Business Support Manager. The paper outlined the National Assembly Finance Committee's call for evidence from public bodies on proposed powers for the Public Services Ombudsman. It was noted that the Committee was minded to

advise the National Assembly that the Ombudsman should decide how complaints could be accepted, including oral complaints, but suggested safeguards if that course were followed.

- 13.2. Although the likelihood of the Ombudsman's involvement in complaints about the Commission may increase the Commission remained of the view that acceptance of oral complaints should not be accepted but that all complaints should be in writing. It was **Agreed** to adhere to the Commission's original response and to reiterate it to the Committee. **Action: Business Support Manager** to re-submit the response to Welsh Ministers.

14. Workforce Planning and Staff Mobility

- 14.1. Consideration was given to the Report dated 7 December 2015 by the Business Support Manager on the establishment of the People Exchange Cymru website and process to promote vacancies across Wales.
- 14.2. It was considered that the proposal would place restrictions upon the Commission in recruiting staff and there was uncertainty concerning possible future liability regarding redundancy payments.
- 14.3. The Report was **Noted**. The Commission considered that it was important to remain engaged in the process and to maintain a presence in the consultation. It was **Agreed** to forward the proposed responses to Welsh Government. **Action: Business Support Manager.**

15. Reviews progress.

- 15.1. Consideration was given to the Report dated December 2015 by the Deputy Chief Executive.

Electoral Reviews.

- 15.2. It was reported that proposals for **Carmarthenshire, Ceredigion, Conwy, Denbighshire, Gwynedd, Powys** and **Torfaen** had been agreed, with the Orders due in January 2016.
- 15.3. As the Community Review of **Monmouthshire** has been postponed, Welsh Government is considering the Final Electoral Proposals submitted to them in February 2011 with respect to Monmouthshire. Final proposals for **Pembrokeshire** submitted in December 2014 are presumed to have been accepted by the Minister also.
- 15.4. The Reviews of **Bridgend** and **Swansea** have been postponed as a result of the Electoral Review Programme 2014 being suspended.

Community Reviews.

- 15.5. **Rhondda Cynon Taf** and **Flintshire** were published on 9 July 2015 and 7 October 2015, respectively. Ministerial decisions were awaited.
- 15.6. A **Cardiff** City and County Council draft Final Proposals Report was considered at the last Commission meeting and the Report was presently undergoing QA.
- 15.7. The **Neath Port Talbot** County Borough Council Draft Proposals Report was published on 26 November 2015 and the end of the representations period is 7 January 2016.
- 15.8. The **Carmarthenshire** County Council Review of the boundary between the Communities of Llanelli Rural and Llangennech is the first Community Review conducted under the Local Government (Democracy) (Wales) Act 2013, and a Commission paper on the process for making an Order in the Commission had been presented earlier at this meeting.
The Council published their final recommendations report on 11 November and the six week period before the Commission may make an Order ends on 23 December 2015.
- 15.9. **Denbighshire** County Council commenced a review wholly within Prestatyn with Draft Proposals published on 30 October 2015 and consultation ending on 11 December 2015 - a Commission response to the consultation was provided on 3 December 2015. Unless they make a change to the boundary of the Community of Prestatyn the Commission will not formally be involved in the process, although it is a mandatory consultee.
- 15.10. The Commission **Noted** the report

16. Calendar of Events

- 16.1. The calendar was **Noted**.

17. Any Other Relevant Business

- 17.1. There was no other relevant business.

18. Date of Next Meeting: Tuesday 26 January 2016