**LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES**
**MEETING HELD ON 23 FEBRUARY 2016 AT HASTINGS HOUSE.**

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

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

**Time Started:** 9:30
**Time finished:** 12:30

**Apologies:** Apologies were received on behalf of Mrs Rachel Williams who was unable to attend the meeting.

## 1. Declarations of Interest

1.1. No Declarations of Interest were made

## 2. Chairman's Announcements

2.1. The Chair stated that the draft Remit Letter for 2016/17 had been received, and that estimates of costs of conducting Initial Reviews had been requested by Welsh Government. The Commission was encouraged by Welsh Government to offer suggestions upon the future Reviews of Town and Community Councils as part of the consideration of the reform of electoral arrangements of new authorities. The Commission was also asked to consider releasing staff for a short time to assist Welsh Government in assessing representations received from the current consultation processes. The Commission had been thanked for its comments during the consultation of the Local Democracy (Wales) Bill.

2.2. The Commission **Agreed** to respond to the draft Remit Letter, highlighting concerns regarding the timeframe for completing the reviews; to ask the Chief Executive to develop ideas regarding reform of electoral arrangements for Town and Community Councils and to discuss them with the Sponsor Division, and to request him to determine the requested release of staff .

2.3. Action : Chief Executive

## 3. Minutes of the Commission meeting held on 26 January 2016

3.1. It was **Resolved** to approve the Minutes of the meeting held on 26 January 2016 as a correct record of the matters considered subject to a minor amendment to paragraph 9.3.

## 4. Issues Arising

4.1. Consideration was given to the Report dated 4 February 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 Order making powers – awaiting legal advice on the process. **Matt Redmond**
- (Issue 4) Electoral Reviews Planning – budgets and costings to be provided to Sponsor Division. **Matt Redmond**
- (Issue 6) Staff Terms & Conditions – a meeting of the Workforce Sub-Committee will be held following the March Commission meeting. **Steve Halsall**
- (Issue 8) Welsh Language Standards – The Business Support Manager was absent and attending a briefing session on Standards held by the Welsh Language Commissioner's Office; feedback will be given to the next meeting of the Commission. **Rachel Williams**
- (Issue 14) Public Services Staff Commission – In preparation for the attendance at the March meeting of the Commission of the Chair of the Commission, a briefing note for Members will be prepared. **Rachel Williams**
- (Issue 17) Small Workplace Health Award – Preparing for application in the next financial year. **Rachel Williams**

## 5. Gifts, Rewards and Hospitality Policy

5.1. Consideration was given to the Report dated 15 January 2016 by the Finance Manager.

5.2. The Commission **Noted** the report. It was Resolved to defer consideration of the draft Policy to the next meeting in order that minor changes to the Policy be investigated, with the intention of bringing the cash limit for declarations into line with those applied by Welsh Government; that relevant sections be re-drafted to strengthen the requirement to consider the declaration of gifts from all sources, and that references to 'civil servants' in the text would be changed to refer to either 'Commissioners and staff' or 'public servants' as appropriate. **Action: Finance Manager.**

## 6. Risk Management – Risk Register

6.1. Consideration was given to the Report dated 3 February 2016 by the Finance Manager and the following changes were **Noted**:

- Risk CR7 is to be re-drafted to specifically refer to Initial Reviews, and to refer to the risk of inadequate time to undertake Reviews. The mitigation of the risk was action by the Commission to seek appropriate amendments in legislation and any future Direction. **Action: Finance Manager.**
- Risk CR8 to improve mitigation by seeking further advice from Welsh Government Estates. **Action: Finance Manager.**
- Risk CR9 to be amended to reflect the fact that the area surrounding Hastings House is now being redeveloped. **Action: Finance Manager.**
- Risk CR10 - is to be re-drafted to refer specifically to reviews of electoral arrangements for Town and Community Councils and to the period that will be available to fully complete the review work. The Commission will seek appropriate amendments to legislation and any future Direction **Action:**

**Finance Manager.**

- A new emerging Risk - CR11 - is to be introduced to identify the risk of that negotiations fail for the future occupation Hastings House after the expiry of the current lease. **Action: Finance Manager.**

## 7. Budget Report

7.1. Consideration was given to the Report dated 12 February 2016 by the Finance Manager.

7.2. The Finance Manager outlined changes in budget allocations following the surrender of funds back to Welsh Government and the receipt of additional BCW funds from Cabinet Office. Concern was raised over the time taken to receive an invoice from Government Legal Services to cover the Seaward Boundaries advice and the matter would be escalated and the invoice chased. **Action: Business Support Manager.**

7.3. The Commission **Noted** the Report.

## 8. Hastings House Lease

8.1. Consideration was given to the Report of 3rd February by the Business Support Manager concerning the renewal of the lease of Hastings House. The Commission had been advised by the Senior Estates Survey seek legal advice upon the renewal of the lease from Ethical Properties Ltd. It was **Agreed** to contact Welsh Government Legal Services to explore the implications of the possible changes. **Action: Business Support Manager.**

## 9. Welsh Language Scheme Review

9.1. Consideration was given to the Report dated 3 February 2016 by the Business Support Manager.

9.2. The report was **Noted** and was subject to the following changes.

- On receipt of the Compliance Notice, the Scheme review will be updated with any required changes, and formally reviewed.
- Change of the classification “as necessary” to be shown as “Discretionary”

9.3. The Commission **Agreed** to amend the Policy as suggested by the Report, and to re-consider it following the service upon the Commission of a Compliance Notice by the Welsh Language Commissioner

## 10. Law Commission Report

10.1. Consideration was given to the Report dated 4 February 2016 by the Chief Executive; to consider the Law Commission’s interim Report on Changes to

Electoral Law, which had adopted the changes requested by the Commission regarding Polling Districts...

10.2. The Commission **Noted** the interim report.

## 11. Local Government (Wales) Bill

11.1. Consideration was given to the Report dated 16 February 2016 by the Chief Executive and Deputy Chief Executive on progress in respect of the Welsh Government's Local Government (Wales) Bill.

11.2. The Chief Executive provided the Commission with a verbal update.

11.3. The report was **Noted.**

## 12. Carmarthenshire Community Review

12.1. Consideration was given to the Report dated 14 January 2016 by the Review Officer.

12.2. The Commission discussed the context and reasoning of the proposals of the Carmarthenshire Community Review.

12.3. Llanelli Rural and Llangennech – The proposal was agreed and the Review Officer would come back to advise if the boundary placement by the County Council could be linked to their Local Development Plan.

12.4. The Commission **Agreed** the report.

12.5. It was **Agreed** that as the electoral wards are concurrent with the Community boundaries of Llanelli Rural and Llangennech, to write to the Minister seeking consent to implement the consequential changes to the electoral wards, prior to drafting the Order. **Action: Review Officer**

## 13. Review Progress Report

13.1. Consideration was given to the Report dated 16 February 2016 by the Deputy Chief Executive on the current Review Progress.

13.2. It was reported that the **Cardiff** Community Review was printed and would be published on 26 February 2016. **Neath Port Talbot** Community Review Final Report was currently undergoing the quality assurance process and would be translated and printed in due course. **Carmarthenshire** Community Review was discussed earlier in the meeting, where the report was accepted; and the Commission was still awaiting the results of the **Denbighshire** community review of Prestatyn.

13.3. The Report was **Noted**.

## 14. Calendar of Events

14.1. The Calendar was **Noted**.

14.2. Explanation was given by the Deputy Chief Executive to the Commission regarding the ongoing Parliamentary Review work of BCW.

## 15. Any Other Relevant Business

### Cardiff Business Improvement District

15.1. Consideration was given to the report by the Deputy Chief Executive, dated 22 February 2016 in regards to the proposed development of the Cardiff Business Improvement District (BID).

15.2. The Commission felt that under the provisions of the Local Government (Democracy) (Wales) Act 2013, the participation by the Commission in the proposal would be ultra vires the powers of the Commission by being in in breach of Section 12(2) of that Act.

15.3. It was agreed to inform the BID team of the legal position and, in the event that the Commission's view was challenged, to seek legal advice.

15.4. **Action: Deputy Chief Executive**

### Chairs of Audit Committees Meeting

15.5. The Deputy Chair informed the Commission of a 'Chairs of Audit Committees' meeting which he had recently attended together with the Finance Manager. One of the agenda items at that meeting had covered the analysis of assurances to the board and provided a sample template for this purpose. The template had been adapted to the Commission's sources of board assurances and been added to the Audit and Risk Assurance Committee Chair's Annual Report.

15.6. As part of the analysis of assurances to the Commission it had been established that there was a gap in assurance covering a lack of full information for expenditure on individual reviews. The Commission debated whether it could account for spending on each individual review in the future as part of its assurances to measure its cost-effectiveness. However it was decided that the processes that are in effect at present are adequate and as long as the Commission does not exceed its budget or timescales then it is working effectively and efficiently as according to its remit letter from Welsh Government.

**Date of Next Meeting: Tuesday 22 March 2016**