



Response to Welsh Government White Paper “Reforming Local Government: Resilient and Renewed”

1 The Association of Local Authority Chief Executives and Senior Managers (ALACE) welcomes the opportunity to submit a response to the White Paper. We look forward to being consulted further about some of the detailed matters in the White Paper that affect our members in Wales.

2 ALACE is the only union that represents exclusively local authority chief executives and senior managers including monitoring officers, chief financial officers and, in Wales, the heads of democratic services. ALACE provides the staff side of the Joint Negotiating Committee for Chief Executives of Local Authorities.

Consultation questions 15 and 26

Financial and governance frameworks for joint governance committees

3 Many ALACE members either are heads of paid service or hold one of the other statutory “governance” roles as chief finance officer, monitoring officer or head of democratic services. We welcome the Welsh Government’s commitment (paragraph 2.8.7) for further discussion with local government in developing the financial and governance frameworks for joint governance committees. Even if (for example) one officer acts as the lead financial officer for a joint governance committee, this should not undermine or usurp the role of section 151 officers in respect of their constituent councils.

4 ALACE is concerned about the suggestion in paragraph 5.6.4 that statutory roles in a regional service should be vested in one individual. Paragraph 5.6.3 refers to the head of paid service as an example of a statutory role. While there are models where such a role exists in a joint governance vehicle (such as a combined authority), this does not affect in any way the need for such a role also in the constituent councils. We are not aware of a joint committee that has a head of paid service and it would seem to require amendment to the Local Government and Housing Act 1989 in order to implement such an arrangement. We would be very concerned if the Welsh Government is suggesting that the current statutory roles, particularly the governance roles of head of paid service, chief finance officer, monitoring officer and head of democratic services, would not be required in principal councils as a result of the creation of joint governance committees. There is no evidence that the preservation of the statutory roles in councils also involved in regional service delivery models is a barrier to creativity and effective collaborative working.

Consultation questions 16 and 17

Guidance to be issued by the Welsh Government

5 We have noted the possibility that the Welsh Government might use a statutory guidance making power to issue guidance on workforce matters where it will enhance the

development of national or regional delivery of public services (paragraph 2.10.8). ALACE would ask to be consulted about any such guidance, and also about any guidance in respect of voluntary mergers if it touches on employment issues (paragraph 3.1.6). ALACE feels that any guidance should have clear limits and processes for risk testing and agreement, so that creativity and innovation are not limited.

Consultation question 17

Voluntary merger of councils

6 ALACE welcomes the Welsh Government's decision not to proceed with local government reorganisation and notes the arrangements that would be made in the case of a voluntary merger of councils (paragraphs 3.1.5 to 3.1.7). A merger of two or more councils means that their whole economic undertakings will be transferred into the new council and therefore that all employees should be transferred to the new council in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 or, failing that, in accordance with the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (December 2013). We would welcome the Welsh Government's confirmation of its stance on this issue.

Consultation question 28

Returning officers' fees

7 ALACE has fundamental concerns about the suggestion that proposals will be brought forward to remove entitlement to personal fees for returning officers (paragraph 7.1.2). ALACE will submit a response to separate consultation on any proposals in due course. For now, we wish to register the following points:

- 7.1 The Assembly does not have legislative competence in respect of UK elections including police and crime commissioner elections, and thus any fees in respect of those elections are a matter for the UK Government;
- 7.2 salaries for staff who perform the role of returning officer will not usually have been set on a basis that takes account of the responsibilities of returning officers as statutory office holders. A returning officer's responsibilities are ultimately to the courts, not to councils or even to the Assembly. The role is complex and time-consuming and is additional to whatever role an individual may perform in a council. The role is important and carries significant personal risk for post-holders. It carries exceptional levels of personal responsibility, including potentially being personally liable for any fault that occurs in electoral administration and automatically being a respondent in the case of an electoral petition. The role of a returning officer deserves fair and appropriate remuneration that reflects the workload, commitment and level of responsibility;
- 7.3 there may be cases where salary as a council officer is inclusive of responsibility for acting as returning officer at a council's own elections (and the "base salary" may therefore be higher than it would otherwise have been). Individuals will have accepted arrangements such as these "with their eyes open". However, in our experience, salaries would not include remuneration of the responsibility for conducting other bodies' elections. In those cases, and for any individuals who are remunerated

separately as returning officer for council elections, it would be a retrograde and unfair step to expect them to carry on discharging the role of returning officer for those elections for nil remuneration. ALACE is not aware of any other work that people are required to undertake for nil remuneration. There is a significant risk that some experienced returning officers may no longer agree to continue with the role;

7.4 While it is the case that councils are required to designate an electoral registration officer who will also be the returning officer, it is not the case that the person appointed has to be the chief executive. Thus it should not be presumed that all returning officers are, or will continue to be, in very senior positions.

8 In summary, ALACE feels that any proposals to remove personal fees would devalue the role of returning officer in Wales, and would raise significant issues of equity, both in comparison with returning officers elsewhere and with additional roles that others may play in the public sector and for which they might receive additional remuneration.

Other matters raised in the previous consultation on the draft Bill

9 ALACE supports the proposal to require leaders to make arrangements to manage the performance of the chief executive and to set objectives for chief executives (appendix 1, pages 52 and 54). This is good practice, which national agreements already encourage.

10 ALACE welcomes the proposal in the draft Bill to include the requirement to appoint a chief executive on the face of legislation. It notes that clause 105 of that Bill provided for the head of democratic services to be a “chief officer” for the purposes of the pay policy statement under the Localism Act 2011, and hopes that the Welsh Government has considered whether such a designation might lead to pressure to increase salaries for the position. It is assumed that this is the extent of the comment in the White Paper that the new Bill will provide that the head of democratic services becomes a chief officer position (appendix 1, page 52). ALACE would be concerned about the proposal if there was any intention to fetter the discretion of chief executives and councils in deciding on management structures. For example, it should not be a requirement that all chief officers have to report to the chief executive.

11 Finally, ALACE warmly welcomes the Welsh Government’s decision not to follow the English route of dispensing with the role of the Independent Person in respect of the power to dismiss senior officers (appendix 1, page 56).

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