



Date issued: 12 April 2017

Powys Constitution Changes

Further to my email of 24 March 2017, I am now in a position to respond to your request of 21 March 2017, which was for information as follows:

'1. ...on what rationale you base this requirement [for Powys local authority to amend its constitution]?

2. What hard evidence did the Wales Audit Office consider which led to the requirement for Powys Local Authority to take urgent action to amend the constitution and preclude leaders of the opposition speaking at cabinet meetings.

3. Why was the requirement considered of such importance as to necessitate urgent action.'

I should at the outset make clear that the right to information under the Freedom of Information Act 2000 is a right to access recorded information rather than a right to be provided with explanation. It is, however, open to public authorities to provide explanation.

We do not hold information that meets your request. This is because the Wales Audit Office has not required Powys County Council to amend its constitution in any way. The Wales Audit Office has functions of monitoring and advising the Auditor General for Wales and providing resources, including staff, for the exercise of the Auditor General's functions. The Wales Audit Office does not itself have any functions of auditing or directing the Council. Furthermore, while the Auditor General does have functions of auditing and reviewing Powys County Council, and may make recommendations to the Council, the Auditor General has not required the Council to amend its constitution. Any changes made to Council's constitution are a matter for the Council to decide.

It may however be helpful if I also explain that staff of the Wales Audit Office exercising functions of the Auditor General have reviewed governance in Powys County Council and provided the Council's Chief Executive with a draft report on 20 February 2017. Paragraph 22 (below) of that report appears to me to be relevant to your request, though it concerns the role of Scrutiny chairs rather than opposition leaders.

'Scrutiny chairs are able to speak at Cabinet meetings. However, our observation of Cabinet found that it is unclear to what extent Scrutiny chairs can exert influence on service change decisions at this relatively late stage in decision-making, and their attendance at Cabinet meetings has the potential to blur accountability to members of the public observing. We understand that Cabinet meetings are often time consuming and the Council has not focused meetings sufficiently on key priorities. The Council needs to review and refocus the role of Cabinet and ensure it uses other governance mechanisms appropriately when considering significant service change. The examples we found of effective use of governance arrangements to inform service changes demonstrate that the Council can build on and learn from these for future service changes.'

This same material was provided to the Council in final form on 22 March 2017.

Staff of the Wales Audit Office gave feedback to the Council following their review of governance. While the role of group leaders speaking at Cabinet was not mentioned within the final report, Wales Audit Office staff did identify this as an issue during their review and fed this back in their discussions with the Council. This issue was discussed by the Council's Democratic Services Committee, cabinet members, scrutiny chairs and group leaders. The Democratic Services Committee then made a recommendation to the council, following which, the council decided to amend its constitution.

I have not applied any exemptions, but if you have any queries or concerns about my response, please email me.

Yours sincerely,