

Council bingo:

why there's more to successful
local government than numbers

Mike Hedges AM

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Foreword

This is the first of the Bevan Foundation's new series of in-depth analyses of politics and public policy.

Our aim is to produce one regularly as a way of providing a space for a more detailed policy critique than is often available outside internal party policy making. There are plenty of places to publish shorter discursive articles, both online and in print form, and indeed the Bevan Foundation's own blog and *Review* do so regularly. However, space also needs to be created to offer longer and deeper analysis. This new series attempts to provide that opportunity.

We are delighted that Mike Hedges AM has agreed to author the first of the series. As someone with decades of experience of public service, including leading a major local authority, his knowledge base in public service delivery is second to none. In commissioning this series we hope to provide a continuing forum for this level of expertise and thought. We would welcome ideas and submissions from across the political spectrum and from outside the political world too.

Mike's analysis attempts to look at some of the key issues currently facing local government. Whilst we do not expect everyone to agree with its content – that would be a failure of such an article – it is intended as a launching point for further debate and discussion about the future of local government.

And its publication is especially timely because the coming year is likely to see a stronger focus on local government than at any point since the advent of devolution. There are two main reasons for this. The first is the recent cut in local authority funding. Reductions in funding for every local authority in Wales (an average of 3.5 per cent) have drawn a number of very strong responses. Announcing the figures, Local Government Minister Lesley Griffiths was clear that no single council faced an "unmanageable reduction in their allocation" compared to last year, but this isn't a view that's shared by others – not least those in her own party. The never-shy Russell Goodway of Cardiff Council predicted that councils "will run out of money before they can make the savings", predicting that two councils "would go bust next year". The leader of Carmarthenshire council has already warned that hundreds of staff face losing their jobs under its settlement, while Rhondda Cynon Taff

described the situation as “Armageddon”, having planned for a 2 per cent cut only.

The second key reason this publication is especially timely is the Williams Commission – or the Commission on Public Service Governance and Delivery, as it should be properly known. Established as recently as April 2013, this body has raced through its remit and objectives to look hard, honestly and objectively at the way public services are governed and delivered in Wales, and how they may be improved. Its report will be highly significant in shaping future decades of public service delivery in Wales.

Against this backdrop, Mike Hedges’ thoughtful and reasoned discussion document provides an interesting discussion both on how local authorities should be structured but also – and this is the rarer part of the discussion – how they should be scrutinised and how their staff should be remunerated. It is this fullness of vision and perspective which makes this an ideal start to a promising new series of articles.

Daran Hill

Series Editor and MD of Positif

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Council Bingo

The future of local government

Now is a difficult time for local government in Wales. Funding cuts are happening which, while still less draconian than in England, remain challenging. Local government also has had a series of poor social services and education inspection reports. So what is the future of local government in the first half of the 21st century?

The last 40 years have seen two reorganisations, the creation of the National Assembly for Wales and services such as water, post-16 education and magistrate's courts being taken out of local authority control. After almost a hundred years with a stable structure, Local government in Wales was reorganised into county and district Councils in 1974 and further reorganised into 22 unitary authorities in 1996. If we continue changing local government structures every 22 years then we are due an Act in 2016 and a new structure in place by 2018.

“We now desperately need a serious public debate on the future of local government that involves the primary stakeholders of local authority services – the general public themselves.”

Crucially it needs to be about more than just structures.

The debate has already partly begun. We've had Russell Goodway, a former leader of South Glamorgan and Cardiff Councils, calling for a reorganisation of local government with local government being reorganised on the same boundaries as the seven current local health boards. This followed the calls of Gwynedd Council Leader, Dyfed Edwards, for the number of councils in North Wales to be reduced from six to two. Former Plaid Cymru Leader and Dwyfor Meirionnydd AM, Dafydd Elis Thomas, has also previously said that the number of councils in Wales should be reduced to between five and seven.

With a growing consensus in favour of changing the face local government in Wales, the question must be asked is whether continual reorganisation of

structures is of any benefit? We have had several health service reorganisations over recent years. If reorganisations saved money, then the health service should be financially very strong. Therefore before answering the question of reorganisation with a simple yes or no, I think we need to look at number of issues that would inevitably emerge should re-organisation be on the cards.

The real cost of reorganisation

Let us look first look at housing. Surely you'd think that it would be easy to merge the housing functions of several Welsh councils? The issue is that some local authorities have undertaken housing stock transfer to a housing association whilst others have not.

The question this raises is what happens when they are merged? You could end up with a third of the stock transferred and two thirds directly managed. Rents also differ between local authorities for various historic reasons. When Swansea joined with part of Lliw Valley in 1996, the rents were substantially lower in Lliw Valley and a several year programme of rent equalisation occurred. Would, at a time of substantial benefit changes, a merger of housing departments and the resultant rent changes be beneficial?

The argument on rents equally applies across the whole range of fees and charges including in sensitive areas like social care. When the Islwyn and Rhymney Valley areas joined to form Caerphilly unitary authority, the people of Islwyn had a very nasty shock when their council tax bills came through their letterboxes. If authorities merge then all council tax charges in the area will be the same for each band. There will be winners and losers with an unpleasant surprise facing many.

The question also needs to be asked as to what happens to current contracts and services. ICT services and provisions across local authorities differ considerably and many are signed up to medium- or long-term contracts with hardware and software suppliers. This is one of the reasons why collaboration and the sharing of "back office" functions have been so slow to be undertaken by neighbouring councils. If councils merge, these contracts will still have to be honoured, plus there will be the cost of moving all the information on to one overall system. Surely a cheaper and better system would be to move to collaboration as contracts end?

“My caution would be for us not to forget the mistakes of the past and to consider very carefully all options and implications beforehand”

Here’s another factor to consider: following job evaluation exercises undertaken at different local authorities, the rate of pay for the same job at neighbouring authorities can now be different. If reorganisation takes place and councils merge, does a new job evaluation scheme need to be undertaken or

will people doing the same job for the new council be paid differently? Pay rates are a big issue. Whilst a new scheme would be required by merged authorities, at a cost, even without reorganisation I believe there would also be merit in a national pay structure at every level.

Without showing my age, I remember vividly that at the last local government reorganisation many of the most skilled and competent senior staff took the opportunity for early retirement, which not only reduced the number of staff employed at a senior level but also had major cost implications for the council’s pension scheme.

More recently, Welsh councils have been undertaking their statutory duty to prepare their Local Development Plans (LDPs), which will set out how land within each area will be used up until 2026. If mergers go ahead, should these LDPs be put on hold and the new Councils will need to draw up plans? I recall the difficulty of merging the Lliw Valley development plan with that of Swansea in 1996 because each was at a different stage, and I am sure it will not be easier with unitary authorities being joined together. Of course, the Swansea development plan eventually merged with Lliw Valley plan and created a unitary development plan for the new Swansea.

My caution, as a former council leader and someone who played a major role in the last reorganisation, would be for us not to forget the mistakes of the past in terms of the 1996 reorganisation and for us to consider very carefully all options and implications beforehand. These issues are not insurmountable. They do however come with a cost in terms of time and money. This is not the best use of scarce local government resources at a time of austerity where all public services are feeling the pinch.

Focus on public services first

Whilst politicians take an interest in structures, the average Welsh voter is much more interested in the cost, quality, effectiveness and sustainability of the services they are getting. The two major services under the control of local government are education and social services.

We know the current status of most of the 22 local education authorities. To quote Leighton Andrews, the former Education minister:

“Since the introduction of Estyn’s common inspection framework in September 2010, 15 local authority inspection reports have been published by Estyn: Newport, Conwy, Denbighshire, Carmarthenshire and Neath Port Talbot are all good; Anglesey is in special measures, with an intervention board appointed; Blaenau Gwent is in special measures and run by commissioners; Pembrokeshire is in need of significant improvement and under the direction of a ministerial board; Torfaen is in need of significant improvement; Powys is in need of significant improvement; and Wrexham, Cardiff, Flintshire, Rhondda Cynon Taf and Caerphilly are adequate—or, as I have said before, barely good enough—and in Estyn monitoring. So, we have no excellent local authorities, but five good ones; five are in a formal Estyn category; and five are being monitored by Estyn.”

With social services we have also had a series of inspections with Pembrokeshire and Anglesey, and children’s services in Swansea and Neath Port Talbot all needing outside support. To quote the Western Mail article on 17th January 2013, there is a "stark" variation in the performance of social service departments across Wales. The report of the Care Inspectorate found many examples of good practices across the country - it said that local authorities continued to face challenges in providing social care due to greater demand for care and the increasing complexity of people’s needs:

“This means that the ambition of Ministers and policy makers for a more equitable level and quality of provision across Wales will require collaboration and hard work to achieve.”

The report said that safeguarding adults and children had been at the core of the Inspectorate’s work following cases of failures in safeguarding children in schools across Pembrokeshire and also abuse against people with disabilities identified in England, including the Winterbourne View scandal.

Council tax: a key public issue

While politicians are interested in organisation structure, the average voter is more interested in how much such changes will cost them via their council tax.

Whilst such a question cannot be answered, what we do know is the band D council tax currently charged in every Welsh Authority. We also know that within any local authority the council tax raised by the county or county borough council has to be the same for all properties in the same council tax band. This means that if local authorities are joined together there will be a common council tax for each property in each band. A Community Council can levy a charge on top of this so the overall amount payable may vary within an authority.

Whilst each suggestion involves reducing the number of councils to a number similar to the number of county councils pre-local government reorganisation

“Local Government reorganisation will inevitably lead to winners and losers”

there are substantial variations in council tax between the unitary authorities covering each of the former county council areas.

In the former West Glamorgan, there is a band D council tax in Swansea for 2013/14 of £1,219.72 whilst in Neath Port Talbot it is £1,475.59. For the former South Glamorgan, Cardiff charges £1,119.67 and the Vale of Glamorgan £1,206.63. The former Dyfed has Pembrokeshire at £974.36, Ceredigion £1,205.47 and Carmarthenshire £1,253.71. In the former Mid Glamorgan, excluding Caerphilly, the figures are Merthyr Tydfil £1,427.60, Rhondda Cynon Taff £1,397.91 and Bridgend £1,346.83. In the former Gwent the figures are Blaenau Gwent £1,525.90, Torfaen £1,246.41, Monmouthshire £1,236.47 and Newport £1,057.24. Caerphilly which would have to be split between Gwent and Mid Glamorgan to return to the former county council boundaries charges £1,127.86.

Local Government reorganisation will inevitably lead to winners and losers but with gaps of over £200 in band D council tax charges *within* the former Mid Glamorgan, West Glamorgan and Dyfed and over £500 variation within the former Gwent County Council area, some people could end up paying a lot more and others a lot less council tax. Unless substantial efficiency savings can be achieved council tax payers in Newport, Pembrokeshire, Swansea and Caerphilly will all face a substantial council tax rise. Conversely

Carmarthenshire, Blaenau Gwent, Merthyr and Neath Port Talbot residents should have a reduction in their bills if they are merged with other authorities.

Of course huge increases in efficiency and other savings could help. Greater collaboration on purchasing via the Welsh purchasing consortium should lead to savings for all local authorities. This saving could be directed to ensure that no one pays more, but remember also that the three largest local authorities are not the councils with the lowest council tax so the signs for large savings occurring by creating larger authorities are not good.

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Council tax rates are critical to any debate on structure and delivery. Whilst most people are not taking an interest in the discussions relating to local government reorganisation unless they start, the first they will know of what the changes mean to them is when their council tax bill comes through the letterbox and then it will be too late. This issue is too important to council tax payers for them to leave it just to the politicians.

Possible Alternative Delivery Models

If another reorganisation is not the answer, then let's look for alternatives. Three would be:

- A joint board created from the existing councils, on the model of the Fire Authorities in Wales.
- Collaboration with or without a lead authority for the major services, which is how the local authority pension funds are managed.
- The creation of National Assembly sponsored regional boards for education and social services, broadly on the model currently employed for NHS Wales.

Whilst some local authorities would be unhappy with a lead authority providing the service and with services being removed from local government and placed under direct Assembly-appointed boards, the joint board should not raise the same concerns. Progress has been made in terms of collaboration

but both the pace of collaboration with shared services and service directors is far too slow.

This leads us to the creation of joint boards - the structure of these boards needs to be the same for both education and social services to avoid confusion and to build up both trust and the willingness to work together. The payment for membership of these joint boards and for the Chair / lead member on these needs to be set in the same way as that currently used for councillors, cabinet members and Fire Authority members. In the same way as Mid Glamorgan worked, there will need to be “district” officers dealing with individual local authority areas, giving local administration to the structure. This is similar to the organisation of fire and rescue services, but with an overarching committee and senior management.

There is historical precedent for this with the Inner London Education Authority (ILEA) which successfully managed education across the inner London boroughs.

To those who are now thinking this is recreating the county council structure by the back door, the answer is yes it is, but the alternative of a whole scale reorganisation of local government would be expensive and time consuming. This is a different way of keeping democratic control but not restructuring the whole of local government.

Joint Boards in social care and education are effectively happening by the backdoor via regionalisation. Is it not better to be upfront about it and build in democratic representation? After all, democracy is essential to the delivery and accountability of public services.

Strengthening Local Government Scrutiny

The role of scrutiny in local government and the associated scrutiny committees were created by the Local Government Act 2000, as part of wider changes to the way councils made decisions. In all Welsh authorities, decision-making subject committees were abolished and replaced by the leader and cabinet model where executive power was vested in a council leader and a small cabinet of other members who have the power to make decisions both individually and collectively. Local authorities were also given overview and scrutiny functions which are the responsibility of all members not in the cabinet, in an attempt to balance these new arrangements.

Scrutiny is an independent function led by locally-elected councillors, who work with other local people and other local bodies to help to improve services in the council area by scrutinizing them and making recommendations. It makes recommendations to the council's "executive" to bring about these improvements either directly or via a report to a full council meeting. The composition of scrutiny committees has to reflect the political balance of the council as a whole. However, a lot of the role of the scrutiny committee(s) can be carried out in smaller "task and finish" groups away from main

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committee(s), which gather evidence and prepare reports on issues of importance to the local community and then report back to the relevant committee.

Whilst the importance of cabinet positions and the running of cabinets have been well

understood, I am not sure that the scrutiny function has been as well understood. I welcome the scrutiny development fund being set up by the Welsh Government. Effective scrutiny is at the heart of strong local democracy and the 2011 Local Government Measure together with the scrutiny development programme shows that the Welsh Government is investing in supporting local authorities in order to use scrutiny to drive the improvement of public services. It intends to enable local authorities to develop independent, well-resourced and effective scrutiny services, and includes a grant to the Centre of Public Scrutiny to deliver a Wales-specific programme of scrutiny support.

In contrast, the National Assembly for Wales set up a funded research service to support the scrutiny function. Local authorities could learn from this model. This service would need to consist of people with expertise in the areas for which the council is responsible so that members of the scrutiny committee will have the information and research capability to inform their questioning. If this is not done, then those scrutinising will be at a substantial disadvantage compared to those who are being scrutinised.

The problem with scrutiny is that it is very much the “poor relation” of local government and whilst the cabinet in councils is well supported by senior officers and secretarial staff, scrutiny is supported by a very small group of people. Also there is a tendency to have to scrutinise decisions and policies after they have been enacted and there does not appear to be either the desire or capacity to scrutinise proposals prior to their enactment or their approval by the cabinet or council. Also the role of scrutiny in looking at other public services in the local authority area needs developing.

All this is being done at a time of great financial pressure on local government and where it is striving to provide quality local services in difficult times. The overall lack of resources available to scrutiny committees severely limits their capacity to manage their own media relations effectively. I know of no council in Wales that has set up a media capacity for scrutiny as distinct from the council, so if a scrutiny report is critical of the council it is highly unlikely that the council would promote such criticism to the media.

The changing face of local government

The membership of local councils especially in cities such as Swansea and Cardiff has become more diverse over the last 25 years. When I was first elected, in 1989, to West Glamorgan County Council as part of a substantial Labour Group with a very large majority, at 32 I was considered young amongst a group of predominantly men aged over 60. Today Swansea Council has a gender mix of 43 men and 29 women, with at least two of the men being openly gay. The Labour Group is even more gender balanced with 21 women and 28 men out of 49 councillors. On age, there has been a remarkable shift with at least four still in their early 20s, including Mitch Theaker, the youngest cabinet member in Wales. On ethnicity, Swansea also has a black woman councillor who was selected to replace me as a candidate in Morriston when I retired from the council.

Unfortunately this is not true across all of Wales and the stereotypical Welsh councillor is still a retired white male. As many will leave local government over the next two elections .

For local government to be accountable it relies upon an active and open press. The provision of funding for the broadcasting of council meetings will help strengthen democracy, though the viewing figures will never be rivalling Coronation Street. Again in Swansea we are lucky in that we have a local paper that is daily and that closely follows the local council - when I was

“it is important that political parties take the opportunity to make their candidates more representative of their communities”

council Leader there were times I wished it had followed the council less closely! The local councils in the major cities of Wales, where there are daily newspapers, are probably subjected to greater press scrutiny than the Welsh Government. As very few members of the public attend council meetings, it is important that the press is there to report accurately and

fairly what is happening.

It is through the local press most people will get their council news. It is this combination of weekly and daily newspapers across Wales which allows the average interested citizen to keep up with how their local council is performing and what they attempting to achieve. Otherwise people's only view will be the size of their council tax bill and their own personal experience - which in many cases would be only the council's janitorial services.

Electing local authorities

The voting system that we use has a major effect on the election result. Examples abound but the easiest one to see is the National Assembly for Wales which, if it was elected solely by the first-past-the-post electoral system would provide 28 Labour and 12 non-Labour members, whilst the current Assembly - elected using top-up regional members - is 30 Labour and 30 opposition members.

When I first cast a vote in the mid 1970s there were three types of election: district (or city) council, county council and the Westminster parliament, all of which elected members using the first-past-the-post voting system. Now, every election I vote in is different. At the parliamentary election I vote for one candidate and the MP is elected by first-past-the-post. The European elections uses a closed party list system, so I cast one vote but there are four seats and the candidates are elected on the proportion of votes they gain. At the National Assembly for Wales's elections I have two votes - one for the constituency candidate who is elected via first-past-the-post and then one for a regional list candidate who is elected to top-up the number of seats and provide a greater correlation between party votes and seats. For Swansea Council, I have five councillors to elect via first-past-the-post and thus can cast up to five votes. For the police commissioner, I vote for my first and second choice candidates with the second votes of the losing candidate being redistributed.

Each of these changes has been brought in without a referendum and without sufficient public discussion. When there was a referendum on voting systems, the public gave a resounding no to the alternative vote system for parliamentary elections - but a version of the system was then brought in for the election of police and crime commissioners!

Each electoral system produces its own anomalies. In the European voting system in Wales at the last election, 145,193 votes elected one MEP as did 87,585 votes - a difference of almost 60,000. In a council by-election on the 24th March 2011 in Pontypool, Torfaen less than 27 per cent of the total vote was enough for a candidate to get elected. In North Wales 5.9 per cent of the vote was enough to get the fourth regional member elected, which can be compared to the 5 per cent of the vote at which a candidate's deposit is lost. The last general election saw 32.2 per cent of the vote win the Vale of Glamorgan and 34.7 per cent win Swansea West.

"I do not believe that having the large number of different electoral systems for elections within Wales does anything but generate confusion for the average voter"

There is no perfect electoral system. If there was, every election would be held under it. But I do not believe that having the large number of different electoral systems for elections within Wales does anything but generate confusion for the average voter. In contrast, I would like to see is a referendum to choose whether we wanted all elections to be conducted via first-past-the-post or if we wanted a more proportional electoral system for all elections. If the vote was for a more proportional electoral system then two options should be provided in a second referendum and we could then choose which one we wished. I just don't believe we can keep on as we are and I also very strongly believe that the final decision should not be in the hands of politician but should be decided by the will of the people, as shown via a referendum.

My preferred system is first-past-the-post because it is a straightforward system that has served local government in Wales well. For local government, the change I would make is to create three member wards throughout Wales and have annual elections in the years in which there are not National Assembly or general elections. This would remove the complacency seen by some council administrations and also it would produce smaller changes to the council than the "big bang" every 4 or 5 years. This is not unique or new: some Welsh authorities such as Swansea had on third of their members elected each year prior to local government reorganisation in 1996. This is also the method of election for amongst others the English metropolitan district councils. This would also abolish the voting for up to five candidates at a council election and would return to one elector / one vote for all apart from the National Assembly elections.

Remunerating local authority workers fairly

Local government has the opportunity to take a lead in this area and help make Wales a living wage country

The case for everyone to be paid at least a living wage is overwhelming. One of the first political tricks I learnt was that when you look at a proposition, consider the exact opposite and see if it makes sense. This would produce 'people should be paid less than the living wage' – a proposition which lacks fairness, social justice, economic understanding and is not likely to be popular. It doesn't make sense that the government enforces a minimum wage that is not enough to live on, which is why I believe the living wage is desperately needed.

The living wage currently stands at £7.45 for workers over 21 in the UK (excluding London) and £8.55 for London, compared to the minimum wage of £6.31 from October 2013. Whilst the absolute difference is relatively small the effect it can have on the lives of people is far greater. One of the biggest problems facing us in Wales today is in-work poverty, something the living wage would address. One of the Westminster government's biggest problems is paying in-work benefits, a problem that paying a living wage would address.

I believe that the government has a moral duty to ensure a decent standard of living for all: a study by the Resolution Foundation shows the Treasury would save over £2 billion a year if all workers were paid at least the living wage. That's why Mick Antoniw AM and I tabled a Statement of Opinion in the Assembly to that effect, supported by Assembly members representing Labour, Plaid Cymru and the Liberal Democrats.

All local authorities in Wales should commit to paying the living wage. However if that happens in isolation, all that will occur is the further privatisation of public services. It is thus important that as well as implementing the living wage that local authorities make it a criterion for anyone tendering or applying for a contract that they too pay their workers a living wage. This will need to be carefully controlled and monitored to ensure that the living wage is being implemented. I believe that would make Wales a fairer country and would be a policy that all of us living in Wales could be proud of.

The living wage is also good for public service delivery and therefore the effectiveness of local authorities. Living wage employers report improved

morale, lower turn over of staff, reduced absenteeism, increased productivity and improved customer service. Our ambition for Wales must be to create a high wage and high skilled economy - becoming a living wage country would be one further step along that road. I believe that the economic and moral imperative is to set the challenge to make Wales a living wage country by 2020.

But there is another issue to deal with at the other end of the scale. The changes local government desperately need also include the setting of national salaries for chief officers in the same way as they are set for councillors, cabinet members and council leaders. This would end the continual upward movement of senior local government officer salaries via the internal salary reviews that take place. There is no correlation between chief executive salary and performance.

When I first entered local government, the salaries of chief executive and chief officers were set nationally while local councils set the remuneration levels of councillors. We have now arrived at the exact opposite. The decision to set councillors' payments centrally using the remuneration board was the correct one. The same should be done for chief executives and chief officers of councils. This would be best achieved on an England and Wales basis but if that could not be achieved I believe Wales should go it alone.

Local authority pension funds

There are eight local authority pension funds in Wales, based upon the eight former county councils, with in each area one of the successor authorities being made the lead authority. With the exception of Powys (where the former county council became the new unitary authority) this has meant one council manages the pension fund for other local authorities. Also community council staff and people who previously worked for the local council but were "removed", such as college administrative staff, have either been allowed to join or continue their membership of the local government pension scheme.

The market value of the funds at 31st March 2012 are shown in the table overleaf.

Local Authority Pension Funds Market Value (2012), £	
Flintshire UA (Clwyd)	1,060,823
Carmarthenshire (Dyfed)	1,400,606
Torfaen (Gwent)	1,682,593
Gwynedd (Gwynedd County)	1,049,671
Rhondda Cynon Taff (Mid Glamorgan)	1,785,254
Powys	372,443
Cardiff (South Glamorgan)	1,150,523
Swansea (West Glamorgan)	1,118,780

The total value is over 9.5 billion pounds – two thirds of the block grant administered by the National Assembly, funding all local government and NHS services in Wales. The value of the fund is also greater than the £8 bn identified by the all-pensions group which manages the Dutch public sector pension, at which significant financial benefits become available from economies of scale (from reduced investment and administrative costs).

Creating one scheme for all of Wales would appear at first glance both advantageous and straight forward. Unfortunately, like all financial actions, this is not as simple as it looks because each scheme will have a different actuarial valuation and liabilities and will have different levels of employer contribution to make up the shortfall. This is not an insurmountable problem as it is already being dealt with on a smaller scale by the current pension funds with many of the “smaller” employers paying in different sums. Whilst primary legislation is required to make a single fund, the case is overwhelming. If there is the political will this can be achieved and would be of benefit to both council tax payers and the people of Wales.

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The Bevan Foundation
145a High Street
Merthyr Tydfil CF47 9YR
www.bevanfoundation.org

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