



# Cyngor Gwledig

## LLANELLI

### Rural Council

*Clerc i'r Cyngor*  
**Mark Galbraith** A.C.I.S.  
*Clerk to the Council*

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*Fy nghyf:* C/KPH  
*My ref:*

*Eich cyf:*  
*Your ref:*

*Gofynnwch am:*  
*Please ask for:*

18 September 2009

Sarah Sargent  
 Deputy Committee Clerk  
 Legislation Office  
 National Assembly for Wales  
 Cardiff Bay  
 CF99 1NA

Dear Sarah

#### **Legislative Competence Order (LCO) 2009 – Community councils and councillor recruitment, retention and allowances**

I refer to Mr Jeff Cuthbert AM's letter dated 4 August 2009 and respond as follows:

1. The Council supports the general principle that legislative competence in the areas identified in Matters 12.8 – 12.17 be conferred on the Assembly.
2. The Council believes the terms and or scope of the proposed Order is fine. If other Matters need to be included at a later date, then they can form the basis of a further LCO if necessary.
3. The Council's views on each of the Matters contained in the proposed Order are as follows:

**(1) MATTER 12.8 – constitution, structure and procedures of community councils and for community meetings.**

The Council supports the transfer of competence to the Assembly in this area.

**(2) MATTER 12.9 – electoral arrangements for community councils.**

The Council supports the transfer of competence to the Assembly in this area.



**(3) MATTER 12.10 – to extend the power to community councils to promote or improve the economic, social or environmental well-being.**

The Council welcomes this measure as it will provide parity to Welsh local councils in much the same way as their English counterparts.

Introducing such a measure will offer aspiring local councils the chance to widen the scope of their activities and functions thus enabling such councils to do more for their respective communities. Introducing the power of well-being will encourage local councils to provide or support a much wider range of services either directly or indirectly and would free up local councils from the spending restrictions associated with Section 137 of the Local Government Act 1972. The introduction of this power will also to a large extent help prevent community councils from acting beyond their powers (*Ultra Vires*) and will be regarded as a significant step forward in the sector.

**(4) MATTER 12.11 – providing competence for Welsh Ministers to make grants to community councils.**

Again this proposal is seen as a significant step forward for the sector and is viewed as a positive measure in supporting the endeavours of community councils. The option of having access to alternative avenues of funding could potentially have a positive affect on general precepting arrangements by reducing the direct financial burden placed on council tax payers. It maybe that if grants are made available they have the potential to effectively deal with the issue of double taxation in respect of concurrent functions delivered by the two tiers of local government. If for example Charter agreements are brokered and this ultimately leads to the transfer of certain services from principal authorities to community councils, then Ministers could effectively re-apportion grant allocations between the tiers to cater for such transfers.

**(5) MATTER 12.12 – competence to legislate to encourage productive relations and collaboration between community councils and between community councils and principal councils.**

The Council supports this measure. The Council feels that ‘A Shared Community’ is a valuable guidance document for improving relations and establishing Charter agreements. However, because it is only guidance it lacks the power to bring about positive improvement where mutual support is lacking or where there appears to be a general reluctance to work in partnership. Introducing legislation would strengthen and support this area of work.

**(6) MATTER 12.13 – to put in place measures to raise the competence of community councils.**

The Council supports this measure. If local councils wish to take advantage of the Matters referred to in (3), (4) and (5) above then councils must demonstrate that they are up to the task and that they can add value. The Council however, would ask that the Assembly learns from the English model by not trying to introduce similar rigid criteria for assessing competence. The Council feels that a ‘one size fits all’ would not work in practicable terms. Take for example, the English model, one of the criteria is that the ‘Clerk’

must be appropriately qualified and possess the CiCLA qualification. This qualification is the only qualification recognised under the Quality Parish Scheme for assessing a Clerk's competence and yet many Clerks possess the higher level qualification in 'Local Policy'. Bizarrely however, this is not recognised under the scheme and counts against a council satisfying the eligibility criteria. This is illogical. If a similar criterion is introduced in Wales then perhaps recognition should be given to all types of local council qualifications and or other similar professional qualifications.

**(7) MATTER 12.14 – to legislate to encourage transparency and wider participation in the proceedings of community councils.**

The Council supports this measure and agrees that opportunities for co-option should be advertised openly within the local community.

**(8) MATTER 12.15 – to legislate to encourage greater accountability in local government by way of the information provided by principal and community councils about their activities to local people.**

The Council supports greater accountability and transparency in local government. However, if further legislation is to be introduced then the issue of not having to deal with vexatious information requests needs to be addressed as part of any further legislative measures.

**(9) MATTER 12.16 – to provide competence over issues relating to salaries, allowances, pension and other payments to members.**

The Council supports this measure. However, care needs to be taken so that it is not perceived as being divisive.

**(10) MATTER 12.17 – to provide better support and working conditions for serving councillors ... etc.**

The council supports this measure.

4. The Council supports the exclusion referred to in Matter 12.9 and the 'interpretation of this field' paragraph.
5. The Council has no further comments relating to the proposed Order.

Thank you for consulting the Council

Yours sincerely



Clerk to the Council