

LGCC4

PETERSTON-SUPER-ELY COMMUNITY COUNCIL

*Clerk*  
*D.G.Bailey*

*My ref:* 7

*21 Le Sor Hill,*  
*Peterston-super-Ely,*  
*CARDIFF*  
*CF5 6LW*

*Your ref:*

2 September 2009

M/s Sarah Sargent,  
Deputy Committee Clerk,  
Legislation Office,  
National Assembly for Wales,  
Cardiff Bay,  
CARDIFF CF99 1NA.

Dear Madam,

PROPOSED NATIONAL ASSEMBLY FOR WALES (LEGISLATIVE COMPETENCE)  
(LOCAL GOVERNMENT) ORDER 2009

I refer to the letter dated 4 August 2009 from the Temporary Committee Chairman relating to the consultation exercise on the proposed order.

In response to the five questions posed in Annex 1 to the letter, the following comments are made seriatim on behalf of my Council.

1. It seems logical that, in pursuance of the philosophy behind the devolution agenda, legislative competence in the ten matters should vest in the National Assembly. What is of prime importance is the acceptability of such legislation to those bodies upon which it will eventually impinge; the change in origin from Whitehall to Cardiff Bay will be pointless if greater heed is not taken in future of the views of those affected at the sharp end by whatever emerges from the process. Those with long memories can cite numerous instances where, in retrospect, the man in the centre has definitely not known best!

2. It is not felt that a substantive response can be given at this stage on the issue.

3. In the light of the request not to provide detailed information in this reply that would be more relevant to any future possible Measure, again no formal comments are made here on the areas to be covered, apart from suggesting that care must be taken to ensure that any legislation under Matter 12.11 is designed as a supplement to what presently exists in the form of grant-aid and is not exploited by unitary authorities as a substitute for what they may currently provide in this context. (N.B. THE OBSERVATIONS IN 5 BELOW HAVE A MORE GENERAL BEARING ON THE ISSUES.)

4. Presumably it is thought that it would be more appropriate from a UK perspective to have a consistency of approach across all the constituent parts in regard to electoral arrangements under the various RPAs. No reason is seen to dissent from such a line and the specific exclusions to Matter 12.9 are thus supported.

5. Most community councils are based on rural settlements and are by no stretch of the imagination geared to act as significant executive bodies. There is therefore a need to flag up at this point the danger that future legislation may be framed primarily in the interests of the minority of more vocal and ambitious larger (town) councils with a number of full-time employees, some of which see themselves as a kind of counterbalance or even challenge to the unitary authorities. Very few small village councils are equipped to do much other than to act as a glorified, albeit indispensable, statutory pressure group, but they are probably the only bodies in the public sector that can claim to be truly democratic, inasmuch as their councillors are almost invariably known personally to an overwhelming proportion of the electorate. They have an essential role in opposing inappropriate development in their area, in representing the interests of the community at large vis-à-vis external pressures from a variety of sources, in protecting the integrity of the local environment to the best of their ability, in encouraging and co-ordinating local voluntary activity, in channelling external moneys to the most deserving local causes and projects, and in carrying out that fairly limited range of functions best administered at the grass roots level such as, for example, allotments, churchyards, community halls, public seats, playing fields and rights of way. By their very nature such councils are far more closely in touch with local public opinion than any analogous organisations. In this writer's inordinately long experience of the sector, rural local councillors in general take no remuneration of any kind and it is believed that the amateur, part-time principle has a great deal to commend it. Some of the ten Matters, notably 12.10, 12.13, 12.16 and 12.17, suggest a worrying, underlying mentality with the misguided aim of "professionalising" local councils based on a flawed understanding of how such bodies operate on the part of those divorced from the practicalities of the situation and, frankly, could be counter-productive, throwing out the baby with the bathwater. The workload of clerks to councils, often acting as part-time one man bands, has increased markedly in the last decade and a lot of it may be attributed to an obsession in central government quarters with excessive red tape, a potential deterrent to those who in future may aspire to make what is, in many ways, a quasi-voluntary contribution to the governance of their patch. Outside the audit regime, any legislative provisions affecting community councils as a rule of thumb should prescribe permissive powers rather than mandatory duties. It is abundantly evident that there is no "one size fits all" solution for such a diverse group.

Yours faithfully,

*David G. Bailey*  
Clerk