



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 2  
Legislation Committee No. 2**

**Dydd Iau, 24 Medi 2009  
Thursday, 24 September 2009**

**Cynnwys**  
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(Llywodraeth Leol) 2009—Sesiwn Dystiolaeth 1  
The Proposed National Assembly for Wales (Legislative Competence) (Local  
Government) Order 2009—Evidence Session 1

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included. This is a draft version of the record. The final version will be published within five working days.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Lorraine Barrett	Llafur (yn dirprwyo ar ran Sandy Mewies) Labour (substitute for Sandy Mewies)
Jeff Cuthbert	Llafur Labour
Gareth Jones	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Brynle Williams	Ceidwadwyr Cymreig (yn dirprwyo ar ran Paul Davies) Welsh Conservatives (substitute for Paul Davies)

**Eraill yn bresennol**  
**Others in attendance**

Frank Cuthbert	Llywodraeth Cynulliad Cymru The Welsh Assembly Government
Dr Brian Gibbons	Aelod Cynulliad, Llafur (y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (the Minister for Social Justice and Local Government)
Deborah Richards	Llywodraeth Cynulliad Cymru The Welsh Assembly Government
Stephen Phipps	Llywodraeth Cynulliad Cymru The Welsh Assembly Government

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Sarah Beasley	Clerc Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 2.15 p.m.*  
*The meeting began at 2.15 p.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Val Lloyd:** Good afternoon, everybody, and welcome to this afternoon's meeting of Legislation Committee No. 2. I have received some apologies from Sandy Mewies and Paul Davies. Lorraine Barrett is attending in Sandy's absence and Brynle Williams is attending in Paul's absence. You are both very welcome. Before I move on, are there any declarations of interest?

[2] **Jeff Cuthbert:** Yes, Chair. I ought to declare for the record that Frank Cuthbert is my

brother.

[3] **Val Lloyd:** Thank you. That will be noted.

[4] **Gareth Jones:** May I also declare that I am a town councillor? I serve on Llandudno Town Council.

[5] **Val Lloyd:** Thank you very much, Gareth; that will be noted. I have a few brief housekeeping items to mention. In the event of a fire alarm—and we have not been notified of any test—please leave the room by the marked fire exit and follow the instructions of ushers and staff. Please turn off all your mobile phones, pagers and BlackBerrys because, as you know, they interfere with the equipment. I would remind everybody that interpretation is available on channel 1 of the headsets and amplification of the sound on channel 0.

[6] For the record, I wish to confirm that, today, the committee is scrutinising the Proposed National Assembly for Wales (Legislative Competence) (Local Government) Order 2009. You may wonder why we are doing that and I want to remind people that next week and the following week, we will be proceeding with Stage 2 of the proposed Children and Families (Wales) Measure. I remind everybody publicly that the deadline for tabling amendments is 5 p.m. today.

2.17 p.m.

**Gorchymyn Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol)  
(Llywodraeth Leol) 2009—Sesiwn Dystiolaeth 1  
The Proposed National Assembly for Wales (Legislative Competence) (Local  
Government) Order 2009—Evidence Session 1**

[7] **Val Lloyd:** The purpose of today's meeting is to take evidence from Dr Brian Gibbons, the Minister for Social Justice and Local Government on the proposed local government legislative competence Order. The role of this committee is to consider and report on that proposed Order, which we must do by 4 December, in line with the Business Committee's timetable. I would like to welcome Dr Gibbons to the meeting. I would also like to welcome Mr Stephen Phipps from the local government partnership and ethics team, Mr Frank Cuthbert from the local government democracy team, and Miss Deborah Richards from legal services.

[8] I will go straight into the questioning, but I think that the first question will allow the Minister to make an introductory statement. Minister, could you tell us what benefits the Welsh Ministers and the National Assembly will derive from this bid for powers?

[9] **The Minister for Social Justice and Local Government (Brian Gibbons):** It is probably important to start off with the evidence base from which this proposed legislative competence Order is derived. The first piece of evidence was the study undertaken by Aberystwyth University in the early 2000s, which looked at community councils and how they were operating in Wales. That was a fairly exhaustive and authoritative study and it threw up a number of recommendations. Those recommendations have been considered by us and by our colleagues in community and town councils and wider local government. I think that there was a clear consensus around the direction of travel and one element of this LCO is to give legal effect to that.

[10] The second piece of evidence arises out of the Councillors Commission. It was originally established to cover England, but we thought that there were a lot of very positive lessons to be learnt from it. Following on from that, we set up our own expert group to

consider what the commission in England had considered and to put it into a Welsh context. The outcome from that is now out to consultation, under the title, 'Are we being served?'. That consultation is ongoing. The focus of that report was on how we could increase the status and standing of local councillors and how they could carry out their duties as more effectively.

2.20 p.m.

[11] We spent a long time looking at councillors' effectiveness as members of the corporate body of local government, in relation to scrutiny, playing a role in committees, and seeing that local government itself functions effectively, but I do not think that we have given a lot of attention to the bread and butter, grass-roots work that councillors do. That report is there to address that point and to see what sort of support should be provided to local councillors to do their job more effectively at grass-roots level.

[12] The third strand is the independent remuneration panel for Wales, which looks at the allowances paid to councillors. Its work was established by the Assembly Government under existing powers, but one of its early reports to us highlighted the limited scope of its powers to properly evaluate the work that councillors are doing and to provide them with the necessary remuneration and support. So, the third strand is to facilitate conclusions that the independent remuneration panel may come up with. The panel is currently sitting, and although it has not yet come up with definitive conclusions, it has already signalled to us that it feels that the legal framework is quite restrictive, and it has asked us to seek the powers set out in this proposed LCO.

[13] **Val Lloyd:** Could you elaborate on why you think the proposed LCO is the most appropriate method of addressing these policy objectives rather than, say, using guidance?

[14] **Brian Gibbons:** We do not have the legal competence to put in place many of the fundamental areas that are required to address the conclusions of these reports. Some of them can be implemented, I suppose, on the basis of good practice, or even on the basis of non-statutory guidance, but we do not have the legislative competence to change the legal framework to allow these proposals to be put in place. The proposed LCO will therefore allow us the means of doing that.

[15] What we want to do with the proposed LCO will then be subject to a separate round of discussion and debate. In other words, the proposed LCO will give us the competence, and Measures and so forth will follow on from that, for which there will be a separate round of discussion and debate about the specifics of what is proposed once we have the competence. This is just about getting the competence, however, and not about the detail of what we hope to achieve.

[16] **Val Lloyd:** Do you think that any matters, bodies or organisations have been left out of the proposed Order, and if so, why?

[17] **Brian Gibbons:** No. The Local Government (Wales) Measure 2009 has received Royal Approval, and we hope to gain further competence in two matters under the Local Democracy, Economic Development and Construction Bill, which we hope will complete its passage through Parliament in the next month to six weeks. The Bill will give us a new range of competence, and this proposed LCO will give us competence in a further 10 matters, which, hopefully, will give us the full suite of powers to make significant change and improvement in the way that local government operates in Wales.

[18] **Val Lloyd:** Thank you. My final question at this stage, Minister, is: are there any issues of a cross-border nature that may arise as a result of this proposed Order?

[19] **Brian Gibbons:** Cross-border with England?

[20] **Val Lloyd:** Yes.

[21] **Brian Gibbons:** No; this is very much targeted at improving the operation of local government here in Wales and, where necessary, at improving cross-boundary co-operation between, for example, community councils and town councils, and between those councils and the unitary authorities. So, there will be cross-boundary or cross-border activity as a consequence of this proposed LCO if we put the necessary Measures in place, but not across the border with England.

[22] **Jeff Cuthbert:** My questions relate to matter 12.8, which is to do with competence over the constitution and so on of community councils and community meetings. Could you set out the key issues in relation to the effect that this matter would have and what advantages it would bring?

[23] **Brian Gibbons:** There are a number of areas, and if I miss out one or two, I will ask my colleagues to pick those up. Matter 12.8 looks mainly at the structure of community and town councils, their constitution, the procedures by which they operate, and also how they can be established and abolished. It also looks at issues around community meetings that are involved in the establishment and dissolution of community and town councils. So, it covers giving us the legal competence to address that range of areas.

[24] **Mr Cuthbert:** There is a link between matters 12.8 and 12.9, because of what has to be done when drafting an LCO and the need to ensure that it captures the legal requirements to carry things through. The issue that is of relevance here is the electoral reviews of communities. It is an area of responsibility for principal councils to keep their communities under review. We have seen recently in Wales that it is an exercise that often follows a confused process, whereby principal councils, in effect, have not carried forward that duty because there is no timescale for them to do it. The Local Government Boundary Commission for Wales then asks them to do it by a certain date, because that fits in with its other cyclical work; however, the principal councils do not have the staff to do it, and the Local Government Boundary Commission cannot do it unless the Minister directs it to do it. We would like to simplify those procedures so that a timescale is placed on principal authorities, but also so that the process of intervention, if required by the boundary commission, would be simpler.

[25] **Jeff Cuthbert:** So, would I be right in assuming that the purpose is not necessarily to bring about fundamental changes to the structure and constitution at the moment, but to provide greater clarity and certainty about the process of doing so?

[26] **Brian Gibbons:** A community will have a common-sense view of what is a community. Having defined that community, it is then the basic unit of local government administration in an area. For example, it can be the basis of electoral wards, or whatever. We need greater clarity in order to be able to ensure that such communities align properly with the reality on the ground, because communities change; housing estates are built, and so on. It is a dynamic situation.

[27] One of the conclusions of the Aberystwyth report was that it should be easier to establish community councils and that it should be more difficult to abolish them. Bearing that in mind, we want to get the legal competence to propose Measures, in order to, for example, test that out in practice and see whether there is support for that. Community meetings are often the prelude to establishing or abolishing community and town councils. Deciding the terms of reference and the rules of engagement of those community meetings is

an area over which we do not currently have competence.

[28] **Jeff Cuthbert:** Thank you for that. Have you had discussions with the Local Government Boundary Commission for Wales about the Assembly acquiring this competence? If so, what was the outcome of those discussions? Will there be provision within the proposed Order that could relate to the commission itself?

2.30 p.m.

[29] **Brian Gibbons:** In relation to the commission, Deborah might want to pick this up, but I think that I said in the introduction that one impetus for bringing the proposed LCO forward was that the boundary commission has found the current process quite cumbersome and bureaucratic, as Frank outlined. For example, if a local authority, as Frank said, feels that it needs to review its communities, but does not have the capacity to do so itself, it has to write to me so that I can write to the boundary commission to ask it to do it. That is unnecessarily bureaucratic and it makes sense to cut out the middleman, namely me, and to go straight to the boundary commission. The boundary commission and local authorities recognise that the process is too bureaucratic and that this competence is needed to address some of that. Deborah can speak specifically about the boundary commission and—  
[Inaudible.]

[30] **Ms Richards:** Part IV of the Local Government Act 1972 established the boundary commission and its remit extends to principal councils, community councils, town councils and community meetings. The competence given under matter 12.8 would allow provision to be made that directly concerns the boundary commission in relation to its functions to do with communities.

[31] **Jeff Cuthbert:** This is the final question from me at this point. We could have competence over the co-option of members and youth representatives: what discussions have you had with interested parties, such as One Voice Wales, which I know does not cover every community council, but covers many, and any youth organisations, and what was the outcome of those discussions?

[32] **Brian Gibbons:** One Voice Wales saw the merit of this. It is fair to say that it has been a great advocate of what we are proposing in the proposed LCO and that it has been pressing us on it for some time. I do not think that we have had any detailed consultation with young people's organisations at this stage, because, at the minute, we are seeking the competence to be able to co-opt young people onto community and town councils. If we were bringing forward Measures to give effect to that, it would be essential to engage with young people to find out the best way to do it from them. However, at this stage, we were of the view that it was not required, because all that we are doing is trying to get the competence to give effect to that, but as we move on to the next stage, young people would have to be involved in trying to decide how they would be appointed and so on.

[33] **Jeff Cuthbert:** Finally, I have a supplementary question. Has any thought been given to how young people's views might be obtained? For example, would you use youth councils or school councils and that sort of thing?

[34] **Brian Gibbons:** Unless officials have done some preliminary work, I do not think that it has been a big part of preparing the proposed LCO—not at this stage, but it will be a big part of any Measure that would follow on from this. I do not know whether Steve can say anything further.

[35] **Mr Phipps:** I can add that what we are probably looking for from a Measure is an enabling power for local councils to co-opt youth representatives. It would very much be for

local councils to consult with local youth organisations to establish, at the local level, what would be appropriate representation. However, it is something that we would need to look at in framing the Measure.

[36] **Jenny Randerson:** My questions, Minister, relate to matter 12.9. To start with, can you set out the effect of that matter?

[37] **Brian Gibbons:** As Frank said at the beginning, matters 12.8 and 12.9 overlap, but, to summarise the distinction, matter 12.9 is about the political implications of what would follow matter 12.8, and it deals with issues such as deciding the number of councillors that community and town councils would have, whether community and town councils should contain wards and similar issues. So, it is about what practical political structure or political mechanism will fall out of that.

[38] **Jenny Randerson:** Turning to the exceptions, can you explain why you have specified those exceptions?

[39] **Brian Gibbons:** By definition, these areas are not within our competence. Local government franchise is about who is entitled to be a voter and so on. We did not think that it was a good idea to further complicate that. We have a system, and I do not think that there is any real demand to change it. On electoral registration and administration, we feel that the current system is not asking to be changed. The voting system is more contentious, I would guess. There are a few answers. First, I do not think that there is a real consensus on whether the voting system should be changed. On consistency, it would add complexity rather than simplify the system if there were different voting systems for different local elections. So, it is a combination of there being no political consensus on the matters in relation to (c) and no pressing pragmatic reason in relation to (a) and (b).

[40] **Jenny Randerson:** I am interested in your reasons, because it seems to me that you are not expressing a firm line. You are admitting in your answers to me that there are arguments for not making those exceptions in some people's minds. Would it not have been wise to include them at this stage given that, in future, a Government may wish to embark on changes? Electoral registration is an obvious example as there are fierce arguments about whether we have the best way of registering electors, and there are also fierce arguments about the voting system. Would it not have been sensible to draft it very widely in case we needed to use it for that in the future?

[41] **Brian Gibbons:** I accept that somebody else could look at the same set of facts and come to a different conclusion—the conclusion that you have come to. However, as I say, we have taken the view that this area is not calling out for change, compared with what else is in the proposed LCO, particularly in relation to (c), which relates to the voting system. There is not a unanimous, perhaps, but an overwhelming, consensus behind this proposed LCO. Something like matter 12.9(c) would stand out like a red rag because there is no consensus on the best way forward, whereas the whole thrust of this is on the basis of completing business. You are right: somebody else could come to a different conclusion. The conclusion that you wish to come to does not fly in the face of the facts, as what you say is correct, but a decision has to be made and, for the reasons that I have outlined, we have made our decision on the matter.

[42] **Jenny Randerson:** One of your policy objectives established in the explanatory memorandum is to increase participation. Would you accept massive academic evidence from around the world that using a different voting system would increase participation?

2.40 p.m.



[43] **Brian Gibbons:** Yes, but with regard to community and town councils in particular, the only move from here would presumably be some sort of proportional election system. However, the key challenge at present is not the voting system in community and town councils, but to make community and town councils more interesting and relevant, which would, hopefully, mean more people standing for election. It is not an unfair electoral system, but I think that a quarter or perhaps a third of seats are not contested—I do not know the exact figure—so we are talking about a voting system in a tier of democracy where democratic engagement is quite weak and where, in fact, there is an open goal for people to be appointed or co-opted. I do not argue that there is not an intellectual case, but it cannot be the priority for community and town councils with the current level of democratic engagement. I do not see that electoral reform could conceivably be the answer when so many seats are uncontested.

[44] **Jenny Randerson:** There is an argument that there would be more contested seats if you had electoral reform.

[45] **Brian Gibbons:** I accept that.

[46] **Jenny Randerson:** I will not pursue that, but we will return to this at some point in future. I will take a different tack now and ask you, more generally, whether there are any exceptions that apply to this proposed Order that have been inserted by other proposed Orders and, if so, what are those exceptions and how have they been applied?

[47] **Brian Gibbons:** Perhaps the lawyers or officials could answer that question.

[48] **Ms Richards:** There is no Order at present that affects the exceptions. You may be aware that there is soon to be an Order, which has been laid before the Assembly, which is the National Assembly for Wales (Legislative Competence) (Exceptions to Matters) Order 2009, which will introduce a range of exceptions that will be inserted into Schedule 5 and which will apply to all matters in Schedule 5. However, the nature of the exceptions in the Order does not cut across in any way the matters that appear in field 12 of the National Assembly for Wales (Legislative Competence) (Local Government) Order 2009.

[49] **Jenny Randerson:** Thank you. I do not necessarily look forward to being on that legislative committee. *[Laughter.]*

[50] **Val Lloyd:** Please take note. *[Laughter.]*

[51] **Brian Gibbons:** It might be like some community councils with some co-options. *[Laughter.]*

[52] **Val Lloyd:** Do you have any further questions on this section, Jenny?

[53] **Jenny Randerson:** No, I do not.

[54] **Gareth Jones:** Weinidog, mae fy nghwestiwn yn ymwneud â mater 12.10, lle sonnir am rymuso sefydliadau llywodraeth leol. A fedrwch chi egluro beth fydd effaith hyn a beth yw arwyddocâd y grymoedd ychwanegol hyn, os wyf wedi deall y peth yn iawn? Cyfeiriai at y frawddeg sy'n dechrau â'r geiriau canlynol:

**Gareth Jones:** Minister, my question relates to matter 12.10, which talks about giving more powers to local government institutions. Can you explain what the effect of this will be and what the implications are of these additional powers, assuming I have understood this correctly? I refer to the sentence that begins with the following words:

[55] ‘This matter applies to powers’.

[56] Wedyn, mae enghreifftiau sy'n ymwneud ag elfennau economaidd, cymdeithasol neu amgylcheddol yn y cymunedau hynny. Sut mae hyn yn disgyn at ei gilydd, a beth fydd effaith mater 12.10? Then, examples are given of the economic, social or environmental elements in those communities. How does this come together, and what will be the effect of matter 12.10?

[57] **Brian Gibbons:** There is currently a discrepancy between the potential powers that community and town councils have and those of the local unitary authorities, which have the principal authority. The principal authority, which is the local unitary authority, has the power to promote wellbeing in the area. So, the sentence in matter 12.10, which states that

[58] ‘This matter applies to powers to do anything which the holder of the power considers likely to promote or improve the economic, social or environmental well-being of an area’

[59] is a pretty enabling power for the principal local authority, which is the unitary authority. The power to do this is very much part of the wide range of perspectives that local authorities take towards developing, for example through community plans, which gives them a broad and enabling scope of powers.

[60] The powers available to community and town councils are much more restricted; they are really quite narrow for parks, community halls, parking, being consulted on planning, and so forth. The purpose of this is to broaden the range of powers that community and town councils may have to shadow more effectively the range of powers that the principal authorities have, and we think that that is particularly important because in the local government improvement Measure, we establish community and town councils as statutory consultees for community strategies. This will increase the range of powers and options available to community and town councils. If, for example, a principal authority—a unitary authority—wanted to delegate some particular functions down to a lower tier of government, this would create powers within the community and town council to look at such matters.

[61] **Gareth Jones:** Diolch yn fawr am yr ateb. Yr wyf yn croesawu'r symudiad hwn a'r ffordd yr ewch ati i wneud hynny. Yn bersonol, gwelaf yr angen i wella'r sefyllfa. Fodd bynnag, gwelaf hefyd efallai y byddai gwrthdaro o ran buddiannau rhwng yr awdurdod unedol a'r gymuned ar adegau. Cewch y math hwn o wrthdaro pan fydd awdurdod unedol, fel yr awdurdod cynllunio, yn caniatáu rhywbeth drwy fesurau cynllunio a fyddai, efallai, yn groes i ddymuniad cymuned leol. A yw hynny'n rhywbeth i'w ystyried? **Gareth Jones:** Thank you for that response. I welcome this move and the way in which it is being done. Personally, I feel the need to improve the situation. However, I also believe that there could be some conflict of interests at times between the unitary authority and the community. This type of conflict can happen when a unitary authority, as the planning authority, gives planning consent, which could be contrary to the wishes of the local community. Would that be something to be considered?

[62] **Brian Gibbons:** The nature of democracy means that there will be conflict. In a democratic society, we will never get to a stage where there is no conflict and disagreement. On delegation, perhaps someone could clarify the point more accurately in law. However, as things stand, community and town councils have their own precepts, therefore, within their competencies, whether the unitary authorities like it or not, they have their own democratic mandate to do what they can within their legal powers. What equally is part of this is that there may be areas where the community and town councils and the unitary authority may agree that it makes good sense for particular services to be carried out on an even more local

level. Therefore, we want to ensure that community and town councils have the range of competences to carry out those functions, should the opportunity arise. Obviously, that would only be on the basis of agreement. Therefore, as regards where the community and town councils spend their own money, that is up to them.

[63] **Gareth Jones:** Nid wyf yn dymuno gorbwysleisio hyn, ond codaf y pwynt oherwydd mae'n siŵr gennyf fod gennych ddiddordeb yn y mater ac mae pob un ohonom yn dymuno gweld hwn yn mynd drwyddo yn llwyddiannus. Y sefyllfa ar hyn o bryd yw bod cynghorau tref yn cael gweld unrhyw gynlluniau neu geisiadau sy'n mynd drwyddo, ond nid oes ganddynt unrhyw hawliau, mewn ffordd, i'w gwrthod neu eu hatal. Maent yno fel '*consultees*', neu beth bynnag yw'r gair. A ydych yn rhagweld y bydd hynny'n newid?

**Gareth Jones:** I do not want to overemphasise this point, but I make the point because I am sure that you have an interest in this matter and we all want to see this going through successfully. As things stand, town councils get to see any plans or applications that go through, but they do not have the right, in a way, to oppose or prevent them from happening. They are consultees, or whatever the word might be. Do you foresee that that will change?

[64] **Brian Gibbons:** I do not think that it will change because of this. I do not know whether or not my colleagues might want to add anything on that. What you say, effectively, is that, to increase the power of community and town councils in planning decisions—

[65] **Gareth Jones:** It is a real issue in communities. They often feel that they are overlooked. They might put an objection in and think, 'It doesn't really matter; we only have to go through the motions, as it were'.

[66] **Brian Gibbons:** It is a strongly held view.

[67] **Mr Phipps:** This proposal would not deal specifically with that issue. I am not an expert on this but I suspect that it would require the final legislation to be changed as far as the status of community councils was concerned, but we are not looking at that through this proposed legislative competence Order.

[68] **Gareth Jones:** Iawn. Diolch yn fawr. Symudaf ymlaen felly at fater 12.11, sy'n ymwneud â grantiau.

**Gareth Jones:** Okay. Thank you. I will now move on to matter 12.11, which relates to grants.

2.50 p.m.

[69] Yr wyf yn deall y bydd grantiau uniongyrchol ar gael i bwy bynnag sy'n gweithio gyda Llywodraeth y Cynulliad. A wnewch chi osod allan yr hyn sydd o dan ystyriaeth a beth fydd effaith hynny?

I understand that there will be direct grants available for whoever works with the Assembly Government. Will you set out what is under consideration and what will be the impact of this?

[70] **Brian Gibbons:** At the moment, community and town councils have to fund themselves from the precept, which is their only source of money. As the law stands, we cannot give grants directly to community and town councils. I am not saying that we have a wide range of proposals to directly fund community and town councils if this LCO goes through, but should the opportunity present itself, this will allow us to do that. There are also opportunities with regard to facilitating elections.

[71] **Mr Cuthbert:** It could bring about a situation where the Assembly Government would be able to directly finance by-elections in community councils, which is one of the

recommendations from the Aberystwyth report. It is felt that the cost of running a by-election, which is more likely to fall on a community council than those of their general elections every four years, may put off community councils from doing everything that they could to bring about an election. Co-option is a much cheaper option. Usually, when the general elections are held, the principal council meets all the costs of holding the election. When there is a by-election, the principal council has to organise the election but can recharge, and sometimes does recharge, the community council for the cost of it. It is being suggested that a method of directly financing those elections would improve matters.

[72] **Gareth Jones:** Felly, er mwyn cadarnhau'r pwynt er gwybodaeth i'r pwyllgor, mae'n ymhyg yn eich ateb, Weinidog, fod yn rhaid cael y Mesur arfaethedig hwn i sicrhau bod yr ariannu uniongyrchol hwnnwn'n digwydd.

**Gareth Jones:** So, just to confirm the point for the benefit of the committee, it is implicit in your response, Minister, that this proposed Measure is essential to ensure that that direct funding takes place.

[73] **Brian Gibbons:** Yes, to facilitate it.

[74] **Brynle Williams:** I symud at fater 12.12, beth fydd effaith y mater hwn?

**Brynle Williams:** Moving on to matter 12.12, what will be the impact of this matter?

[75] **Brian Gibbons:** Since 'Making the Connections' and the Beecham review, and so on, the case for greater collaboration across organisations and public bodies in Wales has been well made. So, the purpose of this is to make sure that there is no uncertainty about the legal situation with community and town councils, and how they collaborate to deliver a shared purpose. It is also to provide legal competence to further consolidate the relationship between community and town councils and the unitary authority in their area. On the latter point, there is a lot of good practice going on. For example, Caerphilly County Borough Council, which Jeff would probably know about, has developed a charter with its community and town councils that outlines the basis of the relationship between that local authority and the community and town councils. I also went to an event in Torfaen where a similar charter was signed. That is happening on a good or best practice basis, as there is no statutory requirement for these charters to be put in place.

[76] Therefore, this matter would provide the Assembly Government with the opportunity to make these charters statutory, should we wish to do that, but we have no immediate plans to mandate that. We would far prefer this to proceed on the basis of good practice, but the legal competence would be useful as a backstop if, at some time, it was necessary to make this a requirement.

[77] **Brynle Williams:** What discussions have you had with interested parties such as the Welsh Local Government Association and One Voice Wales in respect of matter 12.12? What was the outcome of those discussions? Why are you seeking legislative competence when you already have guidance in place that has been developed with communities and agreed in principle?

[78] **Brian Gibbons:** We certainly hope that the guidance will be strong enough to move this agenda forward more vigorously, but we are just saying that if, in some circumstances, the guidance was not strong enough, we would have the mandate as a backstop to make it a requirement. As you say, we would far prefer the good progress that is being made—although it is just starting—to continue on a voluntary basis and be embraced more enthusiastically, and that view is shared by One Voice Wales and the WLGA.

[79] **Mr Phipps:** The WLGA and One Voice Wales have been key partners in the development of the guidance and its ongoing implementation. We will continue to work

closely with them on that.

[80] **Gareth Jones:** It is an important point because I can understand the need for a charter or some agreement between the principal bodies and the community. There is no doubt that there should be a better relationship; in fact, it is a real issue. However, in the end, this comes to people, to elected members. Are we talking about individual responsibilities here? Let us say that a community is represented by one or two elected members at county council level, would this eventually mean that they would have to establish a relationship? As it is, they can opt out of that relationship. Would it be obligatory for them to attend community council meetings, for example? Are we going down that line?

[81] **Brian Gibbons:** I do not think that we would be dictating to the letter any charter—although, having said that, we have published a charter as a template in conjunction with the various parties. Indeed, that template has been used in Caerphilly and Torfaen, with some minor re-jigging around the edges. You are right that, at some stage, mandatory action may be required, but if people are at loggerheads, forcing them into the same bed is really not the answer. Sometimes, through the necessity of having to live together, people grow to love each other, even though they hated each other at the beginning but, generally, it is not a good recipe for a partnership.

[82] **Gareth Jones:** I totally agree with you, Minister, but it is a real issue, the lack of a good relationship between the community—

[83] **Brian Gibbons:** That is why we would like to have the mandatory power as a backstop, but not as the first string to our bow.

[84] **Lorraine Barrett:** Matter 12.13 would provide the Assembly with the competence to put measures in place to raise the competence of community councils. Could you explain the effect or the significance of that matter?

[85] **Brian Gibbons:** England already has an accreditation system, albeit on a voluntary basis, and my understanding from officials is that it mainly involves bigger community and town councils. For them, it is a bit like Investors in People, or similar accreditations, in that it gives people confidence that the community and town council is meeting certain standards.

3.00 p.m.

[86] We do not have that set of arrangements in Wales. We would like to see that happen. To go back to the points made in response to Gareth, we would like that to be done on a voluntary basis rather than it being imposed, but we think that it would be good for the Assembly to have the legal competence to establish a mandatory accreditation system should the need arise. Going back to Gareth's point, that might be relevant if unitary or principal authorities were to delegate powers to community and town councils. They might say that they would agree to do it but that they wished to be assured that processes and procedures were in place. A way to evaluate that would be accreditation. However, we have not done any substantial work on that. It is just that we have the aspiration to achieve that.

[87] **Lorraine Barrett:** I have two questions on that. Why have you not tried a voluntary scheme before now? On the mandatory scheme, we have talked about community councils and we all think about community councillors, but what about the clerks? Can you remind us whether they have to have any particular expertise, that is those in the much smaller community councils?

[88] **Brian Gibbons:** No, they do not.

[89] **Lorraine Barrett:** I thought not. How easy would it be to bring in a voluntary scheme in the first instance?

[90] **Brian Gibbons:** It is certainly being considered and One Voice Wales is one organisation that would be involved. However, although it has the membership of about three quarters of the community and town councils in Wales, it is a relatively new organisation. It is only about three or four years old. What is it?

[91] **Mr Phipps:** It is five years old.

[92] **Brian Gibbons:** Okay, but it is on that scale and it has had to bring together a number of other organisations that represented community and town councils. For a key player, One Voice Wales is still very much in the process of establishing itself and its credibility, of expanding its membership, and of establishing an IT network and a whole range of basic services for community and town councils. So, it just does not have the time or capacity for this at the moment. It would also be fair to say that, before the Aberystwyth report and the establishment of One Voice Wales, we recognised a serious training and competence deficit, even among clerks. Over recent years, we have been putting training programmes in place to increase competence—and we are talking about basic levels of competence. Many of the clerks just walk in off the street. They are the best person for the job, but they have no background in this work. So, that is the next stage, but I do not think that either the Society of Local Council Clerks or One Voice Wales is quite ready to go on to that level yet, simply because there are more pressing, basic tasks to be addressed at the moment.

[93] **Lorraine Barrett:** Thank you. Can you elaborate on the scheme for the accreditation of quality in local government communities? What might it entail?

[94] **Mr Phipps:** As the Minister said, it would embrace that basic competence assessment and might cover such things as electoral mandates—how many members of the council are elected rather than co-opted—the basic qualifications of the clerks, and procedural matters, such as meetings being organised properly in accordance with the necessary requirements. It would be those process and capability issues that such a scheme would try to assess and give accreditation for.

[95] **Lorraine Barrett:** It may not be appropriate to say at this stage, but do you have any feel for the will among community councillors in general? Is there much resistance to going down this sort of route, or is it too early to assess that? Quite a few whom I know are happy with what they are doing. They do not really want any more responsibility, would resent being told that they needed some training when they have been doing the job for 30 years without an election, and are quite happy looking after the village green. They do a nice little job, and I just wondered what your feeling is on this—particularly among community councils and not so much town councils.

[96] **Brian Gibbons:** We have a training programme and we work with One Voice Wales. I cannot remember how many people have been on it, but a surprising number of community councillors and councillors have engaged with the training process, have signed up to the website, and have used it to exchange information. A good few clerks are keen to engage with the training programme. However, I would not like to quantify the proportion.

[97] **Mr Phipps:** I do not have the numbers, but I know that we work with the Society of Local Council Clerks supporting what is, in effect, a distance learning pack for the clerks of councils. So, we are not just concentrating on members but are also dealing with clerks and other staff.

[98] **Brian Gibbons:** If the committee would like us to, we could see whether we can get some figures on participation. I am sure that we will have some information.

[99] **Val Lloyd:** Thank you. That would be helpful.

[100] **Jeff Cuthbert:** My question relates to matter 12.14, on public participation in local government for communities. Could you explain the significance of that matter and perhaps offer an explanation of what sort of activities might come within the scope of public participation in local government for communities?

[101] **Brian Gibbons:** It is about trying to make local democracy more interesting and relevant to local people, and to enhance capacity to allow that to happen. The things that we are thinking of include the role of community meetings. I gather from officials that such meetings have been fairly common in certain parts of Cardiff where controversial decisions have been made. However, we do not have legal competence in relation to how such meetings are organised, what sort of mandate would flow from them, or what sort of safeguards there would be. Such direct participation in the democratic process is very healthy, but perhaps we need to ensure that it is fighting fit for the twenty-first century. I do not know whether Frank or Steve want to add anything to that.

[102] **Mr Cuthbert:** There are two problems with community meetings in particular at both ends of the spectrum. On one end, it is very easy to bring about a community meeting and at the other end, it is equally easy for a principal council to take no notice of the outcome. I will not go into too much detail, but only a small number of people is necessary—six electors—to call a community meeting. They have to give some public notice of it, but the extent to which they do that is largely a matter for them. Among other things, a community meeting can generate a community poll. There are two different types of community polls: one can deal with the creation or dissolution of a community council, which my colleague, Stephen Phipps, tends to be responsible for; and the other is more general, and can be on any other issue. You do not even need a majority to support the motion for a community poll for it to be brought about. A third of those present is enough to bring it about, or 10 people, if that is more. It is an expensive exercise and we feel that the rules on publicity for community meetings and community polls should be reviewed.

3.10 p.m.

[103] At the other end, if you do all that, perhaps you should think about whether there should be some duty, not necessarily to carry out the results of a community poll, but at least to respond to the community by the principal council; at the moment, there is none. I do not know whether Stephen wants to say any more about the community poll aspect of setting up or removing community councils.

[104] **Mr Phipps:** Only to remind Members that, as the Minister mentioned earlier, the Assembly Government is committed to making it easier—in other words, lowering the threshold—to hold these meetings to create community councils and to raising the bar when it comes to the abolition of existing councils.

[105] **Jeff Cuthbert:** In paragraph 21 of the explanatory memorandum, Minister, which deals with matter 12.14, you refer to new councils co-opting persons if there are vacancies that cannot be filled through normal elections. You say that it is ‘accepted good practice’ for such vacancies to be advertised openly. One can see that the reasoning for that is to avoid any allegation of chums in or closed shops. The first sentence says that the matter

[106] ‘would provide competence for the Assembly to legislate to encourage transparency and wider participation’.

[107] Am I right in thinking that it would still be an encouragement to advertise for co-option or would it be a duty to advertise for co-option?

[108] **Brian Gibbons:** It would probably toughen it up more than encouragement, but that would again be for the Measure. There might be further debate once the Measure came forward. There may be a view that mandatory action is excessive, but it would have to be one of the options. We are not saying that the advertisement should be put out on television or anything like that, but some sort of proportionate effort should be made, rather than just having the people who turn up to a community and town council meeting effectively deciding who they will co-opt on a closed-shop basis. There should be at least some effort to go out to make the public aware that co-options are available and allow people to indicate that they would be willing to serve if they were co-opted. Encouragement is a little weak, but that is to be decided. The proposed LCO will not decide that; a Measure will decide that in due course.

[109] **Gareth Jones:** Mae mater 12.15 yn ymwneud â llywodraeth leol yn darparu gwybodaeth i'r cyhoedd. Beth yw arwyddocâd hyn a beth fydd ei effaith? Gwybodaeth am ba fath o faterion a fydd yn cael ei throsglwyddo fel hyn i'r cyhoedd? Yn ogystal, a allwch ystyried y ffaith ein bod i gyd, fel cyrff cyhoeddus, bellach yn ddarostyngedig i Ddeddf Rhyddid Gwybodaeth 2000, sy'n ein gorfodi i wneud hyn a'r llall. Hoffwn pe baech yn ymhelaethu ar yr hyn sydd dan sylw yma.

**Gareth Jones:** Matter 12.15 deals with the provision of information by local government to the public. What is the significance of this and what will its effect be? Information on what type of issues will be communicated to the public in this way? In addition, will you give consideration to the fact that, as public bodies, we are now all subject to the Freedom of Information Act 2000, which obliges us to do certain things. I would like you to expand on what is under consideration here.

[110] **Brian Gibbons:** Nearly all of us, or those who have been elected, will have heard the statement 'We never see or hear from you until there is an election'. It is one of the most common complaints that people make about their elected representatives. This matter is partly about addressing that issue. Again, it will be for a Measure to decide what form it will take, but the sort of thing that would be an opener for six would be whether a councillor should produce an annual report. Should the local authority support the councillor in producing an annual report? Should the councillor be supported in having a website or a newsletter? That is the thinking behind it.

[111] Some people do it out of their own pockets, some people do it out of other funds and some people may argue that this is a diversion of money that should be spent on front-line services. So, there are lots of different views, although I think that all of us who are involved in public life are quite amazed at the failure to communicate effectively to the public what we are doing at all levels of government. Whereas we would know our local MP and our local AM, I am sure that if you went out to speak to members of the public, a considerable number would not have the foggiest idea who their councillor is or who their AM is. That is a weakness in the democratic system and this is an attempt to address that. Again, the detail will obviously be in a proposed Measure; this, in itself, is just an enabling power.

[112] **Brynle Williams:** May we move to matter 12.16, Minister? Will you explain why powers currently held by Welsh Ministers in respect of councillors' allowances are inadequate and why legislative competence is being sought in this matter? In addition, why are the national park authorities and the fire and rescue authorities being included?

[113] **Brian Gibbons:** I said at the beginning that the independent remuneration panel felt that the current arrangements quite constrained its ability to properly remunerate people and to recognise the costs of being an elected member, particularly at county council level. So, it



has asked us to seek legislative competence to allow us greater flexibility in how we could respond to any recommendation that the panel might make. I think that that is the opening gambit in all of this. Equally, in the last few years, we have set up the independent remuneration panel, which was not previously there. We now have the panel to give a view as to what the allowances and so on should be, but clearly there are limits, as I said, to what it can recommend, so we would like to increase its options. It can currently only comment on the allowances for county councillors; it cannot comment on the allowances for members of the fire and rescue authorities or the national parks. However, the national parks and fire and rescue authorities have to pay attention to what county councillors are paid through their allowances system. They have to take into account what county councillors are being paid, but the independent remuneration panel has no direct power in that regard. We think that it would be sensible for the independent remuneration panel to be able to look at the allowances or payment systems for fire and rescue authorities, as well as national parks.

[114] **Lorraine Barrett:** Could you explain the effect or significance of matter 12.17 on promoting and supporting membership of local government institutions for communities and principal councils?

[115] **Brian Gibbons:** We all recognise that the level of engagement when standing for election, the profile of councillors and even Assembly Members, and certainly the profile of community and town councils where many seats are unfilled are not as they could be. We have not really been successful in getting people to be willing to put their names forward or in properly valuing people who do public service through being elected members. We also know that the gender profile at local government level is not good, the age profile is certainly atypical of the population as a whole, and black and ethnic minorities are poorly represented. So, even though councillors work very hard to be genuinely representative of their communities, the fact that the elected members are so atypical must be an issue. This is an attempt to provide legislative competence for us to consider more creative ways by which we address this; in other words, whether more support needs to be given to councillors, whether local authorities need to undertake equality monitoring and so on. So, it is to enhance that. I do not know whether Frank and Steve want to come in on this point.

3.20 p.m.

[116] **Lorraine Barrett:** I was going to ask whether you could give us an idea of the sort of activities that might be covered by the term 'promoting and supporting membership of local government'. What ideas do you have?

[117] **Brian Gibbons:** If you look at the expert group that was established after the Councillors Commission was set up in England, you will see that, among other things, it asked for local authorities to have an Executive/legislative split, a bit like our arrangement, so that one part of the council would support the objectives of the cabinet while another part would support the members. This particular proposed LCO will not give us the legislative competence to change county councils in that way, but it could give us the competence to put in place a statutory requirement that special arrangements be put in place, for example, to support backbenchers in the range of activities that they undertake and to enhance their role.

[118] There are other things, too, such as equality monitoring. If they look at the profile of candidates standing in a certain area and they see that they are way atypical of the area, they could give some thought to why no black and ethnic minority candidates are coming forward in an area that has a large black and ethnic and minority population, for example. In an election, it is up to the electorate to vote in whomever they want, but the authority might be able to do something to encourage more black and ethnic minority people to come forward. The authority may be holding its meetings on a Friday, when people may be at church or the mosque, or whatever. That is the sort of thing that we have in mind. Frank may have

something to add.

[119] **Mr Cuthbert:** I would just emphasise the issue of support for councillors. Since the Local Government Act 2000 brought cabinets to local government and granted most of the functions of local authorities to those cabinets, understandably, the overwhelming majority of council employees assist the executive in carrying out those functions. There are councils that have dedicated sufficient resource to support scrutiny, to support members' services, to support electoral services—all those functions that are about supporting backbench members rather than the executive. There are others, however, where such provision has been shameful, and there is nothing we can do about that. Now, this competence might change that.

[120] On the promotion of membership in local democracy, it is worth looking at Part 1 of the Local Democracy, Economic Democracy and Construction Bill currently going through Parliament, under which the Assembly will have commencement powers at some stage. Those powers will impose on local government a duty to promote democracy by informing people far more about local civic institutions and how they can participate in them. I think that the two things could sit well together.

[121] **Lorraine Barrett:** I welcome what I have just heard, as it has made matters much clearer for me. This is something that we on the Health, Wellbeing and Local Government Committee scrutinised in a review, and the point came through loud and clear that some councils do not have dedicated scrutiny officers to support the scrutiny committees, and in those that do have them, the scrutiny officers can sometimes be working for the executive, too. In addition, some of the feedback that we got from some of the backbenchers was that they were floundering a bit, because the executive was running everything and they did not really have a role and did not quite know what to do with themselves as councillors without a housing committee to take part in. So, I appreciate that, and I think it is a good initiative.

[122] **Jenny Randerson:** I add my support as well, because I was a member of that committee and it was a very clear recommendation. I want to turn to the issues of definitions and interpretation. Why did you feel it necessary to include interpretation provisions on the face of the proposed Order, rather than leaving them as matters for future Measures? Are there any interpretation provisions that have been inserted by other Orders or Bills that apply to the matters in this proposed Order?

[123] **Ms Richards:** The interpretation section in the proposed Order is there to clarify the scope for matters that will later be drawn from that scope. For example, 'communities' is defined in the proposed LCO, but if you did not have that definition there is no definition in other legislation that is relevant to this particular LCO. At least you know the scope of what your proposed Measure can deal with by looking at the interpretation section. You can also have interpretation sections in Measures, but this interpretation section is important because it clarifies the scope, and you need definitions of terms to know the scope.

[124] **Jenny Randerson:** This is getting down to deeply technical matters, but what is the significance of the fact that the proposed Order uses the term 'local government institutions for communities', whereas the Local Government Act 1972, which was amended in 1994, uses the phrase 'community councils', which is the one that we have used during this meeting?

[125] **Ms Richards:** The reality is that the proposed Order seeks competence to deal with community meetings, community town councils and community councils. They are not defined in the Local Government Act 1972; there is a reference to community councils, but it is not defined—it refers to those community councils that were in place before 1 April 1996 continuing forth. So, for the purpose of the proposed Order, there needs to be clarification of what exactly we are talking about. With regard to that particular definition, the institution is

the community council or the meeting, and it will be necessary in the context of certain matters to confine the scope to the meetings or the council. The broader term, 'local government', would deal with aspects beyond just the meeting and the council itself. That will be relevant to certain matters in the field.

[126] **Brian Gibbons:** Such as services.

[127] **Ms Richards:** Yes, services.

[128] **Jenny Randerson:** Sorry, but to get even more technical, you then use the term 'meetings'. I understand the rest of the definition, but you use the term 'meetings'. Earlier, the Minister talked about community meetings. Are you referring to community meetings or meetings of community councils? If you are referring to community meetings, I would not regard them as an institution—they are an event.

3.30 p.m.

[129] **Ms Richards:** Yes, that is right. The term 'local government institutions' refers to community meetings and community and town councils, and the word 'institution' just means an organisation of some kind directed to a particular purpose. The purpose here is specified as being local government, so in that context, you could argue that a community meeting could be an institution because it is an organisation of some kind relating to local government.

[130] **Jenny Randerson:** I will go away and think about that one. Being very much aware of community meetings in Cardiff, I do not think that the people who attend them think that they are attending an organisation—they are attending an event, although it is sometimes arranged by an organisation, which could be a totally separate entity, and could even be an established voluntary sector organisation or a charity. People go to such meetings for one purpose. I am sure that the lawyers will think about all this.

[131] **Brian Gibbons:** In policy terms, and for the purposes of this law, not every meeting will be a community meeting. As Frank said earlier, there are certain 'formal' community meetings that will have implications for the council, or will have an organic link to the council or its activities. If you follow the argument that some of these meetings will have ramifications for the council, then the case for including them as 'institutions' is stronger. This would not cover every meeting held in the community, but a formally convened meeting with implications for the activities of a council would be, I think, a horse of a slightly different colour. The definition attempts to capture that. However, I accept that it—

[132] **Val Lloyd:** Jeff wants to come in here.

[133] **Jeff Cuthbert:** The Minister has probably dealt with this, and I do not want to get into semantics, but nevertheless, I will. I can see the logic of a one-off meeting, unless it is aimed at a specific outcome, being classed as an event—it would just be an opportunity for people to air their views, or whatever. However, I would have thought that, if a meeting is part of a regular schedule of meetings, and has an outcome that impacts upon the work of the community council, then as you said, it would be reasonable to include it as part of the 'institution' and its functions.

[134] **Brian Gibbons:** The only point that would need to be clarified in what you said is the frequency of the meeting. You mentioned regular meetings.

[135] **Jeff Cuthbert:** Or, indeed, a one-off meeting with a specific purpose.

[136] **Brian Gibbons:** We would certainly be happy with that sort of understanding of what the legislation is trying to get at.

[137] **Ms Richards:** When developing Measures and drilling down into the detail of what constitutes an institution, you would be able to create precise definitions—this simply gives you the scope to do that.

[138] **Val Lloyd:** Thank you, Deborah. Yes, Jenny, I am coming back to you.

[139] **Jenny Randerson:** Sorry—more detail. Matters 12.8, 12.9 and 12.10 refer to ‘local government institutions for communities’, whereas matters 12.11, 12.13 and 12.14 refer to ‘local government for communities’. On the same theme: why have you used that different terminology?

[140] **Ms Richards:** To catch a broader category than just institutions—that is, the meetings of the councils. This can extend to services and broader local government functions. It is broader than the actual institution that could be defined as the meetings, procedures, and so on.

[141] **Jenny Randerson:** So, applying that logic, when you get to matter 12.15 and you use the definition of local government there, why does that definition only apply in matter 12.15?

[142] **Ms Richards:** It applies simply to clarify that, in respect of matter 12.15, the information will relate not just to community and town councils and community meetings, but also to principal councils. Therefore, it is to simply clarify the extent to which that matter related.

[143] **Jenny Randerson:** Thank you. You will be relieved to hear that I have finished.  
*[Laughter.]*

[144] **Val Lloyd:** Going back to Jenny’s first question in this section, are there any interpretation provisions that have been inserted by other Orders or Bills that apply to the matters in this proposed Order?

[145] **Ms Richards:** No.

[146] **Val Lloyd:** Thank you; that is helpful. We are now coming to the last section. I have questions on the relationship or otherwise of the proposed Order with the Local Democracy, Economic Development and Construction Bill. May I call it ‘the Bill’ from now on, as it is easier?

[147] **Brian Gibbons:** Yes, I think so.

[148] **Val Lloyd:** Why were Measure-making powers for promoting and supporting membership of community and principal councils not also included in that specific Bill?

[149] **Brian Gibbons:** I think that it would be fair to say that we did try. The Local Democracy, Economic Development and Construction Bill had a different name at the very beginning. Hazel Blears was Minister and it was very much about empowering communities and so forth. There was a broad vision for the original Bill, although, at some stage, I presume due to Westminster business and so forth, the scope of the original Bill was severely curtailed and a number of items fell out of the Bill, including at the Westminster end. One of the casualties at our end was a number of these issues. We did get two elements included in that Bill, one of which was to do with the scrutiny and the other to do with the executive arrangements. Therefore, we had two matters in that Bill but many of these items, for which

we initially hoped we would get framework powers, fell out due to time and logistics.

[150] **Val Lloyd:** Would the implementation of any proposed Measures arising from the Order that we are discussing today be dependent on Measure-making powers being in place under other matters, possibly in that Bill?

[151] **Brian Gibbons:** I would think not but I look to Deborah. Is there anything in this LCO that is contingent on the Local Democracy, Economic Development and Construction Bill?

[152] **Ms Richards:** Not that I am aware of.

[153] **Val Lloyd:** Finally—you will be pleased to hear—is there anything in that Bill that conflicts, this time, with proposals?

[154] **Ms Richards:** No.

[155] **Val Lloyd:** Are there any other questions that Members wish to ask? I see that there are none. In that case I thank the Minister, Mr Cuthbert, Mr Phipps and Ms Richards for their contribution. Do you want to add anything, Minister?

[156] **Brian Gibbons:** There is just one little point. Hopefully, we will clarify the participation in training and so forth in the letter to you. Otherwise, I do not think that there is anything else.

[157] **Val Lloyd:** Thank you. There will be the usual transcript of the proceedings.

[158] For Members, there are just a few small items to deal with before we leave. The next meeting of our committee will take place on Thursday 1 October 2009. Please remember that we will be dealing with Stage 2 proceedings of the proposed Children and Families (Wales) Measure. I remind everyone yet again that the deadline for tabling amendments is 5 p.m. this afternoon. Before we go, as not all Members were present, I draw your attention to the letter that we have had from Janet Ryder, as Chair of the Subordinate Legislation Committee, regarding the use of the affirmative or negative procedure. Are there any other items that Members wish to raise? I see that there are none. Thank you very much for your participation.

*Daeth y cyfarfod i ben am 3.39 p.m.  
The meeting ended at 3.39 p.m.*