



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Pwyllgor Deddfwriaeth Rhif 3
Legislation Committee No. 3

Dydd Iau, 14 Hydref 2010
Thursday, 14 October 2010

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

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.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Christine Chapman	Llafur Labour
Veronica German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Helen Mary Jones	Plaid Cymru The Party of Wales
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Lyn Cadwallader	Prif Weithredwr, Un Llais Cymru Chief Executive, One Voice Wales
John Connah	Cadeirydd, Cymdeithas Cynghorau Tref a Chynghorau Cymuned Mwyaf Gogledd Cymru Chairman, North Wales Association of Town and Larger Community Councils
James Griffiths	Cymdeithas Clercod Cynghorau Lleol Society of Local Council Clerks
John Harvey	Cynghorydd a Chadeirydd, Un Llais Cymru Chair Councillor, One Voice Wales
Robert Robinson	Ysgrifennydd, Cymdeithas Cynghorau Tref a Chynghorau Cymuned Mwyaf Gogledd Cymru Secretary, North Wales Association of Town and Larger Community Councils
Mair Stevens	Cynghorydd ac Is-gadeirydd, Un Llais Cymru Vice-chair Councillor, One Voice Wales

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

Ruth Hatton	Dirprwy Glerc Deputy Clerk
Carys Jones	Clerc Clerk

Dechreuodd y cyfarfod am 1.09 p.m.

The meeting began at 1.09 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **David Lloyd:** Croeso i Bwyllgor **David Lloyd:** Welcome to Legislation
 Deddfwriaeth Rhif 3 Cynulliad Cenedlaethol Committee No. 3 in the National Assembly
 Cymru. Mae William Graham a Helen Mary for Wales. William Graham and Helen Mary
 Jones ar eu ffordd. Jones are on their way.

[2] Gwnaf fy sylwadau agoriadol arferol. Os bydd larwm tân yn canu, dylai Aelodau adael yr ystafell drwy'r allanfeydd tân penodol a dilyn cyfarwyddiadau'r tywyswyr a'r staff. Nid ydym yn disgwyl ymarfer tân y prynhawn yma, nac yn disgwyl tân ychwaith. Dylai pawb ddiffodd ffonau symudol, galwyr a 'mwyar duon', gan eu bod yn amharu ar yr offer darlledu.

I will do my usual opening remarks. If the fire alarm sounds, Members should leave the room through the marked fire exits and follow the instructions of ushers and staff. We are not expecting a fire drill, or a fire, this afternoon. All mobile phones, pagers and BlackBerrys should be switched off, as they interfere with the broadcasting equipment.

[3] Fel y gwyddoch, mae Cynulliad Cenedlaethol Cymru yn gweithredu'n ddwyieithog. Mae clustffonau ar gael ar gyfer clywed cyfieithiad ar y pryd a gellir hefyd addasu'r sain arnynt ar gyfer pobl sy'n drwm eu clyw. Mae cyfieithiad ar y pryd ar gael ar sianel 1 a darllediad gair am air i glywed y sain yn well ar sianel 0. Peidiwch â chyffwrdd â'r botymau ar y meicroffonau, gan y gall hynny amharu ar y system, a sicrhewch fod y golau coch ymlaen cyn siarad. Caiff popeth ei weithredu o'r ystafell y tu cefn inni.

As you know, the National Assembly for Wales operates bilingually. Headphones are available to hear the simultaneous translation, and to adjust the volume for those who are hard of hearing. The interpretation feed is on channel 1 and the verbatim broadcast for amplification is on channel 0. Do not touch the buttons on the microphones as that can interfere with the system, and please ensure that the red light is on before speaking. Everything is operated from the room behind us.

1.11 p.m.

Y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru): Sesiwn Dystiolaeth 3 The Proposed Local Government (Wales) Measure: Evidence Session 3

[4] **David Lloyd:** Fel y gwyddoch, rôl y pwyllgor yw ystyried a chyflwyno adroddiad ar egwyddorion cyffredinol y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru), a gyflwynwyd ar 12 Gorffennaf gan y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, Carl Sargeant. Rhaid i'r pwyllgor gwblhau ei waith a gosod adroddiad gerbron y Cynulliad erbyn 17 Rhagfyr fan bellaf.

David Lloyd: As you know, the role of the committee is to consider and report on the general principles of the Proposed Local Government (Wales) Measure, introduced on 12 July by the Minister for Social Justice and Local Government, Carl Sargeant. The committee must conclude its work and lay a report before the Assembly no later than 17 December.

[5] Hon yw'r drydedd sesiwn dystiolaeth mewn perthynas â'r Mesur arfaethedig hwn. Daeth ein hymgyngoriad i ben ddydd Gwener, 1 Hydref, a bydd yr ymatebion ar gael cyn bo hir ar wefan y pwyllgor. Diben cyfarfod heddiw yw gwrando ar dystiolaeth lafar mewn perthynas â'r Mesur arfaethedig. I'r perwyl hwnnw, croesawaf James Griffiths, Cymdeithas Clercod Cynghorau Lleol, Robert Robinson, ysgrifennydd, a John Connah, cadeirydd, Cymdeithas Cynghorau Tref a Chynghorau Cymuned Mwyaf Gogledd Cymru, Lyn Cadwallader, prif weithredwr Un Llais Cymru, y Cynghorydd

This is the third evidence session in connection with this proposed Measure. Our consultation closed on Friday, 1 October, and responses will be available shortly on the committee's website. The purpose of today's meeting is to take further oral evidence in connection with the proposed Measure. To that end, I welcome James Griffiths, Society of Local Council Clerks, Robert Robinson, secretary, and John Connah, chair, North Wales Association of Town and Larger Community Councils, Lyn Cadwallader, chief executive of One Voice Wales, Councillor John Harvey, chair of One Voice

John Harvey, cadeirydd Un Llais Cymru, a'r Cynghorydd Mair Stevens, is-gadeirydd Un Llais Cymru. Wales, and Councillor Mair Stevens, vice-chair of One Voice Wales.

[6] Gyda hynny o ragymadrodd, trof yn syth at y cwestiynau. Yn fy swyddogaeth fel Cadeirydd, yr wyf yn cael y wefr o ofyn y cwestiynau cyntaf. Mae'ch papurau, yn sylfaenol, o blaid y Mesur arfaethedig. A allwch esbonio pam eich bod yn cefnogi'r ddeddfwriaeth? Pwy sydd am ddechrau? With those opening remarks, I will turn directly to the questions. In my function as Chair, I have the thrill of asking the first questions. Your submissions are broadly in favour of the proposed Measure. Can you explain why you generally support the legislation? Who wants to start?

[7] **Mr Griffiths:** Credaf fy mod wedi tynnu'r gwelltyn lleiaf. **Mr Griffiths:** I think that I have drawn the short straw.

[8] **David Lloyd:** Yr ydych yn eistedd mewn lle blaenllaw. **David Lloyd:** You are sitting in a prominent position.

[9] **Mr Griffiths:** Hoffwn ddiolch i bawb am y gwahoddiad i ddod i roi'n barn gerbron y Cynulliad. Gan fy mod wedi ysgrifennu fy nodiadau yn Saesneg, hoffwn ateb yn Saesneg, os caf. **Mr Griffiths:** I would like to thank you all for the invitation to come to voice our opinions before the Assembly. Given that I have written my notes in English, I would like to answer in English, if I may.

[10] You will have all heard me thanking everyone, so I will not repeat the niceties. The Society of Local Council Clerks, as you have read in the response, is the professional body for town and community council clerks in the whole of England and Wales. I will not run through all the numbers and the statistics, but we think that this is a very important proposed Measure, for many reasons, and I am sure that the questions will cover many of those reasons as we go along. I do not have an opening statement to make as such, but thank you for allowing us to come here to respond.

[11] **David Lloyd:** A oes unrhyw sylwadau pellach cyn inni symud ymlaen at y cwestiwn nesaf? **David Lloyd:** Are there any further comments before we move on to the next question?

[12] **Mr Connah:** I am John Connah, and I am the chairman of the North Wales Association of Town and Larger Community Councils. We are broadly in favour of the proposed Measure, the reasons for which are quite straightforward. We believe that, over a number of years, town councils have been restricted in what they can do, either because the statutory powers are not there, or, as has become apparent on quite a few occasions when a council wishes to take on responsibilities, because it finds that it can only do so under the free resource, which limits what activities they can do. We followed this journey basically from its inception, in terms of the Aberystwyth study, and we have been supportive pretty much all of the way through. There are a few problems, but we can go into that later. Broadly speaking, we are in agreement with it. It is also supported by the 27 councils that were at our last meeting, in which we voted in favour of it.

[13] **Mr Harvey:** I would also like to give our support to the proposed Measure. We consider this to be a most important step as far as the whole family of local government in Wales is concerned, particularly community and town councils. We see this as the first step to formalising the role of community and town councils in that it enables them to understand clearly their responsibilities and relationships with their principal authorities. We encourage and also accept that there is much work to be done in this particular field, and we feel that a most important start has been made with the acceptance by principal authorities of charters

with our town and community councils.

[14] **David Lloyd:** Symudwn ymlaen yn awr at y cwestiwn nesaf. Yn eich barn chi, a yw'r Mesur arfaethedig yn mynd yn ddigon pell o ran cyflawni ei amcanion, ynteu a oes rhai materion y dylid eu cryfhau? A oes rhywun yn teimlo'n gryf ynglŷn â'r cwestiwn hwn?

David Lloyd: We will now move on to the next question. In your opinion, does the proposed Measure go far enough in terms of achieving its stated aims, or are there any specific areas that you think should be strengthened? Does anyone have any strong feelings on that matter?

[15] **Mr Connah:** We do not have strong feelings, but we do believe that the proposed Measure goes far enough at present. We envisage that, over a period of up to five years, in particular, it would take that long for many councils to absorb all of these proposals. We see it unlikely that we would need to go further until, perhaps, a 10-year period. However, we see that there is quite a bit of flexibility within this proposal for those councils that are able and willing to expand on their services faster.

[16] **Ms Stevens:** Hoffwn ategu hynny. Mae'n hollbwysig bod hyblygrwydd i'r holl beth. Mae'n rhaid inni ystyried lleoliad y cynghorau bro a'r cynghorau mawr, wrth gwrs. Mae rhai ohonynt yn dod o ardaloedd gwledig ac mae hynny'n eithaf pwrpasol. Mae ganddynt bethau eraill i'w hystyried o ran maint. Mater o raddfa ydyw, mewn ffordd.

Ms Stevens: I would like to endorse that. It is very important to build flexibility into the whole issue. We must consider where the community councils and the larger councils are located. Some are located in rural areas and that has a particular purpose. They have other matters to consider in terms of size. It is a question of scale, really.

[17] **Christine Chapman:** Part 1 of the proposed Measure will place a duty on local authorities to conduct a survey of councillors and unsuccessful candidates with a view to providing information relating to the diversity of candidates and representatives in local government. What are your views on these provisions? Do you think that conducting a survey in this way is the best way of achieving this aim? Obviously, this survey looks at candidates and representatives, but what about the ones who do not apply to be councillors in the first place? It is obviously more difficult, but will this capture the opinions of those people who may not put themselves forward in the first place?

[18] **Mr Connah:** It is nice when someone poses a question to which I have almost written the answer. This is one thing with which our association was concerned. There have been previous consultations, to which we responded, but we were concerned that there is not a wide enough representation. It might not be so easy to come to a solution as to how you get it, but asking those people who are consistently elected will not necessarily widen your representation. We need to find ways of conducting surveys that are snapshots of particular housing areas, working people who might face restrictions, or people with disabilities. The list is endless. Asking those people who already hold the position of councillor in order to widen the representation seems a bit narrow. Therefore, we need to find a mechanism.

1.20 p.m.

[19] **Mr Cadwallader:** One Voice Wales supports the introduction of conducting a survey. At the moment, it is fair to say that we have little information to hand about our sector. The ability to periodically test its make-up and to have a better understanding of where we have adequate representation and under-representation, will help to inform what activity the sector needs to undertake to promote the work of community and town councils across Wales and to address any areas of under-representation.

[20] **Christine Chapman:** Some of the community councils that have responded to our consultation have expressed concern about taking on additional powers, while others have welcomed this development. Why do you think it necessary to have flexibility in the proposed Measures so that not all community councils are required to take on more powers?

[21] **Mr Cadwallader:** The sector is a broad church. We have rural communities with 150 to 200 households and then we have large town councils that currently carry out services on behalf of their localities, having taken on devolved services historically. Flexibility is required, and the proposed Measure more than adequately provides it, to allow those that wish to take on more activity to do so. It provides mechanisms in the development of charters for negotiation around devolving services. That said, we will certainly have smaller rural community councils that will not wish to take on devolved services at this point in time. The proposed Measure allows clustering and so on, which may be an opportunity for rural communities to aggregate their activity.

[22] **Helen Mary Jones:** I want to explore the issue of the different sizes. Given that community councils may be able to take on more responsibility under the proposed Measure, do you think that the huge variation and patchwork provision is acceptable and sustainable? Some communities have no community councils, some have tiny community councils that only have a volunteer, not a professional, clerk, and then others, such as Llanelli Town Council and Llanelli Rural Council in my constituency, are big organisations that run a substantial number of public services and could run more. Do you think that we should look, not overnight, but eventually, at having a more uniform model for community councils to operate?

[23] **David Lloyd:** That is a simple question, James. [*Laughter.*]

[24] **Mr Griffiths:** As has been touched on before, it is a broad church, and some community councils, with all due respect, have not moved into the current day, without even considering what may come in the future. They have not raised precepts for many years, they have a clerk who may do two or three hours a week and they barely meet the legal requirements for the existence of a community council as it is. However, as Helen Mary Jones just said, there are other councils across Wales that embrace all the powers that they currently can take on and, given the opportunity, would embrace more. That would enhance the sustainability of functions, where they could be brought down to the local deliverer instead of the remote unitary authority that may be 30, 40 or 50 miles away. Services could almost be delivered on the doorstep with less cost to the end user—the public—to the greater satisfaction of the local public. However, they should not be forced. When the smaller councils see what other councils are doing, when the training regimes that have recently been introduced kick in, and when the clerks and members see the opportunities that they are able to grasp, the powers suggested in the proposed Measure will be sufficient until this exercise is done again in years to come.

[25] **Mr Harvey:** There is a responsibility for community and town councils to look at their size, because there is no doubt that economies of scale can be achieved, and it would be wrong if we did not look at the possibility, where it is acceptable to the citizens involved, of combining small councils as well as working in partnership.

[26] **Mr Robinson:** That is something that we are doing in Welshpool at the moment. We are looking at the community councils around us and saying, 'We are the biggest of the set', and we are joining together so that services are delivered for, say, a six or seven-mile radius around the larger council, taking in the smaller councils. That is fine, but it has been an uphill struggle to get the county council to recognise that that forum is there for that purpose. I do not know what the problem is, except to say that perhaps the officers fear that jobs will go if we take things over. However, that barrier needs to be broken down so that, when local

councils can demonstrate that they have grouped together, it can be formally recognised to allow things to go forward.

[27] **Mr Griffiths:** It may be of interest that we have an annual meeting with our unitary authority, Ceredigion County Council, and for the 12 years that I have been doing this job it has been pretty much, ‘No, you cannot do that’, and ‘No—that is our job, we are already delivering that’, and ‘Go away and we will see you in 12 months’. This year, for the first time ever, it is almost, ‘Right, we can offer you these; would you like to take over a, b, c, d, e, f and g? They are within your statutory power and we may even be able to make a small contribution towards your running costs. How does the town and community council sector feel about you doing it?’. Of course, it is because the sword of Damocles is hanging over them, and they are suffering major cuts in their funding, or efficiency savings, as they like to call them. All of a sudden they realise that the town and community council sector is perfectly poised and almost ready to leap to take on some of these services. The town and community sector has been saying, for many years in some cases, ‘We would love to do this; we know that we can do it cheaper, we know that we can do it as well as the local authority, we know that we can deliver local services for local people, and we have the powers to do so’.

[28] **Mr Cadwallader:** The other area to consider is whether a community or town council has the capability and capacity to take on services. Mair Stevens and I recently met the WLGA, and there is a very good example in one area of Wales of services being devolved to the community council, but the critical point is added value. If something is to be devolved, it has to provide added value for that community, and if it is to be provided at the same cost, then it has to be a better quality service. Those considerations are critical in any transfer, and One Voice Wales has been quite firm with our membership at a recent conference, saying, ‘Look, this is not about a grabbing exercise; this is about being measured in our approach as a sector and working with principal authorities and other public sector bodies to transfer services if it is possible’.

[29] **Veronica German:** I will move on to talk about community councils and polls and the relevant sections of the proposed Measure. How will the provisions in Chapter 1, Part 7 encourage greater engagement of community councils with their communities? Why is it necessary to legislate for that? Do the provisions go far enough?

[30] **David Lloyd:** Do you want to kick off, John?

[31] **Mr Connah:** In essence, if we do not accept the premise that we need something different, then we will all have wasted our time. The existing system is essentially voluntary, and I do not see that it has worked. I do not really mind whether this is set in statute. The recognition has to be that there are faults in the existing system. The county council needs to be prepared to engage. If it is prepared to do that, even if it is because it knows that there is some impending threat—the sword of Damocles was mentioned before—or because the Assembly Government has taken these powers, as long as it realises that it has to talk to community councils, it will probably do so. The final sanctions in the legislation will probably not be required, but it is required because we have already had the existing situation.

1.30 p.m.

[32] **David Lloyd:** There is more detail coming up now, Veronica.

[33] **Veronica German:** Yes. The SLCC asked whether 50 electors was too low a number in some of the larger council areas as the threshold for convening a community meeting. Are there any other views on that?

[34] **Mr Griffiths:** We raised the point of consistency, because section 96 almost flipped

the requirement on its head. There needs to be a degree of consistency in the percentage levels. In the larger council areas, 50 determined electors could potentially be quite a small proportion of the electorate, whereas, in a small, rural area, 50 electors would be nigh on impossible to find. However, on the demand for community polls, it can be 10 per cent or 150—there is no consistency in the formulation of the requirement, we felt. There is a necessity to be aware that, to stop what can be vexatious cases—we are not saying that it is a common practice at all—the issue needs to be looked at a little bit more carefully rather than having just an arbitrary number plucked out of the air.

[35] **Helen Mary Jones:** Do you think that there should be the same threshold for a community poll, which is a major undertaking with huge expense, as for a community meeting, which is basically a matter of saying to the community council, ‘Fifty of us, your electors, want you to come and account to us for what you have done with our park’? My view is that a poll is a much more serious undertaking than simply asking for a meeting. Would you like to comment on that, Mr Griffiths?

[36] **Mr Griffiths:** I can see your point, and your argument is a valid one. We were looking at how community meetings were convened, and it was 10 per cent of the electorate. Now, if the Boundary Commission for Wales has its way and moves the boundaries so that there is relative consistency with regard to the electorate, we would just ask for that figure to be consistent throughout the polling exercise. We were not going to suggest a number or a percentage. We were looking for consistency.

[37] **Mr Cadwallader:** Just going back to the original question about the need for greater engagement, I think that the provision goes far enough. As to why is it needed, it is about greater consistency. In terms of the threshold, the sector is not highly skilled in public engagement—it is a new skills set for local government. So, the proposed Measure is welcome in that respect. The issue is about how we develop guidance with our partners around the community planning process. That is the issue for those in the community and town council sector, that they are new to this exercise. As a new body coming to the table, they need to be resourced to do that exercise.

[38] **Mr Connah:** The north Wales association is quite relaxed about the figure. I can see that there are advantages in having a higher figure because, clearly, you would not want these polls and committee meetings being called all the time. However, the reality is that, if a council has something to say or has missed something, it should be prepared to engage with the population. People, as far as I can see, are pretty reasonable most of the time. If you are prepared to engage with it, you should not have a problem.

[39] **Helen Mary Jones:** Except when provoked. [*Laughter.*]

[40] **Mr Connah:** Perhaps in the case of certain individuals.

[41] We did think that, for the larger councils, a percentage of the electoral roll might be more appropriate. I am assuming that the real reason for including these clauses is so that individuals, or at least groups of individuals, do not feel that they are being railroaded, as it gives them an opportunity to make their point, and I think that that is valid.

[42] **Veronica German:** You have some reservations about the principal authority’s involvement in determining the question in a community poll and in considering the result. From the written evidence, you almost seem to be saying, ‘What’s it got to do with them?’. Can you expand on that?

[43] **David Lloyd:** Robert has the ready answer. [*Laughter.*]

[44] **Mr Robinson:** In wider context, county councils are the kings of gobbledygook. If you ask them to write a question, it is bound to be in a form that no-one will understand. Community councils are far closer to their communities, and these things should come down to a basic level so that people can understand what they are voting for. Community councils need to be recognised as not being a tinpot little council down the road; in the majority of cases, they are capable of conducting a poll without the county council's involvement. In those situations, as long as they have a set procedure to follow, there is no reason why the community council cannot do it, and not end up with all the technical jargon and the cost that comes with it when a county council becomes involved.

[45] **Joyce Watson:** Good afternoon all. What evidence exists to support the need for a higher threshold for the dissolution of community and town councils in Wales?

[46] **Mr Robinson:** 'We have no evidence', is the answer to that from our point of view. Section 106 lays it out clearly, but we have not come across that situation among any of our members as far as we are aware.

[47] **Mr Connah:** We have moved on in any case, because, from memory, we had a very low figure at one point. As far as I am aware, there has not been a glut of community councils disappearing since the new arrangements were put in place. In any case, it is right that that can happen. A trigger point of 30 per cent or 300 people and still requiring 67 per cent to vote is a big hurdle. If you are doing such a bad job that 67 per cent of the population vote to have you disbanded, they have probably got it right.

[48] **David Lloyd:** Fair enough.

[49] **Ms Stevens:** Er ein bod yn gobeithio na fyddai hynny yn digwydd, nid oes tystiolaeth gennym i ddweud pam y mae rhywbeth wedi digwydd. Mae'n digwydd oherwydd bod rheswm y tu ôl iddo, ac mae pobl yn cael eu cynhyrfu i sicrhau eu bod yn cael eu ffordd. Mae'n rhaid inni gael pethau fel hyn, ond mae'r sefyllfa wedi gwella ers y newidiadau. Y peth iawn i'w wneud yw gwneud y newid yn un cyffredinol.

Ms Stevens: Although we all hope that that would not happen, we have no evidence to say why something has happened. It happens because there is a reason behind it, and it motivates people to ensure that they have their way. We must have these sorts of things, but the situation has improved since things have changed. Making that change a general change would be the correct thing to do.

[50] **Joyce Watson:** My next question has been answered.

[51] **Helen Mary Jones:** I have questions on the process of co-option, but before I ask them I should probably warn you that I am not a fan of co-option at all; in fact, I think that that has understated my position on co-option. To turn to the specific question, do you as organisations consider that the process for co-opting members into community councils is in need of reform? I am thinking about the proposals that you must advertise, and so on. If so, why? If not, why not?

[52] **Mr Robinson:** As far as co-option is concerned, all of the north Wales association members are of a very similar view: they do not like the idea of co-option. However, they also recognise that there are situations where you do not get a choice, and there are a number of instances when this happens. For example, a council on the west side of mid Wales has 16 councillors and it had four on the nomination date. What does the council do when it is 12 members short? That is how bad it sometimes is in the really rural areas. In Montgomeryshire, we have 67 or 68 wards and there were nine elections for those wards. Fifty-eight wards either did not have enough or had just enough. That means that there is a big co-option

problem in those rural areas. The other aspect is that, supposing you are six months from the end of a term and you are asked or forced to have an election, what do you do? Do you leave the seat vacant? If you co-opt someone, it might save a small community council £1,000 or £1,500 in election costs. So, as much as advertising and making sure it is transparent should be done and much as we hate co-option for election, I believe that there must be provision for these slightly rogue situations.

1.40 p.m.

[53] **Ms Stevens:** Byddwn yn dweud yr un peth. Er y byddem i gyd yn hoffi pe bai pawb wedi cael eu hethol i gynrychioli eu cymuned, mae lleoedd lle mae'n rhaid inni gael rhyw fath o gysondeb. Ambell waith mae pobl yn dweud y byddant yn camu ymlaen os oes lle gwag—ar ôl etholiad, dyweder, os bydd rhywun wedi marw neu am reswm arall—ond mae'r gymuned yn dweud y byddai'r gost yn cael ei hadlewyrchu yn y dreth. Mae pobl yn dweud hynny heb feddwl—maent yn meddwl amdano, ond nid ydynt yn meddwl yn uniongyrchol amdano. Mae sawl unigolyn sydd wedi symud o'r ardal ac sydd wedi dweud, 'Yr ydym eisiau bod ar y cyngor, ond nid ydym eisiau i hynny effeithio'n ariannol arnom ni. Nid ydym am sefyll yn yr etholiad, ond a allwch feddwl amdanaf o ran cyfethol?' Mae pobl yn meddwl felly.

Ms Stevens: I would say the same. Even though we would all like it if everyone had been voted to represent their community, there are areas where there does need to be some consistency. Sometimes people say that if there is a vacancy—after an election, say, if someone has passed away or for another reason—they will come forward, but the community then says that the cost would be reflected in the tax. People say that without thinking about it—they do think about it, but not directly. There are many individuals who have moved from the area and who say, 'We want to be on the council, but we do not want it to affect us financially. We do not wish to stand in the election, but could you think about us when you are co-opting?' People think in that way.

[54] Ambell waith—efallai y byddaf yn dechrau sôn am rywbeth yr ydych yn bwriadu gofyn amdano—mae'n rhaid inni, fel cymunedau, feddwl am sut yn union yr ydym yn mynd i gael y bobl hynny i mewn. Weithiau, drwy gyfethol, mae cyfle inni gael pobl nad ydynt mor dueddol o ymgysylltu. Gall y cymunedau wedyn ddweud bod neb ganddynt sydd ag anabledd, er enghraifft, a gallem wedyn gael mwy o'r bobl hynny. Felly, mae dwy ochr i bopeth.

Sometimes—I may start talking about something that you intend to ask about—we as communities have to think about the exact way in which we will get those people to come in. Co-option is sometimes an opportunity for us to get people who are not as prone to engage. The communities could say that they do not have anyone who has a disability, and we could then have more of those people. So, there are two sides to everything.

[55] **Helen Mary Jones:** I have to say that if someone who wants to be in Government or on a council and is not prepared to fight an election, I would have a real problem with that. I do accept the point about co-option, and that if there is six months to go, it is pretty silly to hold an election, but I have to say that, if there is a community council where there are 16 seats and only four people want to stand, for me that might be a trigger for dissolution rather than for co-option, if it kept happening.

[56] On the idea of advertising rather than co-opting among people who are known, do you as organisations believe that that is an opportunity?

[57] Mae hynny'n cyffwrdd i raddau, That touches to some extent on what you Mair, â'r hyn yr ydych wedi ei ddweud. were saying, Mair.

[58] Advertising for co-opted places could be an opportunity to improve the diversity of representation, so that there is a broader group of people.

[59] **Mr Connah:** It is not an easy question to answer. Much as I would like to increase representation, I do not want to end up with a councillor or councillors in the chamber who clearly are not accountable, first because they have not been elected and secondly because they do not relate to any particular group of citizens. Essentially, we are talking about having grass-roots representation, but if they are not representing anyone, that means nothing. It is difficult to speak on behalf of the smaller councils, because our association is not one. By and large, there is no co-option in larger councils, and I think that that is right. What should perhaps be part of the proposals is that there should be some engagement, probably with the Assembly, so that, if councils have difficulty, there should be a means for someone to come in and try to help out. I do not mean that there should be a heavy stick such as the one that was used in Anglesey, but—

[60] **Helen Mary Jones:** There was nothing else to do with Anglesey.

[61] **Mr Connah:** In order to be able to go out to the population and explain the best way for that to happen, that would be good. There is something that falls within the scope of the same idea to some extent. We believe that there is scope to increase the abilities of councils by having co-opted persons who do not necessarily have voting rights. Those would be people who are not just there for one meeting, but who have an expertise—and that is done in schools—but not voting rights. Those people may be able to help by giving their perspective, rather than the council having to buy in the resource. Schools have done that for years with bank managers and so on, but that sort of idea might help us.

[62] **Mr Cadwallader:** On co-option, it is required and the proposed Measure is needed, because it will increase the transparency and consistency of the processes throughout Wales. I want to take a step back, though, because there is a much bigger issue sitting behind the reason we have co-option, and that is the image of the sector. I have recently taken up this post, and a few weeks ago, I described the role of community and town councils to my father-in-law. His view was that they were the best-kept secret in Wales. There is a certain reality to that view. The issue is about having a campaign in advance of local elections so that people understand the role that community and town councils can play in communities and in the overall governance structures of the locality.

[63] **Mr Harvey:** To follow on from that, as far as the sector and our involvement with it are concerned, we welcome elections. We want elections and do all that we possibly can to encourage them. Unfortunately, when seats are not filled for whatever reason, we find it helpful to be able to co-opt, and we would not like to lose that option. However, our emphasis is on elections.

[64] **Helen Mary Jones:** I want to move on to the idea behind the provision to appoint a community youth representative. I take Lyn Cadwallader's earlier point that there is a lack of information about the sector, but I think we know that younger people are substantially underrepresented at all levels of government. Do you, as organisations, support the provision to appoint a community youth representative? Are you happy that that should be an enabling power rather than a requirement? Do you think that this is a provision that community councils are likely to take up if it is an enabling power rather than a requirement?

[65] **Mr Griffiths:** I think that the more active councils are already tapping into what could be seen as a valuable resource, because they are responding to the needs of their locality and communities. The younger generation is quite a large section of the community. I still counted myself as being of that generation until I looked at the birthday cards that I received recently, and realised that I am not. [*Laughter.*] It should almost be a requirement to appoint

community youth representatives on a council. I apologise if I offend anyone by saying this, but many councils are almost geriatric in their make-up. Their take on the requirement for youth provision is not the same as it would be if the council were made up of a wider range of age groups. So, that provision should almost be made mandatory.

[66] **Ms Stevens:** Byddem i gyd yn dweud bod rhaid cael pobl ifanc, ond, yn fy ardal i, mae 80 y cant o'r bobl yn hen bobl, felly rhaid bod ychydig yn fwy hyblyg. O ran egwyddor, fodd bynnag, nid oes gennyf broblem o gwbl. Gwelaf hyn fel ffordd o ategu'r hyn a wneir mewn cynghorau mawr, yn y cynghorau ieuencid, ac yn y blaen, ac mae pobl eraill yn gallu dod i mewn o'r rheiny. Cydweithio yw'r peth, onid e?

Ms Stevens: We would all say that we have to have representation from young people, but, in my area, older people comprise 80 per cent of the population, so you have to be more flexible. As a matter of principle, I do not have a problem with it at all. I see this as a means of consolidating what is done in large councils, in youth councils and so on, and other people can be brought in from those. It is all about collaboration, is it not?

[67] Yn ogystal, mae rhai wedi cael fforymau a chynghorau ieuencid ac yn y blaen. Edrychwch ar Rydaman yn sir Gâr er enghraifft: mae wedi cael un ers mwy na 12 o flynyddoedd, yr wyf yn credu. Mae hwnnw wedi cael effaith. Yn ddiddorol iawn, er nad ydynt wedi aros yn eu swyddogaethau yno, maent wedi mynd ymlaen i weithio mewn llywodraeth leol ac yn y blaen. Felly, mae'r egwyddor yn dda.

In addition, some have held youth fora and youth councils and so on. Look at Ammanford in Carmarthenshire for example: it has had one for more than 12 years, I think. That has had an impact. Interestingly enough, although those people have not remained in their functions there, they have moved on to work in local government and so on. So, the principle is a good one.

[68] **Mr Robinson:** To take that point up, you referred to youth councils, and we have a successful youth council at Welshpool, as do many other places. If one were to legislate that councils had to have some form of representation, I do not think that one could legislate for what sort of representation that would be. You can invite a couple of youngsters to a council chamber with the 'dinosaurs', but that is not exactly the sort of environment that they want to be in, so they certainly will not come individually but as a pair, as a minimum, and the chances of getting the same ones each month are pretty remote. So, it might be that it works for some councils but not for others. Involving youth—yes, that is a good idea. However, legislating for how to do that will require more than just saying, 'Just have a young person on the council'.

1.50 p.m.

[69] **Christine Chapman:** I wanted to come back on Mr Harvey's comment about co-option. As you said, most community and town councils will want elections. I used to be a community councillor in addition to being a county councillor. You mentioned cost, and the reality now is that we will all be short of money, so co-option could increase, could it not? People will say, 'Well, it is very expensive'. I wonder what comments you might have on this. Like Helen Mary, I have some concerns about co-option because you tend to have the same kinds of people coming on to the council, for whatever reason.

[70] **Mr Harvey:** My view on this is that you have to make the role attractive in some way, so that people want to serve as town and community councillors. If you look at what drives someone—in my opinion, at any rate—it is either that they will get some form of satisfaction, or that they have total dedication towards helping their community to have a better existence. If you are to encourage participation, then you have to show those people who make themselves available—before they put themselves up for election—that what they are going to do is worthwhile. What we have failed to do as a sector is point out to members

of the electorate why they should become community councillors. I think that someone stated earlier that there should be more time given prior to elections for existing community councillors to seek new candidates. However, there is a cost, and I am glad that you raised that point. There is the cost of moving within one's own ward, and more and more of the duties being placed on town and community councillors ask them to serve outside their wards. There is a cost in paying their travelling expenses, and so on. I talk to a lot of town and community councillors who say that they are out of pocket. Not all town and community councils reimburse their councillors for travel. Then there is the classic case of the single mother; who does the child minding when she is away at a meeting, and so on? There are enormous considerations to be made as to why people might want to become town and community councillors, whether they are prepared to put themselves forward, whether they will be satisfied with their role in serving on a council, and, simply, whether they can afford it. We need to look at this comprehensively.

[71] **David Lloyd:** Mae'r cwesiynau **David Lloyd:** William Graham has the next nesaf o dan law William Graham. questions.

[72] **William Graham:** Turning to reviews of community areas' electoral arrangements, what issues need to be addressed, and to what extent does the proposed Measure address them?

[73] **Mr Robinson:** The association recently had a visit from the boundary commissioner, because there was a lot of disquiet when the boundaries were being set by community councils within county boundaries. In one instance, two communities had been put together because they had a relationship to an A-road that was 20 miles away. It was obvious that the boundary commission had little idea of the demographics on the ground, and did not seem to take into account the historical connections between towns and villages. Indeed, we saw instances where towns were being joined with rural communities, and they were like chalk and cheese—miles apart. However, the boundary commission was not empowered to alter community council boundaries, which would often have solved that problem. So, there is an issue regarding these two elements being divorced, and not being worked on together. The association's view was that, really, the local boundary should be dealt with locally and we felt that the county council was still the right place to do that, because it is more likely to know the demographics of your area than the boundary commission.

[74] **Ms Stevens:** Er bod hynny'n eithaf **Ms Stevens:** Although that is quite a fair teg i'w ddweud, mae'n rhaid cael rhyw fath o point to make, there must also be some sort annibyniaeth hefyd i wneud yn siŵr bod of independence to ensure that there is rhywun y gall pobl fynd ato i ddweud, someone that people can go to and say, 'Hold 'Daliwch yn sownd, nid wyf yn cytuno â on a second, I do not agree with that'. hynny'.

[75] **David Lloyd:** Okay. I now invite William to move on to the next question.

[76] **William Graham:** Can you explain your views on who should undertake boundary reviews?

[77] **Mr Connah:** We are almost looking at the question from the other direction. We have seen recent examples of the boundary commission making a pig's ear of rearranging county council boundaries—across around five different county councils in terms of our association. It has had more than one go at it. It is not a question of agreeing with all of its proposals; you will never agree with everything. However, the one thing that has riled everyone, I think, is this obsession with dealing only with numbers. We know that, in the original Act, everything was to do with whether the community was happy with it, and whether there were historical reasons for communities being together. If you take that a little

step further and think that we are now talking about town councils or smaller community councils, it must be right that these places really do relate to each other. We do not think that bolting on communities that have no real historical or future connection with each other, and putting them together just to get the numbers right, will work. If the organisation does not have that sympathy, we feel that it would not be right to transfer that power to the boundary commission. In some ways that perhaps then leaves us with an answer, and we might perhaps have said the county council is not the perfect place to do that, but we have clearly seen that the boundary commission is not. I hope that that answers your question.

[78] **William Graham:** To widen that, we understand that they will no longer have to take account of preserved county boundaries. Does that make any difference to you?

[79] **Mr Harvey:** One of the things that we are being faced with in terms of the boundary commission review is that, whereas before each town or community council would probably have had one or two county councillors representing those localities, we are now finding that even the smallest councils may have up to three county councillors. This involves those councillors and, in particular, I would be interested to hear the comment of the Society of Local Council Clerks, in that it adds considerably to the workload of those small communities, particularly on items such as planning matters and so on.

[80] **David Lloyd:** That sounds like an introduction for you, James.

[81] **Mr Griffiths:** Thank you, John. [*Laughter.*] I have to concur that it does make life more difficult, or could potentially do so. However, my feeling is that the sector, from an administrative and officer point of view, is increasingly professionalising itself and is rising to this. If we take the proposed Measure as it stands, there is potentially a huge increase in workload with huge potential for the sector to prove itself. If that means embracing new challenges, such as this, in addition to the ones already mentioned, we are up for it.

[82] **William Graham:** In respect of the proposal to promote wellbeing, the proposed Measure will extend the power of wellbeing that currently applies to local authorities to town and community councils. How will community councils use this power, and how is this used by parish councils in England?

[83] **David Lloyd:** Who knows parish councillors in England?

[84] **Mr Cadwallader:** I think that the forum is the means by which Aberystwyth University has undertaken the evaluation of the scheme in England. The findings indicate that, in England, the powers of wellbeing have only been taken up by larger councils where there is sufficient capacity to enact the wellbeing powers. On whether they will be taken up in Wales, it is debatable how different the wellbeing power is from section 137. However, the wellbeing power, if enacted, would promote the use of it and would encourage community and town councils to raise precept around social, environmental or economic wellbeing matters in their areas.

2.00 p.m.

[85] **Mr Robinson:** On the power of wellbeing, the first thing that community councils will have to do is to identify what it means, because most of them at the moment do not where to start.

[86] **Helen Mary Jones:** We are not convinced that the Minister knows either. [*Laughter.*]

[87] **Mr Robinson:** For my sins, I am often asked to speak to community councils about taking services over, and I was at Llangollen fairly recently talking to them. You have to be

very blunt in letting the councils know what the risks are and the basis for doing it. A very important platform that leads into this process is that they should have a community plan. To be crude for a moment, it does not matter if it is written on a piece of toilet paper in pencil as long as you have a plan to work to, you have had public consultation on it, and you know where are you going. What the power of wellbeing does is stop the restrictions and allows you to have a plan that people want to implement. My own council did one three years ago and we have finished it; we have just done another one. If you have a plan, the county councils tap into it with you because they know where you are going. As part of the power of wellbeing, that is a very important stepping stone to getting people to understand where they need to go with it.

[88] **Helen Mary Jones:** I hope that you will forgive my lack of knowledge here. One of the reasons put forward for the power of wellbeing is that it is very broad, so it gives community councils lots of flexibility, although I always get nervous about broad powers. Can you give examples of things that community councils might want to do, particularly in terms of devolving services—I am guessing this would involve the bigger councils—that they cannot do at present, but that they might be able to do if they have this mysterious power of wellbeing?

[89] **Mr Connah:** It is not always that they cannot take it on. At present, we have limited statutory roles. To use the example of my own council, there have been quite a few occasions where the county council had decided that it wants to engage with the town council and that it wants participation in terms of funding, so it might pay half. The snag with this in terms of being sustainable is that the statutory power resides with the county council, so we have had instances where the county council thinks that it is a good idea to have a town centre manager, for example, rolls it out and offers pump-priming in terms of funding or it decides it is going to pay half or a quarter of the wages. At some point in the future—which has happened in some cases—it decides that it does not want the town centre manager. For those councils that want to retain their town centre manager, they do not have any statutory power so it has to come off the free resource. It then means that you can be faced with a situation where you have the finances to deliver everything that you did last year, but you cannot deliver it because too much of it is coming out of the free resource. Another example that we have is car park wardens, because our county council has still not decided to decriminalise it so we have an arrangement with North Wales Police. However, that has to be paid out of the free resource as well as our grants, donations, and so on. It is a sizeable amount. We would want to continue all of those functions. If the county council was paying a portion of that funding and withdrew it and we had the non-statutory powers, it all has to come off that one small part.

[90] **Helen Mary Jones:** Would the power of wellbeing then let you do that?

[91] **Mr Connah:** It widens it. We can simply say, ‘This our precept and we can spend it all on whatever we want’, essentially. It does not mean that we have to raise our precept—it means that we can spread it right across.

[92] **Mr Robinson:** The way that we have got around it up to now in Welshpool is by setting up our own private company made up half of councillors and half of the public. All the things that we were not allowed to do by statute, we did through the private company. The power of wellbeing will mean that we do not need it anymore, and we can bring it back into the realms that we are in now. So, there are ways around it, but this will help tremendously.

[93] **Mr Cadwallader:** As John has mentioned, this will devolve it down to the local level, given that we do not have the ability to use the power that is held at the second tier. We have talked about how we get people engaged in local democracy and the fact that we have co-options, but another small but significant point is that the wellbeing power may encourage

people to see what they can do for their communities and to take part in local democracy.

[94] **Joyce Watson:** Do you believe it appropriate to include a provision that enables Ministers to pay grants to community councils, particularly at a time of increasing pressure on the public purse? Should there be greater prescription on the face of the proposed Measure about the way in which the powers would be used?

[95] **Mr Connah:** We do not necessarily envisage mutiny, but we do envisage that, at the present time, county councils may not wish to do some of the duties that they currently do, because they will concentrate, particularly at a time of cuts, on their statutory provision, leaving all other provision either not done at all or pretty limited. We may wish for that activity still to be performed, at least to a certain benchmark. During the transition, I think that we will have conflict between asking for money from a county council and it in turn saying that it does not have a budget for it, even though it provided it the previous year. I think that the easier route would be for the Assembly Government to say that, within reason and without suggesting that all the luxuries should go with it, there is a benchmark service to be delivered and if that council does not wish to perform it, it could be done by the community council and the money paid directly to it. If the town or community council wants to expand that, it will have to dig into its own precept to pay for it. However, the Assembly Government may have to step in to make sure that not just the activity is devolved but also at least some of the money that went with it originally. So, grant provision is right but I do not envisage it being new money. Under the circumstances, I suspect that that will be difficult to get hold of anyway.

[96] **David Lloyd:** Lyn, do you have any point to make to follow that up, or has it all been covered?

[97] **Mr Cadwallader:** I concur with John. I certainly do not think that the sector is looking for more, but rather to use its existing resources more effectively. On direct grant provision, it is about looking at how much money is in the public services pot and allocating to community and town councils. The area that I would emphasise is community planning. We have not previously been a part of that process, and if we are to be, there will be a cost, and engagement with the overall community planning process needs to be undertaken collaboratively with our principal authorities to identify what is to be done at what level.

[98] **Christine Chapman:** Sections 133 and 134 introduce provisions that will enable the Welsh Ministers to require reluctant local authorities and community councils to work together. What do you think is the extent of the problem that this provision is seeking to address?

[99] **David Lloyd:** We do not have all day. [*Laughter.*]

[100] **Christine Chapman:** In addition, to what extent do you agree with those provisions?

[101] **Mr Robinson:** I will happily kick off with this one. Unfortunately, Powys County Council must come at the bottom of the list of those named and shamed, for not working with anyone whatsoever. It has taken tremendous efforts by our council to get a charter agreed with it. We have a charter, but I do not think that anyone else does yet. Other authorities will probably go along the road of the standard charter that I know is being considered. However, there was tremendous resistance among officers along the line to start recognising community councils and what they are capable of doing, and so anything that does that has to be good. It is a pity that we have to get to the stage of legislating to make local authorities work together. That is very sad, because we should be doing that all the time in any event. I know that this is touching on the accreditation scheme, which you will come to, but if Powys County Council sees a benchmark that means that councils can say, 'Look, I am prepared to commit to

something if you commit to something back', that has to be good for the community all the way down the line. The association certainly feels that way.

2.10 p.m.

[102] **Mr Griffiths:** We have found that, historically, county councils have been very reluctant to embrace the charter ethos. However, we remind the powers that be that that is exactly what we in Aberystwyth have been doing for donkey's years by sharing costs for shared community projects, and we ask what the difference is between establishing a recognised charter that you may, if you want to, sign up to as a small community council and what we have been doing for the past 10 years. They come to us and say that they want to do x and that they have only so much money, and they ask us whether we have half the money so that we can work in collaboration between the town and the county council. That is what we have been doing. That is what collaborative working is all about. All of a sudden, it is as though the lights have been switched on and they realise that it is the same thing.

[103] So, it is nothing new, but the sector does not think that it should be a mandatory requirement to force marriages of efficiency, which, at the end of the day, is what we are looking at. Once you force together two partners who do not want to be together in any context, you have a recipe for disaster. You will have non-compliance and non-co-operation; you will not have anything really. It is better that we go in with eyes open and, in our case, with our wallets open, and share the costs. Both sides benefit. It is a simple and clear way of progressing things for the local communities at a local level with local officers. It works for us. When I say 'us', I mean Aberystwyth, but I think that it also works with the whole sector. If we show that we are willing to pay and the county council does not have to pay the full amount, it has always said, 'Great, let us do it', and everybody wins. Encourage, but do not make it mandatory.

[104] **Christine Chapman:** You have talked about the officer level of the county councils, but what about member level? Is it totally different there? Does this culture exist at the officer level only?

[105] **Mr Robinson:** We have found that the county councillors are all for it; we do not have an issue there. There seems to be a blockage between the county councillors at the top and the money coming out of the pot at the bottom. However, it is not all about money, but about recognition of community council status. I will give you an example. A section 106 agreement is signed, with a shopping development in the middle of a town, and part of it might be for art, for example. What happens? The officers go and spend it on what they fancy. Where do the community councillors fit into all this? It is their town. Should they not be involved in this? That is part of the charter as well, without having to go down the cost road. Jim is quite right and I can see where he is coming from, but there is also the side of it that says that you should be consulting. This is a two-sided thing. If the council sends out a consultation, of the 120-odd community councils in Powys, on a good day, 30 might respond. So, there is also an obligation on the community councils to respond when they are consulted.

[106] **Mr Griffiths:** This is a two-way street. Increasing professionalism means that you have to step up to the mark and respond. If we want to be taken seriously, let us start acting seriously. That is the message that we are quietly pushing through in all the training. The training is underpinning it, and the officer level at a county level is seeing that clerks and members are getting training in planning and all sorts of things. There are now structured responses to planning applications, rather than the two-word response: 'No objection'. What does that mean? If you put in half an A4 page of reasoned objections, the planning officers sit up and think, 'Blimey, I had better start paying attention to what they are saying in Welshpool, Aberystwyth or Dinas Powys because, all of a sudden, they seem to know what they are talking about' and the level of professionalism is raised on both sides. That is charter

working, because the phone is being picked up, and it is not complaints from the town and community councils to the officers all the time, but the officers asking the town and community councils, 'If we were to do x, what would you think? We haven't decided yet, but we are just testing the water'. That is collaborative working. That is almost charter working. Do not enforce it, because it will build huge walls that, for many, will be insurmountable.

[107] **Mr Cadwallader:** I do not think that the picture is as dark as the one that has been painted. The guidance was issued only in 2007, and it was not mandatory; there was no arm-twisting. Seventeen unitary authority areas are working well with community and town councils, to a lesser or greater degree. In five or six areas of Wales, town and community councils now form a part of local service boards.

[108] I would say that charters could be perceived as just a document, and we do not want it to be left sitting on a shelf, getting dusty. To all intents and purposes, the charters have to represent an operating framework that unitary authorities and community and town councils use within their areas as the basis for working documents. At the moment, these documents are very much member driven. Members of community and town councils and unitary authorities may have a lot of knowledge about them, but that has not necessarily been transferred to the staff or to the clerks. That is what we need to do. On the content of charters and what they can do, they can improve communications between the two sectors, they set out how planning matters can be dealt with across these sectors, which benefits both sectors and helps to overcome some of the issues that have been described, and they allow us to talk about any form of relationship and how we want to move forward. If the issue is devolved services, charters form the perfect vehicle for informing better dialogue and improving the relationship between the two sectors. They are very welcome.

[109] **Mr Harvey:** I want to add something. Charters are absolutely vital, but they are two-way arrangements. They clearly set out the formality of dealing with the principal authority, but they also set out the formality of the principal authority's dealings with the community and town councils, which I believe to be absolutely essential. The other aspect of the charters that has not been mentioned and that I regard as the most important aspect is that of the accompanying action plans. The action plans can be for up to four years, or for as little as one year, or even less than that. Once an action plan is properly completed and there is an understanding between the principal authority and the community and town councils of the endeavours that they will pursue through the action plan, I believe that nothing but good can come from them.

[110] **David Lloyd:** Mair, a oes gennych **David Lloyd:** Mair, do you have anything to
chi unrhyw beth i'w ychwanegu? add?

[111] **Ms Stevens:** Ni wnaif ailadrodd yr **Ms Stevens:** I will not repeat what has
hyn a ddywedwyd. already been said.

[112] **Mr Connah:** Regarding the charters, most of the important points have already been made. However, as well as the charter arrangements, the accreditation scheme is essential.

[113] **David Lloyd:** That was to be the next question, but carry on.

[114] **Mr Connah:** If any local authority, let alone a town council, is asking for services, it should be prepared to demonstrate not only to citizens that the whole thing is not going to fall apart but also to the Assembly Government that it is a body that can take on the activities. The other aspect of this is that they should not be too prescriptive. I also think that a charter should include a benchmark. It should not just be about whether a council can take on the activity within the charter and provide local services, but also, if a town council decides that it wishes to go to a new level, about whether it can demonstrate the services that it is able to provide for

its citizens.

[115] We think that there is at least one thing missing: there should be at least a base level relating to the Welsh language. We have had a presentation from the Welsh Language Society. There have been many different objections over the years to the use of Welsh and so forth, and we have had quite a debate within our own association on this issue. The majority of association members generally conduct their activities through the medium of English. However, a letter was sent out to us by the Welsh Language Society, which encouraged a lively debate. We invited the society to come to speak to us, and it came and made a very good presentation. It explained the situation, and the fact that there are three levels. The chap who came down dealt with all the concerns that were raised at the meeting. It was clear to me that you would not want individual arrangements coming out of that; this should come in an accreditation scheme. The three levels were not compulsory, but the top one, on fluency and so on, was related only to those areas where it would be appropriate to speak fluent Welsh anyway. It seemed to be common sense and it should be a part of this sort of provision.

2.20 p.m.

[116] We would not want to be too prescriptive but it should be able to demonstrate to all citizens that they are taken care of. In some parts, such as north-east Flintshire, if Welsh could be considered to be a minority language, it needs to be catered for. If there is nothing to say that an individual will be in one area rather than another, that individual should have the same right of access, and it should be built in. That would be an improvement on the current legislation.

[117] **Mr Cadwallader:** On accreditation, One Voice Wales is very supportive of putting accreditation schemes in place, for many of the reasons that John has mentioned. Importantly, it shows that certain criteria are being met. However, we need to learn from our cousins across Offa's Dyke and their experiences. Many local authorities, certainly those in England, had reservations about the criteria that were being used. They did not feel that they were robust enough.

[118] If we are to have accreditation schemes—and I prefer the use of the phrase 'accreditation schemes'; I had a conversation with Michael Woods last Saturday about the use of the phrase 'quality parish schemes', and we agreed that it is horrible, so let us call them 'accreditation schemes'—we have to work them up with our colleagues in the Welsh Local Government Association and the principal authority, so that if they are being used, there is a degree of assurance that they are worth having.

[119] **Veronica German:** A suggested criterion for that in the proposed Measure is the percentage of council members who hold office by virtue of having being elected. Do you have a view on what that percentage should be, bearing in mind our earlier discussion?

[120] **Mr Robinson:** We know that England has a certain percentage: in the case of a 16-member council, it could be 2 per cent. I am not sure whether that is a good measure, taking up Lyn's point. A council can still be extremely good and capable of doing an awful lot even though it has not met an electoral list, as long as it can demonstrate within that accreditation that it has done all it can to get an electoral list. I can imagine caveman types clubbing people over the head and dragging them into a council chamber to meet the requirements of an accreditation scheme. So, I am not sure whether that should be a hard-and-fast fix. A council should just be able to demonstrate in its accreditation that it has done all it can to get elected representatives. I do not think that you can do any more than that.

[121] **Mr Connah:** I honestly would not like to see unelected positions in any of the larger councils, which would be the ones most likely to take on these powers. I have been on the

council since about 1983, and I think that we have co-opted only one, which was because of a long-term illness, and there was only a short amount of time left in the year. These should be elected positions. I am not too familiar with the very small councils, but if larger councils are looking to take on activities and to be representative, they should be elected.

[122] **Mr Cadwallader:** On the co-option issue, in a perfect world, everyone would be elected. I would just remind Members that we get uncontested elections at county level. Let us not forget that getting people involved in local or regional politics is an issue per se.

[123] **David Lloyd:** Chris, have you finished your questions?

[124] **Christine Chapman:** Yes, thank you.

[125] **David Lloyd:** Byddwch yn falch o glywed ein bod wedi cyrraedd y cwestiwn olaf, ac mae hwnnw'n gyffredinol iawn. A oes gennych unrhyw sylwadau pellach i'w gwneud cyn inni gloi'r sesiwn hon—rhywbeth sydd werth ei gadarnhau neu rywbeth nad ydym wedi gofyn i chi'n benodol yn ei gylch?

David Lloyd: You will be pleased to hear that we have reached the final question, and it is a very general one. Do you have any further comments to make before we close this session—anything that is worth confirming or anything that we have not asked you about specifically?

[126] **Mr Robinson:** I have two quick points to make. The first is covered in our document, which is the cost of community councillors, and in particular payments or salaries to them. I can confirm to you that that the larger councils in north Wales were dead against any form of salary or fixed payment. They were very much for expenses, but not any fixed payment. We wanted to make that clear. Secondly, when you finally deliberate on how this will work, we think that there are two important things for you to consider, which have not been touched on this afternoon. They are the two ingredients that are needed in any community council to make it work: the first is a willing town clerk, and, secondly, willing councillors. If any one of those two parts is missing, it will not work.

[127] **Mr Harvey:** The question quite often is what if a county council says that it does not want to do something. In my experience they rarely say 'no' and rarely say 'yes', but sort of sit on the fence and things are dragged out. My concern is that no-one will come out against it, particularly when they know that the Assembly is in favour of it, but we do not want procrastination, which we have had over the years. We want to move on and this document allows for that to happen. The flexibility is important; it does not force any council, large or small, to do things that it does not want to do, but it does allow a council to take on duties that it thinks should be performed locally, as long as it can demonstrate the ability to do it. The important thing is that councils can demonstrate to the electorate that not only are they prepared to do something, but they are also accountable for it.

[128] **Mr Griffiths:** One of the benefits of being in Wales, as I have always said to my colleagues in England, is that we can sit on this side of Offa's Dyke, look over the wall and say, 'They're not doing that very well, let's do it better in Wales'. We have sometimes been able to introduce secondary legislation that has enabled town and community councils, to our benefit, to do things that they cannot do in England. I have rather had the wind taken out of my sails this past week, because I had almost perfected the final question about the council payments, the scheme and everything like that, only to have central Government deliver a missive stating that it had that sorted. I thought, 'Dash it all, there goes that fantastic thing that Wales could have led on'.

[129] I want to reinforce the message that we are telling everyone that the sector is professionalising massively, and has done over the past couple of years, particularly with the

new training programme for clerks and members that is being openly embraced. That should be encouraged, and the Assembly is to be commended on its funding of those initiatives. Let us just hope that the partnership working continues between the Society of Local Council Clerks and other professional bodies, such as One Voice Wales, and that the regular meetings at the Assembly also continue, because that is the only way forward. If we are not professional and not ready to meet the challenges ahead, then we should not be doing it. However, I know that we are, and that is the message that I want to reinforce today.

[130] **Mr Cadwallader:** The issue for me is in relation to the precept. While the precept is one of the strengths of local democracy, it is also potentially a noose around the town and community councils' necks. What I want to emphasise is that town and community councils are not necessarily on a level playing field with regard to funding regimes. We are not eligible to apply for Big Lottery funding, for example, and there is a raft of other forms of funding that the sector cannot apply for. So, for me, the issue with regard to the town and community council sector is for the National Assembly for Wales to consider how the finances of public services in Wales are used and devolved to the necessary level for activity. If you want more community planning and training, for example, that must come through the precept, but there is a huge reluctance by town and community councillors to raise precepts, particularly in austere times, which is undermining issues around governance, accountability and transparency and engaging people to get them involved. So, that issue needs to be addressed.

[131] **David Lloyd:** John, do you have any final comments?

2.30 p.m.

[132] **Mr Harvey:** As we are coming to the end of the session, I thank you for listening to us attentively. There are a few items that we missed out, such as the examples of partnership working that Christine Chapman asked about. I can think of a few examples. Three community councils, my own included, have banded together to look after hedge cutting and verge cutting by retaining one individual among the three communities who is prepared to do that work. In fact, we can do it better and more efficiently than the principal authority. Another example involves traffic calming. Again, three local community councils have banded together to buy a Gatso gun to determine the speeds at which people are driving along various village lanes, roads, and so on, not when the police want to do it, but when we want to do it and when we think it absolutely essential.

[133] The third example that I wanted to raise concerns the devolving of services from principal authorities to town and community councils, which touches on the vexed question of double taxation. This has to be dealt with; we cannot just sweep it under the carpet. At the moment, principal authorities are trying to pass on items such as cutting the grass on playing fields and various other activities that originally came out of the precept within the council tax or the RSG. They are now asking us to take those on, but we do not see any money following, and, at the same time, there is no reduction in council tax rates to account for the fact that these services now been taken on by town and community councils. This is a particular concern for us all. With that, thank you very much indeed.

[134] **David Lloyd:** Mair, a hoffech chi'r gair olaf? **David Lloyd:** Mair, would you like the last word?

[135] **Ms Stevens:** Diolch yn fawr. Nid oes dim llawer i'w ychwanegu, Gadeirydd, heblaw dweud bod yn rhaid i holl deulu llywodraeth leol gydweithio inni gael gwerth am ein harian ac fel y caiff llais y gymuned ei ddatblygu er mwyn cael gwasanaethau lleol **Ms Stevens:** Thank you. I do not have much to add, Chair, except to say that everyone in the local government family has to co-operate for us to get value for money and so that the voice of the community can be developed in order to have local services that help

sy'n helpu pawb, yn enwedig ar adegau fel y rhain pan fo llawer llai o arian. Dyna i gyd sydd gennyf i'w ddweud, Gadeirydd. Diolch.

everyone, especially at times like these when funding is much more scarce. That is all that I have to say, Chair. Thank you.

[136] **David Lloyd:** Diolch, Mair, a diolch i chi i gyd. Mae'r sesiwn ffurfiol yn awr ar ben heblaw am gwpl o eiriau i gloi'r cyfarfod. Bydd y clerch yn anfon trawsgrifiad o'r trafodion atoch ichi eu cywiro o ran manylder a ffeithiau—ni chewch myndro'i cwrs hanes, mae arnaf ofn, nac edifarhau rhywbeth yr ydych wedi ei ddweud eisoes.

David Lloyd: Thank you, Mair, and thanks to you all. The formal session is now at an end except for a few words to close the meeting. The clerk will send a transcript of the proceedings for you to correct with regard to accuracy and facts—you may not alter the course of history, I am afraid, or regret anything that you have already said.

[137] Gallaf gyhoeddi wrth fy nghyd-Aelodau y bydd y cyfarfod nesaf o'r pwyllgor hwn ddydd Iau nesaf, 21 Hydref, pan fyddwn yn cymryd tystiolaeth ar y cyd gan Gymdeithas Llywodraeth Leol Cymru, Cymdeithas Prif Weithredwyr ac Uwch-reolwyr yr Awdurdodau Lleol, a Chymdeithas Ysgrifenyddion a Chyfreithwyr y Cynghorau.

I can inform my fellow Members that the next meeting of this committee will be next Thursday, 21 October, when we shall be taking evidence jointly from the Welsh Local Government Association, the Society of Local Authority Chief Executives and Senior Managers, and the Association of Council Secretaries and Solicitors.

[138] Diolchaf i chi i gyd am eich presenoldeb ac am y drafodaeth fendigedig. Mae'r cyfarfod yn awr ar ben. Diolch am y cyfieithu ar y pryd.

I thank you for your attendance and for the marvellous discussion. The meeting is now closed. Our thanks for the simultaneous interpretation.

*Daeth y cyfarfod i ben am 2.33 p.m.
The meeting ended at 2.33 p.m.*