



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol The Communities, Equality and Local Government Committee

**Dydd Mercher, 1 Chwefror 2012
Wednesday, 1 February 2012**

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Cynnig Gweithdrefnol
Procedural Motion

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

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Alun Ffred Jones	Plaid Cymru (yn dirprwyo ar ran Rhodri Glyn Thomas) The Party of Wales (substitute for Rhodri Glyn Thomas)
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Lyn Cadwallader	Prif Weithredwr, Un Llais Cymru Chief Executive, One Voice Wales
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Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Gwyn Griffiths	Uwch Gyngorydd Cyfreithiol Senior Legal Adviser
Bethan Davies	Clerc Clerk
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Rhys Iorwerth	Y Gwasanaeth Ymchwil The Research Service
Joanest Jackson	Uwch Gyngorydd Cyfreithiol Senior Legal Adviser

Dechreuodd y cyfarfod am 9.59 a.m.
The meeting began at 9.59 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Ann Jones:** Good morning everyone, and welcome to the Communities, Equality and Local Government Committee. I ask all Members to switch off their mobile phones and

BlackBerrys as they affect the broadcasting and can sometimes affect the translation. For item 2, agreement of approach for Stage 1 scrutiny of the National Assembly for Wales (Official Languages) Bill, we have had apologies from Peter Black and Rhodri Glyn Thomas, both of whom are Commissioners and therefore cannot take part. However, we are delighted to have Alun Ffred Jones in place of Rhodri Glyn Thomas for that item. You are more than welcome, Alun.

[2] **Alun Ffred Jones:** Diolch yn fawr.

[3] **Ann Jones:** I will remind you of the usual housekeeping rules. We are not expecting the fire alarm to go off; if it goes off, we will take instructions from the ushers. There is no test forecast, so if it goes off we will wait for the ushers to tell us where to go. We operate bilingually, so headsets are available. Channel 1 is for translation and channel 0 is the floor language.

10.00 a.m.

**Cytuno ar y Ffordd Ymlaen o ran Craffu yn ystod Cyfnod 1 Bil Cynulliad
Cenedlaethol Cymru (Ieithoedd Swyddogol)
Agreement of Approach for Stage 1 Scrutiny of the National Assembly for Wales
(Official Languages) Bill**

[4] **Ann Jones:** You have before you the proposed framework as to how we intend to deal with this Bill. I want Members to signal that they are content with the way in which we will take oral and written evidence. The framework will become part our papers, which are available for the public to see. Are Members content with the approach that we have agreed? I see that you are. Thank you very much.

[5] **Alun Ffred Jones:** Roeddwn yn meddwl bod sôn ein bod am ychwanegu'r cynllun at y rhestr yn y fframwaith wrth ei ddanfôn allan am sylwadau. **Alun Ffred Jones:** I thought that there was talk that we would add the scheme to the list in the framework that is to be sent out for consultation.

[6] **Ann Jones:** We have agreed that we will look at the scheme contained in the explanatory memorandum, and we will add another question to the consultation asking people what they think of the scheme. Thanks very much for that, Alun Ffred. That will be added to the framework as 'vi' of the areas that we will be considering.

[7] **Alun Ffred Jones:** I fod yn glir, wrth ymdrin â'r Bil a fyddwn hefyd yn edrych ar y cynllun ochr yn ochr wrth fynd ymlaen? **Alun Ffred Jones:** To be clear, in dealing with the Bill will we also be looking at the scheme in parallel as we proceed?

[8] **Ann Jones:** Yes, that is the intention. We have to scrutinise the Bill and its purposes, but also look at the scheme. We will produce a report side by side. I think that that is what Members are agreeing to do. Thank you very much.

10.02 a.m.

**Bil Is-ddeddfau Llywodraeth Leol (Cymru): Sesiwn Dystiolaeth
Cyfnod 1—Un Llais Cymru
Local Government Byelaws (Wales) Bill: Stage 1 Evidence
Session—One Voice Wales**

[9] **Ann Jones:** I welcome Lyn Cadwallader, chief executive of One Voice Wales. We

hope that you are feeling a lot better today than you were, and we are glad to see that you have made a full recovery. We welcome you to this evidence session. I invite you to make a brief opening statement that you may wish to make, or we can go straight into questions.

[10] **Mr Cadwallader:** I am happy to go into questions.

[11] **Ann Jones:** Thank you very much; I will start the questioning. To what extent are town and community councils currently involved in the process of making and enforcing bye-laws in Wales?

[12] **Mr Cadwallader:** There is no empirical evidence, but based on anecdotal evidence, community and town councils have had little activity in relation to bye-laws since the creation of unitary authorities, primarily, I suppose, because of the elongated process of ministerial confirmation.

[13] **Ann Jones:** You say in your paper that you welcome the Government's objectives to simplify the process for the making, confirming and enforcing of bye-laws in Wales. Have you identified any risks involved in the way in which this simplification of the process is being objectively put forward?

[14] **Mr Cadwallader:** One has to recognise the resource implications for community and town councils of implementing a bye-law. The median precept for community and town councils in 2010-11 was £13,300. From the information in the explanatory note—and colleagues from the Welsh Local Government Association have confirmed this—a bye-law will cost somewhere between £7,000 and £9,000 on average to implement, so, naturally, if community and town councils were to take the decision to implement a bye-law, that would have a huge implication for the precept. So, there has been a reluctance in the past to go down the route of invoking a bye-law, especially when there are many powers that already exist that our unitary authority colleagues are implementing.

[15] **Mike Hedges:** There are some quite large community councils or town councils, for example, Mumbles in Swansea, where there are 12,000 people, and Pontypridd. So, they would have the capacity to do such a thing.

[16] **Mr Cadwallader:** The time frame for wide-scale consultation with the sector was not available to us during the Christmas period, but based on anecdotal evidence, from speaking to town clerks of the larger councils, in places such as Caernarfon and Pontypool, it seems that they may have a town clerk and an administrative resource, but they do not have the resources of the unitary authority to implement a bye-law. So, there has been a reluctance, and more often than not, bye-laws invoked by the unitary authorities have covered the urban area within which the town sits. So, there has been no real reason for a community council to pursue its own bye-laws where the unitary authority has already put them in place.

[17] **Janet Finch-Saunders:** How will this make a difference, because you will still have the same costs?

[18] **Mr Cadwallader:** In terms of making a difference, the benefits are about allowing public sector partners, including the community and town council sectors, to move more swiftly in putting a bye-law in place if necessary. It has already been raised by colleagues from the WLGA that there are many other ways of dealing with the matters that can be addressed through bye-laws. It is almost like a last resort to have to revert to bye-laws. Really, it is about how public sector partners, through local service boards, charter arrangements between unitary authorities and community and town councils, and PACT arrangements between community and town councils, local authorities and the police can work together to alleviate issues on the ground. A bye-law is very much the last resort, and a resort that the

community and town council sector would avoid, if possible, because of the inherent costs.

[19] **Janet Finch-Saunders:** Does that mean that you advocate an increase in fixed-penalty notices in certain circumstances?

[20] **Mr Cadwallader:** In terms of the fixed-penalty notice, there is an administrative burden that would have to be borne by the community and town council sector. We know from the explanatory memorandum and from research that has been undertaken that 19 of the 22 authorities have bye-laws in place that cover issues such as litter, dog fouling and car parking. So, many of the issues that will be faced by the community and town councils are already being addressed by the unitary authorities.

[21] **Ann Jones:** Gwyn, you may ask your question on fixed-penalty regimes now, since we have jumped into that.

[22] **Gwyn R. Price:** What impact do you envisage that the fixed-penalty regime will have on the way that bye-laws are made and enforced by town and community councils? Can you expand on concerns that the management of non-payment of fines may be a potential issue for community and town councils? What could be done to address that problem?

[23] **Mr Cadwallader:** I referred to in our response to the fact that new resources will be required within the sector to administer any fixed-penalty notices. It will have to be precepted at the local level and authorised officers will have to be put in place, which will have training implications. Money does not come down from central Government; it is precepted locally, so the issue in terms of fixed-penalty notices is that it really is about the resources. The Assembly Member mentioned some of the larger town councils: it may be appropriate for some of the larger town councils under the potential new arrangements to look at bye-laws and to use fixed-penalty notices, but it is all about resources and whether going down the bye-law route at the local level will provide the return on investment that one would seek.

[24] **Gwyn R. Price:** So, the smaller councils will not be able to do some of this work.

[25] **Mr Cadwallader:** We know, from work that One Voice Wales did with the Welsh Government, that 56% of community and town councils in Wales have a clerk who operates for fewer than 10 hours a week, so they will not have the wherewithal to police the implementation of bye-laws at a local level, especially in rural areas, where a community council could be covering a large area. The council may have only a clerk and an assistant; the police have enough difficulties in covering large areas, and a community council will face greater difficulties.

[26] **Mark Isherwood:** Section 12 allows an authorised community council officer to issue fixed-penalty notices for offences against a bye-law made by another legislating authority. What are your views on that?

[27] **Mr Cadwallader:** Again, the anecdotal evidence that I have had from discussions with town clerk colleagues is that they would not necessarily wish to administer that process themselves, for the reasons that I have already given—they do not have the capacity to implement any authorising officer or a regime within which they could administer or invoke the bye-law within their locality. So, I do not really see it as a measure that community and town councils can take forward.

[28] **Mark Isherwood:** As an option for action by those that have the capacity or the will to do this, do you not consider it a positive measure to be included within their armoury?

[29] **Mr Cadwallader:** It is an option and, obviously, it will be a decision that will have to

be taken at a local level because, as I have already said, in terms of enacting a bye-law, there would be costs for a community or town council that perhaps are over and above the costs that a local authority would have in implementing it. Local authorities already have the legal capacity to deal with invoking bye-laws, and they also have the staff and personnel within their departments, such as environmental health, to carry out the processes. Even the largest community and town councils only have staffing in the region of 10 to 12 officers, and they have specific roles in relation to parks or maintenance within their area. I do not see it as something that would be taken up. The anecdotal evidence that we had from our town clerks is that they would not necessarily pursue this because it is already being dealt with by the unitary authorities.

[30] **Mark Isherwood:** There is no intrinsic objection to compulsion; it is just the capacity issues.

[31] **Mr Cadwallader:** Yes.

[32] **Mark Isherwood:** Building on that, you commented on the need for further clarity with regard to the accredited person to administer the fixed-penalty notice system. Could you expand on that view? What exactly do you mean by that?

[33] **Mr Cadwallader:** In the explanatory memorandum, it is not quite clear as to what the criteria would be for the accredited person, so it is really just to expand upon that. The Bill sets out that the Minister will provide regulation and guidance, and that is certainly welcomed by the sector. It is just that we would like further guidance and clarity as to who that accredited person is.

[34] **Peter Black:** May I take you back to section 2 of the Bill? It restates the power of authorities to make bye-laws for 'good rule and government', and also for the 'prevention and suppression of nuisances'. Is it sufficiently clear to you what those phrases mean?

[35] **Mr Cadwallader:** Yes, I think that it is. The point to clarify here is that it only appears to be applicable to county borough councils and county councils; the section does not have direct relevance to community and town councils, as read. There is perhaps a need for some clarity around that. This is the language that has been used from the Local Government Act 1972 onwards, and I know that colleagues in the WLGA see no reason to change it. We do not either.

[36] **Peter Black:** It does define a 'legislating authority' to include town and community councils. So, it does apply to them.

[37] **Mr Cadwallader:** Yes, but in terms of section 2, it refers under point (3) to the section being applicable to a county council and a county borough council.

[38] **Peter Black:** Okay, yes.

[39] **Mr Cadwallader:** So, we could do with some clarity around the applicability to community and town councils. That needs to be spelled out.

[40] **Peter Black:** Could the Bill have been used as an opportunity to better define those phrases, even though, strictly speaking, it does not apply to town and community councils?

10.15 a.m.

[41] **Mr Cadwallader:** It would be better for you to take evidence from the WLGA on that matter, rather than us.

[42] **Peter Black:** How appropriate is it that Ministers have powers under section 5 to revoke certain bye-laws when they become obsolete?

[43] **Mr Cadwallader:** That is fine. We are more than happy with that.

[44] **Peter Black:** Are you clear on what ‘obsolete’ means?

[45] **Mr Cadwallader:** Not entirely.

[46] **Peter Black:** Okay, so it might be better to better define that.

[47] **Janet Finch-Saunders:** Can you expand on the concerns of your sector that the removal of ministerial confirmation will reduce the credibility of any bye-laws introduced at a local level?

[48] **Mr Cadwallader:** That follows on from the consultation undertaken in 2010. Representations were made by individual community and town councils. At that time, a few of them felt that the removal of the ministerial confirmation would undermine the status of implementation and credibility at a local level. Having said that, it is not the view of the whole sector. That was something that was raised at that time. Some of the concerns that have been raised have been around the consistency of application at a local level. Given that the sector has a relatively low capacity, or perhaps capability, at this time—subject to further training—the concerns were about the consistency of application and the possibility that it could become contentious at a local level with the local electorate if it is not supported by a good evidence base.

[49] **Janet Finch-Saunders:** To what extent are town and community councils currently discouraged from making bye-laws due to the need for ministerial confirmation?

[50] **Mr Cadwallader:** It is a matter of cost. The implementation of a bye-law can cost £7,000 to £9,000. The majority of our community councils are precepting less than £20,000. Taking the step of implementing an activity that is potentially going to increase the precept by 50% in a local area has to be taken with care. The consultation element of the Bill would mean that before any community council takes a step towards a bye-law, it would have to ensure that it had a robust evidence base to warrant taking that step and warrant its appropriateness.

[51] **Janet Finch-Saunders:** The evidence that we have taken—and as you have rightly pointed out in your paper—notes that there is a need for greater clarity as to the methods of consulting under section 6. How should the Bill be amended to address that?

[52] **Mr Cadwallader:** It is about the guidance that supports the Bill. It states that you can consult via a website, but, back in 2010, 47% of our community and town councils did not have a website. Some of the language in the Bill is not applicable to the sector, because it does not have the IT resources to deliver on the content of the Bill.

[53] **Janet Finch-Saunders:** How do you see true engagement and consultation with town and community councils? Does the Bill reflect that?

[54] **Mr Cadwallader:** We welcome the proposals within the Bill because they will enable the potential for greater consistency of approach across all communities in Wales. The issue is with consultation. Paying £2,000 to £3,000 is a drop in the ocean for a large public body. However, if a community council undertook a consultation exercise at £3,000—bearing in mind that the medium precept is £13,000—some 25% of its budget would go on the

consultation exercise alone. There is a reluctance to pursue that engagement because of the costs.

[55] **Janet Finch-Saunders:** I was thinking more about the weighting given to community councils' response. Should they have greater consideration as part of the consultation process?

[56] **Mr Cadwallader:** I would reiterate the sort of approach that community and town councils would welcome, which is to be part of the mechanics that help to determine where the issues are within communities. What I mean by that, for example, is that we have local service boards in Wales; community and town councils sit on five of the 22 boards, so there is a deficit there in community and town councils' ability to influence matters under the collaborative agenda. Also, 10 charters are shortly to be signed between the unitary authorities and the community and town council sector. So, it is about the mechanics. If we are at the table, then there are ways and means of addressing issues at the local level without the need to resort to consultation—as long as the community and town council sector is at the table and able to influence decision making with partner organisations.

[57] **Mike Hedges:** I would like to go back to the first answer that you gave to the set of questions that Janet Finch-Saunders asked. You mentioned something about the removal of ministerial confirmation reducing credibility. Would you support the Minister's having the capacity to call in a bye-law if he or she felt that it was the right thing to do?

[58] **Mr Cadwallader:** There is probably no objection to that. There will be certain circumstances in which the implications of a bye-law will go beyond the immediate local area, or there may be a strategic issue that is referred to in the Bill and the explanatory memorandum, or there could be matters that relate to children. So, there is probably a place for it, but the beauty and the attractiveness of what is proposed is that it is about local determination. Not having ministerial confirmation avoids the elongation of the process; it allows for swifter enactment at the local level.

[59] **Rhodri Glyn Thomas:** O ran y gweithdrefnau sy'n ymwneud ag ymgynghori a hysbysu yn adrannau 6 a 7, a ydych yn credu eu bod yn ddigonol o ran y rhai y mae'n debygol yr effeithir arnynt—er enghraifft, pe bai cyngor cymuned neu dref yn derbyn ymgynghoriad dan y gweithdrefnau hynny? **Rhodri Glyn Thomas:** With regard to the procedures for consultation and notification under sections 6 and 7, do you think that they are adequate with regard to those likely to be affected—for example, if a community or town council were to receive a consultation under those procedures?

[60] **Mr Cadwallader:** I think that the processes set out in sections 6 and 7 are fine; there is no objection from the sector to the processes there. It is merely about addressing some of the current shortfalls in the sector to carry out the processes set out in the Bill. It is about the fact that not all of our community councils have the necessary IT resources to provide notification through websites. Some of our community councils do not have the principal offices that were referred to, for example. Many community councils have a clerk who operates from home, which is not a publicly accessible building. It is about teasing out some of the processes there. In the absence of IT or principal buildings, some further clarification in the form of guidance may be needed as to how those councils that do not have that infrastructure can meet the requirements of the processes set out, perhaps by working in collaboration by displaying this information on the unitary authority's website, or perhaps by working with neighbourhood policing teams, where they have the facilities to assist in that regard. Where there are public buildings that are owned by other bodies, papers could perhaps be deposited there for public scrutiny.

[61] **Rhodri Glyn Thomas:** A ydych yn credu ei bod yn ddigonol mai ymgynghori yn unig ar yr hyn a ddisgrifir yn y datganiad gwreiddiol y mae'n rhaid ei wneud, ac nid oes rhaid ymgynghori ar yr is-ddeddf ar ôl ei drafftio?

Rhodri Glyn Thomas: Do think that it is sufficient that the consultation will be only on what is described in the original statement, and that there is no need to consult on the bye-law once it has been drafted

[62] **Mr Cadwallader:** The key to this is getting the consultation right at the outset, and that is why we would welcome more detailed guidance as to how that consultation is undertaken. Poor consultation at the outset could lead to poor bye-laws being drafted and, consequently, we could have contestation further down the line. It is about putting the effort upfront and doing the pre-consultation and consultation with wider stakeholder organisations, which would, hopefully, alleviate any further issues in terms of the final drafting.

[63] I emphasise again that bye-laws are the last resort. With more effective collaborative arrangements in place upfront between the community and town sector and its partner public service bodies, some of the issues that could come through from local contestation would be avoided in the first place.

[64] **Rhodri Glyn Thomas:** Eto, o ran y broses ymgynghori, a ydych yn credu bod y diffiniad o bobl y dylai awdurdodau ymgynghori â hwy, sef pobl sy'n debygol o fod â diddordeb yn y mater neu'n cael eu heffeithio ganddo, yn ddigonol?

Rhodri Glyn Thomas: Again, with regard to the consultation process, do you believe that the definition of people whom authorities should consult with, namely people who are likely to be interested in, or affected by, the issue, is sufficient?

[65] **Mr Cadwallader:** No. Some of the issues raised through the initial consultation in 2010 were that community and town councils were concerned that, without sufficient funding and resources, there would be inappropriate consultation at a local level. Our view is that, if a bye-law is to be enacted by community councils covering the whole of a community, the whole community should be engaged in the development of the bye-law.

[66] **Rhodri Glyn Thomas:** Yn olaf, o dan adran 6, a ydych yn poeni, gan nad oes angen cymeradwyaeth gan Weinidog bellach, fod modd i awdurdodau gyflwyno is-ddeddfau a allai fod yn ddadleuol drwy'r broses hon?

Rhodri Glyn Thomas: Finally, under section 6, now that ministerial confirmation is not required, are you concerned that this process could lead authorities to make bye-laws that could be controversial?

[67] **Mr Cadwallader:** Naturally, there is that potential. As we state in our response, we would potentially like to work with colleagues in Welsh local government. Each unitary authority has a fairly large, well-supported legal department. Protocols covering the community and town council sector, perhaps through the charter arrangements, would provide a safeguard to ensure that, at a local level, anything that is drafted is appropriate for the local community.

[68] **Mike Hedges:** Section 6 states that a month before making a bye-law, an authority must publish a notice in a local newspaper and must make available a draft of the bye-law on its website and in its principal office. Do those provisions give sufficient time for community and town councils to respond? Would you agree that it would be more beneficial if everything to do with the provision of a bye-law was done in public by the full council of the unitary authority so that it made its way out into the public domain?

[69] **Mr Cadwallader:** In relation to the community and town council sector—I keep referring to the resource issue—naturally, a month is a fairly short space of time if you have a

community council that has only three or four hours of a clerk's time at its disposal. So, the timescale could be an issue for some community councils. For larger community and town councils, it is probably less of an issue. Your question about the local authority is a matter for the local authority and how it goes about its engagement process. Certainly, at a community council level, I would expect community councillors to play an active role within their local community in order to pick up on any matters.

[70] **Mike Hedges:** Some community councils only meet every month to six weeks, so they could end up missing the process or coming in at the very end of it. What are your views on the types of bye-laws to which the new procedure under section 6 will apply, which are those listed in part 1 of Schedule 1?

[71] **Mr Cadwallader:** They are fine.

[72] **Mike Hedges:** That was easy.

10.30 a.m.

[73] **Bethan Jenkins:** A ydych yn cytuno y dylai cadarnhad gweinidogol barhau i fod yn ofynnol ar gyfer is-ddeddfau penodol, a beth yw eich barn ynghylch y mathau o is-ddeddfau y dylai'r weithdrefn hon fod yn berthnasol iddynt? **Bethan Jenkins:** Do you agree that ministerial confirmation should still be necessary for certain bye-laws, and what are your views on the types of bye-laws to which this procedure will still apply?

[74] **Mr Cadwallader:** I think that this was referred to by our colleagues from the Welsh Local Government Association. For any bye-law that relates to strategic matters or children, as referred to in the explanatory memorandum, I think that there is a recourse there for the Minister to have an overview of the process.

[75] **Bethan Jenkins:** O dan adran 7, pa mor briodol ydyw nad oes dyletswydd ar awdurdodau deddfu i ymgynghori'n lleol ar is-ddeddfau nad oes angen cadarnhad gweinidogol ar eu cyfer? **Bethan Jenkins:** Under section 7, how appropriate is it that there is not a duty on legislating authorities to consult locally on bye-laws that do not require ministerial confirmation?

[76] **Mr Cadwallader:** In terms of this specific matter, it perhaps reduces the credibility of any bye-law if the Minister has not been involved in the process. However, on balance, the fact that, at the local level, things can be addressed much more swiftly outweighs the issue of consultation. I have heard the previous answers and, as long as there has been robust community engagement with stakeholders before going down the route of a bye-law, then, almost inevitably, going down the bye-law route could be avoided.

[77] **Bethan Jenkins:** Rwyf yn ymddiheuro, roedd y cyfieithiad Cymraeg ar gyfer y cwestiwn ysgrifenedig hwnnw yn anghywir. Mae gennyf un cwestiwn arall. A yw'n briodol y bydd Gweinidogion Llywodraeth Cymru yn gallu diwygio'r rhestr o is-ddeddfau nad oes angen cadarnhad gweinidogol ar eu cyfer? Mae hwn yn adran 9. **Bethan Jenkins:** I apologise, the Welsh translation of that written question was incorrect. I have one further question. Is it appropriate that Ministers from the Welsh Government will be able to amend the list of bye-laws that do not need ministerial confirmation? This is in section 9.

[78] **Mr Cadwallader:** Yes.

[79] **Kenneth Skates:** I would like to move on to discuss section 18. What is your view on section 18, which allows Ministers to issue guidance to authorities on various issues related to bye-laws? Is it right that the guidance should be limited to the matters listed in section 18?

[80] **Mr Cadwallader:** I think that it is appropriate. A set of standard, model bye-laws will improve consistency in their application. So, that is certainly welcome. The content appears to be fine at present.

[81] **Kenneth Skates:** Do you think that there should be guidance on difficult concepts such as the meaning of 'good rule and government' and 'nuisance'?

[82] **Mr Cadwallader:** I suppose that, on balance, yes, it would perhaps be appropriate to spell those out in slightly more detail.

[83] **Joyce Watson:** You have already said that the potential effectiveness of the Bill in terms of the community and town council sector will largely be determined by the individual authority's resources and ability to engage in this. Moving on from that point, to what extent are community councils currently able to work with principal authorities to make and enforce bye-laws? Should the Bill make any further provisions in that respect?

[84] **Mr Cadwallader:** I have made reference to the fact that charters are being developed between the unitary authorities and the community and town councils. This would be our preferred mechanism for future joint working in relation to bye-law provision, because it enables that coming together to discuss matters that are pertinent at the local level with the body that oversees the wider geography within which the community council sits.

[85] **Joyce Watson:** Okay, that is fine. According to the Welsh Government, the number of bye-laws introduced each year is not expected to change, despite the fact that the new system for introducing those bye-laws will be less onerous. Do you believe that this will be the case for community and town councils?

[86] **Mr Cadwallader:** I do not foresee this having a huge impact on the community and town council sector for the reasons that I have already given in relation to costs. For the larger councils that make up 20% of our sector, this is an opportunity to revisit whether they wish to go down the route of implementing bye-laws, but, for the majority of our councils, the cost would be prohibitive without the ministerial confirmation.

[87] **Joyce Watson:** Okay. My other question has been answered.

[88] **Ann Jones:** You have talked extensively about the costs that you think that community and town councils will face. You talk in your paper about the training budgets of town and community councils and the fact that that is not entirely addressed within the explanatory memorandum. What would you have liked to have seen in the explanatory memorandum to address that?

[89] **Mr Cadwallader:** The community and town council sector is precepting at low levels. We would perhaps have liked to have seen some sort of guidance as to what amount of training it is anticipated would be required for our sector. Specific reference is made in the explanatory memorandum to a cost of £500 for unitary authorities to enact the proposed Bill. It is not a level playing field for the community and town council sector. This would be about additional resources and costs; so it would be a new cost for our sector, whereas the infrastructure is in place in the unitary authorities. This is more of the same for unitary authorities, but it means a shift in resources and the need to grow resources for the community and town councils.

[90] **Ann Jones:** Do Members have any further questions? Was there anything that you wanted to add that we have not covered, Mr Cadwallader?

[91] **Mr Cadwallader:** No, I do not think so.

[92] **Ann Jones:** Thank you very much for giving evidence today. You will get a copy of the transcript to check its accuracy. I think that you know that, because you have been to committees before. We will then produce a report, of which you will get a copy.

10.37 a.m.

**Cynnig Gweithdrefnol
Procedural Motion**

[93] **Ann Jones:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

[94] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10.37 a.m.
The public part of the meeting ended at 10.37 a.m.*