

# Legislation Committee No. 2

LC2(3)-17-09(p2)

## Proposed Legislative Competence Order relating to Community Councils and councillor recruitment, retention and allowances

Sarah Sargent  
Deputy Committee Clerk  
Legislation Office  
National Assembly for Wales  
Cardiff Bay  
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Dear Ms. Sargent

I refer to the letter dated 22 July 2009 from Jeff Cuthbert AM requesting evidence in relation to the above-mentioned LCO. Unfortunately, I have only recently received this letter so I have not been able to respond until now.

I would like to thank the Committee for including me, as Chair to the Independent Remuneration Panel for Wales, in this consultation and giving me the opportunity to contribute to its deliberations. My Panel has a very great interest in the content of this LCO and has been kept regularly informed by its secretariat about the LCO's progress.

I will be attending the Committee meeting on 15 October 2009 but in advance of that I have been asked to comment specifically on the five consultation questions in Annex 1 to the letter of 22 July 2009 and shall do so in order below:

1. While generally supporting the view that legislative competence on local government matters should be vested in the National Assembly rather than Parliament, I will not comment on matters 12.8 to 12.14 as they are confined to Community Council matters for which the Panel has no remit. Matter 12.15 and 12.17 are related to the promotion of democracy and participation in local government. They are linked to the work of the Panel very closely in that ensuring appropriate remuneration for councillors is part of the approach to attracting interest in local government service from across a wide range of the electorate. The more people know about what local government does, including the financial arrangements for rewarding councillors, the more likely they are to consider candidacy themselves. I therefore fully support the transfer of competence on these matters, particularly to enable the Assembly to legislate on some of the very important recommendations made by the Expert Panel on the Councillors' Commission in its report 'Are We Being Served'.

As you would expect, my main interest is in matter 12.16, which would transfer competence over the remuneration of councillors to the Assembly. It has become clear to the Panel during its deliberations and following extensive consultation with stakeholders that consideration should be given to widening the Panel's remit. That is not possible currently under the constraints of the Local Government and Housing Act 1989, which, together with the Assembly's 2007 regulations, governs the Panel's activity. The Panel can only set maxima for allowances while local government would prefer that the Panel prescribed actual amounts. The Panel's remit is confined to principal councils while the National Parks, Fire and Rescue Authorities and Community Councils in Wales would prefer if the Panel's remit included them also. For these and other reasons I fully support the LCO.

2. Given that it is not possible to simply transfer competence for local government en bloc, I am content with the scope of the LCO.

3. I would refer you to my response under 1 (above).

4. I have no comment to make on this question.

5. As I am due to attend the Committee on 15<sup>th</sup> October 2009 I will reserve any further comment until then.

Thank you again for this opportunity to contribute to the Committee's consideration of this LCO.

Yours sincerely

Richard Penn  
Chair, Independent Remuneration Panel for Wales