

# Legislation Committee No 3

## Proposed Local Government (Wales) Measure

### Response from Aberystwyth University

I am writing to re-iterate my support for the provisions relating to Community and Town Councils included in the Local Government (Wales) Measure (Part 7), currently before Legislation Committee 3. The proposed provisions largely build on the recommendations that we made in the report on 'The Role, Functions and Future Potential of Community and Town Councils in Wales', which we submitted to the Welsh Assembly Government in 2003. Supporting evidence for the recommendations, and for the subsequent proposed legislation, is presented in detail in the report and emphasized as appropriate in my written evidence to Legislation Committee 2 with respect to the National Assembly for Wales (Legislative Competence) (Local Government) Order 2009.

I do not wish to replicate in this submission evidence that has been presented elsewhere, but I would draw the Committee's attention to the following points concerning the individual chapters comprising Part 7 of the Measure:

Chapter 1 – I fully support the provisions included in this chapter which will clarify arrangements concerning community meetings and community polls. Community meetings and community polls are important mechanisms that Community and Town Councils possess for engaging with electors and residents, but our research showed that their use by councils is variable. We recommended that guidance should be issued to Community and Town Councils encouraging greater consultation with local communities through public meetings, surveys and polls, and the provisions in this chapter will help to facilitate this.

Chapter 2 – I support the provisions in this chapter, which will assist in improving the 'fitness-for-purpose' of Community and Town Councils in Wales. The provisions will help to address an anomaly that has made it easier to dissolve a Community or Town Council in Wales than is the case for Parish Councils in England, but more difficult to establish new councils. Some councils that have been confronted by repeated attempts at dissolution have been constrained in their capacity to act effectively due to the uncertainty of long-term planning. Provisions in the chapter will also help to facilitate and encourage the grouping of councils and the formation of common councils. The proportion of grouped councils of all Community and Town Councils in Wales is significantly lower than the equivalent figure for Parish Councils in England. Grouping provides an appropriate mechanism through which smaller communities can retain their independent identity as a community whilst enhancing their capacity to act and improving efficiency through joint working with neighbouring councils.

Chapter 3 – I support the provisions in this chapter which will increase the transparency of the process of co-opting members to fill vacancies on Community and Town Councils. We noted in our report that "the use of co-options to fill vacancies can create a tendency to recruit new council members from the same limited social background and networks as existing councillors, and can in extreme circumstances fuel a perception of community and town councils as 'closed shops'. Where co-options are unavoidable, it is good practice for the opportunity to be widely advertised within the community, and particularly to those groups that are under-represented on the council" (Para 6.17).

Chapter 4 – I am delighted that this provision has been included in the measure. This is a genuinely radical proposal that will enhance local democracy and public participation in Wales. The rationale for the proposal is that there is a substantial age-bias in the profile of Community and Town councillors in Wales, with fewer than one in six aged under 45, and fewer than one in one hundred aged under 25. Yet, a significant component of the facilities provided by, and activities supported by, Community and Town Councils are at least in part directed at younger residents. Young people should be encouraged to stand for election through conventional routes, but many lack the confidence to do so and may find it difficult to secure support, especially in party-political contests. Equally, young people may be co-opted using councils' existing powers, but the opportunity for co-option only exists on councils where there are vacancies following elections. The specific provision of a power for councils to co-opt two youth representatives will provide for young people within a community to be directly represented and will also, importantly, offer young people an experience of involvement in local governance and citizenship which will hopefully encourage many to engage in public service throughout their adult lives.

Chapter 5 – I support the provisions in this chapter which clarify and strengthen elements of the responsibilities of principal councils and the Local Government Boundary Commission for Wales with respect to reviews of community electoral arrangements. The need to regularly review community areas and electoral arrangements is important to maintaining appropriate mechanisms for democracy and accountability. The size of councils is a significant factor in the ability of a council to fill all its seats through contested elections – some smaller councils have a very high ratio of councillors to electors which can make it difficult to find sufficient candidates, whilst in some councils elected by wards there are wards with very small electorates where candidates have not been forthcoming.

Chapter 6 – The provision for a 'power of well-being' for Community and Town Councils did not form part of the remit for our 2003 study, but we have subsequently examined the case as part of work for the Department of Environment, Food and Rural Affairs in England. A power of well-being has now been granted to Parish Councils in England and the adoption of a similar power for Community and Town Councils in Wales is to be supported. The power of well-being would enhance the capacity of councils to act in response to local needs, extending the more constrained powers currently available under Section 137 of the Local Government Act 1972. Although the majority of Community and Town Councils in Wales currently spend less than 10% of their permitted expenditure under Section 137, the greater freedom to act of a power of well-being is likely to be welcomed by more pro-active councils.

Chapter 7 – I fully support the provisions in this chapter that enable the National Assembly for Wales to make direct grant payments to Community and Town Councils. Whilst the Measure does not prescribe how these powers should be used, their introduction would facilitate the implementation of a number of recommendations in our report, including proposals for a 'Local Democracy Fund' (which would remove the current financial disincentive for councils to proactively promote elections and encourage candidates) and a 'Business and Community Grant Scheme' (to support initiatives that are of primary or substantial benefit to local businesses, noting that Community and Town Councils do not receiving funding from Business Rates). The provision of limited direct grants would particularly encourage the modernisation and pro-active engagement of councils with limited revenue-raising capacity.

Chapter 8 – Relations between Community and Town Councils and principal authorities are fundamental to developing and supporting the future role of local councils. Charter agreements have proved to be a highly effective mechanism for facilitating engagement between the two tiers and for formalising expectations and obligations on both sides, but have had a relatively limited adoption in Wales. The Welsh Assembly Government, working with the WLGA and One Voice Wales, has promoted the voluntary development of Charters, which is commendable, but has not yet produced universal coverage across Wales. The provisions in this chapter will strengthen the ability of the Welsh Assembly Government to regulate and require the adoption of Charters if necessary in order to ensure equality of opportunity for Community and Town Councils across Wales.

Chapter 9 – I support the provisions included in this chapter which implement the recommendation contained in our report that a scheme for accrediting Community and Town Councils be adopted in Wales, which might at some future point be used to differentiate between councils in terms of powers or funding opportunities. The Community and Town Council sector in Wales is highly diverse, and different councils have different ambitions. Whilst there is a strong case for larger, more pro-active councils to be granted an enhanced role, many smaller councils would not be able to cope with increased responsibilities, but nonetheless play an important function within their community. A system of accreditation would both provide a framework for addressing the divergent interests of different councils, whilst also helping to raise the quality of practice across the sector as a whole. Following the completion of our study for the National Assembly for Wales, we conducted an evaluation of the Quality Parish and Town Council Scheme in England for Defra, which confirmed the potential benefits of such an approach. We would, however, repeat our caution in the 2003 report against using the terminology of 'Quality' councils, which we feel could unfairly imply a lack of quality in councils that chose not to apply for accreditation.

In summary, I fully support the provisions including in Part 7 of the Measure and I would be more than happy to expand on any point in presenting oral evidence to the Committee on 7<sup>th</sup> October.

With kind regards,

Yours faithfully,

Professor Michael Woods