



8 December 2011

Dear Sir / Madam

Consultation on *Local Government Byelaws (Wales) Bill*

As part of its Stage 1 consideration, the National Assembly for Wales' Communities, Equality and Local Government Committee is calling for evidence on the general principles of the *Local Government Byelaws (Wales) Bill*.

What is a Bill?

Under Part 4 of the Government of Wales Act 2006 the National Assembly can pass laws in areas where it has legislative powers to do so.

When a proposal for a new law is introduced in the National Assembly, it is called a 'Bill'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

When a Bill is passed by the National Assembly and receives Royal Assent it becomes an 'Act of the Assembly'.

What does this Bill seek to achieve?

The Explanatory Memorandum that accompanies the Bill states:

“The proposed Local Government Byelaws (Wales) Bill gives effect to the Welsh Government's proposals to simplify procedures for making

and enforcing local authority byelaws. The Bill introduces an alternative procedure for local authorities to follow in making a number of byelaws. For these byelaws,

the Bill requires authorities to consult locally before making a byelaw and removes the requirement for confirmation by the Welsh Ministers. The proposed Bill also provides an optional alternative, and more efficient, means of enforcement through fixed penalty notices. Finally, the Bill also recasts and consolidates existing byelaw provisions in sections 235 to 238 of the Local Government Act 1972. This is a step towards the development of a Welsh Statute Book and makes the key legislative provisions relating to making, confirming and enforcing byelaws in Wales accessible in a single enactment.”

What is the committee’s role?

The role of the committee is to consider and report on the general principles of the Bill. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the need for the Bill to deliver the stated objectives of:
 - empowering local authorities to take ownership for local laws;
 - providing a more direct means of enforcement through the use of fixed penalty notices;
- ii) whether the Bill achieves its stated objectives;
- iii) the key provisions set out in the Bill and whether they are appropriate to deliver the objectives;
- iv) potential barriers to the implementation of the key provisions and whether the Bill takes account of them
- v) whether there are any unintended consequences arising from the Bill
- vi) the views of stakeholders who will have to work with the new arrangements

How you can help – the consultation questions

Further details of the Bill and the accompanying Explanatory Memorandum can be found on the National Assembly’s website at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IIId=2413>

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, we would welcome your views on the questions listed in **Annex 1**.

If you wish to submit evidence, please send an electronic copy of your submission to CELG.committee@wales.gov.uk

Alternatively, you can write to:

Leanne Hatcher, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

Ffon / Tel: 029 2089 8147
Ffacs / Fax: 029 2089 8021
Minicom: 029 2082 3280

E-bost / E-mail: celg.committee@wales.gov.uk

Submissions should arrive by 2 February 2012, it may not be possible to take into account responses received after this date.

Further information on the **legislative process** can be found at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-guidance.htm>

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee.;
- the National Assembly normally makes responses to public consultation available on its website and responses may also be seen and discussed by Assembly Members at Committee meetings. **If you do not want your response or name published, it is important that you clearly specify this in your submission;**
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in English and Welsh.

If you have any queries, please contact Bethan Davies, Committee Clerk on 029 2089 8120 or Leanne Hatcher, Deputy Clerk on 029 2089 8147.

Yours faithfully



**Ann Jones AM
Committee Chair**

Annex 1 Consultation Questions

1. Is there a need for a Bill to revise and consolidate legislation about the making and enforcement of byelaws? Please explain your answer to this question.
2. Do you think the Bill 'will serve to provide for local authority [and some environmental] byelaws to become a more effective regulatory

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mechanism' (as stated in paragraph 3.16 of the Explanatory Memorandum)?

3. Are the sections of the Bill appropriate in terms of reforming existing laws relating to byelaws? If not, how does the Bill need to change?
4. (a) How will the Bill change the current approach to byelaws and what impact will such changes have, if any?
(b) In particular, does the Bill achieve its aim of seeking to streamline the procedures for making byelaws (primarily by removing the requirement for confirmation by the Welsh Ministers of specified new byelaws)?
5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?
6. What are your views on the procedures for making byelaws (sections 6 to 9)?
7. Are the consultation provisions outlined in the Bill satisfactory in terms of ensuring appropriate consultation takes place prior to revoking, amending, making or confirming byelaws (sections 4 to 8)?
7. (a) Are you content with the enforcement provisions in the Bill (sections 10 to 15)?
(b) In particular, do you have any observations on the seizure proposals in section 11, and the penalties proposed in sections 10(2) and 14(3)?

Financial Implications

8. What are the financial implications of the Bill, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.
9. Are there any other comments you wish to make about specific sections of the Bill?

Subordinate Legislation

10. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments including regulations and orders)?
11. Do you have any observations on whether the subjects referred to in the Schedules are, in fact, appropriate to be regulated by byelaws?

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