



# APSE response on the National Assembly for Wales (Legislative Competence) (Local Government) Order 2009

This briefing provides details of APSE's response to the National Assembly for Wales consultation on the Legislative Competence (Local Government) order 2009. This briefing is provided to local authority chief executives, council leaders and all APSE contacts in Wales and to England, Scotland and Northern Ireland contacts for information.

## **Key Issues:**

- This APSE briefing includes APSE's written response on the National Assembly for Wales consultation
- The aim of the order is to extend the field of competence in respect of local government to include community councils, community reviews, the relations between tiers of local government, councillor allowances and the recruitment and retention of councillors.

## **1. Introduction**

The draft order aims to extend the field of competence in respect of local government to include community councils, community reviews, the relations between tiers of local government, councillor allowances and the recruitment and retention of councillors.

It proposes enhancing the National Assembly's current legislative competence by inserting the following 10 new matters into Schedule 5 of the Government of Wales Act 2006:

- Matters 12.8 to 12.14 cover a range of topics concerning local government for communities. These topics include: areas of communities; constitution, structure and procedures of institutions; electoral arrangements; powers to promote or improve the economic, social or environmental well-being of a community area; grant funding for communities; relations between communities and relations between communities and counties and county boroughs; quality accreditation schemes for local government for communities; and public participation in local government for communities. "Communities" are defined for the purposes of field 12 as separate areas for the administration of local government, each of which is wholly within the area of a county council or county borough council (but does not comprise the whole area of a county council or county borough council).
- Matter 12.15 is about the provision of information to the public about local government for communities, counties and county boroughs.
- Matter 12.16 is about salaries, allowances, pensions and other payments for members of local government institutions for communities, county and county borough councils, National Park authorities and fire and rescue authorities.
- Matter 12.17 is about promoting and supporting membership of local government institutions for communities and county and county borough councils.

The full consultation is available by clicking on the following link: <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-legislative-competence-orders/bus-legislation-lco-2009-lgcc.htm> A copy of APSE's written response is included below.

## **2. APSE written response to the National Assembly for Wales**

The Association for Public Service Excellence (APSE) represents officers and members involved in the management and provision of quality public services. APSE's mission statement positions the organisation as 'networking organisation which consults, develops, promotes and advises on best practice in the delivery of public services'. APSE is currently working with almost 300 authorities within the United Kingdom and all 22 councils in Wales

are members of APSE. APSE has consulted with its membership and has included their comments within this submission.

**Question 1: What are your views on the general principle that legislative competence in the areas identified in Matters 12.8 – 12.17 be conferred on the Assembly?**

APSE supports moves to enhance the role of the Welsh Assembly Government through devolving legislative powers, as this enables Wales to achieve outcomes within a context relevant to Wales. APSE also believes that local authorities have a vital role as community leaders and service providers, as the local democratically elected body.

In relation to Matters 12.8 – 12.17, our members mainly agreed that these should be conferred on the Assembly, although there were mixed responses in relation to Matters 12.9 on electoral arrangements, 12.11 on grants and 12.16 on salaries, allowances, pensions and other payments for members. Comments from our members on Matter 12.16 include that this should not be determined locally and that one governing body for the whole of Wales needs to say what is reasonable and what is acceptable. In addition, another comment included “The power over salaries, allowances, pensions and other payments would enable a key recommendation of the Independent Remuneration Panel for Wales to be implemented, namely that allowances for principal councillors can be independently prescribed by the Panel. Such a recommendation...has received widespread support from within local government in Wales...’

APSE believes that any reform in relation to allowances, pensions and gratuities should properly remunerate councillors for their vitally important role as democratically elected leaders of their local communities. APSE also supports the approach taken by the Welsh Assembly Government on collaboration between councils as opposed to competition, as set out in the ‘Making the Connections’ strategy.

Other comments from our members include that the Legislative Competence Order will help to secure consistency on an all Wales basis.

**Question 2: What are your views on the terms or scope of the proposed Order? For example, is it too narrowly or too broadly drawn?**

The majority of APSE members thought that the terms/scope of the proposed Order were about right. Comments included that these can always be amended in the light of future experience.

**Question 3: What are your views on each of the Matters contained in the proposed Order?**

See responses to question 1 above.

**Question 4: What are your views on the specific exclusions to Matter 12.9 and the 'Interpretation of this field' paragraph?**

The majority of our members who responded to the consultation agreed with the exclusion to Matter 12.9. One member who disagreed with this thought that this was a missed opportunity for Wales to have its own say over the voting system used for councils. All of our members who responded also agreed with the 'Interpretation of this field' paragraph.

**Question 5: Do you have any other comments relating to the proposed Order?**

APSE would welcome being involved in any working parties set up to further clarify this Order or in giving oral evidence to the Committee. Please contact Debbie Johns, Principal Advisor for APSE on 0161 772 1810 or email [djohns@apse.org.uk](mailto:djohns@apse.org.uk).

Thank you for the opportunity to respond to this consultation.

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