



22 July 2009

Dear Sir / Madam

**Consultation on proposed Legislative Competence Order relating to community councils and councillor recruitment, retention and allowances**

As part of our pre-legislative scrutiny, the National Assembly for Wales' Legislation Committee No. 2 is calling for evidence on the [proposed National Assembly for Wales \(Legislative Competence\) \(Local Government\) Order 2009](#), relating to community councils and councillor recruitment, retention and allowances.

**What is a [Legislative Competence Order](#)?**

A Legislative Competence Order ("Order") is a piece of legislation which transfers specific powers (or 'competence') from Parliament to the Assembly.

In practice, this will mean that each new Order will add a new 'Matter' (or Matters) into the relevant field in [Schedule 5](#) of the Government of Wales Act 2006, giving the Assembly the power to make Measures (laws) within the policy areas defined by the matter.

In the Assembly, there is a two stage process for considering an Order, involving:

- the 'pre-legislative scrutiny' of a proposed Order by a committee; and
- the approval, by the Assembly, of a draft Order.

**What does this proposed Order seek to achieve?**

*The National Assembly for Wales (Legislative Competence) (Local Government) Order 2009* proposes enhancing the Assembly's current legislative competence by inserting 10 new matters into Field 12 of Schedule 5 to the Government of Wales Act 2006 - Matters 12.8 - 12.17.

The Explanatory Memorandum that accompanies the proposed Order states:

“The legislative competence conferred by this Order confers legislative competence on the Assembly that is wider than the current subordinate legislative power of the Welsh Ministers.

Neither the Assembly nor the Welsh Ministers have power at present to legislate for significant changes to the law covering the following topics: community councils (constitution, structure, procedures and responsibilities), community reviews, relations between tiers of local government, councillor allowances (...) and the recruitment and retention of councillors.

The legislative competence that would be conferred by the proposed Order would enable the Assembly to make changes to the law in these areas by way of Measure.”

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

<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-legislative-competence-orders/bus-legislation-lco-2009-lgcc.htm>

### What is the committee’s role?

Our role is to conduct pre-legislative scrutiny of the proposed Order - the first part of the two-stage process outlined above.

In doing so, we have agreed to work within the following framework:

To consider —

- (i) the general principles of the proposed LCO and whether legislative competence in the areas identified in Matters 12.8 - 12.17 should be conferred on the Assembly; and
- (ii) whether the terms of the proposed LCO are too broadly or too narrowly defined.

In conducting our scrutiny work, we will avoid engaging in detailed discussions on possible Measures that might arise out of this proposed Order. In providing evidence to us, we would be grateful if you did not include detailed information that would be more relevant to any future Measure.

### How you can help - the consultation questions

We would like to invite you to submit written evidence to assist in its scrutiny of the proposed Order. 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 [legislationoffice@wales.gsi.gov.uk](mailto:legislationoffice@wales.gsi.gov.uk) and entitle the e-mail *Consultation - Proposed Local Government Order*.

Ffon / Tel: 029 2089 8032  
Ffacs / Fax: 029 2089 8021  
Minicom: 029 2082 3280

E-bost / E-mail: [legislationoffice@wales.gsi.gov.uk](mailto:legislationoffice@wales.gsi.gov.uk)

Alternatively, you can write to: Sarah Sargent, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

We are required to report no later than 4 December 2009. In order to allow us adequate time to analyse written responses and take oral evidence in the autumn term, our consultation will be open for 8 weeks. **Submissions should arrive by Friday 18 September 2009. 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/bus-legislation-guidance-lco.htm>

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

- your evidence should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they 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.** However you should be aware that it may not be given the same weight by the Committee when considering the evidence. You should also be aware that the information you have provided in your response to this consultation, including company information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA);

Please also:

- indicate whether you are responding on behalf of an organisation, or as an individual, and provide a brief explanation of your area of expertise;
- provide a summary of the main points made in your submission; and
- indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation during the autumn term.

If you have any queries, please contact Sarah Beasley, Committee Clerk on 029 2089 8032 or Sarah Sargent, Deputy Clerk on 029 2089 8408.

Yours faithfully



Jeff Cuthbert AM  
Temporary Committee Chair

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Proposed National Assembly for Wales (Legislative Competence) (Local Government) Order 2009

Consultation Questions

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?
2. What are your views on the terms or scope of the proposed Order? For example, is it too narrowly or too broadly drawn?
3. What are your views on each of the Matters contained in the proposed Order?
4. What are your views on the specific exclusions to Matter 12.9 and the 'Interpretation of this field' paragraph?

*(Further information on the scope of the proposed Order and the exclusions can be found in the [Explanatory Memorandum](#))*

5. Do you have any other comments relating to the proposed Order?