

LGB Paper 1

Cymdeithas Cyngorau Trefi a Chymdeithasau Mwyaf Gogledd Cymru
NORTH WALES ASSOCIATION OF
TOWN AND LARGER COMMUNITY COUNCILS

PRESENTATION TO THE

WELSH ASSEMBLY

COMMUNITIES, EQUALITY AND LOCAL GOVERNMENT COMMITTEE



Thursday 9th February 2012 at 9.30am

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Secretary to the Association

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1.00 The North Wales Association of Town and Larger Community Councils

- 1.01 The North Wales Association has been in existence for more than 30 years and currently has 31 members who predominately the larger Town Councils in North and Mid Wales.
- 1.02 The Association did discuss the Bylaws Bill at its meeting held on Friday 27th January 2012 in Llandudno.

2.00 The attendees

- 2.01 The persons attending the Committee on the 9th February 2012 are:

Alan Guinn - President of the Association

Robert Robinson - Secretary to the Association

3.00 Introduction

- 3.01 The Association thanks the Committee for the invitation to attend to give evidence on the Bill and is glad that it can represent the larger Town and Community Councils of North and Mid Wales on this important piece of legislation.
- 3.02 The only Council who is a member of the Association who has found the need to either make or update bylaws in the last few years is Welshpool although there are other member Councils who do have the need to implement bylaws for lands that they own.

4.00 The need for the Bill to deliver the stated objective of: 'empowering local authorities to take ownership for local laws'

- 4.01 Any procedure which makes the provision of bylaw making easier is welcomed.
- 4.02 There is the need to recognise training for Clerks where needed to enable them to complete bylaws within the guidance from the Welsh Assembly.
- 4.01 The experience of Welshpool in recently preparing bylaws was a good one and the staff at the Welsh Assembly were not only helpful but made it much easier to complete. It still took a long time, partly due the complicated process and partly because it was not a top priority item at Welshpool at the time.

4.02 The provisions allowing Town and Community Councils to be Legislative Authorities is welcomed and this will make it more likely that such Councils will update their bylaws more regularly.

5.00 The need for the Bill to deliver the stated objective of:
'providing a more direct means of enforcement through the use of fixed penalty notices'

5.01 For some Town and Community Councils, who have the resources, the direct enforcement suggested would work well.

5.02 Many Town or Community Councils do not have the resources to implement such schemes with often there only being a clerk, secretary and a contractor to upkeep land.

5.02 Town and Community Councils would need to train staff to implement such fines and penalties which carries a cost implication, often in Communities where the budget is small with little room for manoeuvre.

6.00 Whether the Bill achieves its stated objectives.

6.01 The Bill on face value appears that it could achieve the objectives.

6.02 The list of bylaws which a Town or Community Council appears to be as follows:

- Public Walks and Pleasure Grounds
- Open Spaces and Burial Grounds
- Public conveniences
- Mortuaries and post mortem rooms
- Baths, wash houses and swimming baths etc
- Public bathing
- Swimming and bathing pools not under local authority management
- Regulation and prevention of nuisance in market places
- Use of parking spaces
- Revoking bylaws

6.03 It is noted that Dog Fouling and Alcohol controls fall outside the Bill and are covered in other legislation.

6.04 The Association feels that such Dog Fouling and Alcohol controls on land which the Town or Community Council owns should be included within such bylaw provisions.

6.05 It is further noted that litter, cycling or horse riding controls are not specifically included and the Association feels that these should be expressly referred to for clarity.

7.00 The key provisions set out in the Bill and whether they are appropriate to deliver the objectives.

7.01 The Association feels that the key provisions are well set out and are appropriate to deliver the objectives subject to the comments in 8 below.

8.00 Potential barriers to the implementation of the key provisions and whether the Bill takes account of them.

8.01 The main barriers to the implementation of the Bill would be as follows;

- A) The ability of the Town or Community Council to complete such bylaws including the actual controls, accounting, chasing up fines and collecting them.
- B) Training being readily available to Clerks that need it to enable them to complete such work.
- C) The lack of prioritising such activity in some Town or Community Councils.
- D) With regard to the fines and penalties, it is very difficult to gain a conviction currently as the 'officer' who can take action is a County Council Officer and in a position where they have to cover such large areas. Also the Police in many areas do not have the capability to enforce nor in many cases a will to enforce.
- E) 10.04 Often when patrols are enforcing such bylaws they go in pairs, this is a cost which would be prohibitive for Town or Community Councils.

9.00 Whether there are any unintended consequences arising from the Bill.

9.01 The Association can not think of any unintended consequences from the Bill.

10.00 Other views of the Association

10.01 The Association would support the provision of a guidance booklet for Town and Community Councils in simple form and with sample provisions within it. The Association is sure that this would be completed anyway.

10.02 The PCSO's could, if empowered, be able to help with the enforcement of bylaws. However, they do not have these powers given to them in all areas. (Powys is one such case)

Robert A Robinson FRICS AILCM
Secretary to the Association
30th January 2012