



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Pwyllgor Deddfwriaeth Rhif 4
Legislation Committee No. 4

Dydd Iau, 24 Medi 2009
Thursday, 24 September 2009

Cynnwys
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The Proposed National Assembly for Wales (Legislative Competence) (Culture and
Other Fields) Order 2009

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Lorraine Barrett	Llafur Labour
Michael German	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Bethan Jenkins	Plaid Cymru The Party of Wales
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Rona Aldrich	Swyddog Polisi Diwylliant a Hamdden, Cymdeithas Llywodraeth Leol Cymru Policy Officer – Culture and Leisure, Welsh Local Government Association
Nick Capaldi	Prif Weithredwr, Cyngor Celfyddydau Cymru Chief Executive, Arts Council of Wales
Peter Gomer	Cyfarwyddwr Cynorthwyol Cymunedau a Hamdden, Cyngor Bwrdeistref Sirol Caerffili Assistant Director for Community and Leisure, Caerphilly County Borough Council
Rachel Hughes	Swyddog Polisi, Cyngor Chwaraeon Cymru Policy Officer, Sports Council for Wales
Huw Jones	Prif Weithredwr, Cyngor Chwaraeon Cymru Chief Executive, Sports Council for Wales
Dr Chris Llewelyn	Cyfarwyddwr Dysgu Gydol Oes a Hamdden, Cymdeithas Llywodraeth Leol Cymru Director of Lifelong Learning and Leisure, Welsh Local Government Association

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Neil Cox	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Owain Roberts	Dirprwy Glerc Deputy Clerk
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 9.17 a.m.
The meeting began at 9.17 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Michael German:** Good morning, everybody. Welcome back from the summer recess, and welcome to this meeting of Legislation Committee No. 4. We have received apologies from Kirsty Williams, and Jenny Randerson is substituting on her behalf.

[2] The National Assembly for Wales operates through the media of English and Welsh. Headphones are provided through which you can hear the simultaneous translation and, if you are hard of hearing, you can also use them to amplify the sound. The interpretation service is on channel 1 and the amplified verbatim proceedings can be heard on channel 0. There is no fire drill planned for today, so, if the alarm bell rings, please get out immediately, following the instructions of ushers and staff, because it will be for real. Please also ensure that all electronic devices are switched off.

9.19 a.m.

Gorchymyn Arfaethedig Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol) (Diwylliant a Meysydd Eraill) 2009 The Proposed National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009

[3] **Michael German:** Today's meeting is in three parts. Having received evidence from a large number of organisations, we have invited the Sports Council for Wales, the Arts Council of Wales, and the Welsh Local Government Association to our meeting today. The consultation process on the proposed legislative competence Order on culture and other fields closed on 4 September. We received 36 responses. Members have hard copies of those responses, which have also been published on the internet. The committee has also received a letter from the Minister for Heritage, which is before Members. That includes the information that he promised us when he appeared before us on 8 July. That has also been published on the internet. Quite usefully, attached to the back of the letter is a list of the provision provided by nearly all local authorities in Wales. That gives a useful pen picture of libraries, museums, archives, sports and leisure facilities, and other countryside, tourism and heritage facilities.

[4] The purpose of today's meeting is to take further oral evidence in connection with this proposed Order. I welcome Huw Jones, chief executive of the Sports Council for Wales, and Rachel Hughes, policy officer for the sports council. I thank you for your evidence. We propose to go straight into questions, because your evidence stands on its own. For the record, I ask you to confirm whether the Sports Council for Wales supports the proposed legislative competence Order. If so, could you give your reasons for that support?

9.20 a.m.

[5] **Mr Jones:** Thank you for the invitation. We are delighted to be here. Yes, we do support the principle of the proposed LCO, and, in our paper, we have tried to set out why we support it. Not only is there differential provision throughout Wales, but differential rates of participation. If we are to improve that situation and its contribution to health, wellbeing and social inclusion, we believe that this area of activity needs to be given higher priority through a statutory measure rather than just through a discretionary measure. Therefore, in principle, we are very supportive of it. However, we do believe that it needs to be underpinned by standards. We also believe that there needs to be some consideration about any failure to comply with those standards. What action would be taken against failing authorities? There is not much point in bringing in legislation that makes something compulsory if people do not have to follow it or if no sanctions are brought against them for not following it.

[6] **Michael German:** We have to be clear that this is about bringing the powers to the Assembly. We are trying to establish whether the breadth of those powers is adequate. The issue that you just referred to would be a matter for the legislation that follows from the proposed LCO. As for whether the powers that we are asking for are adequate, perhaps you could come to that later.

[7] In your evidence, you refer to the 2004 Wales Audit Office report, which highlighted a decline in the provision of sporting and recreational services by local authorities. What do you think were the main factors responsible for the decline in that provision?

[8] **Mr Jones:** Over the years, particularly from the 1970s and early 1980s, we have seen significant provision of sport and recreational facilities. In many ways, what we have are significant numbers of buildings provided by local authorities, all of which have different names—schools, libraries, sports centres, swimming pools, healthy-living centres, older people’s centres, youth centres, and so on. So, there is massive provision, which spreads with community development. However, there are also implications in respect of maintenance, running costs, and so on. Those are the problems that local authorities are facing, as we all know. Over the years, in certain authorities, there has not been a planned approach to the maintenance of those facilities, or to what would happen to them at the end of their natural life. So, that is why we have the difficulties and the challenges that we have now, and that is why we read so often in the newspapers of the closure of certain facilities as a result of a lack of investment or cuts in public expenditure.

[9] **Michael German:** So, if that describes the reason for the decline in provision, what reasons can you give for the differences between local authorities, that is, the variation between the levels of services offered by different local authorities? Is that historic, is it the funding or what?

[10] **Mr Jones:** It is historic, Chair. Much of that comes down to many other factors, particularly issues related to social deprivation and the challenges that various communities face. We have been collecting information on sports participation since around 1988, and those differential rates of participation have always been there. Some authorities go up and down in surveys, as you would expect, but we have always seen places such as north Wales, Ceredigion and parts of rural Wales performing pretty well, but the Valleys communities always coming in at the bottom in respect of rates of participation.

[11] **Bethan Jenkins:** Diolch am ddod heddiw. Bwriad y Gorchymyn arfaethedig yw caniatáu hyblygrwydd ledled Cymru i adlewyrchu anghenion awdurdodau lleol unigol. Ym mha ffordd y mae angen hyblygrwydd wrth ddarparu gweithgareddau a gwasanaethau chwaraeon, yn ogystal â gweithgareddau eraill?
Bethan Jenkins: Thank you for coming today. The aim of the proposed legislative competence Order is to allow flexibility across Wales to reflect the needs of individual local authorities. In what way is flexibility needed in the provision of sporting activities and services, as well as in that of other activities?

[12] **Mr Jones:** Ai am ddigwyddiadau diwylliannol yr ydych yn sôn?
Mr Jones: Are you talking about cultural activities?

[13] **Bethan Jenkins:** Ie.
Bethan Jenkins: Yes.

[14] **Mr Jones:** Ein cyfrifoldeb ni yw chwaraeon, wrth gwrs. Mae digwyddiadau eraill yn fater i'r Gweinidog a'r pwyllgor hwn. Ein pryder ni yw'r hyn a all ddigwydd i
Mr Jones: Our responsibilities lie in the area of sports, of course. Other activities are a matter for the Minister and for this committee. Our concern is what might

chwaraeon yn y dyfodol, yn enwedig o ran y cyfle i bobl gymryd rhan mewn gweithgareddau corfforol.

happen to sports in the future, especially the opportunity for people to take part in physical activities.

[15] **Bethan Jenkins:** Diolch am hynny. Yr ydych hefyd yn cyfeirio at lefelau gwahanol y gyfranogaeth mewn gweithgareddau sydd mewn rhannau gwahanol o Gymru. Mae ystadegau o'n blaenau sy'n dangos bod mwy o bobl yn cymryd rhan mewn chwaraeon mewn rhai ardaloedd o Gymru nac mewn eraill. A oes cysylltiad rhwng y ddarpariaeth yn yr ardal leol a chanran y bobl sy'n cymryd rhan mewn chwaraeon a gweithgareddau felly?

Bethan Jenkins: Thank you for that. You refer to the variation in participation levels in activities in different parts of Wales. We have statistics before us that show that more people take part in activities in some parts of Wales than they do in others. Do you believe that there is a correlation between the provision available in a local area and the percentage of people who take part in sporting and similar activities?

[16] **Mr Jones:** Mae hwnnw'n gwestiwn diddorol, ac nid ydym yn credu bod cysylltiad. Fel y dywedais wrth y Cadeirydd ryw funud yn ôl, y rheswm am hynny yw ei fod yn ymwneud yn fwy ag ardaloedd difreintiedig na darparu cyfleusterau mewn ardaloedd gwahanol. Nid oes llawer o wahaniaeth rhwng y ddarpariaeth yng ngogledd Cymru a'r ddarpariaeth yn y Cymoedd. Felly, nid y cyfleusterau sy'n achosi'r gwahaniaeth o ran nifer y bobl a'r canran sy'n cymryd rhan.

Mr Jones: That is an interesting question, and we do not think that there is a connection. As I said to the Chair a minute or so ago, the reason for that is that it relates more to disadvantaged areas than to the provision of facilities in different areas. There is not much difference between the provision in north Wales and that in the Valleys. So, it is not the facilities that cause the variation in the number of people and the percentage taking part.

[17] **Michael German:** I want to be absolutely clear about that because it is an interesting point. For a local authority such as Blaenau Gwent or Merthyr, the quality of the provision, so of the buildings and facilities, does not necessarily influence people's level of participation.

[18] **Mr Jones:** To a degree, it will. However, if everyone had the same number of facilities, the same provision, and the same size of catchment area, and if those facilities were all of the same quality and we could keep all the functions the same throughout Wales, I believe that we would still see different rates of participation as a result of socioeconomic grouping. From the figures, it appears to have much more to do with higher educational attainment, as that has one of the highest correlations with sports participation.

[19] **Joyce Watson:** I want to probe a bit further on this question. I accept what you have said, because you have done your research and that is what it has told you. Do you also look at the demographic make-up of an area? I notice that you say in your paper that physical recreation levels drop with age—and that comes as no great surprise. However, is there a greater concentration in a particular area? Is it more likely that people in one area would go swimming than go running around a track? Does that not need to be teased out of these figures?

[20] **Mr Jones:** For certain activities, yes, there is a difference. The obvious area would be outdoor activities. We see higher levels of outdoor activities in somewhere like Gwynedd, as you would expect, because of Snowdonia. However, in places like Gwynedd, we also see higher rates of activity in outdoor games, such as football and rugby, and indoor activities. So, the people who participate in activities at all tend to do more of them.

[21] **Bethan Jenkins:** I ba raddau y mae **Bethan Jenkins:** To what extent do local

awdurdodau lleol yn annog pobl i gymryd rhan mewn chwaraeon? A yw'r pwyslais y mae rhai awdurdodau yn ei roi ar fyw yn iach yn gwneud gwahaniaeth i'r hyn sy'n digwydd yn yr awdurdodau hynny? A yw'n amrywio?

authorities encourage people to take part in sports? Does the emphasis that some authorities put on healthy living make a difference to what happens in those authorities? Does it vary?

9.30 a.m.

[22] **Mr Jones:** Bydd wastad gwahaniaethau rhwng awdurdodau lleol oherwydd mae ganddynt eu blaenoriaethau eu hunain. Mae'r math o gydweithredu sydd rhwng yr awdurdod a'r bwrdd iechyd, neu'n fewnol yn yr awdurdod ei hun rhwng yr adran chwaraeon a hamdden ar un ochr a'r adran addysg neu gefn gwlad, neu beth bynnag, ar yr ochr arall, yn dibynnu ar yr awdurdod a strwythur yr awdurdod. Mae gwahanol ffyrdd o gydweithredu y tu mewn i'r awdurdod a rhwng awdurdodau cyhoeddus ac weithiau mae blaenoriaethau'n wahanol. Felly, mae gwahaniaeth rhwng hybu chwaraeon a gweithgaredd corfforol yn yr awdurdodau hynny.

Mr Jones: There will always be a difference between local authorities because they have their own priorities. The kind of co-operation that occurs between the local authority and the health board, or internally within the authority between the sports and leisure department on one side and the education or countryside department, or whatever, on the other side depends on the authority and its structure. There are different forms of collaboration in the authority and between different local authorities and sometimes priorities are different. Therefore, there is variation in promoting sporting activities and physical activity in those authorities.

[23] **Bethan Jenkins:** A yw eich ystadegau'n dangos bod mwy o bobl yn cymryd rhan mewn gweithgareddau ymarfer corff yn yr ardaloedd hynny lle mae gan awdurdodau lleol strategaethau clir, fel yr ydych newydd eu disgrifio?

Bethan Jenkins: Do your statistics show that in those areas where local authorities have clear strategies, as you have just described, more people take part in physical activities than they do in other areas?

[24] **Mr Jones:** Mae'n ymwneud yn fwy ag agwedd unigolion nag awdurdodau lleol. Mae gan awdurdodau effaith ar hyn, a gallant ddarparu cyfleusterau a hybu chwaraeon a gweithgaredd corfforol, ond, ar ddiwedd y dydd, mater i'r unigolyn yw gwneud y dewis hwnnw. Yn y wlad hon, nid yn unig yng Nghymru, ond hefyd ym Mhrydain, mae ein hagwedd tuag at gymryd rhan mewn chwaraeon yn hollol wahanol i agwedd gwledydd Sgandinafia a Seland Newydd, lle maent yn credu mai cymryd rhan mewn chwaraeon neu weithgaredd corfforol fel unigolyn yw'r peth i'w wneud. Yn y wlad hon, os ydych yn rhedeg o gwmpas mewn leicra, mae canfyddiad fod rhywbeth o'i le arnoch. Mae'n rhaid inni edrych ar yr agwedd honno a dyna bwysigrwydd y Gorchymyn cymhwysedd deddfwriaethol arfaethedig hwn. Mae'r Gorchymyn hwn yn dweud wrth bobl mai dyma'r math o genedl yr ydym am ei gweld—cenedl iachach sy'n rhoi cyfrifoldeb i bobl gymryd rhan mewn

Mr Jones: This has more to do with the attitudes of individuals than local authorities. Authorities can have an impact on this, and they can provide facilities and promote sport and physical activities, but, at the end of the day, it is down to the individual to make that choice. In this country, not only in Wales, but also in Britain, our attitude towards participating in sporting activities is very different to the attitude of Scandinavian countries and New Zealand, where they think that taking part in sport or physical activities as an individual is the thing to do. In this country, there is a perception that if you run around in lycra, there is something wrong with you. We have to look at that attitude and that is the importance of this proposed LCO. It says to people that this is the type of nation that we want—a healthier nation that makes taking part in physical activities of this type and making choices for themselves a personal responsibility. That is why we want to take things like this on.

gweithgareddau corfforol o'r math hwn ac i
wneud penderfyniadau drostynt eu hunain.
Dyna pam yr ydym am gymryd pethau fel
hyn ymlaen.

[25] **Jenny Randerson:** I confess that I have not looked at the statistics for some years, but the picture that you have just given us this morning is very similar to the picture that I got five or six years ago. You just mentioned the changes that need to be made, but have any local authorities managed to make a change over the last decade while you have been noting these statistics?

[26] **Mr Jones:** I think that change has been very significant in terms of opportunities for children and young people. That is where the priorities of various Assembly Governments have been focused, as well as our priorities—we wanted to make a difference in that group. That is why we have introduced Dragon Sport and 5x60, which have had universal coverage. So, we have seen significant figures on that and can show the changes that have occurred. However, we have all been much less successful in targeting adults, because of a number of points, one of which we make in our paper, namely that it is much more difficult to have direct contact with adults. We have direct contact with every child in Wales because we know where they are—they are in school. Therefore, we can have contact with them, can engage with them and encourage extracurricular activity during lunchtime or whenever. However, the adult market is different: it is much more diverse and dispersed and there is not that direct contact, so to do something with that age group requires significantly more effort and money and involves issues related to change of behaviour. So, this is not just about making provision, but about getting people to change their attitudes towards sport and physical activity.

[27] **Jenny Randerson:** Given the situation that you have just described relating to variety across Wales, what do you consider to be the strengths and weaknesses of local authorities' current discretionary powers in relation to cohort duties?

[28] **Mr Jones:** I suppose that the strengths of local authorities are local determination in terms of service provision, for example, that they will decide themselves the importance of relative services and activities for that population. The weakness is very much ours, for us and that relates to the fact that quite a number of local authorities, in times of difficulty and economic hardship, will simply look at giving priority to mandatory services rather than discretionary services. I think that there was an example of that yesterday. I am sure that many of you saw in the *Western Mail* what Steve Thomas, the chief executive of the WLGA, said:

[29] 'The shutting down of council-run leisure centres and swimming pools across Wales must be expected as a consequence of the financial crisis hitting local government, experts have warned'.

[30] Steve was quoted as saying,

[31] 'Over recent months we have already seen some very unpopular decisions being taken by local authorities with regard to the scaling down of non-statutory services such as leisure centres and swimming pools and more of the same is inevitable'.

[32] **Jenny Randerson:** Therefore, do you consider that legislation is the best way to achieve the Government's aim of improving the delivery of high-quality experiences?

[33] **Mr Jones:** Yes, we do. I think that it needs to be put very much on the same footing and looked at in the same way. I say that because I think that it would be overly simple to

look at things and say 'Education should be a priority' or 'Health should be a priority' or 'The environment should be a priority'. We all know that these are balance decisions, at the end of the day. I think that the time is now absolutely right, given the levels of physical activity that we have and the impact that that has on the population and on the national health service. In the Wales Audit Office report that you asked about right at the very beginning, it is estimated that the cost of the lack of physical activity is £650 million. We are not talking small potatoes here; we are talking about something that has a massive impact on the national health service. Of course, there is also the human tragedy of that. It has been estimated that there are something like 9,000 coronary heart disease cases each year in Wales and around about 30 per cent of those people die as a result of a lack of physical activity. That is 3,000 people each year. That is the same number of people that died in the 9/11 terrorist attacks on New York, but no-one jumps up and down about it, because we do not see it. It is a human tragedy that is hidden from us and it is not something that we see collectively on our television screens.

[34] **Jenny Randerson:** You mentioned earlier the difficulty of interacting with and influencing adults in terms of their activity levels. You say in your evidence that our culture does not readily facilitate the Assembly Government's call for increased levels of participation. How do you think that legislation will enable you to address those issues?

[35] **Mr Jones:** I think that what legislation will do is to look at a part of this. I do not think that it is a panacea and I do not think that we should look at it as the only answer. What it will do is that it will put duties on local authorities in particular to look at the issues, not just of provision, but opportunities and participation, the work of their sports development teams, how they join up together, how they involve their countryside departments and how they work with education on after-school activities. So, it is very much about looking at what opportunities can and should be created locally. Of course, it will not directly impact on things like social marketing schemes. I have spoken to a number of committees about those over the years. Lorraine was there at the culture committee meeting a number of years ago when we emphasised that we really need to have a look at social marketing if we are going to change people's attitudes.

[36] **Jenny Randerson:** Turning to children, whom you have talked about as a very much easier group to influence, you highlight the importance of the school environment in developing sporting behaviour in young people and children. The Children's Commissioner for Wales has raised concerns that there is no specific reference in this legislation to children's play facilities, and that adult definitions of sport and leisure might be assumed. Do you consider that children's recreational needs are appropriately addressed in the LCO, or do you think that they should be addressed more directly?

9.40 a.m.

[37] **Ms Hughes:** We think that this matter is for a proposed Measure rather than the proposed Order. Yes, we do think that it should be explicitly referenced, in the same way as for the rest of the population.

[38] **Jonathan Morgan:** May I be slightly awkward, Chair, and mix questions 11 and 12?

[39] **Michael German:** Absolutely.

[40] **Jonathan Morgan:** I will preface my remarks by stating how much I welcome the written evidence and what you have said so far. The written evidence is of a high quality. We are trying to encourage organisations to make recommendations to us about how matters within proposed Orders can be strengthened and amended, and I really welcome the recommendations that you have made in your written evidence.

[41] Touching on that point first, within the context of matter 16.4, you have suggested that the wording of the matter is not sufficiently strong, in that it merely encourages local authorities to support, improve and promote sport and recreational activities, whereas we ought to have something that touches on the provision of those facilities by placing a statutory duty in that regard. Can you expand on why you think that that is necessary?

[42] **Mr Jones:** When we look at this, we try to see the end result that we want to achieve in this matter. The fundamental issue has to be having more people taking part. So, we need to work back from that point. To do that, it is very much about ensuring that provision is made. Whether that provision is by the public sector, the voluntary sector or the private sector is of little concern to us, so long as the provision is made. We believe that there should be a duty on local authorities to adopt that enabler role to decide, given their circumstances locally, on the most appropriate type of provision. For example, in Ceredigion, there are significant partnerships between the local authority and the voluntary sector. In places such as Cardiff, Swansea and Newport, because of population density, it is much easier to work with the private sector. In other areas, the matter will be determined by the public sector. So long as provision is made, it is very much up to local determination.

[43] Also, we must make the best use of the resources that we have. That is why we are particularly keen to ensure that they have a duty to look at internal and external co-operation, as I talked about previously, to make the best use of resources.

[44] **Jonathan Morgan:** In its written evidence, the Association for Public Service Excellence said that it thought that matter 16.4 ought to include reference to play and parks within the context of a definition of recreation. When we look at the wording of matter 16.4, which runs:

[45] ‘the functions of local authorities in the support, improvement and promotion of sport and recreational activities’,

[46] we see that it does not narrow down the context of what it believes those activities should be. The association is clear that play and parks should be included. Would the sports council support that recommendation?

[47] **Mr Jones:** There are two separate issues here. The issue of play is slightly different. It is being dealt with through other legislative measures that are currently before the Assembly, such as the child poverty legislation. So, I think that consideration should be given to whether one would duplicate the work of the other.

[48] With regard to parks, I would not support that, because that deals not so much with an activity but a place. For me, the important issue is what takes place in parks. So, if you play football, rugby, hockey, or if people walk there, that is covered there. Parks are also involved in horticulture and so on, such as arboreta and other features. I do not, therefore, think that parks per se should be included in the definition.

[49] **Jonathan Morgan:** The broader issue, in addition to the association’s specific recommendation, is that it thinks that greater clarity is needed in what is covered by this particular matter. In addition to the recommendations that you have made about local authorities having a statutory duty of provision, and whether that is provided by them or they secure that provision from other partners, which is important. You have made recommendations with regard to encouraging co-operation, which you say is missing from the proposed Order. We need to reflect on that. I do not know whether that is an error by Assembly Government officials, but if that is the One Wales agreement one would argue that they should have considered that when drafting the proposed Order. In addition, is there a broader issue of clarity as to whether the definitions are strong enough to capture all those

aspects of recreation that should be included?

[50] **Mr Jones:** This is very much a matter for legislative counsels to advise on. The words ‘sport’ and ‘recreation’ have been used for at least 30 years to my knowledge, therefore there is an implication that the definition is fairly clear. However, that is something that you would need to check with counsel with regard to how clear it is.

[51] **Michael German:** I have asked the clerk whether the committee could have a note in relation to your comment about the situation in Scotland and Northern Ireland on the use of the word ‘provision’ in the legislative text, because the fact that we do not use it is important. We can even ask the Minister about it when we see the Minister again.

[52] **Jonathan Morgan:** You make reference to the issue in Scotland and Northern Ireland in your evidence. Can you expand on how you would like us to learn from these legislative approaches because they have quite different approaches to what we see in Wales? Should we be looking at those approaches to see whether they could inform us as to whether the proposed Order needs to be reformed or strengthened in any way?

[53] **Mr Jones:** Yes, I do—this is an important area. Historically, although there are more mandatory powers in Scotland and Northern Ireland than there are in England and Wales, the outcomes are not that different. So, we could not say that there are much higher rates of participation in Scotland and Northern Ireland than there are in England and Wales. Going back to the point that I made at the beginning, we believe that the reasons for that is the fact that there are no standards that underpin that provision. You could say to someone ‘You need to make provision’, but I could take the view that provision is made by one swimming pool and one football pitch, and someone else might say that it is five swimming pools, three pitches and an artificial turf pitch, or whatever. Unless there are standards that underpin this provision, that is a fundamental weakness.

[54] **Joyce Watson:** On the word ‘provision’, it does not really say anything. ‘Provision for who?’ would be my question. Unless you underpin the word ‘provision’ with the meaning ‘provision for all’ and make it equal, you could make it a very unequal provision in what is mainly a male-dominated political world.

[55] **Michael German:** We are talking here about the text of the matter which is to be adjusted or not. You have suggested that the word ‘provision’ should be included in the matter, and presumably—I do not want to put words in your mouth—you are suggesting then that we need to underpin that in the appropriate way within the legislation which follows, but if we do not have the word ‘provision’ in the text now, we will not be able to satisfy that legislative role fully afterwards. Is that what you want?

[56] **Mr Jones:** That is correct, Chair.

[57] **Michael German:** I did not want to put words in your mouth, but I wanted to be clear.

[58] **Joyce Watson:** Thank you for the paper, which made for good reading and included some great points. You raise concerns that matter 16.4 does not take into account fully the ‘One Wales’ commitment to increase access to participation in activities, particularly in encouraging co-operation between partners—you have already mentioned some examples of partners and partnerships. Why are those two aspects important to achieving Wales’s sporting and recreational aims?

9.50 a.m.

[59] **Mr Jones:** It goes back to the best use of our resources and ensuring that these issues are not just looked at in a singular and direct manner, that we do not have a tick-box approach in which we say, 'Let's do this, let's tick it off. This is the responsibility of the leisure department and no-one else'. If we are going to create opportunities, we need more joint working. That is the challenge in all areas of the public sector, whether we are talking about the Assembly Government, local authorities or even my own organisation. It is the most difficult thing that we have to do, because it is much easier to say, 'I'll do it myself and I will tick this off', but in the long term that has significant implications for resource provision and its impact.

[60] **Lorraine Barrett:** In relation to the arts, respondents to the consultation have raised concerns that they consider that there is insufficient focus on ensuring that local authorities work collaboratively. That took me back to the issue of provision, which was discussed earlier, when you said that it does not matter how it is provided, and that it could be through different sources. Can you give us some idea of how you think local authorities already work collaboratively, or how they might effectively do that? That also made me think of something that was on the radio this morning about the Powys local authority talking about working with the local health board. This is probably not for the proposed LCO, but it made me think that, within health, in doctors' surgeries and the new resource centres, they are looking at working with local authorities so that they can give prescriptions for people to go for a swimming session or go to the gym, and widen things out. I added the bit about health because I thought about it this morning. Can you give us your thoughts on working collaboratively?

[61] **Ms Hughes:** There are a number of examples already in the sport and physical recreation sector in which local authorities and other partners are working collaboratively. A good example of that is the North West Wales Outdoor Partnership in which a number of bodies, such as the local authorities of Ynys Môn, Gwynedd or Conwy, work together alongside the Sports Council for Wales, the Countryside Council for Wales, Plas y Brenin and education providers to improve the opportunities for the local people of north-west Wales to achieve their potential through outdoor pursuits. That is a good example of bodies coming together that has been operating for the last three or four years. There are also other fora in which local authorities are sharing practice and knowledge, whether they involve chief leisure officers or regional fora. They are also important. It is not just about the physical infrastructure and people coming together, but the sharing of good practice, knowledge and ideas also makes for efficient ways of delivering a service.

[62] **Lorraine Barrett:** Can you say something about whether you think legislation is needed to ensure that local authorities collaborate wherever possible or can we leave it to them to take sensible routes whenever possible?

[63] **Mr Jones:** I would prefer to see it in the legislation, because the expectation becomes much starker. It is easy for me to say that, because I will not be operating that legislation, but it is better to include it. Levels of co-operation will vary across the culture portfolio. For example, the point that you made about the arts council's evidence is interesting, where there is collaboration with many of the facilities that are provided, because many of those facilities tend to be regional facilities. In sports, many facilities tend to be community facilities, so there is much less need for collaboration when you have three, four or five sports centres or swimming pools in a particular authority. The only time that you will need collaboration is with a regional-type facility. There is less co-operation in terms of the direct provision in the sporting field than there is in the arts.

[64] **Lorraine Barrett:** Is there an opportunity for procurement to be shared across authorities?

[65] **Mr Jones:** There probably is and I think that there could be more. All of us in the

public sector could do more on the procurement side. I do not think that you can ever really say that we do enough.

[66] Other good examples are the various sports development teams that work together. There are some strengths. The south-east Wales sports development managers get together, share practice, and undertake joint training. That is a very good example of joint working that has not been forced upon them; they just felt that they needed to learn from each other. That is something that, generally speaking, we do not do very well. We do not share good practice very well. People are reluctant and hide their light under a bushel too often, and sharing good practice is something that we are putting a much bigger emphasis on in our work at present.

[67] **Michael German:** I will now come to the catch-all end questions, which is where you put your cards on the table. The real question that we are interested in is whether the LCO itself is too narrowly or broadly drawn. You have already told us that you want to see the wording in one of the matters altered to include the word 'participation'. Are there any other matters where you think that the wording should be altered in this document?

[68] **Mr Jones:** I think that we have already touched on some of those. The issues of participation, provision and co-operation need to be given some thought.

[69] **Michael German:** Thank you very much. That is very helpful. Do you consider that the proposed LCO is broad enough to take legislative action in relation to cross-cutting cultural activities where there might be an issue between culture and leisure, or cultural tourism, and sporting tourism? Is this LCO sufficiently broad to enable legislation to take place in those areas?

[70] **Mr Jones:** I think that that depends on what the Welsh Assembly Government wants to achieve from it. Many of the issues that we have discussed this morning have been very much about individual and community activities and the benefits for individuals and communities. If we start to look at other areas, such as cultural tourism, sports tourism or whatever, we will see that the rationale is slightly different; we are talking about economic development benefits and provision for other people from outside the community within our communities. That is a slightly different matter. Therefore, some consideration needs to be given to what we want to achieve before we can answer that particular question.

[71] **Michael German:** I will not let you off the hook quite as easily as that. When you have the opportunity to drive forward a legislative competence for Wales, do you believe that you should use this opportunity for the things that you have just described?

[72] **Mr Jones:** I think that there are benefits in doing that, Chair, but I would be content with the LCO as it stands.

[73] **Michael German:** Thank you very much for your evidence on behalf of the Sports Council for Wales. I echo Jonathan's words in saying that it was extremely well written and very helpful to us to shape the changes and to question the Minister when we see him again. I thank you both.

*Gohiriwyd y cyfarfod rhwng 9.58 a.m. a 10.04 a.m.
The meeting adjourned between 9.58 a.m. and 10.04 a.m.*

[74] **Michael German:** I reconvene the meeting. I apologise for the small break in the proceedings; we had trouble finding Mr Capaldi, although he was here at 9.30 a.m., so it is entirely our fault.

[75] I welcome you here this morning, Mr Capaldi. What we are trying to do is to see

whether this proposed legislative competence Order is appropriate and broad enough to do the work that may need to follow from it. For the record, can I confirm whether the Arts Council of Wales supports this proposed legislative competence Order, and the reasons for your support or lack of support?

[76] **Mr Capaldi:** Thank you for the invitation to appear before you. We support the legislative competence Order, and that is because we believe strongly that the arts are important to civic life, for a number of reasons. They add to the quality of our lives, they make towns and cities better places in which to live, and they bind together communities in our rural areas. If one takes a wide-ranging definition of the arts and creative industries, then recent research by Cultural and Creative Skills has shown that, in 2008, over 24,000 people were employed in the sector, and it contributed £465 million to the economy of Wales. We believe that this is a sector that deserves the close attention of local government, and that strategies at a local level for sustaining and growing this activity are important.

[77] **Michael German:** In your evidence, you say that it is difficult to get an accurate view of what is happening across all local authorities in Wales. How can you reliably assess what is happening?

[78] **Mr Capaldi:** We can do so in a number of ways. We meet on a bilateral basis with all of the local authorities across Wales. We have a good and positive relationship with the WLGA. We have an annual survey of local authorities, although unfortunately we do not always get completed returns from all 22 of them. We have a broad knowledge across Wales, and a detailed knowledge in certain local authority areas where we have good and developed relationships. Taken together, that gives us a reasonable view of the strength and the health of the arts in Wales.

[79] **Michael German:** Jenny, did you want to ask a supplementary question on this?

[80] **Jenny Randerson:** Yes, Chair. I was disappointed by the lack of detail in your written submission, because I am aware that those figures exist, and have existed for many years. They may not be entirely accurate, because I know that, no matter what part of local government you try to judge, they will measure things differently, and it is difficult to get totally accurate statistics. However, I wanted to ask about the fundamental issue of the spend per head on cultural activities across Wales. My recollection is that, going back 7 or 8 years, if you compare the Welsh local authorities' spend per head with England's, it was much lower, although overall spend per head on culture in Wales is higher, because the Welsh Assembly Government makes up the difference. Is that picture still accurate? Is there still a low spend per head, with a great deal of difference between one local authority and another? I know that spending is not the whole story, but it is at least an indicator.

[81] **Mr Capaldi:** Yes, that picture is broadly the same. What we have noticed from the surveys over the last three years is that spending has remained relatively stable, although in our conversations with local authorities they have indicated that next year, and certainly from 2011 onwards, there will be serious difficulties. Just to fill in a little of the detail that you were asking for, we survey annually and in 2007-08, which is that last set of surveys that we completed, we had 18 returns from the 22 local authorities. From that we know that the 18 authorities that we surveyed are recording expenditure of £30.7 million on arts and cultural activity, and we have estimated that if we had had all 22 returns, that would have amounted to £37.5 million. Local authorities were employing 1,584 staff at that time, and only one local authority that we surveyed did not have a strategy for the arts. The others either had an arts strategy or the arts were referenced within a departmental or cultural plan.

[82] **Michael German:** I wish to go a bit broader on that. You have collected this information, and you have given us a fairly broad picture. On that inconsistency between one

local authority and another, have you seen a pattern emerging, or are the same local authorities doing the same things every time?

10.10 a.m.

[83] **Mr Capaldi:** There is a pattern. There is a degree of nervousness about publishing individual local authority data on a local-authority-by-local-authority basis. Our agreement with the WLGA is that we will not do that and that we aggregate the figures, but we work with the WLGA on the detail of relationships with local authorities. The very clear picture is that if you are a local authority that has a clear plan for the arts and have senior members and officers with responsibilities for the arts, by and large, you are going to be a higher spender in general terms, the level and type of provision will be more varied, and the leverage that you achieve as a local authority, particularly in terms of arts council funding, will tend to be proportionately higher.

[84] **Bethan Jenkins:** Diolch am ddod i roi tystiolaeth i ni heddiw. Yr ydych yn dweud y dylai fod gan bob awdurdod lleol strategaeth gelfyddydol a bod un gan y rhan fwyaf ohonynt. A allwch danlinellu sut y mae'r awdurdodau lleol yn penderfynu ar y blaenoriaethau o fewn y strategaethau hynny a sut y maent yn amrywio o un awdurdod i'r llall?

Bethan Jenkins: Thank you for coming to give evidence to us today. You say that every local authority should have an arts strategy and that the majority do. Can you outline how local authorities decide on the priorities within those strategies and how they vary from one authority to another?

[85] **Mr Capaldi:** A lot of it depends on the level of detail in the strategy document. Some strategies focus exclusively on issues to do with the arts and are very detailed. Other strategies, because they are wrapped up in a broader view of culture, tend to be less detailed. How authorities make those decisions depends largely on the type of provision that exists in that local authority, because, by and large, local authorities will support the arts through one or more of several different measures. Those will include direct provision, as they will either be the manager or owner of buildings; the direct promotion of the arts; the employment of teams of arts development officers who work in the locality, developing the arts; or grant-aid programmes. So, it is difficult to talk about a single approach. I think that local authorities and members weigh up all the different facets of their work when deciding on priorities, and it always comes down to the availability of funds and the fact that it is a discretionary area of local authority expenditure. Those issues are nearly always the decisive ones for local authorities in their planning.

[86] **Bethan Jenkins:** Yr ydych wedi sôn am y mecanweithiau gwahanol a ddefnyddir gan awdurdodau lleol wrth iddynt roi'r strategaethau hyn at ei gilydd. A ydych yn poeni bod gwahaniaethau mawr? Fel yr ydych yn ei ddweud, mae gan rai ardaloedd dimau celfyddydol ac mae rhai eraill yn blaenoriaethu mewn ffordd wahanol. A ydych yn rhoi cyngor i CLILC neu'r cynghorau lleol ar gysondeb?

Bethan Jenkins: You have mentioned the different mechanisms employed by local authorities in coming up with these strategies. Do you worry that there are big differences? As you have said, some areas have arts teams and others prioritise in a different way. Do you advise the WLGA or the local authorities on consistency?

[87] **Mr Capaldi:** There are several ways of doing it. We talk to the WLGA about corporate policies, we talk to individual local authorities about activity in their area, and we try to move towards partnership agreements with local authorities, whereby we can share a joint view of what we, as the arts council and the local authority, are going to support between us. In several cases, particularly with funded organisations, we and the local authority will be

joint funding partners of an activity, so that makes us natural partners. If you look across Wales, you will see that there are huge variations in the level, type and nature of arts provision. That is usually for very good reasons, but they are variations nonetheless. There is not really a single, consistent Wales-wide approach that would necessarily change that, because you have to work with local authorities on an individual, case-by-case basis to improve and develop what is happening in their locality.

[88] **Bethan Jenkins:** Mae'r cwestiwn nesaf yn gysylltiedig â pham yr ydych yma heddiw yn rhoi tystiolaeth. Ai deddfu yw'r ffordd orau o hybu ansawdd yr hyn sy'n cael ei gyflenwi gan awdurdodau lleol, ynteu a oes ffyrdd eraill o wneud hynny, er enghraifft drwy gael cytundebau gwirfoddol neu drwy weithio'n well gyda mudiadau allanol, ac yn y blaen? Ai deddfu yw'r peth gorau i'r Llywodraeth ei wneud ar hyn o bryd?

Bethan Jenkins: The next question relates to why you are here today giving evidence. Is legislation the best way forward to promote the quality of what is delivered by local authorities, or are there other ways of doing that, for example through voluntary agreements or through better collaboration with external organisations, and so on? Is legislation the best way forward for the Government at the moment?

[89] **Mr Capaldi:** It would bring matters into a sharper focus, because—and I am choosing my words carefully—there would be some elements of obligation or compulsion in those areas. To take our annual return as just one example, we have a voluntary agreement with the local authorities that they will complete and return that information. We have never succeeded in getting more than 18 out of the 22 local authorities to do that. That means that there is a significant hole in the information and the data that we have. The information that we ask for is very light touch; it is not that difficult to compile. However, there are still local authorities that, for whatever reason, either cannot or simply do not want to provide the information. That is just one example of where I believe that if things were put on a more formal basis, we would improve the knowledge and the information about what is happening. That is the crucial first step for making improvements and changes.

[90] **Jonathan Morgan:** Your evidence seems to be quite broad, for example in respect of what you have outlined about the benefit and importance of the arts, what local authorities are already subject to with regard to scrutiny, and the work that you do with local authorities. I will pin down a couple of specifics, if I may. Some of the respondents to our consultation exercise said that there ought to be more emphasis on collaboration between local authorities. Is there, in your view, collaboration between local authorities at the moment? What benefits may accrue as a result of that collaboration? Do you think that something of that nature should be referred to specifically within the text of the proposed legislative competence Order?

[91] **Mr Capaldi:** There are some very good examples of local authorities working together. The particular example that I would use is the ArtsConnect initiative, which is a consortium of local government services in the south-east Wales Valleys, which is working with us as the Arts Council of Wales and the Welsh Local Government Association to try to adopt new approaches towards shared services, the sharing of expertise and the sharing of knowledge. It includes the local authorities of Blaenau Gwent, Bridgend, Caerphilly, Monmouthshire, Merthyr Tydfil, Torfaen and Rhondda Cynon Taf. There are some quite ambitious, interesting and innovative ideas as to how local authorities can share expertise, programming knowledge, purchasing power—for example in bringing into a region activity that would not otherwise be available—and, particularly, share expertise on arts and community development, where different local authorities, over time, have developed different skills and different levels of expertise. So, we would strongly support the encouragement of that type of activity.

[92] **Jonathan Morgan:** You say in your evidence that you would support the

encouragement of collaboration. When talking about encouragement, are you talking about something that is on a non-statutory footing, or would you prefer to see the wording of the proposed legislative competence Order include something along the lines of ‘collaboration between local authorities’?

[93] **Mr Capaldi:** We would prefer to see that included in the wording.

[94] **Jonathan Morgan:** Sticking to the detail of the proposed Order, arts and cultural activities are confined to matter 3.1. What view does the Arts Council of Wales have on the wording of matter 3.1?

10.20 a.m.

[95] **Mr Capaldi:** The wording is limited and it would leave out a number of important areas. If it were restricted to the wording as it stands, one could immediately see the potential for confusion about the pairing of arts and crafts. Does it mean just the visual arts? Does it include the performing arts, music, theatre, dance or drama? If one were then to include the whole area of the creative industries—which we would certainly suggest it should—that would bring a whole additional level of detail. In generally accepted definitions, there are 13 industry areas that are generally considered to be part of the creative industries. Those are: advertising, architecture, art and antiques, computer games, design, designer fashion, film and video, music, performing arts, publishing, software, and television and radio. If one took the whole of that creative industries definition, there would be difficulties with regard to agreeing or deciding the right point of intervention with regard to public bodies and public services because a great deal of this activity exists in the commercial domain, but the boundaries are getting increasingly blurred in the relationship between commercial activity and publicly funded activity and the one often feeds off the other.

[96] **Joyce Watson:** Good morning. You refer to flexibility and the need to reflect local patterns of activity and investment. Can you explain how local needs and provision have developed in relation to the arts and how that has resulted in a variation in provision?

[97] **Mr Capaldi:** Many of the variations sometimes have deep-rooted cultural origins, and if one looks across at the valleys of south-east Wales the proliferation of the miners institutes and those incredible cathedrals to culture owe their origins to the impetus of the local community, which, at the turn of the last century, set out to build and create those buildings from within its own resources. Elsewhere, that tradition has been less strong, and, particularly in the latter part of the last century, local authorities began programmes of civic building. However, that came from the local authority rather than the impetus of individuals, so we have a patchy picture across Wales in that, in certain parts of Wales, we have well-established, long-established, much loved buildings—and many of them—while, in other parts of Wales, particularly in rural Wales, there is a high dependency on volunteers and amateur and community groups, which are promoting and sustaining activity on a smaller scale. For obvious reasons, there are also huge levels of differentiation between cities and rural areas in Wales with regard to the level and type of arts provision.

[98] **Jenny Randerson:** I think that my question relating to matter 3.1 has been answered, so I will move on to the next question. In its evidence, the Sports Council for Wales stated that the current wording should be strengthened to ensure that the provision of facilities and activities is included. Would you agree that there should be a similar requirement for the arts?

[99] **Mr Capaldi:** I would certainly agree with a similar requirement, and I would perhaps go further with regard to the idea of what provision is. One of the things that we are very keen to do is encourage more initiatives that enable people to take part in the arts. In the legislation as currently drafted there is nothing about participation. There is a great deal about provision,

support, improvement and promotion, but something that encourages participation in the arts would be very important for this piece of legislation.

[100] **Jenny Randerson:** In your evidence, you talk about the cross-cutting nature of culture. Does the LCO adequately acknowledge this? Will it enable culture to develop across the whole range of Government agendas?

[101] **Mr Capaldi:** As it is currently defined, it will not. This is partly because the definition itself is, as I said earlier, rather limited. There has to be greater acknowledgement. When we survey local authorities, we ask which departments across the authority are investing in arts activity. It is a wide range of around 12 different parts of local government, from economic development through to tourism, education, and social services. All of those areas are investing in the arts for the benefit and to the benefit of the people in that area. So, it is important that that pattern of provision continues and that those linkages across areas of local government continue. We believe very strongly that the arts are ideally suited to helping local authorities to develop and to deliver their priorities across a wide range of different policy areas.

[102] **Jenny Randerson:** I would like to ask a supplementary question based on your answer, but which also refers to something that you talked about earlier. You talked about a variety of approaches across local authorities; you also said that you only ever got 18 out of 22 replies. Is that the same four or five who never reply and therefore symptomatic of a fundamental failure within those particular authorities in respect of the arts, or is it a different set of local authorities that do not reply each time and therefore symptomatic of a general approach across the whole of local government? Do not name names.

[103] **Mr Capaldi:** It does vary. We have been down to as few as 11 returns from local authorities in one year. However, there are one or two—and I will not identify them—that have been persistently difficult to get information from.

[104] **Michael German:** Jonathan has a supplementary.

[105] **Jonathan Morgan:** Thank you, Chair. This relates to the terminology, particularly the suggestion by the sports council in an earlier session that the word ‘provision’—as Jenny mentioned—be included so that local authorities are charged with securing the provision of facilities. I can see the benefit of a local authority being in a position where it secures the provision, whether that is within the public, private or voluntary sector, of a range of sporting and recreational facilities. Very often, it is easy to provide a range of facilities under one roof. However, you talked about the definition of what constitutes ‘arts and crafts’ and matter 3.1 refers to

[106] ‘museums, galleries and libraries, arts and crafts, archives and historical records, and cultural activities and projects.’

[107] In addition to those areas that you listed, that is a massive range of very diverse activities, more diverse than what would normally be provided within sports and recreation. Do you think that it is a serious proposition that securing the provision of those services ought to be included in matter 3.1?

[108] **Mr Capaldi:** I think so, particularly the area that I am concerned about, namely the arts. I know that there are colleagues who will argue for those other areas and domains, but the more complex the area, the more it crosses different local authority departments and the more difficult it is to pin down, then the more important it is that there is a strategy that defines the view and defines the approach. It does not mean to say that the strategy itself has to be identical in every case, because it is very important that the strategy reflects local

consultation and engagement with people and communities on the ground. However, unless you have a strategy and unless you are communicating what the priorities are in those areas, then you will always flounder and these areas will always get lost within the broader responsibilities of a local authority.

[109] **Michael German:** We now come to the really technical stuff, because, in a sense, we are interested in whether the words in these matters and fields described in the Order are sufficiently broad—or too narrow—to encompass the issues that you have raised with us today in any future legislation from any future Government. I take it from everything that you have said that you believe that they are too narrowly defined.

[110] **Mr Capaldi:** Yes.

10.30 a.m.

[111] **Michael German:** Since that is not clear in your written evidence, although you have mentioned it today verbally, I invite you to provide a supplementary note to this committee on those parts of the proposed Order in which the wording is insufficient to meet the requirements of any future legislation in those areas. As we have a tight timescale, I ask you to provide that supplementary note by the end of next week so that the committee can take note of it when questioning the Minister and in our final deliberations on our report to the National Assembly. Are you content to do that?

[112] **Mr Capaldi:** Yes, and may I apologise for not giving sufficient detail in advance? I am never quite sure of what level of granular detail to go into, but we certainly have this information and I can make it available to your clerk by the beginning of next week.

[113] **Michael German:** Thank you very much. We have already received evidence from other organisations suggesting that we amend words, and I would like to get that firm information from you in note form, if possible.

[114] On the proposed LCO's breadth, you said that every local authority should have the necessary expertise to support and develop the arts. Do you consider that the words as written here would enable the Minister to address through legislation your wish that every local authority have the necessary expertise to support and develop the arts?

[115] **Mr Capaldi:** No, and I need to reflect on how to encapsulate the concept of specialist arts expertise in how it achieves the objectives of encouraging greater activity without unhelpfully tying the hands of local authorities, as regards their being able to appoint and manage their own staff. I will include that in my note.

[116] **Michael German:** In your note, could you address that specifically to the fields and matters and words in the proposed Order? You may just suggest adding a few words, but there may be a wealth of background information that you wish to provide with that.

[117] **Mr Capaldi:** I will certainly do that.

[118] **Michael German:** Thank you for coming this morning, Nick, and for giving us your views. You have led us to think more about the breadth of this proposed Order and we will reflect on that when we receive your note.

[119] We now move on to the Welsh Local Government Association, the representatives of which have been sitting quietly in the wings. I welcome Dr Chris Llewelyn who is the director of lifelong learning and leisure, Rona Aldrich, policy officer for culture and leisure, and Peter Gomer, the assistant director for community and leisure at Caerphilly County

Borough Council. I will start with the first question. Just to get it on the record, does the WLGA support this proposed LCO? If so, why? If not, why not?

[120] **Dr Llewelyn:** I thank you for the opportunity to take part in your deliberations and to respond to the consultation on the proposed LCO. We welcome the aims and aspirations of the proposed LCO, particularly its focus on the central role of local authorities in the provision of arts and culture generally and of sport and leisure. We support its aim of improving the scope and quality of provision, and its emphasis on equality of access. Our concern, however, is primarily over the timing of this initiative and the wider economic climate. While we welcome the aims and aspirations, the wider climate could be more conducive to what is proposed here.

[121] **Michael German:** Could I narrow that down? Are you saying that you support the principle of asking for the powers, but you do not necessarily want to see legislation at this time?

[122] **Dr Llewelyn:** We think that the current financial climate makes it very difficult for authorities to contemplate taking on new responsibilities. There is a long-standing understanding between central and local government that any new duties placed on local government will be accompanied by appropriate levels of funding. In this instance, if we get to the situation of drawing down Measures, I think that significant further discussion would be needed on the definitions and detail of what is intended. We would want to see significant further discussion before we got to that stage.

[123] **Michael German:** You can see what I am trying to do. I am trying to separate your attitude towards the legislation that might or might not follow from this and the drawing down of the powers. Do you think that the powers are broad enough or wide enough, or should they be more narrowly defined? That is the 'yes' or 'no' answer that I was trying to get at.

[124] **Dr Llewelyn:** In our submission, we state that do not oppose the drawing down of the powers.

[125] **Michael German:** Thank you very much.

[126] **Jonathan Morgan:** I have two very brief supplementary questions. You represent 22 local authorities. After the discussions that I am sure you had with those 22 local authorities, can you tell me how many of them were in favour of this power being transferred, how many were against it, and how many were indifferent?

[127] **Dr Llewelyn:** In the discussions that we have had with the 22 authorities, we present a collective view. The 22 authorities may provide their own separate submissions as well, and I understand that several of them have done so. I am not in a position today to give you the kind of detail that you are requesting about individual authorities.

[128] **Jonathan Morgan:** As the WLGA represents the 22 local authorities, I think that it would be quite useful to know what the views of those local authorities are. If it is a collective view, as you say, is that based on the majority of local authorities being in favour of this power being drawn down? In particular, what meetings and discussions took place with the leader of the Welsh Local Government Association? I am assuming that there were discussions with elected councillors and those who lead the organisation.

[129] **Dr Llewelyn:** There were. There is significant discussion with all 22 authorities, but, as you will be aware, the association gives evidence to various Assembly committees on an almost weekly basis. So, when we give evidence, it is very often a collective view of the 22 as a whole, rather than the individual views of each constituent authority. However, we can

pursue the specific issue that you asked about and provide you with that information.

[130] **Jonathan Morgan:** What I am trying to do, Chair, is get it clear in my mind whether this is the view of the Welsh Local Government Association or of the members of that association which, of course, are instrumental. It is on them that this duty would fall and they would have to comply with it, if it were to happen.

[131] **Dr Llewelyn:** It is the collective view of the association, based on existing WLGA policy and the consultation mechanisms that we employ in circumstances such as this.

[132] **Ms Aldrich:** I think that, as you have identified, there are two sides to this. I think that it would be useful to know whether you are asking about the principle or the detail of what is proposed. So, there may be two questions to ask.

[133] **Michael German:** The reason I asked my first question was because you suggested in your evidence that there are alternative approaches that could be used instead of legislation, in which case, we would not need the powers. You have been clear that you are not opposed to the powers coming to Wales—which is not the same as being supportive—but that you believe that there might be alternatives to legislation. Could you outline what you mean when you say that you could achieve the same outcome in a non-legislative and non-statutory way?

10.40 a.m.

[134] **Dr Llewelyn:** Yes, various mechanisms are employed to deliver the strategic aims of central Government, under the relationship between central and local government. For example, there is discussion between the Assembly Government and local government on a document called ‘A New Understanding’, which broadly defines the nature of the central/local relationship. This is being discussed by the WLGA’s council tomorrow, as it happens. As part of that discussion, there is the suggestion of having outcome agreements, which would be used to hold local government to account on its service provision across a range of areas. That discussion is progressing at the moment on the field of education. The operational detail is not finalised yet, but there is a general understanding of what is intended through the outcome agreements.

[135] There are other similar mechanisms, too. There is the performance measurement framework, and I think that one of the submissions that you have received talks about the local authorities’ power of wellbeing. The range of mechanisms currently in place could be used to deliver these outcomes. Similarly, there is the children and young people’s planning process, for example. That process is intended to create a plan that sets out the framework for delivering all services for children and young people within the confines of a particular authority. Again, that would be a way of feeding into the system and achieving the intended outcomes.

[136] **Michael German:** Would the processes that you have described be sufficient to deal with the issue that the arts council has raised with us, namely of not being able find out what is happening in local authorities?

[137] **Dr Llewelyn:** The arts council has a separate range of concerns, and, as a starting point, we need to ascertain what exactly the arts council wants to find out and what relationship there is between the information that it seeks and the outcomes. Further discussion would be needed on that point, but I am not certain that the two are directly related.

[138] **Bethan Jenkins:** The proposed Order aims to enable flexibility across Wales to reflect local authorities’ own needs. In what ways do you consider that flexibility is needed in

the provision of cultural activities?

[139] **Dr Llewelyn:** My colleagues may want to come in on this question, but I will make a start on it. I mentioned children and young people's plans and, if they are meant to be the main mechanism for providing services for children and young people within an authority, they should include elements of culture, leisure and sport provision, and there would have to be a close relationship in that instance. However, there are other planning mechanisms as well. The reality is that circumstances vary between authorities. The socioeconomic circumstances vary, as do historical positions, and there are demographic and geographic differences. There are also traditional differences in service provision. All those local circumstances and needs would have to be taken into account.

[140] **Bethan Jenkins:** Following on from that, the arts council seemed to suggest that the disparity may result in different areas providing different services of varying quality. That was how I perceived it. Have you managed to deal with that sufficiently as an association, or do you have examples of best practice that you share as an association that could be given to the arts council, so that it has the information that it needs to feed it through to the Government?

[141] **Dr Llewelyn:** I can sense that Peter is itching to come in, but I will comment first. I understand the arts council's concerns, because of the particular remit that it has. However, I think that it, in turn, needs to understand the role that local authorities fulfil, the relationship between local authorities and their electors, the planning process and the issues of sensitivity. Local authorities provide services as part of a wide assessment of need within the authority, which, as I mentioned earlier, vary from authority to authority. So, as much as the arts council would like to see a uniform pattern of provision and a uniform assessment of provision within authorities, it can lead to a misleading and confusing situation. To just look at one measure of provision, such as spend per head, is potentially distorting. For example, local authorities such as Newport and Powys have similar populations, but because of differences in population densities, the distribution of the population and so on, their costs would vary significantly. They can provide the same scope and quality of service, but incur very different costs. Sometimes, those things can be overlooked, and a headline figure can distort the debate and present a false picture of what is happening.

[142] **Mr Gomer:** I very much support that. For example, even in my authority of Caerphilly, the Caerphilly basin area very much links into what happens in Cardiff. Therefore, spend on theatre there would not be the same as in the north of the valley. You heard Nick talking earlier about the connections group being very much based on the Valleys initiative. Cardiff and Newport are not part of that, because their delivery, particularly around arts facilities, would be totally different to needs within the Valleys areas. So, that flexibility needs to be built in. The work that we do with the arts council reflects that. It is unfortunate that the 22 local authorities do not respond. Part of the reason for that, as Nick said, comes down to staffing levels within authorities to take responsibility for the arts, but that is another issue, as opposed to what the authority delivers. However, it is essential that we have that flexibility. What we are talking about in city areas, such as Cardiff or Newport, and tourism areas, such as Pembrokeshire or Carmarthen, may be different to what we do in the Caerphilly area.

[143] **Bethan Jenkins:** I have one more question, before I have to leave. We have not touched on it with others who have given evidence, but how do you use Communities First strategies in relation to what you do on a cultural level? Do you have targets that correspond to cultural duties in local authorities?

[144] **Mr Gomer:** Again, it is not uniform. I am pleased that you have touched on the Communities First areas. I mentioned flexibility and local determination, which comes

through the community strategies that every authority must have in place. Those community strategies are developed through community partnerships—not just Communities First partnerships. We have other community partnerships—my authority has 26 of them. In identifying need within their area, they will identify the need in terms of culture, leisure activities and so forth. That reinforces the idea that we need flexibility, even if we have legislation, to meet those local needs.

[145] **Jenny Randerson:** In your evidence, you highlight the variation in local authority provision, which we have just discussed in considerable and very useful detail. I very much appreciate Peter's examples and understand the points made. Can you expand on why you consider this to be due to a historical legacy? You have talked about the importance of conflicting pressures and the different geographical set-up, but can you highlight the issue of historical legacy, individual local authority finances and local priorities, set against the possibility that there might be a lack of local will to do anything about it?

[146] **Dr Llewelyn:** It is related to many of the points that I have already mentioned. The historical legacy reflects the fact that the current configuration of local authorities has not always been in place. The current arrangement has been in place since 1996, but there were reorganisations prior to that. The current pattern of local authorities has an impact on provision because authorities will have inherited a level of provision, for traditional revenue funding and the level of capital investment, from previous authorities, which may or may not be appropriate in terms of current provision.

10.50 a.m.

[147] The revenue element is interesting, because the standard spending assessment formula, according to which local government is funded, often reflects historical spend over a period of time, and, because of the way that the formula works, spending in one authority can have an impact on the funding that is available for another authority in a later year. So, there is a complex relationship there. However, the historical dimension is primarily because of the various reorganisations that have taken place.

[148] The other element is the circumstances of the local authority. The local determination refers to the various planning processes that I mentioned earlier: the community plans, the children and young people's plans and so on, and authorities responding to demand, consultation and patterns of spend within their areas. The other big element is circumstances within the other statutory services that local authorities have to provide and their relationship with the funding settlement that each local authority receives every year.

[149] **Mr Gomer:** It is important that we recognise the historical aspect; not only have we come into a new regime with unitary authorities, but we must remember that, in Wales, for over 20 years before that, we had two authorities working in the same area. You had an education authority and a district authority. In some areas, the relationships and the collaboration were fantastic, so, in those areas, you would see a lot of joint provision and a lot of the community-focused schools that we now talk about already in existence, almost, with joint use of leisure facilities and community college-type set-ups, with adult education and youth services.

[150] In other areas, where there appears to have been a lack of collaboration previously, you will have white elephants of buildings that stand alone out in the community and serve no educational purpose. They serve a purpose for the community, but they are expensive to run. If you look around Wales, you will see them dotted around the landscape. That is because of over 20 years of development. There have been a fair number of years since 1996, but the sheer cost of change, changing mindsets and moving forward is a long-term feature. I listened to Nick Capaldi carefully and he was right to say that, if you look at the Valleys with their

miners' institutes or areas with leisure facilities, you will see that historical legacy. Whatever we want to try to do for the future and whatever route we want to take, we must recognise that it will take a substantial amount of funding and of will to change from what, in many cases, could be 50 years of legacy, going back to the community college days of the 1950s. It is important to recognise that.

[151] **Jenny Randerson:** You suggest that, if minimum performance standards are set through legislation, it could have the opposite of the desired effect. In other words, it could lead to levelling down to the lowest common denominator rather than an improvement. Can you explain why you think that that might be the case? In all sorts of statutory services, there are performance standards and I assume that, in general, they must work to improve standards, otherwise they would not be repeated across a number of services.

[152] **Dr Llewelyn:** Again, I will come in first and my colleagues may then comment. We are alluding here to the point raised in paragraph 16 of the explanatory memorandum, namely the issue of where the standards are set. If there are some authorities where there is the local demand and tradition of a high level of service provision, I do not think that anyone would want to see that level of provision diminished in any way. Even across the statutory services, the position varies depending on local and historical circumstances and so on.

[153] **Mr Gomer:** To go back to a question that was asked earlier about our awareness of what 22 authorities' feelings are on this, I can go back a number of years to when we started to look at the actual spend of each local authority on cultural activities. The greatest fear that everyone had in giving their details to the arts council was that they would become public. Those most concerned were not the ones who were spending the least amount of money; the greatest concern lay where they were spending the most. There is evidence, over the last four or five years, of a change of leadership, staff and so forth leading to a significant change in how much the authority now funds. If you were to track the four or five years of funding, you would see those changes. I will not name those areas, but clear evidence exists. As Chris said, where the standards are set is absolutely crucial. We cannot take our mind off the recession at present, so were we to introduce standards now, those not spending up to the standard would have a lot of reasons for why not, and those spending over the limit could say to people, 'Great; we don't need to do that'. You will have already seen lots in the press about whether we should be delivering statutory or discretionary services, but if we come down to that lowest common denominator, that will be the level that we set. The critical issue throughout the legislation is where the standards are actually pitched.

[154] **Jenny Randerson:** Is there not a danger in the current recession that, because it is discretionary, it could disappear considerably from the local government landscape?

[155] **Mr Gomer:** That is a constant and daily worry. [*Laughter.*]

[156] **Dr Llewelyn:** That is the problem with competing factors in the current circumstances. We have heard from the Assembly Government and from the Westminster Government, and there is considerable public debate about the prospect of funding cuts over future years and, inevitably, individual authorities will have to focus on their statutory services.

[157] **Jonathan Morgan:** I will just pick up on that, because it touches on a question that I was going to ask later. This is quite an interesting academic discussion about where and if a duty should be placed, and whether or not having discretionary provision of services by a local authority, or a statutory obligation, leads to the best results. As you said, a statutory obligation runs the risk, in essence, of levelling down where a local authority may be spending very well at the moment. It is difficult for us to know at this stage. The proposed Order is worded, in a broad sense, in a very similar way in relation to cultural activities,

sporting activities and recreation. I am very keen for us to have a greater understanding of where we think that the proposed Order should be amended in a way that produces, potentially, the best outcome. I sense from this that local authorities like the fact that they have the discretionary ability when it comes to the provision of some of these services. We know that, in economic difficulties, it is an area where it is easy to cut public expenditure; they simply can do it. It is very difficult to cut a statutory duty. I am very keen to understand further where you think that this proposed Order should be amended to reflect some local authority concerns.

[158] **Dr Llewelyn:** Our view is that further discussion is needed on a range of aspects of the proposed Order and any subsequent Measures. In the evidence that you have received to date, and in some of the earlier discussion, there seems to be a level of understanding in terms of the high principle behind what is intended in terms of achieving better outcomes, but once it gets to the operational detail there is less clarity about what we mean by the arts, culture, leisure and sport, and the question of provision and support.

11.00 a.m.

[159] There are considerable challenges in getting into the detail that would resolve some of the difficulties that you identify. Those difficulties were highlighted in the discussion on the Stephens report, and the people involved with that report also found it difficult to define what arts meant. Similar problems have been encountered elsewhere—in Scotland, for example—which is why we have not opposed the proposed LCO. However, we want further discussion on the issues that you raise in order to get some clarity.

[160] **Jonathan Morgan:** There is a reason for my asking the question. As someone who has first-hand experience of giving evidence to the Welsh Affairs Committee of the House of Commons on my own legislative competence Order, I know that one of the questions that they will ask—because they ask it of all proposed legislative competence Orders—is why is this proposed legislative competence Order and transfer of power needed, and what needs to be achieved that cannot be achieved through other mechanisms. Is there another way that we can achieve what the Assembly Government wants to achieve without legislative competence being devolved?

[161] **Dr Llewelyn:** We state in our evidence that there are other mechanisms that could be explored, particularly in this current time, to achieve the same outcomes. I mentioned earlier the current discussion on the outcome agreements within a new understanding, and understanding the relationship between the proposed LCO and various planning mechanisms that are in place for children and young people's plans and other plans. If the proposed LCO passed through the legislative process, our expectation would be that discussion would take place at the point of drawing down any Measures. However, as I have stated, we think there are other means of addressing some of these issues.

[162] **Jonathan Morgan:** That is why I am slightly confused. Why would the WLGA seek to support in principle the devolution of power to allow the Assembly Government to do this if there is another straightforward mechanism that would allow it to achieve what it wishes to achieve? The question that will be asked throughout this process is why the devolution of power is needed if there is already another way of achieving it. I do not see any point in you supporting an Order if you feel that there is another way of achieving what the Government wants.

[163] **Dr Llewelyn:** We have expressed support for the aims and the aspirations, and while we do not oppose the proposed Order, we have indicated that there are other means of exploring this issue.

[164] **Ms Aldrich:** We can use the libraries legislation because, as someone was saying earlier, the libraries legislation has at least retained libraries. Until the public library service standards came in, the standards of libraries did not look particularly good—and I am going back to the 1980s and 1990s—because we were aware that some authorities in Wales had no book fund at all. However, at the same time, the services were retained and when CyMAL and the public library service standards came through, the authorities were able to take them on board. Without those, I believe strongly that libraries would not exist today in some areas.

[165] **Joyce Watson:** That leads nicely to the issue regarding the disappearance of some features of sports facilities that were there not so long ago. I have campaigned for the provision of sport in local areas and will continue to do so, vigorously. This brings us full circle. You will know that there was an article recently in the *Western Mail* stating that many of these non-statutory services are at risk, and you have already alluded to the fact that you do not have to fund them and that there are huge difficulties. I have sympathy with that. So, would it not help if it was a statutory function imposed on you? If we imposed a statutory function, we might just have to fund it, and safeguard those libraries. I am just trying to look at both sides of the coin.

[166] **Mr Gomer:** I fully appreciate the question. It comes back to what my colleague said about standards and entitlements. If you look at the libraries legislation of the 1990s and 1960s, it uses words like ‘adequate’ and ‘support’, and we all know that that can be interpreted in different ways. At the end of the day, there will be a significant variation in the levels of operation across the UK, never mind across Wales. Even now, within the library standards, you will see many authorities trying to continue to deliver library services by offering expertise to the volunteers to run the operation. Instead of three librarians in the building, you might have one librarian and two or three volunteers. It is a big issue now, particularly in England, where they are slightly ahead of us with their cuts to library services.

[167] Making a service statutory does not necessarily save it. It is the level of that statutory basis that is all-important. The dilemma that we have goes back to the first question that the Chair asked about discussions among local authorities. I am in constant dialogue with my colleagues around Wales, and I chair the chief leisure officers group. None of them are opposed to statutory provision; the general wish is that we could wind the clock back and have statutory provision five, six or even 10 years ago. We would be in a stronger position now if we had that protectionism, if you want to call it that. So, for me, there is that issue around Chris’s point about the dialogue and where we set the standards.

[168] The reason that the library standards were so successful was because they were developed with the society of chief librarians, who were working in the field delivering directly to the public, and CyMAL. There was a close working relationship between local authorities and the Assembly Government on developing the standards, which meant that the staff in the field knew that they were workable, and the Assembly Government could be satisfied that the service was going to hit at least a certain standard. The standards came in in 2002, and seven years on many authorities are only at the average of achieving 8 or 9 standards. Yes, the standards have preserved libraries, and have improved them significantly, but the clear message from authorities is that the impetus in the first couple of years was phenomenal, but since the funding stopped and we went into the efficiencies regime, we have not seen significant improvements to library provision over the last two years. That answers your question about how to protect the library service, but at the same time, although libraries have a statutory basis, they will face similar cuts over the next couple of years, although perhaps not complete removal.

[169] Having said that—and it was a philosophical argument—the opposite argument relates to what you said about campaigns. There is often more public reaction against the removal of any form of arts and leisure facilities than against the closure of schools. When a

school is closed, the parents and children get involved; for arts and leisure facilities, it is a community issue, and one element of the protection of these services is that they are wanted and needed by the public, not just that they are statutorily based. So, in a way, I am arguing against myself, but there are two philosophies here.

[170] **Michael German:** Jenny, do you want to go on to the next question?

[171] **Jenny Randerson:** Yes, but it will only need a simple, short answer now. You have talked about quite a lot of this. When you say that more work is needed on the proposed legislation, do I take it from your previous answers that you are talking about the Measure or Measures that follow from it? Are you therefore content with the scope of the LCO as it currently stands?

[172] **Dr Llewelyn:** It goes beyond the future Measures. It is also about having a shared understanding of some of the terms that are used in the LCO.

[173] **Michael German:** Lorraine, do you want to ask your question?

[174] **Lorraine Barrett:** The issue of libraries has been covered now.

11.10 a.m.

[175] **Jonathan Morgan:** The question relating to discretionary cultural duties has been covered, but my next question concerns the use of the word 'provision'. In its written evidence—and it confirmed this in committee this morning—the Sports Council for Wales, said that it thought that the word 'provision' with regard to sport and recreational activities should be inserted, to go beyond promoting, encouraging and so on. We talked about whether that would be provided through the sports council or whether it would be about securing the provision, which could include provision through the private and voluntary sectors. I asked the same question of the Arts Council of Wales, and it was also of the opinion that the word 'provision' ought to be included.

[176] I think that you heard my question earlier to the arts council about whether it was appropriate in the context of the whole range of what could be termed 'cultural provision' to include the word 'provision' in the same way that it could be included in matter 16.4 with regard to sport and recreation. What is your view on that?

[177] **Dr Llewelyn:** I will come in first on this and then perhaps Peter and Rona will comment. I heard the discussion with the arts council and some of the discussion with the sports council. I would want to look at the exact wording again before expressing a definitive view. Would the word 'provision' be an addition to the existing wording?

[178] **Jonathan Morgan:** It would be an addition.

[179] **Dr Llewelyn:** It is such a crucial word; I think that I would need more time to reflect on that.

[180] **Michael German:** Could we apply the same rule as we did with the arts council? If you wish to provide a clarifying note on that—and it is fine if you do not—we would need it by the end of next week.

[181] **Mr Gomer:** We could add that, to fit in with other strategies, particularly in that area, it is important that we either supplement the word 'recreation' with the words 'physical activity' or add the words 'physical activity'. The 'Climbing Higher' strategy, which has been developed and is to be launched by the Assembly Government in January 2010 through the

action plan, is about sport and physical activity. If this is going to move forward, it needs to reflect both.

[182] **Jonathan Morgan:** May I ask that the WLGA, in the written note, consider the insertion of the word ‘provision’ in matter 3.1 separately to matter 16.4, simply because you may conclude that it is more straightforward and obvious to be in the position of securing the provision of sport and recreational services but that that is not necessarily the case in the context of arts and culture? In addition to what is contained in the proposed Order, the arts council provided a further list of what it regards as arts and crafts and so on. Again, you may have a view on whether it is appropriate in both cases or just in the one.

[183] **Dr Llewelyn:** If the clerk can give us the exact wording and separate the issues, we can respond.

[184] **Michael German:** That is fine.

[185] **Joyce Watson:** My questions are about collaboration and collaborative working. In relation to the arts, some respondents to the consultation have raised concerns that there is insufficient focus on ensuring that local authorities work collaboratively. Do you share those concerns? How could local authorities benefit by working collaboratively, and do you see this proposed Order as a means to facilitate that?

[186] **Dr Llewelyn:** I will come in on that initially, and then perhaps Rona and Peter can provide more detail. I suspect that there is more collaborative working taking place than is widely appreciated, and in that sense it is harsh to say that there is an insufficient focus within local government on collaboration. The issue of collaboration in this area cropped up in the discussions we had as an association with the Stephens review. The WLGA and the arts council are represented on the arts strategy board, and collaboration has been the subject of a considerable amount of discussion within that forum.

[187] There are at least two significant pilot projects that have emanated from that discussion. However, before we get on to that, it is worth our bearing in mind that a considerable amount of collaboration is in place at present. Some of it is a legacy of previous local government configurations but, over recent years, considerable attention has been given to collaborative working in local authorities. The WLGA supports four regional partnership boards across Wales. There are other collaborative arrangements in other service areas that have a bearing on the issues being discussed today, particularly in education, so I suspect that more collaborative working is in place than is generally assumed. Rona and Peter may be able to elaborate on some of those examples.

[188] **Ms Aldrich:** We have to accept that there is always room for improvement, but there is a lot going on, and I think that it is fair to say that it is almost a pyramid situation in that various parts of the sector work together. Peter mentioned the Society of Chief Librarians, and there is also the sports council. Nick mentioned this morning the meetings with the arts officers of the individual authorities. There is the regional way of doing things, and that was one of the things that came out of the Stephens report. A pilot scheme is going on in north Wales to see how those local authorities can take responsibility for arts in north Wales, working on a partnership basis. There is the chief officers of recreation and leisure group, for which Peter is the chairman. All the disciplines that we see in this proposed Order are represented on the group by the chief officers of the 22 local authorities, and they share their concerns, work together and share good practice, and, as Chris said, at the top of the tree is the arts strategy board. So, in a way, collaboration is going on at the various levels. Part of the reason why this has become necessary is to do with finance, in that the 22 local authorities do not have the funding to work on their own and so have to come together for projects, particularly grant funding projects, which are always looking for collaboration, and it has

been successful in that way.

[189] **Joyce Watson:** So, you do not share the concerns completely but you do share them to some extent. These are not our concerns; people have raised these with us in relation to the arts. So, would you say that, mainly, you do not believe that people are not working together? Would you however agree that there is room for improvement?

[190] **Mr Gomer:** I would echo my colleague's sentiments. There is always room for improvement. One of the issues is getting the message out there that these groups are meeting. Sometimes, it is about a lack of information that the groups are meeting. You heard Nick talk earlier about Arts Connect. It is not a done deal whether all the groups will come together and deliver, but we meet regularly. We are trying to get to the stage of agreeing what exactly the Arts Connect group will deliver collaboratively over the next couple of years. It may only be on workforce development, and the higher ambitions of managing all facilities in that area may no longer be possible because of the budget pressures that each authority is facing, but positive, cross-boundary working will come out of that. We have seen evidence of that in leisure, with the sports development officers of the south-east Wales region. All training is now being delivered across those authorities' boundaries. People are sharing expertise and are getting on with it. Head for Arts in the Heads of the Valleys areas is a grant-funding project that covers four local authority areas. The south-east Wales arts council meets as a regional group. That will include elected members, the portfolio holder in each authority and officers and it will discuss significant issues in the arts. We recently held a conference with the sports council in south Wales and in north Wales, recognising the differences in those the two parts of Wales, so there is a lot going on. As I say, it can always get better, but perhaps we do not always give that information out to others who are involved in the different sectors that that collaborative working is going on. Perhaps what they have not seen yet is the outcome of some of that collaborative working.

[191] **Joyce Watson:** The other question was: do you think that the proposed Order might help to facilitate collaboration?

11.20 a.m.

[192] **Mr Gomer:** I am not sure whether the proposed Order will, but the financial situation that we are currently in is certainly driving authorities closer together to find solutions with regard to delivery vehicles and so on for services.

[193] **Michael German:** I have come to my final question, which is on the proposed Order itself. Is it too wide, too narrow, and, if so, should it be amended to make it narrower or broader? You have given us one example, and you are going to come back to us on that issue. You might also want to consider whether it is broad enough to cover cross-cutting cultural activities such as cultural tourism and creative industries. Do you have a general view on whether the proposed Order needs to be broadened, widened, or amended in any way, apart from the one example that we have already touched on?

[194] **Dr Llewelyn:** You mentioned the impact on issues such as cultural tourism and creative industries, as well as that on other sectors. Given that circumstances vary from authority to authority, the impact of any legislative framework will vary. It is difficult to assess the impact at the outset.

[195] On the scope of the proposed LCO, as I mentioned earlier, a lot will depend on the discussions that follow as to any Measures that are drawn up.

[196] **Michael German:** Thank you for giving evidence, and thank you for coming today. We look forward to receiving the additional note, which you will provide for us by the end of

next week—we will certainly need it by then. The committee will reconvene at the same time on Thursday of next week.

Daeth y cyfarfod i ben am 11.22 a.m.
The meeting ended at 11.22 a.m.