

Local Government and Public Service Committee

LGPS(2)-05-06(p.2)

Date: Wednesday 15 March 2005

Venue: Committee Room 3 & 4, National Assembly for Wales

Title: Secondary Legislation Forward Look

Purpose

1. To provide members with:
 - a schedule of proposed legislation and invite members to indicate which items they wish to scrutinise in more detail.
 - a schedule of regulations where the Minister has agreed to use executive procedures

Forward look

2. At **Annex A** is a report from the Minister outlining forthcoming legislation and others items of secondary legislation in the pipeline. When considering its draft strategic work programme the Committee agreed to identify for scrutiny those items of legislation where there was scope to influence content. Under the column titled 'scope' the Minister has indicated whether there is scope for distinctive Welsh policy.

Recommendations

3. That the Committee notes the report from the Minister (see Annex A) and identifies draft legislation for future scrutiny.

Ann Jones
Committee Chair

Contact: Virginia Hawkins, Committee Clerk

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Proposed Legislation

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REF NO.	TITLE	INTENTION OF LEGISLATION			Policy Type	KEY DATES & PROCEDURE	COMMENTS
		PURPOSE	EFFECT	SCOPE			
					T- Technical P-Policy	SC - Subject Committee BC- Business Committee. LC-Legislative Committee P-Plenary CIF- Come into Force	
Additional Legislation added since timetable last circulated							
	The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Amendment) (Wales) Regulations 2006	To amend Regulation 10 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001	To amend Regulation 10 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to bring it into line with the amendments being proposed in relation to Schedule 12A of the Local Govt Act 1972 by the Local Govt (Access to Information) (Variation) (Wales) order 2006	Wales only.	T	Timetable awaited. Accelerated procedure.	SO 24 This legislation must come into force on the same day as the Local Government (Access to Information) (Variation) (Wales) Order 2006.
	Regulatory Reform (Local Authorities) (England and Wales) Order 2006	To remove five consent regimes: <ul style="list-style-type: none"> • S4 Cancer Act 1939 ▪ Para 25 of Sch 14 of LGA 1972 ▪ S 71 of LGA 1972 ▪ S1 of LG (Overseas) Act 1993 ▪ Para 6 of Sch 1 of Education Act 1996 	Remove unnecessary bureaucracy in local government.	England and Wales	P	SC - 4 May 2006	No requirement for timetable SO 26 Legislation

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CFA01	The Local Authority (Capital Finance and Accounting) (Wales) Regulations 2006	Minor changes to housing finance element of these regulations	Make clearer the definition of Housing Revenue account "debt free" for pooling purposes. Confirm that LSVT "levy payments" to be classed as capital expenditure. Exempt small-scale stock transfers to RSL's from any "pooling" requirement.	Limited to Wales only. Relevant sections of Capital Finance Regulations - sections 10-17 and impacting authorities who in the future become "debt free" for HRA purposes. Also impacts authorities who undertake transfers of housing stock to RSLs.		BC - 7 March 2006 LC - 14 March 2006 P - 28 March 2006 CIF - 1 April 2006 Standard	SO 24 Not identified for scrutiny.
PS04	Public Services Ombudsman (Wales) (Standards Investigations) Order 2006	To revoke the Local Commissioner in Wales (Standards Investigations) Order 2001 and make similar provision in relation to the Public Services Ombudsman for Wales.	Will apply certain provisions of Part III of the Local Government Act 2000, relating to the investigation of misconduct, to investigations by the Public Services Ombudsman for Wales.	Limited to Wales only. Required as a consequence of the establishment of the PSOW from 1 April.	T	BC - 28 Feb 2006 LC - 14 March 2006 P - 28 March 2006 CIF - 01 April 2006	SO 24 Not identified for scrutiny.
LAA33	The Standards Committees (Wales) Regulations 2006	To regulate for community committee members, the re-appointment of independent members, exempt information and sub-committees.	To remove existing difficulties and restrictions being encountered by local authorities.	Regulations cover Wales only	P	SC 4 May 2006 BC - 23 May 2006 LC - 06 June 2006 P - 20 June 2006 CIF - 01 July 2006	Identified for future scrutiny by LGPS committee on 21 September 2005
PSOW 01	The draft Public Services Ombudsman	To ensure that the Public Services Ombudsman for Wales	Changes to the definition of "family health service providers", to bring the	Directly affects family health service providers in Wales and possibly other	P	SC - 30 Nov 2005 BC - 17 Jan 2006 LC - 31 Jan 2006	SO 24 Identified for

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	(Wales) Act 2005 (Jurisdiction and Transitional Provisions) Order 2006	(Ombudsman)'s jurisdiction is as comprehensive and well-defined as possible when the Act is brought fully into force in April 2006	definition in the Act into line with the definition that is to be used generally in the healthcare community. Possibly, following appropriate consultation, adding bodies to the list of authorities that are subject to the Ombudsman's jurisdiction.	bodies/ authorities exercising functions in Wales. Indirectly affects persons who have a complaint against family health service providers and possibly other bodies in relation to the exercise of their functions in Wales, as the legislation may increase the remit of the Ombudsman.		P – 14 Feb 2006 CIF – 1 April 2006	scrutiny by LGPS committee on 29 June 2005
PSOW 02	The draft Public Services Ombudsman (Wales) Act 2005 (Consequential Amendments) Order 2006	To ensure that existing subordinate legislation that refers to the existing Welsh ombudsmen is amended to account for the abolition of those ombudsmen and the creation of the Ombudsman with effect from April 2006.	Amendments to existing subordinate legislation to remove references to the Welsh Administration Ombudsman, Health Service Commissioner for Wales and Commission for Local Administration (including the Commissioner for Local Administration in Wales), where appropriate, to insert references to the Ombudsman.	Limited to Wales: references to the existing ombudsmen will be removed or changed only in relation to the exercise of their functions in Wales.	T	BC – 17 Jan 2006 LC – 31 Jan 2006 P – 14 Feb 2006 CIF – 1 April 2006	SO 24 Not identified for scrutiny
BIDS 02	NDR (Alteration of Lists and Appeals(Wales) Regulations 2005	Sets the rules for the hearing making and hearing of appeals made by ratepayers against NDR	The refer to an SI which has now been superseded. The new SI needs to be referenced in the regulations. This amendment will add the new SI to the principle regulations.	Primary powers are contained in the LGFA 1988	T	SC - Jan 2006 BC - 28 Feb 2006 LC - 2 May 2006 P - 16 May 2006 CIF 19 May 2006	SO 24 Identified for scrutiny by LGPS committee on 8 June 2005

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LAA 04	The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Amendment) (Wales) Regulations 2005	To amend councillors' allowances regulations to enable allowances to cease if councillor is suspended and increase flexibility in travel & subsistence arrangements	Will impact on local authorities only.	Power under section 18 of Local Government and Housing Act 1989 and Local Government Act 2000 (s100)	P	Revised timetable awaited 12 week consultation commenced 9 Feb 2005	SO24 Identified for detailed scrutiny by the LGPS Committee at its 25 February 2004 meeting.
LAA09	Local Authorities Indemnification of Members and Officers (Wales) Regulations 2005 (Previously Local Authorities Indemnification of Members and Officers (Wales) Regulations 2003)	To enable local authorities to provide indemnities to some or all of their members and officers	Impacts on all parts of Local Government, Community Councils, National Parks and Fire Authorities	Enables authorities to provide indemnities for members and officers	T & P	BC - 24 Jan 2006 LC - 31 Jan 2006 P - 7 Feb 2006 CIF - 8 Feb 2006	SO24 Scrutinised by LGPS Committee on 11 May 2005
LAA 11	The Landlord and Tenant Act	To amend business tenancies legislation	Bilingual forms for use of landlords and tenants of	Bilingual forms for tenants and landlords	T	BC - 4 April 2006 LC - 9 May 2006	SO 24

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	1954, Part II (Notices) (Wales) (Amendment) regulations 2005	under the Landlord and Tenant Act 1954	commercial property.			P - 23 May 2006 CIF - 1 Jan 2007	Not identified for scrutiny
LAA-25	The Local Authorities (Standing Orders) (Wales) Regulations 2005	To introduce regulations enabling Local Authorities to make standing orders with respect to staff	The regulations would be two fold. Firstly, offering the same level of protection as Chief Executives to Chief Finance Officers and Monitoring Officers. Secondly, to update the current regulations on disciplinary procedures for statutory officers	Local Government and Housing Act 1989 (s8)	P	SC - 11 Jan 06 BC - 13 March 2006 LC - 28 March 2006 P - 2 May 2006 CIF - 3 July 2006 Accelerated Procedure	SO24 Identified for scrutiny by LGPS Committee on 1 Dec 2004
LAA 26	The Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2006 and the Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2006	Amendment to Functions and Responsibilities and Alternative Arrangements Regulations – technical updating of whether functions are for the executive of an authority PHASE II	Impacts on how local authorities make certain decisions.	Power under section 13 of Local Government Act 2000.	T	BC - 14 March 2006 LC - 28 March 2006 P - 4 April 2006 CIF - 18 April 2006 Standard Procedure	SO24 Not identified for scrutiny Legislation currently on hold.

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LAA-27	The Local Authorities (Access to Information) (Variation) (Wales) Order 2005	Amendment to Schedule 12A of the Local Government Act 1972	Schedule 12A sets out the types of information exempt from the general public. Amendment required to ensure local authority compatibility with the Freedom of Information Act 2000 which becomes fully operational on 1 January 2005	Section 100I and Schedule 12A of Local Government Act 1972	T	Awaiting Revised Timetable	SO24 Consultation period 4 November – 31 December 2004
LAA-28	Local Authorities (Allowances for Members of Community Councils) (Amendment) (Wales) Regulations 2005	To amend community councillors allowance regulations to enable community councils to have the discretion to pay additional allowances.	Will impact on community councils only	Sections 173-178 of Local Government Act 1972 and section 100 of Local Government Act 2000	P	On hold at present - Policy Lead will take this legislation forward again shortly.	SO24 Not identified for scrutiny.
LAA-30	Local Authorities (Political Restrictions Regime) (Wales) 2005	To review the restrictions on the political activity of local government employees	To amend regulations on the scope of staff affected; the extent of restrictions; role of the independent adjudicator; pay of political assistants	Powers under the Local Government and Housing Act 1989	T	BC 17 July 2005 LC - 20 Sep 2005 P - 4 Oct 2005 CIF 14 Oct 2005 Timetable Currently on Hold: Delayed as awaiting ODPM decisions on primary legislation	SO 24 Identified for future scrutiny by LGPS Committee on 1 December 2004. Consultation ended 4 February 2005.

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							Awaiting UK Gvt decision on any amendment to primary legislation before asking Minister to decide on way forward.
LAA 31	The Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006	To confer on local authorities the power to trade for profit through a company	Would confer the power to trade subject to certain restrictions	All 22 unitary authorities; possibly national park and fire & rescue authorities	P	SC - Jan 2006 BC - 28 Feb 2006 LC - 14 March 2006 P - 28 March 2006 CIF - 1 April 2006 Standard	SO 24 Progress subject to full regulatory appraisal – likely to be opposition from business community. Identified for future scrutiny by LGPS committee on 8 June 2005
LAA 32	The Local Government (Whole Authority Analyses and Improvement Plans) (Amendment)	To amend annual improvement processes	Would (a) abolish requirement to conduct whole authority analysis; (b) change the deadline for publishing improvement plans; and (c) create a general duty to use core data sets	All 22 unitary authorities and national park authorities	P	SC - 25 Jan 2006 BC - 31 Jan 2006 LC - 14 Feb 2006 P 7 March 2006 CIF - 1 April 2006	SO 24 Identified for scrutiny by LGPS committee on 8 June 2005

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	(Wales) Order 2006						
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