

Minutes

Date: Wednesday 17 March 2004
Time: 9.30am to 12.15pm
Venue: Committee Room 2, National Assembly for Wales

Members

Lorraine Barrett	Cardiff South and Penarth
Glyn Davies	Mid and West Wales
Tamsin Dunwoody-Kneafsey	Preseli Pembrokeshire
Sue Essex, <i>Minister</i>	Cardiff North
Alun Ffred Jones	Caernarfon
Mike German	South Wales East
Ann Jones, <i>Chair</i>	Vale of Clwyd
Laura Ann Jones	South Wales East
Peter Law	Blaenau Gwent
Dai Lloyd	South Wales West

In attendance

Hugh Rawlings	Director, Local Government and Culture Department
Kate Cassidy	Local Government Modernisation Division
Ian Thomas	Local Government Modernisation Division
Frank Cuthbert	Local Government Modernisation Division
Rob Hay	Local Government Finance Division
Helen Field	Health Information and Facilities
Andrew Davies	Local Government Modernisation Division
David Williams	Office of the Counsel General
Susan Smith	Chair, Local Government Boundary Commission
Dennis Roberts	Member, Local Government Boundary Commission
Edward Lewis	Secretary, Local Government Boundary Commission

Secretariat

Adrian Crompton	Committee Clerk
Liz Wilkinson	Deputy Committee Clerk
Alys Thomas	Members Research Service

Item 1: Introduction, apologies, substitutions and declaration of interests

1.1 There were no apologies for absence. In respect of item 4, Peter Law declared an interest as a member of Unison and the GMB.

Item 2: Minister's report

Conduct of Referendums Regulations

2.1 The Minister updated the Committee on the Conduct of Referendum Regulations, details of which are attached at Annex 1.

2.2 The Regulations would be debated in Plenary on 23 March and would come into force the following day. This would require Ceredigion County Council to hold the referendum before 24 May 2004.

2.3 Members noted that the preamble to the referendum question would be included as a schedule to the regulations.

2.4 The Committee welcomed the inclusion in the Regulations of a 28-day ban on the production of publicity material by councils prior to date of the referendum. Although political parties were not prevented from campaigning for proposals, the Regulations included a restriction on expenses incurred in connection with a referendum campaign.

2.5 The cost of the referendum would be borne by Ceredigion County Council.

2.6 The Minister agreed to provide the Committee with details of the cut-off date by which the county council would need to decide on whether to run the referendum by an all-postal ballot. She also agreed to request a note from the Electoral Commission for the Committee which would explain how the Commission would arrange to publish information within 28 days of the election, which was otherwise prohibited by the Regulations.

Local Government Settlement – Police Authorities

2.7 The increase of 3.25 per cent in overall central support for 2004-05 took into account increases in staffing costs such as pay increases and pensions. The Consultative Forum on Finance had requested that the police authorities prepare a report on funding pressures, in preparation for the 2005-06 settlement to assist in determining the appropriate increase in funding. Committee members emphasised the need for details of external budgetary pressures and internal spending priorities to be made public in order to inform debate.

Valuation Tribunal Service

2.8 Concern was expressed that the Valuation Tribunal Service may have insufficient capacity to meet an increase in appeals following the introduction of the new council tax bands in April 2005. The Minister said she had discussed this with the Council of Wales Valuation Tribunals who felt that they had sufficient capacity.

The Pensioners' Forum Wales

2.9 The Committee agreed that pensioners' groups should be invited to contribute to specific items of committee business when their input was of particular relevance.

Special grant to increase local authorities' capacity to care for people in their homes and communities

The Minister confirmed that funding would be rolled forward into baselines for future years.

Action points

Minister to provide the Committee with details of the cut-off date by which the county council would need to decide on whether to run the referendum by an all-postal ballot – **Minister, Local Government Modernisation Division**

Minister to request a note from the Electoral Commission for the Committee which would explain how the Commission would arrange to publish information within 28 days of the election, which was otherwise prohibited by the Regulations – **Minister, Local Government Modernisation**

Item 3: Two-Tier Workforce, Task and Finish Group

3.1 The Committee considered the Minister's paper on the two-tier workforce task and finish group.

3.2 The Minister highlighted that progress towards addressing two-tier workforce issues would have to be incremental reflecting the Assembly's differing powers to direct or influence. She said that the two-tier workforce issue could emerge either within a Private Finance Initiative (PFI) project or within an outsourced service contract.

3.3 The Committee noted that specific terms such as, 'overall no less favourable' and 'broadly comparable' did not benefit from precise definition but it was generally understood that the former would enable a more flexible approach.

3.4 Some Members felt that the Welsh Assembly Government should give consideration to a 'Fair Employment Clause' within public service contracts. The Minister said that this issue was a simple organisation view, which was not within the remit of the Task and Finish Group, and that such clauses had come into conflict with European competition law. However, it was noted that the Assembly's

procurements teams had been examining the use of clauses within public sector contracts.

3.5 The Minister agreed to keep the Committee informed about the progress of the review of public sector procurement.

Action point

Minister to keep the Committee informed about the progress of the review of public sector procurement – **Minister**

Item 4: Rationalisation of Local authority plans

4.1 The Committee welcomed the Welsh Assembly Government's approach to local authority plan rationalisation.

4.2 The Minister said that the Wales Spatial Plan provided a broad strategic framework to guide future development, which cut across local authority boundaries. At unitary authority level, the Community Strategy would be regarded as the overarching strategy for its area. These were currently being developed and it was anticipated that they would be in place by June 2004. The Minister said that the guidance, which was issued on the development of Community Strategies would be reviewed and updated in light of experience. In addition, each local authority had a statutory requirement to produce Unitary Development Plans (UDP), which were specifically about land use within their area.

4.3 Members noted that the short-term financial costs associated with the proposals to rationalise plans would fall on the Welsh Assembly Government.

Item 5: Subordinate legislation

Landlord and Tenant Act 1954 Part 2 (Notices) Regulations 2004

5.1 The Committee supported the introduction of the Regulations, which would simplify the current system and benefit both landlords and tenants. Whilst Members felt that the prescribed forms were comprehensive, it was suggested that some of the terminology used needed to be more tightly defined.

5.2 Section 57 of the Landlord and Tenant Act 1954 provided for Public Sponsored Bodies to terminate tenancy agreements on the grounds of public interest. In these cases, the Public Body would be required to submit an application to the Assembly's Local Government Modernisation Division, which would be responsible for issuing the appropriate certificate. This provision was currently being examined in light of human rights legislation. The Minister agreed to keep the Committee informed of proposed amendments to section 57 of the Act.

5.3 Members noted that there was a total of 17 proposed prescribed forms, of which 16 and 17 were

exclusive to Wales, whilst 12 and 15 applied only in England. The remaining 13 forms would apply equally in England and Wales. The Minister agreed to lay before the Assembly an explanatory note on the application of the proposed prescribed forms.

5.4 Members expressed some concern about the timescale for the production of Welsh forms. Whilst Members accepted the need to ensure consistency between legal terminology in both languages, it was felt that bilingual forms should be made available as a matter of priority.

5.5 Subject to the above inclusions, the Committee recommended approval of the draft Regulations.

5.6 The Chair agreed to write to the Business Committee with details of the Committee's discussion on the Regulations.

Action point

Minister to keep the Committee informed of proposed amendments to section 57 of the Act – **Minister, Local Government Modernisation Division**

Minister to lay before the Assembly an explanatory note on the application of the proposed prescribed forms – **Minister, Local Government Modernisation Division**

Chair to write to the Business Committee with details of the Committee's discussion on the Regulations – **Chair, Secretariat**

Item 6: Local Government Boundary Commission for Wales

6.1 The Chair welcomed Susan Smith, Dennis Roberts and Edward Lewis of the Local Government Boundary Commission for Wales to the meeting.

Susan Smith outlined the work undertaken by the Commission in 2002-03 and highlighted the reviews that it intended to conduct in the coming year.

6.2 Members raised the following points in discussion:

- It was felt that roads and rivers did not necessarily provide the most appropriate boundaries as, in some cases, this led to a division of an existing community.
- In carrying out its duties the Commission considered requests to review boundaries from individuals and local authorities and also received directions to undertake work from the Assembly. In the case of individual representations, the Commission would seek the views of local statutory bodies before deciding on whether to undertake reviews.

- When carrying out a boundary review, the Commission consulted a range of bodies and local residents. Generally the consultation period would last between six and eight weeks, although this was flexible. The Commission undertook a range of activities to engage public opinion including public meetings, evidence sessions and postal ballots.

6.3 The Minister agreed to provide a paper to the Committee on boundaries in Wales, including the role of the Preserved Counties.

Action point

Minister to provide a paper to the Committee on boundaries in Wales, including the role of the Preserved Counties – **Minister**

Item 7: Committee's policy inquiry into the operation of new political management structures in local government

7.1 Subject to the strengthening of the following recommendations, Members were content with the draft report:

- Local authorities should have the freedom to seek a change to their chosen model of political management;
- The Party whip should not be used in overview and scrutiny committees;
- Local authority 'call-in' procedures should not be subject to the veto of overview and scrutiny committee chairs.

7.2 A revised draft would be brought to the next meeting for the Committee's approval.

7.3 The Chair asked Members to contact the Secretariat with suggested topics for the Committee's policy inquiry. This would allow ample time for the terms of reference could be drafted and considered by the Committee at the first meeting of the summer term.

Item 8: Minutes of the previous meeting

8.1 The minutes of the 25 February meeting were approved.

Committee Secretariat

March 2004

Minister for Finance, Local Government and Communities

March 17 2004

Conduct of Referendums Regulations

I would like to update the Committee with regard to the Local Authorities (Conduct of Referendums) (Wales) Regulations.

On Monday the Cabinet Sub-Committee on Subordinate Legislation approved the use of the Executive Procedure for these draft regulations. The draft regulations, together with a report under section 45 of the Local Government Act 2000, were yesterday laid before the Assembly. I confirm that the regulations will be debated in Plenary next Tuesday, 23 March and are then due to come into force the following day.

The report that has been laid before the Assembly sets out the Electoral Commission's formal response on the draft regulations. The Commission were content with the wording of the preambles to the questions to be asked in a referendum. But the Commission considered that the proposed questions did not fully meet all the standards set out in their "Question Assessment Guidelines". Their suggested amendments to the referendum questions have been incorporated in full into the regulations.

I can also report that the views of the Electoral Commission were sought in pursuance of section 45(8D) of the 2000 Act. The Commission made no comment on the provisions in the draft regulations concerning limitations on expenditure and the creation of criminal offences in connection with these limitations.

I have agreed to the Commission's suggestion that the 28-day ban on the local authority publicity concerning a referendum be reinserted into the regulations. Any publicity which is deemed necessary after that date could only be produced by the Commission.

Finally, the Committee may wish to be aware that the Electoral Commission are in agreement with my decision not to accede to Ceredigion County Council's request for the referendum to take place in July 2004. Not only would such a timescale delay the date of the referendum unduly but would have resulted in the referendum taking place at the height of the holiday period.

If the regulations come into force on 24 March, as proposed, Ceredigion County Council will be under a requirement to hold the referendum by 24 May 2004.