

Local Government and Public Services Committee

Minutes - LGPS 01-05 (min)

Date: Wednesday, 19 January 2005

Time: 9.30am – 12.25pm

Venue: Committee Room 2, National Assembly Building

Assembly Members in Attendance

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

Officials in Attendance

Hugh Rawlings	Director, Local Government and Culture Group
Frank Cuthbert	Local Government Modernisation Division

Lisa James	Local Government Finance Division
David Fletcher	Local Government Finance Division
Steve Pomeroy	Local Government Modernisation Division
Rob Pickford	Chief Executive, Care Standards Inspectorate for Wales
Sharon Rees	Director of Operations, Care Standards Inspectorate for Wales

Committee Service in Attendance

Name	Job title
Virginia Hawkins	Committee Clerk
Liz Wilkinson	Deputy Committee Clerk

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

1.1 There were no apologies or declarations of interest.

Item 2: Minister's report

Paper: LGPS 01-05(p1)

Lyon's Inquiry

2.1 The Committee welcomed the proposed evidence gathering session in Wales to inform Sir Michael Lyon's inquiry. It was anticipated that the session would be held in Llandrindod Wells on 22 April.

2.2 Members expressed concern about the gearing effect, in particular its impact on less affluent local authority areas. As agreed at the Local Government Partnership Council meeting in November 2004, the Minister had raised the issue of gearing during her recent discussions with Sir Michael. It was felt that any recommendations made in Sir Michael's report must meet the distinct needs of Wales.

2.3 Members felt it was important to increase the take-up of council tax benefit. It was noted that a Council Tax Benefit Working Group had been established for this purpose. In addition the Department for Work and Pensions would soon be launching a campaign in Wales to assist in raising public awareness of the current benefit system.

2.4 The reform of the current council tax benefit system had been endorsed by the Welsh Assembly Government in its submission to the Office of the Deputy Prime Minister's Balance of Funding Review. In particular it supported revisions to the income and savings thresholds for eligibility.

2.5 In clarifying her view on the introduction of a local income tax, the Minister confirmed that she had met with the Chartered Institute of Public Finance and Accountancy (CIPFA) some time ago to discuss possible options for alternative taxation systems. She said that while local income tax may have some merits, its disadvantages outweighed any advantages. It was vital that the key principles for any new local taxation system were based on transparency and accountability.

2.6 The Chair confirmed that Sir Michael would be attending a Committee meeting in the summer term.

The Local Authorities (Changing Executive Arrangements and Alternative Arrangements)(Wales) Regulations 2004 – Statutory Guidance

2.7 The requirement for local authorities to gain the Assembly's written approval to change their constitutional model was included in the Local Authorities (Changing Executive Arrangements and Alternative Arrangements)(Wales) Regulations 2004, which were approved by Plenary on 30 November 2004.

2.8 It was suggested that the guidance should define more clearly the 'degree of cross party support' expected before proposed changes would be deemed acceptable by the Assembly. The Minister said that the guidance had been drafted to take account of the views expressed during the Plenary debate on the Regulations. She said that further consideration would be given to strengthening the guidance in light of consultation responses.

2.9 The Committee noted that provisions within the Local Government Act 2000, together with those in the new regulations, gave local authorities the power to reduce the number of cabinet members without conducting a public consultation.

Non Domestic Rating (Alteration of Lists and Appeals) Regulations 2005

2.10 Members raised concern about the proposed introduction of a requirement for an appellant to provide basic rental information to support their appeal, which might deter businesses from making an appeal. It was suggested that the Regulations should define more narrowly the information required.

Local Government Partnership Council

2.11 Glyn Davies asked for a correction to be made to the minutes of the Local Government Partnership Council meeting held on 11 November 2004. He had said that one fifth of park authority members should be elected, not one third as was recorded in the minutes. Mr Davies would raise this at the 3 March 2005 meeting.

Other issues

Boundary Commission for Wales

2.12 There was concern raised about the implications of the proposed recommendations of the Boundary Commission for Wales regarding the preserved counties of Conwy and Gwynedd, in particular the inclusion of Dwyfor Meirionnydd constituency within the Mid and West Wales Assembly region.

2.13 The Chair agreed to write to the Secretary of the Commission to express the Committee's concerns in respect of the allocation of constituencies to the North and Mid and West Wales Assembly regions.

Action point

Chair to write to the Secretary of the Commission to express Committee's concerns in respect of the allocation of constituencies to the North and Mid and West Wales Assembly regions – Committee Services, Chair.

Additional oral item:

- The Chair informed the Committee that, following the request of some Members, an additional item relating to the Public Services Ombudsman (Wales) Bill would be taken at the meeting.
- Introducing the item, Lorraine Barrett said that several Members of the Committee had received representations from GMB (on behalf of GMB, Unison and PCS) regarding the merger of the Commission for Local Administration in Wales and the Health Service Ombudsman for Wales into a single office of Public Services Ombudsman for Wales. The Trade Unions had expressed some dissatisfaction with the negotiation process to date.
- The Committee agreed to write to the Local Government, Health Service and Welsh Administration Ombudsman to express its wish to see a satisfactory outcome reached ahead of the merger.

Action point

Committee to write to the Local Government, Health Service and Welsh Administration Ombudsman to express its wish to see a satisfactory outcome reached ahead of the merger of its offices – Committee Services, Chair.

Item 3: Electoral Commission report 'Local elections in Wales 2004'

Paper: LGPS 01-05(p2)

3.1 In discussion members raised the following issues:

- the levels of postal voting in the June 2004 local elections and the return rate;
- the need to simplify the process of postal voting and to ensure consistency in the format and design of ballot papers between local authorities;
- the need to address fraud and security issues following media allegations in the June 2004 local elections;
- the central role of Electoral Registration Officers and the need to ensure that these posts are afforded sufficient priority by local authorities;
- the membership and remit of the proposed all-Wales Electoral Planning Group.

3.2 The Minister said that the Welsh Assembly Government would provide its response to the Commission's report at the same meeting that the Commission gave its views to the Committee. The Chair agreed that the Commission would be invited to the March 2005 meeting.

3.3 Welsh Assembly Government officials confirmed that, in its report 'National Assembly for Wales elections 2003' the Commission had suggested legislation be brought forward to enable the possibility of the next Assembly elections to be 'all-postal'. However, officials said that, in its latest report the Commission's views on postal-voting were more reserved. This was largely due to public concern over alleged fraud and malpractice in England during the June 2004 local election.

3.4 The Commission had suggested that funding for local elections should be controlled centrally, possibly by the Commission itself, instead of being determined entirely by individual local authorities.

3.5 The Commission was currently undertaking work on a new foundation model of voting, which would include postal voting on demand.

3.6 The Chair said that, following the Committee's agreement to undertake an inquiry into electoral arrangements, the Clerk would seek Members' views on the terms of reference.

Action point

Chair to invite the Electoral Commission to the 9 March 2005 meeting - Committee Services, Chair.

Minister to provide Committee with the Welsh Assembly Government's response to the Electoral Commission report at the 9 March meeting – Minister, Local Government Modernisation.

Item 4: Committee inquiry into the operation of the public services regulation and inspection regime in Wales

Paper: LGPS 01-05(p3)

4.1 The Committee took evidence from Rob Pickford, Chief Executive and

Sharon Rees, Director of Operations of the Care Standards Inspectorate for Wales.

4.2 A verbatim transcript will be attached as Annex 1 to these minutes.

Item 5: Subordinate legislation – The Local Government (Best Value Performance Indicators)(Wales) Order 2002 (Revocation) Order 2005 and The Local Government (Best Value Performance Indicators (Wales) Order 2005

Paper: LGPS 01-05(p4)

5.1 The Minister said that the Local Government (Best Value Performance Indicators (Wales) Order 2005 tabled ahead of the meeting was a working draft. She informed the Committee that the Office of the Counsel General currently was making minor amendments to the draft Order but that these would be to the wording of the indicators and not to the meaning or principles that underpin them.

5.2 Some Members expressed concern about a recent article in the local press comparing the performance of local authorities in Wales. It was felt that this information, taken in isolation, was an unfair representation of local authority performance.

5.3 In discussion the following issues were raised:

- the distinction between an ‘emergency’ situation in schedule 2 to the Order and routine circumstance in which temporary accommodation was used;
- the absence of National Strategic Performance Indicators (NS PI) relating to primary education;
- the inclusion of a NS PI on Welsh medium education was welcomed, however more specific indicators were needed in the core data sets to reflect further the Welsh Assembly Government’s commitment in Iaith Pawb to mainstream the Welsh language into policy development and service delivery; and
- the number of recommended core data sets and the need to ensure that local authorities were collecting performance information that was purposeful and helped assess improvement.

5.4 In response the following points were made:

- the term ‘emergency’ was defined in section 189 of the Housing Act 1996. Families would be excluded from the indicator only where they were housed in temporary accommodation as a result of such an emergency. They would be included if they were to remain in such accommodation after the emergency had been resolved;
- the NS PIs were one of a number of methods by which local authority performance was

measured;

- there were currently two indicators measuring performance at key stage 2, which ends in the final year of primary school;
- the Welsh Language Board were consulted fully regarding the NS PIs and were content with the inclusion of the indicator on Welsh medium education. Officials were continuing discussions with the Board regarding the non-statutory core indicator sets;
- further consideration would be given to the inclusion of indicators for pre-school and infant education;
- much of the performance information required was currently collected by practitioners and service providers. It was not intended to over-burden local authorities unnecessarily.

5.5 The Committee suggested approval of the Orders without amendment.

Item 6: European legislation – oral update

6.1 The Chair said that the European Commission's forward work programme was due to be published on 25 January. The programme would give an indication of directives and regulations that would be worked on in the coming year. The Committee agreed that a paper setting out relevant work areas for the Committee to focus on should be included on the agenda of a future meeting.

Action points

Paper setting out relevant work areas within the European Commission's forward work programme for the Committee to focus on to be included on the agenda of a future meeting – Members' Research and Committee Services.

Item 7: Minutes of the previous meeting

7.1 The Committee approved the minutes of its 1 December 2004 meeting.

Concluding remarks

On behalf of the Committee the Chair thanked Tamsin Dunwoody-Kneafsey for her work on the Committee since June 2003. She congratulated Mrs Dunwoody-Kneafsey on her appointment as Deputy Minister for Transport and wished her well for the future.

The Committee resolved to exclude the public from the remainder of the meeting in accordance with Standing Order 8.24(vi).

PRIVATE SESSION

Item 8: Public Services Ombudsman (Wales) Bill

8.1 The Committee considered key issues to be included in its report on the Public Services Ombudsman (Wales) Bill.