

Local Government and Public Services Committee

LGPS 05-05(p4)

Date: 11 May 2005

Venue: National Assembly Building, Cardiff Bay

Title: Annual Report to Plenary 2004-05

Purpose

1. To approve the Committee's Annual Report to Plenary 2004-05.

Background

2. Standing Order 9.9 requires subject committees to report to the Assembly from time to time on progress in fulfilling their work programmes. All subject committee reports will be laid before the Assembly in June 2005 reports in May.

Action for the Committee

3. The Committee is invited to comment on and approve the draft report attached to the paper.

Committee Services

May 2005

Local Government and Public Services Committee

Report to Plenary under Standing Order 9.9: April 2004 to March 2005

1. Introduction

1.1 The Local Government and Public Services Committee is one of the Assembly's seven subject committees. This report is made under Standing Order 9.9, which requires subject committees to report to the Assembly from time to time on their progress in fulfilling their work programme. It summarises the Committee's work from April 2004 to March 2005.

2. Membership

2.1 Our current membership is Ann Jones (Chair), Glyn Davies, Sue Essex (Minister for Finance, Local Government and Public Services), Mike German, Alun Ffred Jones, Laura Ann Jones, Peter Law, Dai Lloyd, Val Lloyd and Gwenda Thomas¹.

3. Remit and Responsibilities

3.1 The Committee's remit mirrors the local government and public services portfolio of the Minister for Finance, Local Government and Public Services. This includes local government and the development of a strategic approach to the delivery of public services. It does not cover the Minister's responsibilities in respect of the Assembly's finances or policy or financial matters falling solely within another portfolio.

3.2 The Committee held 13 formal meetings in the reporting period, two of which were joint meetings with the House of Commons Welsh Affairs Committee² (see paragraph 4.7).

3.3 The responsibilities of subject committees are set out in Standing Orders 9.7 and 9.8. The remainder of this report details significant aspects of Committee work under each of these headings.

4. Work and Achievements to Date

Policy Development (SO 9.7(i))

The operation of new political management structures in local government

4.1 In June 2004, the Committee published its first inquiry report The operation of new political management structures in local government. At its September 2004 meeting, in line with the agreed protocol for handling inquiry reports, the Minister provided a written response to the Committee's findings and recommendations. In order to ensure effective follow up of progress on implementing the recommendations, the Committee agreed to receive an update from the Minister in her written report on a termly basis³. As a result of one of the recommendations contained in the report⁴, the Assembly approved The Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 in November 2004.

The operation of the public services regulation and inspection regime in Wales

4.2 In April 2004, the Committee began an inquiry into the operation of the public services regulation and inspection regime in Wales⁵. The Committee invited written submissions from a wide range of interested parties and received 28 responses. Oral evidence was taken from a number of key bodies⁶ and Members undertook rapporteur visits to St Asaph and Carmarthen where they held meeting with representatives from the education and social services fields⁷. In November 2004, the Committee met with the Scottish Parliament's Local Government and Transport Committee, officials from the Scottish Executive and officers from the Convention of Scottish Local Authorities to discuss regulation and inspection arrangements in Scotland.

4.3 At its March 2005 meeting, the Committee agreed its final report. The report is due to be published in May 2005 and will include a series of recommendations aimed at simplifying the regulation and inspection regime in Wales and the promotion of continuous improvement within the delivery of public services.

Electoral arrangements in Wales

4.4 Following consideration of the Electoral Commission report Local elections in Wales 2004, at its March 2005 meeting the Committee agreed the terms of reference for its project on Electoral arrangements in Wales⁸. It is intended that work on this project will continue into late 2005.

Review of Expenditure and Administration (SO 9.7(ii))

Minister's Report

4.5 The Committee received a report from the Minister at alternate meetings allowing regular scrutiny of policies and decisions for which the Minister is accountable.

Review of Assembly Sponsored Public Bodies (SO 9.7(iii))

4.6 The Committee's remit includes the Local Government Boundary Commission for Wales. In April 2005 the Committee will consider the Commission's Annual Report and Accounts for 2003-04.

Legislation (SO 9.8(i))

Primary Legislation

Public Service Ombudsman (Wales) Bill

4.7 In December 2004, following a plenary debate on the Queen's Speech, the Assembly remitted the Public Service Ombudsman (Wales) Bill to the Committee⁹. In line with recently established practice¹⁰,

the Committee undertook joint scrutiny sessions with the House of Commons Welsh Affairs Committee. In order to inform its work the Committees invited written evidence from a wide range of organisations affected by the legislation. Joint meetings were held on 13 and 17 January 2005 at which the Committees took oral evidence from a total of nine witnesses¹¹. The Local Government and Public Services Committee subsequently agreed a report¹², which included a series of recommendations and suggested amendments to the Bill. The report was sent to relevant Members of the House of Commons and House of Lords to inform debate in the remaining Parliamentary stages of the Bill.

Secondary Legislation

4.8 The Committee continued to work to its agreed protocol for handling subordinate legislation, which was established in June 2004. The Committee received a detailed timetable of forthcoming legislation within the Minister's portfolio at alternate meetings and considered 11 pieces of draft legislation during the period covered by this report.

4.9 Details of SIs considered in Committee are attached at Annex 1.

4.10 In addition, at its 9 February meeting 2005, the Committee held a scrutiny session on the draft Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 at which we took evidence from Sue Essex AM, Minister for Finance, Local Government and Public Services, representatives from the UK Government, local government and the emergency services in Wales. We subsequently agreed a report, which was formally submitted to the Cabinet Office in response to its consultation on the draft regulations and guidance.

European Legislation

4.11 In May 2004, the Committee agreed a way forward for handling European legislation and subsequently received at alternate meetings details of relevant documents relating to its portfolio deposited in the UK Parliament. At its 7 July 2004 meeting the Committee considered the European Commission Green Paper on Public-Private Partnerships. Following the meeting we agreed a report, which was sent to the Commission to inform the consultation process.

Budget (SO 9.8(ii))

4.12 In May 2004 the Committee considered its priorities for the budget within the Local Government Main Expenditure Group for 2005-06 and wrote to the Minister to formally convey its views. Following its scrutiny session on the draft budget at its 10 November 2004 meeting, the Committee wrote to the Finance Minister in accordance with Standing Order 21.

Complaints (SO 9.8(iii))

4.13 At its October 2004 meeting the Committee considered a report by the Welsh Administration Ombudsman, in line with Standing Order 23, and recommended amendment to the First Minister's proposed response to the report.

Public Appointments (SO 9.8(iv))

4.14 The Committee's public appointment nominees were involved in the appointment of the Chair and Members of the Welsh Independent Remuneration Panel.

Matters referred by the Assembly (SO 9.8(v))

4.15 In December 2004, the Public Services Ombudsman (Wales) Bill was referred to the Committee (see paragraph 4.4).

5. Cross Cutting Issues

5.1 At its April 2004 meeting the Committee discussed the Sustainable Development Scheme draft action plan. The Committee wrote to the Minister for Environment, Planning and Countryside to feed its views into the consultation process before the action plan was adopted in plenary.

5.2 In April 2004 the Children's Commissioner for Wales presented his Annual Report and Accounts 2002-03 to the Committee. As a result of discussion, the Committee wrote to the Minister for Education and Lifelong Learning and Minister for Health and Social Services to express its concern about the state of school toilets and the impact of the Children's Bill on the work of the Children's Commissioner for Wales, respectively.

5.3 In May 2004 the Committee considered progress on the Public Sector Management Initiative, which cuts across the public sector and has been established to improve leadership in the public services in Wales. Following discussion, the Committee wrote to the Minister for Health and Social Services about engaging the health service in the initiative.

5.4 As part of the consultation process to inform the Committee's inquiry into regulation and inspection of public services, we invited written submissions from a number of groups representing minority interests.

5.5 The Committee's current project into Electoral arrangements in Wales seeks to address equality issues including voting in languages other than English (see paragraph 4.4). During the course of the project, the Committee will consult relevant organisations to assist with its work.

6. Forward Work Programme

The Committee's strategic work programme, which was agreed in July 2004, is attached at Annex 2.

1. Val Lloyd and Gwenda Thomas joined the Committee on 25 January 2005 in place of Lorraine Barrett and Tamsin Dunwoody-Kneafsey.
2. The Welsh Affairs Committee is a departmentally-related select committee of the House of Commons. Its terms of reference are to examine matters within the responsibility of the Secretary of State for Wales (including relations with the National Assembly for Wales).
3. The first progress report was considered at the 9 March meeting, LGPS 03-04(p1).
4. Recommendation 9: We recommend that the Welsh Assembly Government amends the Local Authorities (Operation of Different Executive or Alternative Arrangements) (Wales) Regulations 2002 so that local authorities have the freedom to reform their political management structures and overview and scrutiny arrangements as they see fit.
5. Terms of reference for the inquiry: *'To consider the operation of the public services regulation and inspection regime in Wales, including the roles and accountabilities of inspectorates, their interaction with inspected bodies and the added value the regime brings to public service improvement'*.
6. Professor Steve Martin, Centre for Local & regional Government Research, Cardiff University; Audit Commission in Wales; Estyn; Care Standards Inspectorate for Wales; Social Services Inspectorate for Wales and the Welsh Local Government Association.
7. Care Forum Wales; Association of British Social Workers; representatives from local schools and local authorities.
8. Terms of reference: *'To consider the issues surrounding the arrangements for local government and National Assembly elections in Wales, in particular, voter registration, voter turnout, the participation of young people and voting in languages other than English; to consider a range of measures used within other political systems to improve voter turnout, registration and the participation of young people and the extent to which they could be applied to local government and National Assembly elections in Wales; to consider if any additional measures are required to ensure that voting arrangements in Wales are fully inclusive; to make recommendations.'*
9. National Assembly for Wales, Record of Proceedings 1 December 2004, p.97.
10. The House of Commons formally passed the required amendment to its Standing Orders on 7 June 2004 to allow joint working and a similar motion to amend the Assembly's Standing Orders was passed by plenary on 15 June 2004.
11. Vivienne Sugar, Welsh Consumer Council; Peter Johns and Tommy Morgan, Board of Community Health Councils in Wales; Steve Thomas, Welsh Local Government Association; Adam Peat, Local Government and Health Service Ombudsman for Wales, Welsh Administration Ombudsman; Eric Drake, Scottish Public Services Deputy Ombudsman; Don Touhig MP, Parliamentary Under Secretary of State for Wales; Sue Essex AM, Minister for Finance, Local Government and Public Services, Welsh Assembly Government; and Ann Abraham, Parliamentary Commissioner for Administration (Ombudsman) and Health Service Commissioner for England.
12. Report of the Local Government and Public Services Committee on the Public Services Ombudsman (Wales) Bill, February 2005.

Subordinate legislation considered by the Local Government and Public Services Committee

There were no SIs formally referred to the Committee under SO 22.6.

In line with the agreed protocol for handing subordinate legislation in Committee, the following SIs were identified and subsequently scrutinised:

- The Local Authorities (Calculation of Council Tax Base) and Council Tax (Prescribed Classes of Dwellings)(Wales) (Amendment) Order 2004;
- The Council Tax (Chargeable Dwellings, Exempt Dwellings and Discount Disregards) (Amendment)(Wales) Order 2005;
- The Council Tax (Liability for Owners)(Amendment)(Wales) Regulations 2005;
- The Local Authorities Executive Arrangements (Functions and Responsibilities)(Amendment) (Wales) Regulations 2004;
- The Local Authorities Alternative Arrangements (Amendment)(Wales) Regulations 2004;
- The Council Tax (Transitional Arrangements)(Wales) Regulations 2004;
- The Council Tax (Demand Notices) Transitional Arrangements (Wales) Regulations 2004;
- The Local Government (Best Value Performance Indicators)(Wales) Order 2002 (Revocation) Order 2005;
- The Local Government (Best Value Performance Indicators (Wales) Order 2005;
- Business Improvement Districts (Wales) Regulations 2005;
- The Valuation Tribunals (Wales) Regulations 2005.

Reports on the above can be found on the Committee's website.

The following SIs have been identified by the Committee for future consideration:

- The Local Authorities (Access to Information) (Exempt Information) (Wales) Regulations 2005;
- The Local Authorities (Standing Orders) (Wales) Regulations 2005
- Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2005;
- The Conduct of Members (Principles and Model Code of Conduct) (Wales) Order 2005;
- The Local Authorities Indemnification of Members and Officers (Wales) Regulations 2005;
- The Local Authorities (Political Restrictions Regime) Order 2005.

Annex 2

Local Government and Public Services Committee

Strategic Forward Work Programme 2004/05

Introduction

1. This work programme sets out the strategic priorities of the Committee for the next twelve to eighteen months.

Remit and responsibilities

2. The Committee's remit is based on the portfolio of the Assembly Minister for Finance, Local Government and Public Services and covers local government, the development of a strategic approach to the delivery of public services and the Wales Spatial Plan. It does not cover the Minister's responsibilities in respect of the Assembly's finances or policy or financial matters falling solely within another portfolio.

3. The responsibilities of subject committees, as set out in Standing Order 9, are principally: policy development; scrutiny of Ministers and relevant bodies; and scrutiny of legislation.

Aims

4. The Committee will develop a strategic approach to its work and aim to balance consideration of subjects across the portfolio and its range of responsibilities.

Priorities

5. Priorities for the coming period will be:

- Policy development (SO 9.7(i)) – the Committee will focus on those areas of policy development where it can make the greatest impact. It will continue with its inquiry into the operation of the public services regulation and inspection regime, for which the terms of reference have been agreed.
- Scrutiny of the Minister (SO 9.7(ii)) - the Minister will report to the Committee at alternate meetings on current developments within the portfolio. The Committee may also undertake inquiries into particular topics in greater depth.
- Scrutiny of relevant bodies (SO 9.7 (iii)) – the Committee will consider the work of the Local Government Boundary Commission for Wales, the Welsh Local Government Association, the Local Government Equalities Unit, the Local Government Data Unit of Wales, Syniad and the Audit Commission.
- Scrutiny of proposed legislation affecting Wales (SO 9.8(i) and 24) – the Committee will receive, at alternative meetings, a timetable of forthcoming secondary legislation within its remit and

details of recent EU documents relevant to its portfolio as deposited in the UK Parliament. The Committee will identify for scrutiny those items of legislation where there is scope to influence content and will also consider draft secondary legislation referred by the Deputy Presiding Officer as appropriate. In addition, the Committee will be informed of relevant proposed primary legislation.

The Committee will consider the following items as they arise:

- proposals for the Assembly's budget (SO 9.8(ii)) – the Committee will indicate its budget priorities in the summer term and comment on the draft budget in the autumn term;
- complaints (SO 9.8(iii) and 23) – the Committee will consider any complaints referred to it under Standing Order 23;
- public appointments (SO 9.8(iv) and 22) – the Committee's two public appointment nominees will take part in the process of appointments to public bodies as vacancies arise;
- other matters referred by the Assembly (SO 9.8 (v)) – the Committee will consider other matters referred to it by the National Assembly, but would ask Assembly Members to consult the Committee Chair before tabling motions inviting plenary to remit work to the Committee.

The Assembly's Statutory Duties

6. The Government of Wales Act 1998 places certain duties on the National Assembly, the Committee's work will be guided by the following:

- Equality of Opportunity (s.48 and s.120) - Committee meetings will be held in public and on occasion away from the National Assembly building to increase the accessibility of its business to people across Wales. Over the range of issues within its portfolio, the Committee will have regard to equality of opportunity;
- Sustainable Development (s.121) - throughout its deliberations the Committee will focus on the need to balance economic and social growth with the conservation of the environment, through sustainable development. Its own policy review recommendations will reflect this principle.

Local Government and Public Services Committee

June 2004