



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Amgylchedd a Chynaliadwyedd
The Environment and Sustainability Committee

Dydd Iau, 9 Hydref 2014
Thursday, 9 October 2014

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Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod ar gyfer
y Canlynol: Eitemau 9 a 10
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting for
the following Business: Items 9 and 10

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee.

In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur Labour
Jeff Cuthbert	Llafur Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Gruffydd	Plaid Cymru The Party of Wales
Alun Ffred Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jenny Rathbone	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Keith Bowen	Cadeirydd, Cynghrair Gofalwyr Cymru Chair, Wales Carers Alliance
Nick Capaldi	Prif Weithredwr, Cyngor Celfyddydau Cymru Chief Executive, Arts Council of Wales
Sam Clutton	Cyfarwyddwr Polisi Cynorthwyol, Barnardo's Cymru Assistant Director Policy, Barnardo's Cymru
Gareth Coles	Swyddog Cyflenwi Gwasanaethau Cyhoeddus, Cyngor Gweithredu Gwirfoddol Cymru Public Service Delivery Officer, Wales Council for Voluntary Action
John Cook	Prif Weithredwr, Awdurdod Parc Cenedlaethol Bannau Brycheiniog Chief Executive, Brecon Beacons National Park Authority
Tracey Cooper	Prif Weithredwr, Iechyd Cyhoeddus Cymru Chief Executive, Public Health Wales
Andrew Davies	Cadeirydd, Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg Chair, Abertawe Bro Morgannwg University Health Board
Heather Delonnette	Cydlynnydd Datblygiad Cynaliadwy, Cyngor Sir Powys Sustainable Development Co-ordinator, Powys County Council
Steven Flather	Pennaeth Cyllid, Gwasanaeth Tân ac Achub Canolbarth a Gorllewin Cymru Head of Finance, Mid and West Wales Fire and Rescue Service
Daniel Hurford	Pennaeth Polisi (Gwella a Llywodraethu), Cymdeithas Llywodraeth Leol Cymru Head of Policy (Improvement and Governance), Welsh Local Government Association

Su Mably	Meddyg Ymgynghorol mewn Iechyd Cyhoeddus, Iechyd Cyhoeddus Cymru Consultant in Public Health, Public Health Wales
Will McLean	Pennaeth Polisi a Partneriaethau, Cyngor Sir Fynwy Head of Policy and Partnerships, Monmouth County Council
Clare Parsons	Rheolwr Cymunedau Cynaliadwy, Awdurdod Parc Cenedlaethol Bannau Brycheiniog Sustainable Communities Manager, Brecon Beacons National Park Authority
Dr Tim Peppin	Cyfarwyddwr Materion Adfywio a Datblygu Cynladwy, Cymdeithas Llywodraeth Leol Cymru Director of Regeneration and Sustainable Development, Welsh Local Government Association
Trevor Purt	Prif Weithredwr, Bwrdd Iechyd Lleol Prifysgol Betsi Cadwaladr Chief Executive, Betsi Cadwaladr University Health Board
Neville Rookes	Swyddog Polisi Amgylchedd, Cymdeithas Llywodraeth Leol Cymru Policy Officer Environment , Welsh Local Government Association
Toni Schiavone	Llefarydd Cymunedau Cynaliadwy, Cymdeithas yr Iaith Gymraeg Sustainable Communities Spokesperson, Welsh Language Society
Hannah Sheppard	Cydlynnydd, Canolbwynt Datblygu Rhyngwladol Cymru Co-ordinator, Wales International Development Hub
Mark Thomas	Pennaeth Archwilio, Cyngor Bwrdeistref Sirol Merthyr Tudful Head of Audit, Merthyr Tydfil County Borough Council

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

Catherine Hunt	Ail Glerc Second Clerk
Andrew Minnis	Y Gwasanaeth Ymchwil Research Service
Adam Vaughan	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 09:00.
The meeting began at 09:00.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Alun Ffred Jones:** A gaf i eich croesawu chi i gyd yma? Y rheolau arferol ynglŷn â'r larwm tân yw dilyn y tywyswyr allan os bydd larwm yn seinio. Dylai pawb ddiffodd eu ffonau symudol. Rydych yn gwybod bod Cynulliad Cenedlaethol Cymru yn gweithredu'n ddwyieithog, felly mae clustffonau ar gael i chi clywed y cyfieithiad—mae'r cyfieithiad ar gael ar sianel 1—ac, i glywed y sain yn well, mae'n **Alun Ffred Jones:** May I welcome you all here? The usual rules apply in terms of the fire alarm: please follow the ushers out of the room should there be a fire alarm. Everyone should switch off their mobile phones. As you know, the National Assembly for Wales operates bilingually, so headsets are available for you to hear the interpretation—the interpretation is available on channel 1—and the amplified floor language is on channel 0.

sianel 0. Peidiwch â chyffwrdd y botymau, os gwelwch yn dda, achos daw'r meicroffonau ymlaen. A oes Aelod eisiau datgan buddiant o dan Reol Sefydlog 2.6? Nad oes. Rydym wedi derbyn ymddiheuriad gan Joyce Watson ac nid oes ganddi ddirprwy. Dyna ni. Diolch yn fawr.

Please do not touch the buttons on the microphones, because they will operate automatically. Does any Member wish to declare an interest under Standing Order 2.6? No-one does. We have received an apology from Joyce Watson and there are no deputies. Thank you very much.

09:01

Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 9
The Well-being of Future Generations (Wales) Bill—Stage 1: Evidence Session 9

[2] **Alun Ffred Jones:** A gaf groesawu'r tystion ger ein bron heddiw? Rydym yn falch iawn o'ch cael yma i roi tystiolaeth i ni ar y Bil hwn. A fydech cystal â chyflwyno'ch hunain i ddechrau? Wedyn, fe ofynnaf i'r Aelodau holi cwestiynau. Pwy sydd yn mynd i ddechrau? A gawn ddechrau efo Keith Bowen?

Alun Ffred Jones: May I welcome the witnesses who are appearing before us today? We are very pleased to have you here with us to give evidence in relation to this Bill. Could I ask you to introduce yourselves to us at the beginning? Then, I will ask Members to ask their questions. Who wants to start? May we start with Keith?

[3] **Mr Bowen:** I am Keith Bowen, director of Carers Wales and chair of the Wales Carers Alliance.

[4] **Mr Coles:** Gareth Coles ydw i, Cyngor Gweithredu Gwirfoddol Cymru.

Mr Coles: I am Gareth Coles, Wales Council for Voluntary Action.

[5] **Ms Sheppard:** Hannah Sheppard, co-ordinator for Wales International Development Hub.

[6] **Mr Schiavone:** Toni Schiavone ydw i, is-gadeirydd cymunedau cynaliadwy, Cymdeithas yr Iaith Gymraeg.

Mr Schiavone: I am Toni Schiavone, vice chair of sustainable communities for the Welsh Language Society.

[7] **Alun Ffred Jones:** Diolch yn fawr iawn. A gaf ddechrau efo Bill Powell?

Alun Ffred Jones: Thank you very much. Could I start with Bill Powell?

[8] **William Powell:** Diolch yn fawr, Gadeirydd. Bore da, bawb.

William Powell: Thank you very much, Chair. Thank you, everyone.

[9] I would like to start by asking a question specifically around the carers issue, and for your reflections on the fact that the Bill, as currently drafted, contains only one single reference to carers. Also, I would like to check, if my understanding is correct, that the Carers Strategies (Wales) Measure, which was drafted back in 2010 for implementation in 2012, was due to be abolished as part of the Social Services and Well-being (Wales) Bill, but was then kept in by Government amendment, and now, in the Bill before us, we are seeing its potential abolition again. I do not know whether my understanding is correct, but I would appreciate come clarification on that point.

[10] **Mr Bowen:** Certainly. We do have a particular issue with regard to carers and the Well-being of Future Generations (Wales) Bill. Yes, there is currently one reference to carers within the Bill. We have a specific issue, however, as you have just outlined, in that, really, it is the third piece of Welsh legislation to cover strategic planning for carers since 2012, in fact,

because the Carers Strategies (Wales) Measure 2010 was not in force until 2012 and then, a year later, in 2013, the Social Services and Well-being (Wales) Bill announced that it would repeal the Carers Strategies (Wales) Measure 2010—something that the Carers Wales and the Wales Carers Alliance did not agree with. In fact, right at the last minute of the final stage of the social services Bill, section 14(3) was introduced to what was the Bill at that point—it is an Act now—which was to address the issue around the repeal of the carers Measure.

[11] Unfortunately, in July, when the Well-being of Future Generations (Wales) Bill came out, it subsequently repealed section 14(3) of the Social Services and Well-being (Wales) Act 2014. So, from our point of view, unfortunately, what this has led to—. From our point of view, the carers Measure was a perfectly suitable and very positive piece of legislation, whereby everybody knew what they were doing. Health boards had a specific lead for carers working with local authorities and there was the detail of what they had to plan and put forward in their strategies. Unfortunately, now, rather than concentrating on the implementation and delivery of what is in the Measure, we are left in a bit of a no-man's-land at the moment, whereby the future generations Bill leaves us in an even vaguer position than we were in previously.

[12] **William Powell:** So, basically, the understanding that I had was correct, and it seems to reflect a very muddled thinking at the heart of Government on this critical point over the last couple of years.

[13] **Mr Bowen:** I think that the most important thing, from our point of view, is that we want to get back to a situation where there is strategic planning for carers and specific duties on public bodies, in particular with health as a lead, because the vast majority of carers deal with health professionals rather than social care professionals. So, from our point of view, we want to get back to a situation where there are clear strategic planning mechanisms for carers, which fit in within the overarching aims of this Bill. From our point of view, that is currently not the case, so we would want to see amendments to the current Bill to put that back in place. Currently, the detail of the carers Measure is no longer there, and nor are the specific health bodies as the lead. Realistically, what might be the simplest route is actually to not repeal the Measure and actually refer to the Measure within the Bill under section 36.

[14] **William Powell:** I welcome that clarification. Perhaps I could broaden out my question to ask also about—

[15] **Alun Ffred Jones:** Can I just hold you there? Antoinette, did you have a question on this point?

[16] **Antoinette Sandbach:** Yes, it is on this point. You describe in your evidence the health boards and the local service boards as having the lead in respect of carers, and I think that you suggest in your evidence that they should maintain the lead, as you have described. What would you ask the committee to do, then, looking at this legislation? Would you say that the public service boards should, in effect, be abolished and local service boards retained?

[17] **Mr Bowen:** The important thing is that whatever solution comes forward fits within the wider plans. Potentially within the public service boards as they are outlined, as long as there is a relevant route for carers' issues to be included, and with health boards as the lead agency for carers, we think that we could go with the current set-up. It is just a matter of finding a legal mechanism to do that. As mentioned, I think, potentially, there is a list of issues that the wellbeing plans under this Bill need to consider, under section 36. We think, really, that the most straightforward solution to overcome that sort of dilemma would be to not repeal the Measure and include that in section 36 as something that the public service boards have to include in their plans.

[18] **Alun Ffred Jones:** Bill Powell, you may come back in.

[19] **William Powell:** Diolch, Gadeirydd. I would like to ask whether, in your view, the provisions of this Bill more widely are consistent with those within the Social Services and Well-being (Wales) Act 2014. More broadly, what other amendments would you wish us to bring forward in this connection? You have obviously detailed the central critique that you have.

[20] **Mr Bowen:** I think that the main key issue there is that, under section 36—although I cannot remember exactly which point it is—the wellbeing plans under this Bill have to refer back to the assessments undertaken under the Social Services and Well-being (Wales) Act. I think that the key issue for us there would be the issue around the definition of ‘well-being’ and making sure that the two definitions, in this Bill and the previous Act, actually coincide. At the moment, there seems to be a bit of a mismatch between the two. I think that if that is addressed, the two could complement each other.

[21] **William Powell:** Finally, Chair, if I may, on the issue of citizen-centred governance principles, which was very much at the heart of the Wales Council for Voluntary Action submission to us, do you feel that there is sufficient clarity in the supporting documentation of the Bill as currently drafted, or would you like that to be enhanced?

[22] **Mr Coles:** I think that we would like an enhancement in that area. Yes, I suppose that, broadly, we see the opportunities within the Bill as currently drafted, but there are matters that we would see enhanced, both in terms of the principles and the means of engaging with citizens, so that it is a genuine engagement rather than a sort of must-consult kind of approach from the bodies mentioned.

[23] **Llyr Gruffydd:** Rwyf am ofyn ychydig gwestiynau ynglŷn â'r Gymraeg, yn benodol i Gymdeithas yr Iaith Gymraeg. Fel mae'r Bil yn sefyll, faint o wahaniaeth ydych chi'n meddwl y gwnaiff y Bil i gyflwr a sefyllfa'r Gymraeg?

Llyr Gruffydd: I want to ask some questions about the Welsh language, specifically to the Welsh Language Society. As the Bill stands, how much difference do you think it will make to the status and the situation of the Welsh language?

[24] **Mr Schiavone:** Dim digon. Hynny yw, y sefyllfa bresennol, yn ôl prif swyddog cynllunio Llywodraeth Cymru, yw nad oes modd i unrhyw ddatblygiad gael ei ganiatáu neu ei wrthod ar sail ei effaith ar y Gymraeg. Felly, rydym yn edrych ar ddeddfwriaeth oddi mewn i Gymru i gael effaith ar hynny. ‘Nawr, yn ôl Carl Sargeant, mae'n hollol glir yn ei feddwl y dylai'r cyfeiriad at y Gymraeg fod yn gryf oddi mewn i'r Bil hwn. Gwnaf ddyfynnu yr hyn mae wedi'i ddweud:

Mr Schiavone: Not enough. That is, the current situation, according to the Welsh Government's chief planning officer, is that there is no way for any planning scheme to be approved or rejected on the grounds of its impact on the Welsh language. So, we are looking to have legislation in Wales to that effect. Now, according to Carl Sargeant, it is totally clear in his mind that there should be a strong reference to the Welsh language in this Bill. I will quote what he has said:

[25] ‘On the issue around a strategic purpose for the Bill...we have the Well-being of Future Generations (Wales) Bill, which, as the Member knows very well, has a particular goal element in there regarding a vibrant Welsh language, which is a linchpin for all legislation and the way that we develop actions not only in Government but across the broader public sector.’

[26] Felly, mae un Gweinidog yn edrych i'r pwyllgor hwn a'r Bil hwn i sicrhau bod So, one Minister is looking to this committee and to this Bill to ensure that the position of

lle'r Gymraeg yn hollol ddiamwys. 'Nawr, nid oes diffiniad clir o gynaliadwyedd ac o ddatblygu cynaliadwy yn nhermau anghenion, ac, yn ein barn ni, dylai'r pedwar piler fod yna, sef yr amgylcheddol, y cymdeithasol, yr economaidd, a'r diwylliannol. Mae hynny'n adlewyrchu'r diffiniad ar lefel Ewropeaidd ac ar lefel y Cenhedloedd Unedig hefyd.

[27] Y sefyllfa ar hyn o bryd, wrth gwrs, yw ein bod yn wynebu dirywiad difrifol iawn yn nifer y cymunedau Cymraeg eu hiaith. Mewn rhai achosion, mae angen caniatáu datblygiad ar sail y ffaith y byddai'n beth da i'r Gymraeg, er enghraifft cais cynllunio i ehangu garej mewn ardal wledig. Mewn lleoedd a chyd-destunau eraill, byddai datblygiad yn gallu bod yn niweidiol i'r Gymraeg. Felly, mae angen cyfeiriad clir iawn yn y Bil hwn, ac mae angen adlais o hynny yn y Bil Cynllunio (Cymru). Yn anffodus, mae'r Bil cynllunio a ddaeth ddydd Llun wedi gwneud job Pontius Peilat: mae wedi golchi ei ddwylo o'r Gymraeg ac wedi trosglwyddo'r cyfrifoldeb un ai i chi neu i'r awdurdodau lleol. Wel, nid dyna'r math o arweiniad na llywodraethu yr wyf yn disgwyl eu gweld yng Nghymru. Os ydym eisiau cael mwy o bwerau yng Nghymru, mae eisiau i ni yng Nghymru ddangos ein bod yn gallu llunio deddfau sy'n ymateb i anghenion pobl a chymunedau yng Nghymru.

[28] **Llyr Gruffydd:** Iawn, diolch. Rwy'n meddwl bod hynny'n ddigon clir. Rydych wedi awgrymu, ac wedi ategu hynny yn eich sylwadau, fod angen cryfhau bwriad cyrrff cyhoeddus i wella llesiant a'r egwyddor o ddatblygu cynaliadwy. Rydych hefyd yn eich papur wedi argymhell newid geiriad y chweched nod, os wyf wedi deall yn iawn. Ai newid y nod neu newid y disgrifiad o'r nod oedd y bwriad, o ran eglurdeb?

[29] **Mr Schiavone:** Mae angen newid y diffiniad. Mae'r ffordd y mae'r gynghrair datblygu cynaliadwy wedi diffinio'r nodau, yn ein barn ni, yn ddiamwys ac yn glir ac yn rhoi arweiniad. Felly, yn ein barn ni, mae angen diffiniad clir sy'n ei gwneud yn ddiamwys, nid mai'r Gymraeg yw'r unig ystyriaeth ond ei bod yn un o'r ystyriaethau yn y cyd-destun amgylcheddol ehangach.

the Welsh language is unambiguous. Now, there is no clear definition of sustainability and sustainable development in terms of needs, and, in our opinion, the four pillars should be there: the environmental, the social, the economic and the cultural. That reflects the definition on a European level and also on a United Nations level, too.

The situation at present, of course, is that we are facing a significant decline in the number of Welsh-speaking communities. In some cases, development needs to be approved on the grounds that it would be good for the Welsh language, for example a planning application to extend a garage in a rural area. In other places and contexts, a development could be damaging to the Welsh language. So, there needs to be a very clear reference in this Bill, and that needs to be reflected in the Planning (Wales) Bill, too. Unfortunately, the planning Bill that was introduced on Monday has done a Pontius Pilate job on us: it has washed its hands of the Welsh language and has transferred the responsibility either to you or to local authorities. Well, that is not the kind of leadership or governance that I would expect to see in Wales. If we want to have more powers in Wales, we in Wales need to demonstrate that we can draft legislation that responds to the needs of the people and communities of Wales.

Llyr Gruffydd: Okay, thank you. I think that that is clear enough. You have suggested, and you have reiterated this in your remarks, that we need to strengthen the intention for public bodies to promote wellbeing and the principle of sustainable development. You have also recommended in your paper changing the wording of the sixth goal, if I have understood correctly. For clarity, do you want to change the goal or the wording of it?

Mr Schiavone: There is a need to change the definition. The way in which the sustainable development alliance has defined the goals is, in our view, unambiguous and clear and shows leadership. So, in our opinion, there needs to be a clear definition that makes it unequivocal, not that the Welsh language is the only consideration, but that it is one consideration in the wider environmental context.

[30] **Llyr Gruffydd:** Rwyf jest wedi sylwi, o ran y geiriad rydych chi wedi ei gynnig yn y papur tystiolaeth ar gyfer y Gymraeg fel un o'r nodau, eich bod yn sôn am greu sefyllfa lle mae'r Gymraeg 'yn ffynnu' yn ein cymunedau. Mae'n deg dweud bod paralel posibl fynd gyda pheth tystiolaeth rydym wedi ei chael gan y lobi amgylcheddol, sy'n sôn nid yn unig am fod gennym ecosystemau gwydn, ond eu bod yn cael eu hadfer hefyd. Rydych yn teimlo bod hynny'n bwyslais paralel, mewn gwirionedd, yng nghyd-destun y Gymraeg.

Llyr Gruffydd: I have just noticed, in terms of the wording that you have offered in your evidence paper for the Welsh language as one of the goals, that you talk about creating a situation where the Welsh language thrives in our communities. It is fair to say that there is a possible parallel there with some evidence that we have received from the environmental lobby, which talks not only of our having resilient ecosystems, but of their being restored also. You feel that there should be a parallel emphasis there in the context of the Welsh language.

[31] **Mr Schiavone:** Ydym, ac rydym yn cyd-fynd yn llwyr â'r holl syniad o beth yw ecosystem. Mae pobl yn un o'r rhywogaethau o fewn yr ecosystem. Mae gan bob un rhywogaeth nodweddion arbennig. Un o nodweddion arbennig y boblogaeth yng Nghymru yw'r ffaith ein bod yn siarad Cymraeg. Os darllenwch adroddiad a ddaeth allan ychydig fisoedd yn ôl gan symposiwm byd-eang a gynhaliwyd yn Lloegr, gwelwch fod cyfeiriad uniongyrchol yno at y berthynas rhwng y dirywiad mewn cymunedau ac mewn ieithoedd, a dirywiad ecolegol. Ysgrifennwyd llyfr 15 i 20 mlynedd yn ôl o'r enw *Vanishing Voices*, sydd hefyd yn tynnu ar y cyswllt uniongyrchol rhwng dirywiad ecolegol a dirywiad cymunedau ac ieithoedd. Pe baem yn sôn am iaith yn yr Amazon neu iaith y Maori, byddai pawb yn cytuno. Fodd bynnag, oherwydd mai'r Gymraeg ydyw, ryw ffordd, mae rhai pobl yn ofni gwneud hyn.

Mr Schiavone: Yes, and we entirely agree with the whole concept of what an ecosystem is. People are one of the species within the ecosystem. Every species has its own special characteristics. One of those in terms of the population in Wales is that people here speak Welsh. If you read a report that came out a few months ago on a worldwide symposium that was held in England, you will see that a direct reference was made there to the relationship between the decline in communities and languages and the decline in terms of ecology. A book was written some 15 or 20 years ago called *Vanishing Voices*, which made that same link between ecological decline and the decline of communities and languages. If we were talking about a language in the Amazon or the language of the Maori, everyone would agree. However, because it is about Welsh, for some reason, some people are scared to do this.

09:15

[32] Mae'n rhaid imi ddweud, rydym wedi cynnal trafodaethau gyda chynrychiolwyr pob plaid, a chyda phobl ar draws Cymru, ac nid oes neb yn anghytuno â'r egwyddor o ymgorffori deddfwriaeth sy'n diogelu'r Gymraeg. Mae undod barn, ond mae fel pe bai, gyda phob parch, ofn gan y Llywodraeth hon i gymryd y cam o sicrhau ei bod o fewn deddfwriaeth.

I have to say that we have had discussions with representatives from every party, and with people across Wales, and nobody disagrees with the principle incorporating in legislation the safeguarding of the language. There is unanimity, but it appears, with all respect, that there is fear on the part of this Government to take the step of ensuring that it is within legislation.

[33] **Antoinette Sandbach:** You referred to the need to have this, particularly in the planning context, but the Planning (Wales) Bill has now come forward and there is a technical advice note in relation to the Welsh language, which relates to planning and which binds local councils. So, what is it that you feel that you need on top that is not covered, as it were, by that technical advice note?

[34] **Mr Schiavone:** Rwy'n cyn-arolygwr ysgolion, ac roeddem fel arolygwyr yn cynhyrchu cyngor i ysgolion. Mae'r cyngor yn cael ei dderbyn neu ei wrthod. Y broblem fwyaf gyda'r canllawiau cyngor yw mai dyna ydynt: cyngor. Rwyf wedi bod mewn cyfarfod cyngor yn sir Ddinbych lle'r oedd cyngor oddi wrth swyddogion Llywodraeth Cymru yn awgrymu na ddylid datblygu tai ar ardal amaethyddol, tir da. Gwrandawyd ar y cyngor hwnnw, ond penderfynwyd mynd yn groes i hynny. Felly, yn ein barn ni, mae amwysedd yna. Canllaw a chyngor yn unig yw'r papur technegol hwnnw, ac nid yw'n ddigon cadarn na chryf i sicrhau bod awdurdod lleol yn glynu at y gofyn hwnnw. Dyna pam mae angen iddo fod mewn deddfwriaeth, a dyna pam mae hefyd angen Bil llesiant cenedlaethau'r dyfodol. Mae angen deddfwriaeth i weithredu.

Mr Schiavone: I am a former inspector of schools, and as inspectors, we would produce guidance for schools. That guidance is then accepted or rejected. The biggest problem with the advice notes is that that is what they are: advice. I have been in a council meeting in Denbighshire where there was advice from Welsh Government officials suggesting that development should not take place in agricultural areas, on good land. That advice was listened to, but the final decision was to go against that advice. Therefore, in our opinion, there is ambiguity. The technical paper is merely guidance and advice, and it is not strong or robust enough to ensure that local authorities adhere to that requirement. That is why it needs to be in legislation and that is why the well-being of future generations Bill is also necessary. Legislation is needed in order to act.

[35] **Antoinette Sandbach:** I understand that, but if, for example, there was a conflict between economic and social development, or economic and environmental development, how would you see that amendment to the language provision changing that? Is it not the same thing, that it could be considered but not followed?

[36] **Mr Schiavone:** Yn hollol, ond os nad yw yn y deddfwriaeth bod yn rhaid iddo gael ei gonsidro, gallai unrhyw awdurdod ddod i benderfyniad ar sail economaidd neu ar sail ieithyddol, yn ein barn ni, neu ar sail amgylcheddo. Os ydych yn rhoi pob peth yn yr un cwantwm ac os ydych yn dweud y dylent edrych ar y sefyllfa economaidd, amgylcheddol, cymdeithasol ac ieithyddol, maent yn gyfartal, ac eithrio un peth: byddai'r datblygiad hwn yn gadarnhaol o ran cadw pobl yn ei hardaloedd nhw a chadw'r Gymraeg yn gryf. Ar hyn o bryd, yn ôl y prif swyddog cynllunio—ac roedd y cyfarfod hwn ar ôl cyhoeddi nodyn cyngor technegol 20—nid oes modd caniatáu'r datblygiad hwnnw ar sail ei effaith ar y Gymraeg. Felly, mewn ffordd, mae hi ei hunan wedi dweud wrthym nad yw'r canllawiau yn unig yn ddigon cryf i sicrhau bod cyngor neu unrhyw awdurdod yn gallu dod i benderfyniad ar sail yr effaith ar y Gymraeg.

Mr Schiavone: Exactly, but if it is not in the legislation that it has to be considered, any authority could come to a decision on an economic basis, or a linguistic basis, in our opinion, or an environmental basis. If you placed everything in the same quantum and if you said that you should look at the economic, environmental, social and linguistic situations, they would be equal, with one exception: this development would have a positive impact in terms of keeping people in their areas and keeping the Welsh language strong. At the moment, according to the chief planning officer—and this meeting was held after the publication of technical advice note 20—it is not possible to allow that development on the basis of its impact on the Welsh language. Therefore, in a way, she herself has told us that the guidance alone is not strong enough to ensure that a council or an authority can come to a decision on the basis of the impact on the Welsh language.

[37] **Alun Ffred Jones:** Rwy'n gwerthfawrogi'r pwynt yr ydych yn ei wneud, ond rydym yn eisiau trio cadw at y Bil presennol. Credaf eich bod wedi gwneud y pwynt cyffredinol yn ddigon clir. Symudwn

Alun Ffred Jones: I appreciate the point that you are making, but we want to try to stick to the current Bill. I believe that you have made the general point clearly enough. We now move on to Julie Morgan.

at Julie Morgan.

[38] **Julie Morgan:** I wanted to ask about particular issues relating to children's rights. I notice that Barnardo's is not here at present. Are its representatives going to come?

[39] **Ms Hunt:** We have not heard from them.

[40] **Alun Ffred Jones:** We have not heard otherwise, but I understand the problem.

[41] **Julie Morgan:** Yes, well, perhaps I can ask the witnesses generally in any case. I think that Barnardo's particularly made the point that there is a lack of reference to the United Nations Convention on the Right of the Child in the Bill, and it was concerned about that and, generally, about whether the rights of children were being highlighted. I wonder whether any of you could make any comments about that.

[42] **Mr Schiavone:** A gaf i ateb hynny yn gyflym iawn? Yn ein barn ni, yng Nghymru, mae gan bob un plentyn yr hawl i gael y Gymraeg yn un o brif ieithoedd ein gwlad ni. Yn ein barn ni, oni bai ein bod yn sicrhau eu bod yn ennill y Gymraeg, yna nid ydym yn cyflawni'r nod cyffredinol hwnnw. Ymateb o fy nghyfeiriad i ydy hwnnw.

Mr Schiavone: May I respond very quickly? In our opinion, in Wales, every child has a right to have the Welsh language as one of the main languages of our country. In our opinion, unless we ensure that they acquire the Welsh language, we are not fulfilling that general goal. That is a response from my own direction.

[43] **Mr Coles:** I would just say that, from the WCVA's point of view, we are aware of a number of our members in the children's sector making that same representation. I am afraid that I do not know the detail of that, but certainly the view put forward by Barnardo's, I think, seems to be supported.

[44] **Julie Morgan:** It is widely held in the children's sector.

[45] **Mr Coles:** That is our opinion from speaking to our membership, yes.

[46] **Mr Bowen:** I would say the same, really. I think that, from our knowledge of the children's sector, there was a little disappointment that the Well-being of Future Generations (Wales) Bill had so few references to children, who are, of course, the future generations. I think that the two key issues there were the rights issue, and how that was incorporated, and then, similar to the carers' issue, children's plans and how far they had been incorporated, because I think there is concern that some of the detail from the existing planning mechanisms for children are lost and are not there in the new Bill. I would not be able to elaborate on the specifics, but I know that there is concern there that, similar to carers losing the carers Measure and existing planning mechanisms, the existing planning mechanisms for children and young people are not referenced clearly enough in this Bill.

[47] **Julie Morgan:** Following the Rights of Children and Young Persons (Wales) Measure 2011, every bit of Welsh legislation has to take into account the rights of the child, but, from your knowledge, you feel that it should be specifically written in this Bill.

[48] **Mr Bowen:** I think that the issue is that, by trying to have such a wide-ranging Bill, looking at things across the piece, there is a concern that, both for carers and for children and young people, then the detail is not there with regard to quite how the different planning mechanisms will all fit into the wider whole. So, I think that it is about making sure that all the different pieces of the jigsaw fit, really. The concern is that, by having the rather vague wording of the Bill as it stands, we are not quite sure where some of those existing planning mechanisms are going to fit in.

[49] **Julie Morgan:** Thank you. Perhaps, Chair, if Barnardo's comes in, I could ask these questions then.

[50] **Alun Ffred Jones:** Certainly. Mick is next.

[51] **Mick Antoniw:** I suppose that this is to everyone, really, but it is to do with section 6—the wellbeing goals. I have seen, obviously, a suggested refinement of them from Cymdeithas yr Iaith Gymraeg, but I am really interested in your views as to the precision of those goals. Are they sufficiently well drafted to achieve the wellbeing objectives and future generation objectives of the legislation, or do you have any views as to how they might be changed or improved, if at all?

[52] **Ms Sheppard:** I would say that, from our perspective in the international sector, the wellbeing of Wales is so inherently involved with the wellbeing of the wider world that we really need to specify that—. At the moment, the Bill limits us to considering within Wales only, but the wellbeing of future generations very much depends upon the wellbeing of the entire globe upon which we depend so much for our food, our resources, our consumables and our energy. We are subject to the forces of climate change, and biodiversity loss affects each of us. So, I would say that we need to broaden the goals, especially the first one, so it would be about the wellbeing of Wales and the wider world, to enable us to consider our international impacts and the effects that we have negatively and that we can make positively as well.

[53] **Mick Antoniw:** We are obviously limited in how we can present legislation within Wales. Is what you are saying that there is an absence of an international obligation reference within the legislation?

[54] **Ms Sheppard:** Absolutely. At the moment, there is no consideration of any of our actions, positive or negative, beyond Wales. We are so inherently bound up with the global situation that we feel that it very much needs to be reconciled within the Bill so that we can acknowledge environmental limits and the concept of fair share, because, ultimately, without that international element—. We cannot be sustainable in isolation. To be a sustainable Wales, we need to support changing behaviours to make them more sustainable for future generations.

[55] **Mick Antoniw:** I wonder whether we can ask the others about their views on the goals. We have obviously—

[56] **Mr Coles:** Just to support that, the WCVA is a member of the third sector sustainable development alliance and I think that, broadly, the message, as I am sure that committee members are aware, is that there should be a degree of greater specificity within the goals. An example would be the first goal explicitly stating environmental limits. I think that the feeling from the members of the alliance is that, if goals are not specific and measurable, they become harder to monitor and manage. So, a greater degree of specificity and an ability to measure in the descriptions would, I think, be welcome.

[57] **Alun Ffred Jones:** A oes rhywun arall eisiau dod i mewn ar y cwestiwn hwn? **Alun Ffred Jones:** Does anyone else want to come in on that point?

[58] **Mr Schiavone:** I gadarnhau, nid yw'r nodau yn rhan o'r diffiniad. Fel Cymdeithas yr Iaith Gymraeg, rydym yn cefnogi diffiniad cynghrair datblygu cynaliadwy Cymru sydd sydd yn ddiffiniad **Mr Schiavone:** To confirm, the goals are not part of the definition. As the Welsh Language Society, we welcome the definition by the Wales sustainable development alliance, which is a very precise definition of

manwl iawn o beth yw datblygu cynaliadwy. Felly, mae angen mwy o eglurder a manylder yn ôl yr hyn a awgrymir gan y gynghrair datblygu cynaliadwy.

sustainable development. Therefore, more clarity and detail is needed in line with what is suggested by the sustainable development alliance.

[59] **Alun Ffred Jones:** Mae dau Aelod eisiau dod i mewn ar hyn: Jeff Cuthbert ac wedyn Jenny Rathbone.

Alun Ffred Jones: Two Members want to come in on this: Jeff Cuthbert and then Jenny Rathbone.

[60] **Jeff Cuthbert:** Thank you. It is always difficult for me, this one. Hannah, if I may, I agree with you absolutely that what we do in Wales should not impact negatively in terms of the environment outside the boundaries of Wales. We have to balance that against the constitutional nature of the Welsh Government, because, of course, it can only make legislation that affects Wales, so there does need to be some balance. The points that you make, nevertheless, are good. Can you tell me—indeed, the rest of you may want to answer this one—whether you have fed this in through the National Conversation as well, so that it can be taken account of? Also, I know that UNICEF, for example, is very keen on the approach that is being adopted here, and sees no contradiction between this and the United Nations goals that are under development. However, there may well be amendments proposed by the Welsh Government to broaden the catch of this so that things are done that do not negatively affect the rest of the UK—at least not deliberately at any rate—or, indeed, further afield. To what extent have you fed this into the process already?

[61] **Ms Sheppard:** The international development hub has been part of the future generations reference group, working with the Minister to advise him on various elements of the Bill and its development. Throughout that process, we have been recommending a definition that conceptualises the international dimension, and that it very much moves into the action so that it goes beyond being a governance Bill and more into actions—so, broadening the scope of the Bill to effect the duty. This has been fed into the National Conversation through other members of the sustainable development alliance.

[62] However, I do believe that, in terms of aligning with the UN sustainable development goals, there could be an amendment to or a suggestion within the Bill to review the goals once the UNSDGs are announced in 2015 to ensure that there is alignment with the legislation in Wales. In particular, one of the goals being mooted at the moment at UN level is around sustainable production and consumption. If you saw the ‘Living Planet Report 2014’, which came out about 10 days ago, it said that there had been a 52% decline in mammals, amphibians and birdlife, and that had mainly been a massive decline over the last 10 years, but also over the last 50 years, driven by unsustainable production and consumption. That is one of the major ways that we in Wales affect matters and have international impacts. So, if we could bring procurement into the scope of this Bill, there is a real opportunity for us in Wales, through our powers and those procurement actions at every level of public office, to mitigate negative effects, but also to influence positive change.

[63] **Alun Ffred Jones:** Jenny Rathbone, on this point.

[64] **Jenny Rathbone:** No, I wanted to come on to the point about collaboration.

[65] **Jeff Cuthbert:** Very briefly on this point, I am aware of the mapping exercise done of the UN draft goals together with these goals, and the point that you make was the one omission, mainly because the powers of the Welsh Government were being worked on. Are you aware of any other potential contradictions between the UN goals that are under development and these goals?

[66] **Ms Sheppard:** Contradiction, no, but, currently, I do not see how there is any

alignment between what we would be doing in Wales and the UN goals. I think that there is a potential, with review and with making some amendments to the current proposed legislation, that we could complement that work. However, at the moment, I do not see the Bill as it currently stands being able to make any effects that would complement that at that level.

[67] **Alun Ffred Jones:** Mick, on this point.

[68] **Mick Antoniw:** I am glad that you mentioned the issue of procurement, and, of course, we are talking about legislation that has to be implemented and enforced. On the way in which procurement or public spending takes place—an enormous amount of it within Wales—part of the Bill is oriented towards socioeconomic aspects as well; it is the balance between the environment, the social and the economic, and the merger of the three, that is what makes the Bill so interesting. Do you think that, as the goals are drafted at the moment, particularly, I suppose, goals 1 and 2, ‘a prosperous Wales’ and ‘a fair and resilient Wales’, they are sufficiently capable of being measured, or is there a valid criticism that they may be just too loose and too open and could be interpreted in whichever way you want?

09:30

[69] **Ms Sheppard:** Personally, I feel that they are too loose. There need to be measures in there; they need to include the international dimension, first, and our relationship to it needs to be encapsulated with the Bill. That would be brought in through a definition or through the principles section. Then, through the first goal—Wales and its relationship to the world—you need to have specific measurable targets that are time-bound and would have indicators underneath them.

[70] **Alun Ffred Jones:** A gaf—? Sori, **Alun Ffred Jones:** May I—? Sorry, Gareth Gareth Coles, rydych eisiau dweud rhywbeth. **Alun Ffred Jones:** Coles, you want to comment.

[71] **Mr Coles:** Diolch yn fawr. Just to come in on the matter of procurement, I think, in the conversations in the sustainable development alliance, a perennial question in the development of the Bill was: where does it bite? Some of the thinking was that, if procurement were explicit within the Bill, and the purchasing decisions of the £4.3 billion spent by the public sector in Wales were directed explicitly in this way, certainly, that would be a key mechanism for delivering under the aims of the Bill—if it was bound to purchasing decisions.

[72] **Mick Antoniw:** Could you adapt that to an area where it basically talks about the generation and distribution of wealth fairly and the provision of fair employment within that? Would that be something that would add to the goals, do you think, in terms of the socioeconomic aspect of the Bill?

[73] **Mr Coles:** Yes. Certainly, that sounds welcome, but I also think that there is very good policy in Wales about procurement and, certainly, I think the community benefits work is at the forefront of Value Wales’s agenda. However, as I understand it to date, this has been a policy of encouragement of adoption, rather than an explicit requirement. So, I suppose what we are asking for is something specific that mandates working in this way.

[74] **Mick Antoniw:** Is not the problem that you have to be quite specific and know what it is that you want to encourage?

[75] **Ms Sheppard:** Well, yes, I think you can articulate what you want to encourage, but you can do that via your procurement management, through the contract management or through the tender specifics—I am forgetting the term now. The social criteria can be explicit within the awards criteria, as can the environmental criteria. That would be part of your

management. So, people do need to know what they want to mitigate. For example, they could specify that no toxic chemicals should be included, no GM, sustainable management, no child labour. All of those things can be specified in the award criteria, but the challenge with procurement to date has been—. There have been lots of reports about this—from the Wales Audit Office in 2010, the McClelland review of 2012, and Professor Morgan has also presented evidence to the committee. It all suggests that you do need legislation to enable procurement officers to act. That is in line with the four Es approach, which was laid out in the White Paper, as to how the Welsh Government was going to approach policy making in this Bill. Legislation is needed that would bind public procurement officers to the duty to act. At the moment, it is optional, so it is not happening. So, there is a need to bring them together.

[76] **Mick Antoniw:** So, would the Bill, as drafted, achieve that?

[77] **Ms Sheppard:** No, absolutely not. At the moment, it excludes—. It does not bite to the action and that is why the scope of the duty needs to be broader to include the actions. Through procurement, you could deliver and measure your impact through existing chains.

[78] **Alun Ffred Jones:** Iawn. Diolch yn fawr. A gaf nodi bod Sam Clutton, cyfarwyddwr polisi cynorthwyol Barnardo's Cymru, wedi ymuno â ni? Bydd cwestiynau i chi gan Julie Morgan yn y funud. Fodd bynnag, Jenny Rathbone sydd nesaf ac wedyn Llyr.

Alun Ffred Jones: Okay. Thank you. Could I just note that Sam Clutton, assistant director policy from Barnardo's Cymru has joined us? There will be questions for you from Julie Morgan shortly. However, Jenny Rathbone is next and then Llyr.

[79] **Jenny Rathbone:** I want to pick up on a point made by the WCVA about how we address the important points about co-production and community developments in the Bill, because, in pages 4 to 5, you lay out a clear definition of that, and I would not disagree with it. Really, I wanted to explore how you think that the Bill can be amended without completely fettering those who need to make decisions. Public service boards, at the end of the day, have to be made up of decision-makers who have the capacity to make a decision rather than go back to someone else and then come back. So, I think that the principle of collaboration and co-production needs to be there, but, at the same time, not everyone can be on the board. There are several references to the importance of involving those with an interest in the objectives, seeking their views and taking them into account in the setting and meeting of wellbeing objectives, and specific reference in the public service boards that people with an interest in a subject need to be invited to come to give their evidence. I think that it is really a question of how we could strengthen the concepts that you speak about clearly without fettering the ability of decision-makers to make decisions.

[80] **Mr Coles:** There are a couple of things, one of which would be under the sustainable development principle. While we are in agreement with the focus on long-term needs, taking an integrated approach, involving and so on, our submission, I think, sees that those could be enhanced and strengthened, to go a little further. There is something about the explicit requirements within this as well. I think that we make reference to shorter term cycles versus longer term thinking, and a requirement for—and I think that recommendations have been made from other quarters about this as well—the cost implications to be considered at decision-making stage. In terms of the involvement from the public service board point of view, again, it is looking for a sort of an enhancement or strengthening there. The language, as it is set out, tends to include 'must invite' and 'must consult'. Our members did not feel that that was very conducive to genuine engagement at the earliest possible stage. The other point that members were making was that, in developing the assessments, there should be an asset or a capability analysis as well as an assessment of need. So, you are looking at what people and communities can contribute to the assessment rather than just what is missing

almost.

[81] **Jenny Rathbone:** Clearly, the ‘must invite’ does not mean that Welsh Ministers are going to be attending every public service board meeting, but it means that they are setting down that they need to enable their voice to be heard on a particular matter, and that also applies to the police chief constable, et cetera. It does not mean to say that they will take it up on every occasion; it very much depends on the subject matter. From the way that it is worded, it seems to me that there will already be someone representing voluntary organisations in the area, and it also includes working with

[82] ‘any other person who accepts an invitation to participate’,

[83] depending on what is being discussed. It is really a matter of how you word these principles, which are very important principles, without it being made into a coach and horses for nobody ever making decisions, and decisions always involve resolving conflict. There is always going to be a trade-off.

[84] **Alun Ffred Jones:** Is there an answer?

[85] **Mr Coles:** On the matter of the bodies represented, we obviously welcome that because there was a point in the development of the Bill where that was under question. Obviously, we would welcome that. I absolutely take the point. I think that it is a matter of just enhancing some of the language so that it enables and facilitates the genuine involvement of citizens and communities. I hope that that would not fetter decision-making ultimately.

[86] **Jenny Rathbone:** Okay. I will bear that in mind.

[87] **Mr Schiavone:** Mae'n mynd yn ôl at y prif bwynt. Os ydyw'r diffiniad o ddatblygu cynaliadwy yn glir, mae'r nodau sy'n dod allan o hwnnw'n mynd i fod yn glir, a bydd llai o amwysedd. Fodd bynnag, os nad yw'r diffiniad yn gwbl glir, bydd y nodau yn llai clir a bydd pobl ymhellach i lawr y lein yn cael trafferth i'w ddehongli. Dyna pam mae'r gynghrair yn teimlo mor gryf am bwysigrwydd sicrhau bod y diffiniad a'r nodau yn gwbl ddiamwys. Dyna fydd yn ei gwneud yn hawdd i bobl ddod i benderfyniad ar ddiwedd y dydd. Mae fel twmffat; os nad yw'r cychwyn yn iawn, bydd popeth yn is i lawr yn broblemus ac yn anoddach.

Mr Schiavone: It goes back to the main point. If the definition of sustainable development is clear, the goals that come out of that will also be clear, and there will be less ambiguity. However, if the definition is not entirely clear, then the goals will be less clear and people further along the line will have difficulty interpreting what they mean. That is why the alliance feels so strongly about the importance of ensuring that the definition and the goals are entirely unambiguous. That is what would make it easier for people to make decisions, at the end of the day. It is like a funnel; if the beginning is not right, then everything further down will be harder to do.

[88] **Alun Ffred Jones:** Gobeithio bod rhywun yn gallu cyfieithu ‘twmffat’. [Chwerthin.]

Alun Ffred Jones: I hope that someone was able to translate ‘twmffat’. [Laughter.]

[89] Mae cwestiwn fan hyn o ran ymgysylltu gymunedol am y costau a gallu'r cyrff sy'n cael eu heffeithio i ddelio â hynny. [Torri ar draws.]

There is a question here with regard to community consultation about the costs and the ability of the affected bodies to deal with that. [Interruption.]

[90] **Antoinette Sandbach:** Sorry, there is no translation.

- [91] **Alun Ffred Jones:** A oes cyfieithu? **Alun Ffred Jones:** Is there no translation?
- [92] **Antoinette Sandbach:** There was not at the beginning, but there is now. There was no translation at the start.
- [93] **Alun Ffred Jones:** Gofynnaf y cwestiwn eto. O ran ymgysylltu cymunedol effeithiol, sy'n rhan, mae'n debyg, o'r broses hon, i ba raddau ydych yn credu bod y cyrff cyhoeddus sy'n cael eu nodi yma yn gallu delio â hynny o ran y costau anochel a fydd yn dod arnynt? **Alun Ffred Jones:** I will ask the question again. In terms of effective community engagement, which, it would seem, is a part of this process, to what extent do you believe that the public bodies that are noted here can deal with that in terms of the inevitable costs that will befall them?
- [94] **Mr Schiavone:** Unwaith eto, os oes amwysedd ac os oes dadlau yn nhermau cywirdeb rhywbeth, bydd awdurdodau lleol yn gorfod mynd i'r llys i ennill y dydd. Bydd y ddeddfwriaeth yn allweddol—ac mae Antoinette yn gwybod hynny—yn nhermau dod i benderfyniad. Ar hyn o bryd, mae awdurdodau lleol yn ofni cymryd pethau ymlaen oherwydd eu bod yn teimlo na fyddant yn gallu ennill mewn llys barn yn erbyn cyrff sydd â digonedd o arian i ymladd achos a chael barnwyr i ymladd drostynt yn y llys. Felly, mae'r egwyddor o fod yn hollol ddiamwys yn egwyddor sy'n mynd drwy'r system yn ei chyfanrwydd. Ar ddiwedd y dydd, bydd cymunedau yn gallu wedyn sefyll i fyny dros yr hyn y maent yn teimlo sy'n bwysig i gynaliadwyedd eu cymunedau hwy. **Mr Schiavone:** Once again, if there is ambiguity and if there is debate in terms of the accuracy of something, then local authorities will have to go to court to win the day. The legislation will be key—and Antoinette will know that—in terms of coming to a decision. At the moment, local authorities fear taking things forward because they feel that they would not be able to win in a court of law against bodies that have plenty of money to fight a case and to have judges side with them in the court. Therefore, the principle of being completely unambiguous is a principle that runs throughout the system in its entirety. At the end of the day, communities will then be able to stand up for what they believe is important with regard to the sustainability of their communities.
- [95] **Ms Sheppard:** I just have a very simple point to make, which is that, in the national conversation, the No. 1 issue that came up was climate change and people's considerations of that. The way in which public bodies can take decisions to consider climate implications can also be done through procurement, through analysing emissions throughout the production and supply chain.
- [96] **Alun Ffred Jones:** Symudwn ymlaen. Galwaf ar Llyr Gruffydd i ddechrau. **Alun Ffred Jones:** We will move on. I call on Llyr Gruffydd to begin.
- [97] **Llyr Gruffydd:** Hoffwn drafod ymhellach y pwynt blaenorol a godwyd gan Jenny Rathbone. Mae'r comisiynydd dyfodol cynaliadwy wedi awgrymu y gallai hwn gael ei weld fel Bil *co-production* y trydydd sector. A fydddech chi'n mynd mor bell â hynny? Hynny yw, yn ei ffurf bresennol, a yw'n ddigon? **Llyr Gruffydd:** I would like to discuss further the point that was raised earlier by Jenny Rathbone. The sustainable futures commissioner has suggested that this could be seen as a co-production Bill for the third sector. Would you go as far as that? That is, in its current form, is it enough?
- [98] **Mr Coles:** Atebaf yn Saesneg oherwydd bod fy nodiadau i gyd yn Saesneg. **Mr Coles:** I will respond in English, because all of my notes are in English.
- [99] The current commissioner is our future chair—I should mention that. I think we take the view that, yes, the direction is here, but, in its current form, we think that it could go

further.

[100] **Llyr Gruffydd:** There is also, of course, a need for a cultural shift, in a sense, around the whole concept of sustainable development in the way in which we live our lives and do our work, or whatever. Do you feel that this legislation is sufficient? You cannot change that culture through legislation alone, but do you generally feel that this, as presented, does enough to put us on that journey?

[101] **Mr Coles:** As currently presented, no, not quite enough. I would echo the points that have been made. Having more coherence and clarity upfront would filter through, and that would go a long way to start to address those cultural changes. However, I absolutely accept that that is a long-term measure.

[102] **Alun Ffred Jones:** Hoffwn ddod yn **Alun Ffred Jones:** I would like to come back ôl at Julie Morgan. to Julie Morgan.

[103] Julie Morgan, can you address your questions, as Sam has joined us?

[104] **Julie Morgan:** I asked this of the panel, but it was felt that you were the best one to answer from the children's sector about the fact that the UNCRC is not referred to in the Bill. Could you expand on why you think it should be?

[105] **Ms Clutton:** Yes, and my apologies to the committee for being late; it was due to the M4, I am afraid. *[Interruption.]* Yes, definitely unsustainable travel. *[Laughter.]*

[106] The child's rights impact assessment that has been carried out in relation to this piece of legislation states that

[107] 'The Bill will potentially support and promote the UNCRC but it is for the organisations already responsible for public services to deliver solutions—it is up to them to decide what their well-being objectives will be and how they will meet them'.

09:45

[108] This does not, in essence, go far enough, in terms of a Government commitment to the UNCRC in relation to underpinning all of its policies and the Rights of Children and Young Persons (Wales) Measure 2011.

[109] **Julie Morgan:** Do you not think that it is enough that the Rights of Children and Young Persons (Wales) Measure 2011 exists?

[110] **Ms Clutton:** I do not think that the commitment and processes that the Rights of Children and Young Persons (Wales) Measure 2011 should support, in terms of making sure that there is due regard to the UNCRC, are demonstrated sufficiently in this piece of legislation. There are very few references to children, although the Bill is called the Well-being of Future Generations (Wales) Bill. There is already a precedent from the Social Services and Well-being (Wales) Act 2014 that:

[111] 'A person exercising functions under this Act in relation to a child...must have due regard to Part 1 of the United Nations Convention on the Rights of the Child'.

[112] That is on the face of the Social Services and Well-being (Wales) Act 2014. What we are advocating is that, if such a commitment were put on the face of this Bill, it would ensure that, when those at a local level are making decisions about planning and delivery in relation to local decisions, thoughts of the UNCRC and how they can promote and strengthen

children's rights will be at the forefront of their minds.

[113] **Julie Morgan:** That is supposed to happen now, under the Rights of Children and Young Persons (Wales) Measure 2011. Are you saying that it does not happen?

[114] **Ms Clutton:** At a local authority level, we have seen a change across the children's sector, where we had children and young people's partnerships and plans in place in all 22 authorities. Local authorities had to plan their provision along the seven core aims, which, in essence, translate the articles of the UNCRC into seven core aims for children and young people in Wales. With the transition to single integrated plans, we have seen that that has been watered down. So, a piece of work, for example, done by the Children's Commissioner for Wales found that although some single integrated plans referred directly to the UNCRC and talked about children's rights, around two thirds did not. That has taken us from a position where every local authority had a stand-alone children and young people's plan, delivering against seven core aims that were all related directly to the UNCRC. We are worried about the new arrangements, where local authorities are planning towards wellbeing goals and indicators with no reference to the UNCRC, because the issue of children and young people may not have the focus that it has had in the past in local planning.

[115] **Alun Ffred Jones:** Thank you.

[116] **Julie Morgan:** I just wanted to ask whether you think that this could be remedied by putting it on the face of the Bill.

[117] **Ms Clutton:** If the same commitment that:

[118] 'A person exercising functions under this Act in relation to a child...must have due regard to Part 1 of the United Nations Convention on the Rights of the Child',

[119] which already exists in the Social Services and Well-being (Wales) Act 2014, were included in this Bill, we believe that that would help to remedy that.

[120] **Alun Ffred Jones:** We turn to Antoinette for the last question.

[121] **Antoinette Sandbach:** I wanted to go back to look at the future generations commissioner and, in effect, the panel appointed to assist the commissioner. Do you think that the future generations commissioner should be free to choose the experts and the expertise they need to advise them in their role? If it is an appointed panel, do you think that it should be appointed by the National Assembly rather than Welsh Government Ministers?

[122] **Mr Coles:** I think that the view of the sustainable development alliance is that there should be that independence from Welsh Government Ministers.

[123] **Alun Ffred Jones:** So say all of you.

[124] **Antoinette Sandbach:** There is unanimity. [*Laughter.*]

[125] **Mr Schiavone:** Er lles llywodraethu. **Mr Schiavone:** For the benefits of governance.

[126] **Alun Ffred Jones:** Er lles llywodraethu. Diolch yn fawr. Tony Schiavone oedd â'r gair olaf y bore yma. Diolch yn fawr ichi am ddod i mewn. Mae'n ddrwg gen i ein bod wedi gorfod eich **Alun Ffred Jones:** For the benefits of governance. Thank you very much. Tony Schiavone had the last word this morning. Thank you very much to you all for joining us. I am sorry that we had to rush you, but we

rhuthro, ond mae gennym lot o bobl i'w gweld heddiw. Diolch yn fawr iawn i bob un ohonoch am ddod yma i gyflwyno'ch tystiolaeth. Rydym yn mynd i gymryd egwyl.

have many people to see today. Thank you to all of you for joining us to give us your evidence. We are now going to take a short break.

[127] We will return in five minutes.

*Gohiriwyd y cyfarfod rhwng 09:50 a 09:56.
The meeting adjourned between 09:50 and 09:56.*

Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 10
The Well-being of Future Generations (Wales) Bill—Stage 1: Evidence Session
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[128] **Alun Ffred Jones:** Pwrpas y sesiwn hon yw cymryd tystiolaeth gan lywodraeth leol, ac mae cynrychiolwyr llywodraeth leol yma gyda ni heddiw. A gaf i ofyn ichi gyflwyno'ch hunain i'r pwyllgor, os gwelwch yn dda, a dweud eich enwau a'ch swyddogaethau?

Alun Ffred Jones: The purpose of this session is to take evidence from local government, and we have representatives of local government here with us today. May I ask you to introduce yourselves to the committee, please, by stating your names and responsibilities?

[129] **Mr Rookes:** I am Neville Rookes, from the Welsh Local Government Association. My role within the association is as a policy officer for the environment.

[130] **Dr Peppin:** Good morning. I am Tim Peppin, also from the Welsh Local Government Association. I am the director of regeneration and sustainable development.

[131] **Mr Hurford:** Hello. I am Daniel Hurford, head of policy at the WLGA.

[132] **Alun Ffred Jones:** Diolch yn fawr iawn. A gaf i ofyn i'r Aelodau ofyn eu cwestiynau? Russell George fydd yn dechrau.

Alun Ffred Jones: Thank you very much. May I ask Members to ask their questions? We will start with Russell George.

[133] **Russell George:** Thank you, Chair. Good morning, all. How much do you think this Bill is going to cost local authorities?

[134] **Mr Hurford:** I will respond to that one. That is a good question. It is always difficult, when new legislation comes through, to adequately cost it. Our submission details specific elements of the public service board element of the costings, and, clearly, we feel that there is a disproportionate emphasis on local authorities picking up a lot of the bills and resources for that element of the Bill. Although authorities currently contribute to local service boards and wellbeing planning, or single integrated planning as it currently is, the additional requirements of this Bill are likely to increase those costs and the burden on authorities. In particular, there is a question mark over whether current Welsh Government grant funding for support for LSBs will continue.

[135] One of the key issues around the Bill, however, is the potential level of the regulatory burden in the Bill. We know that you took evidence from the auditor general last week, I think, about the possible implications of his costs and time in terms of auditing the Bill, and I think that the estimate was between £220,000 and £880,000. That, in turn, will affect local authorities and partners, as well: local health boards and all the other bodies that will have to implement this Bill. So, in terms of the regulatory burden, I think that that is the big question mark, and it really depends on what the expectation is on the auditor general in terms of his

regulatory regime. However, it is likely to be more significant than the costings that we have highlighted so far.

[136] **Russell George:** When we took evidence from the Minister a couple of weeks ago, he said that there would not be an excessive financial burden—I think that he said ‘excessive’—on local authorities or public bodies. However, what he also said was that public bodies should be doing this anyway; therefore, if they are doing it well, there would not be any extra cost. However, from what you have said, you seem to think that there will be a cost. Is that right?

[137] **Dr Peppin:** I think that there is a distinction between responding to the Well-being of Future Generations (Wales) Bill’s general requirements, which I would agree all public bodies need to be doing, and the requirements relating to the public service bodies. There is a danger that we are duplicating what the individual public bodies are doing in their public service body role, so there could be additional costs associated with that work.

10:00

[138] **Russell George:** Also, the Bill requires scrutiny from local authorities. How much extra cost is there in that extra scrutiny process?

[139] **Mr Hurford:** There should not be a significant additional cost in terms of the scrutiny of either the wellbeing element or indeed the scrutiny requirements of the public service board, because there are powers at the moment around scrutinising partners and of local authorities’ improvement activities anyway. We highlighted in the evidence that there is a slight clarification needed between the Local Government (Wales) Measure 2011, with regard to the public service partners—the designated person scrutiny aspects—and the scrutiny aspects of this, so, in terms of scrutiny, there should not be an additional cost. Granted, scrutiny committees and scrutiny members will have to look at their workloads and priorities about how much they scrutinise the council’s contribution to wellbeing, vis-à-vis performance generally, and likewise, how they decide to scrutinise partners, as opposed to scrutinising the core activity of authorities. So, committees will need to weigh up their priorities around their agendas and workload, but there should not be a significant cost implication to that.

[140] **Russell George:** With regard to town and community councils, I have been a town councillor myself in the past, and I know that there is not a great deal of resource there, and that sometimes the clerks are part-time, so do you think that town and community councils should be included within the scope of the Bill? I am just thinking of the costs that will pass on to them, as well.

[141] **Dr Peppin:** I think that there is provision for the larger ones to be. There is a threshold, is there not, and some of the larger ones would have been involved? I think that we will have to see how that works in practice over time, and it may be that we need some flexibility over how that works in practical terms.

[142] May I make another point on this, because I think it is easy to focus on the cost? I think that we also have to recognise that if we get the future generations Bill right, it can encourage good practice, and actually looking at things like demand management, long-term planning, and whole-life costing, which can help public bodies, in terms of their ways of operating, to make them more cost-effective. So, we have to make sure that we look at the balance here. There will certainly be costs, but if we can get the Bill right, there are also potential benefits that need to be considered alongside that.

[143] **Alun Ffred Jones:** Mick, on this point.

[144] **Mick Antoniw:** In what way does this Bill require you to do those sorts of things, as opposed to being required to do them already?

[145] **Dr Peppin:** I think the difference that the future generations Bill can bring is actually in breaking down the sort of silo approach. So, we have lots of different frameworks for individual pieces of work, and what the future generations Bill can do is actually bring those together. So, when you are planning, instead of responding to individual sets of requirements, you start to look at things in the round, and you do more of your upstream thinking, so you are talking to your partner agencies ahead of your plans, to make sure the connections are being made. As a result of that, when you actually implement your plans, a lot of the things already being thought through, your long-term objectives, have influenced the way that you put your plans together. I think that that is where the Well-being of Future Generations (Wales) Bill could make a difference.

[146] **Mick Antoniw:** Why is legislation necessary to do that? Why can you not do that anyway?

[147] **Dr Peppin:** There is certainly scope to do some of that already, but because of the way we operate, requirements come out from different parts of Welsh Government, which end up with a response being made to those sets of requirements, and then you get another set of requirements, which result in a response being made somewhere else, and the connections are not always made. I think the future generations Bill will require those connections to be made by making sure that there is a more integrated approach, and that involves breaking down barriers between organisations and also within organisations.

[148] **Llyr Gruffydd:** I have had this Bill described to me as a framework Bill about how the public sector operates. It is about how the public sector does business in Wales. Do you honestly believe that it fundamentally changes the way that the sector operates, or not?

[149] **Dr Peppin:** Our view is that this Bill has the potential to do that. At the moment, it is setting out some very high-level goals. The important thing is that those goals are looked at in the round, and that the way you pursue prosperity is considered in relation to its impact on your environmental goals, your health goals, and everything else. If you can get the integrated goals right at the top, then, the critical thing really is how you bring that down into a set of requirements that makes practical sense, because they are very high level. It is bringing it down to that next level and giving a steer to the work that goes on, so that, at the local level, what you are doing is informed by an integrated set of goals. Now, I think that if you can get that to work—and that is a big ‘if’—it would improve the way that public bodies operate on the ground.

[150] **Llyr Gruffydd:** It has also been described as the co-production Bill for the third sector, potentially—again. Do you feel that there is enough in this Bill that will drive that bringing-together between the third sector, the public sector, and others as well? We see local service boards and we see different fora doing that, but really you do not get the feeling that it is actually driving cultural change.

[151] **Dr Peppin:** I think we have already seen a lot of improvement in those areas, in joint working, already, under the existing arrangements. What we need to make sure of is that there is not too much prescription in the Bill, because a lot of the benefits of this joint working come from bringing those people together and allowing them to get familiar with each other’s issues and the way they work. It is improving the responsiveness at the local level, so that when they do have an issue, they are used to working together, they understand each other’s pressures, and they are more prepared to actually pool budgets and deal with things jointly.

[152] **Llyr Gruffydd:** Do you understand the concern that some people have articulated around the ambiguity of some of the language, or the wriggle-room that is within the Bill, with wording such as the public sector ‘seeks’ to do this, and maybe ‘considers’ doing something else? Maybe it should be a little bit more forthright and prescriptive in that respect.

[153] **Dr Peppin:** Yes. I have seen some of those comments, and I think that we would agree that there could be some firmer wording used that would actually tie people in more firmly than is the case at the moment.

[154] **Mr Rookes:** May I also add that you have the full range? There are the phrases that you mentioned yourself, but then, when it comes to the public service bodies, it starts to become far more prescriptive and it ties everything down, so you have the full range across.

[155] **Llyr Gruffydd:** Yes, so you have the two.

[156] **Antoinette Sandbach:** I am glad that you came on to the public service bodies, because is there not a degree of taking away local democratic accountability by the public service bodies?

[157] **Mr Hurford:** Do you mean the public service boards, as they are currently constituted? There is a risk around that. Arguably, public service boards are just local service boards with a few more duties and requirements placed on them, and, as you will have seen from our evidence, we are slightly concerned at the level of prescription in the Bill around how public service boards should be constituted, their membership and so on. There has always been a tension between local democracy and local service boards. A lot of non-executive members in authorities feel distant or isolated from local service boards, partly through lack of communication and a lack of information about what is going on. However, potentially, the scrutiny provisions currently within the 2011 Measure, and as described in the Bill should give non-executive members and scrutiny members quite a significant power of oversight.

[158] **Antoinette Sandbach:** But what does it do for local voters? I mean, for a local voter, who says, ‘This public service board is not delivering locally what I want’, how do you see them being able to change that? On this current configuration, that is not possible, is it?

[159] **Mr Hurford:** I think that that is a key point, because the risk with the Bill as it is currently drafted, and the focus on the PSB, is that it is almost as if this has become an end in itself rather than a means of delivering an end. Traditionally, local service boards have just been a partnership of statutory and non-statutory partners in a local community, who get together to discuss areas of mutual concern, and they then deliver on that back in those organisations through mutual dialogue. Leadership is theoretically dispersed to front-line workers, and local authority workers can work with workers from health bodies et cetera. However, the risk is that the board is becoming, with all the reporting mechanisms et cetera, an end in itself, when actually, it should just be a meeting where partners agree what they collectively are going to do, but those actions are then delivered through their own organisations, and those accountability mechanisms. So, in terms of local democracy, obviously—

[160] **Alun Ffred Jones:** May I interrupt you there? What will be the difference, then, between the way the new boards will operate and the present local service board? You have described a meeting of people who discuss things, and then go back and do something.

[161] **Mr Hurford:** Yes. As we read the Bill, there is almost a dual mandate. So, local authorities obviously are our interest, but other statutory partners have to produce wellbeing objectives and plans, and report on those annually, and produce statements. So, everybody has

to do that anyway, and then through the board, the board collectively then has to do the same thing. Does that duplicate? Does that sort of undermine clarity and consistency? Or should it just be that the board is where these groups of organisations meet to discuss what their plans are? Going back to the issue of local democracy, while the scrutiny committees have the potential power to scrutinise and challenge, which is good and should be strengthened, we do have a concern about the fact that they should be reporting to Welsh Ministers. They should be reporting to the local authority or the public service board. So, there is this sort of quasi-regulatory role that changes the relationship and dynamic. There is also the fact that Ministers can refer things to scrutiny, so it is effectively a ministerial call-in. We would think that local, democratically elected Members should have their own agenda, and decide what or when they look at things.

[162] **William Powell:** I would like to develop the point that Antoinette made about the sense of powerlessness, potentially, in local communities to change things. Is there not a link also, with the current proposals, for the appointment methodology of the future generations commissioner? Again, as currently drafted, that appointment will be made by Welsh Government, rather than by this Assembly. Surely that is consistent with the theme of the potential for that post to be the prisoner of Welsh Government, rather than having the confidence of the whole Assembly.

[163] **Dr Peppin:** I think that the commissioner role is going to be a vital one, and it is important that everyone feels that they have confidence that that commissioner can operate independently. I do not think that we have strong views on whether it is Welsh Government or the Assembly, but the important thing is that the way that the commissioner operates is seen to be independent, and that they have the ability to listen to the views of communities. I think, as part of the national conversation that they have run, there is that ability for them to hear views at a local level and to digest those, and then feed them into reports to Government. In the sense that they are reporting to Government on those issues, there needs to be a close link. If it was to be that the whole of the Assembly would be responsible, then I guess that just gives that extra element of independence.

[164] **William Powell:** I appreciate that. That certainly was the unanimous view of the previous panel. The third sector would have greater confidence if there was that independence. Looking at the powers and functions of the FG commissioner as currently proposed, do you feel that they are appropriate? What views do you have about the role of the advisory panel that has also been proposed?

[165] **Dr Peppin:** I think that one of our concerns is that, as it stands at the moment, the Bill does not appear to give the commissioner sufficient teeth, if you like. They can make observations and recommendations, but if public bodies choose not to take those on board, all they have to do at the moment is give a reason why. I think that, probably, there need to be more procedural issues, where there is a dialogue that goes on. If there are recommendations for change, there should be some sort of requirement on public bodies to show how they are taking the commissioner's views into account, and if they are choosing not to do so, they should have to demonstrate some very strong reasons for that.

[166] **William Powell:** You may know that, last week, we took evidence from the auditor general on the FG Bill. In particular, issues around the relationship between his office and the future generation commissioner were highlighted. Do you have any views regarding potential conflict in that area?

[167] **Dr Peppin:** We have some quite strong views on how they need to work together, I think. At the moment, the auditor general's office is responsible for the local government Measure, and we know that it finds that quite a time-consuming exercise, and the local government Measure itself is perhaps in conflict with the future generations Bill, in that

sustainability is one of seven things that can be looked at, whereas the future generations Bill is saying it should be the central overriding issue. I know from our discussions with the auditor general's office that it would like greater clarity over this. If it had a duty to deal with the future generations Bill, and could be relieved of some of its duties in relation to the local government Measure, it would be able to oversee this more effectively.

[168] We feel that, in terms of making this practical and workable, if the commissioner is responsible for working with people on the production of plans at the strategic level, offering advice and guidance and, where necessary, stepping in because they do not think that the right thing is being done, that is a clear relationship at a strategic level. At the delivery level then, if the auditor general's office was given the responsibility for seeing how that is then translated into action, when it goes in to do reviews of public bodies, it can actually look at ways that elements of the plans are being implemented, and audit those to see: are the principles being applied correctly? Have they done the right consultation? Have they thought long term? Have they looked at the social, economic and environmental aspects, and so on?

10:15

[169] **William Powell:** Finally, if I may, you referred to the local government Measure, and clearly, your organisation provides leadership and co-ordination of the main local government family in Wales. A reference was made earlier to town and community councils—

[170] **Alun Ffred Jones:** I will come back to you in a minute. Does anybody else want to raise questions on the commissioner? Julie and then Mick.

[171] **Julie Morgan:** I would just like to follow up on William Powell's questioning about whether the commissioner should be more independent of Government. Obviously, we have quite a few commissioners. Is there any reason why this commissioner should be set up in a different way than those other commissioners? Do we think that the Children's Commissioner for Wales or the Commissioner for Older People in Wales are restricted in what they do, because of the way that they are set up?

[172] **Dr Peppin:** No, I think that we would want consistency in the way that this commissioner works. The one thing that we would say, though, is that it is important that those commissioners work together in the spirit of the Bill, and that we do not get one commissioner coming into local authorities with one set of issues and another commissioner with another. It is equally incumbent on them to work as a collective, and to look at things in the round. I think that that will be very important.

[173] **Julie Morgan:** So, you think that a common model for the commissioners is a good thing.

[174] **Dr Peppin:** I think that we would agree with that, yes.

[175] **Mick Antoniw:** You were suggesting that the commissioner should have, perhaps, sharper teeth, in terms of his role. In order to, I suppose, exercise that greater role, there has to be clarity as to what it is that the commissioner is seeking to change or enforce. With regard to section 6, which are the goals that are set, do you have a view on the drafting of those? Are they satisfactory, as you see them, or do you think that they are too general, or whatever?

[176] **Dr Peppin:** Going back to the point that I made earlier, we agree with the need for some high-level goals. We think that it is very important that those goals are not pursued independently. The goals need to be looked at in the round, to give a steer for how you can actually pursue each of those goals with a positive impact, or, at least, not a negative impact on the other goals that you are trying to pursue. Then, the key thing is how you bring that

down to the next level. So, as you set a national goal for Wales on something to do with improving prosperity within environmental limits, in a sustainable way that will improve health, how do you then ensure that that feeds down to the next level of objective setting? We believe that some statutory guidance on that, which would then have to be published—it would have to be reviewed periodically—could give some strong examples of the sorts of links between the high-level goals and the practical implementation of things on the ground.

[177] The commissioner could have a very valuable role in supporting people to understand that, because we all tend to fall back into our silos. When you are taking a project forward, there are all sorts of issues that you have to deal with to take that forward, and then you feel that people are putting extra layers on, asking, ‘Have you considered this? Have you considered that?’ It becomes almost impossible to move, because you have too many constraints on action. I think that what the future generations Bill is trying to do is to make that process smoother, by giving you clarity at the top level—this is how you will take these things forward in an integrated way. Then, if you want support and advice from the commissioner, they are there to help you get through some of those difficult questions.

[178] **Mick Antoniw:** So, is your prime issue with the legislation that it is about process and not about the objectives?

[179] **Dr Peppin:** I think that our view is that it has to be about both. If we focus purely on outcomes, some of the outcomes are going to be long term, and it is going to be very difficult to measure those in the short term. We see the Bill as being very much about culture change. It can help public bodies to take that more integrated approach. You need to be able to collate evidence to see that that culture is changing, so, in some ways, you do need to look at how processes are changing. In fact, from a legislative point of view, it is much easier to audit what changes are being made, what consultations are taking place, and how you have taken into account social, economic and environmental aspects. You can look at those steps. If public bodies are starting to take those steps, it should be pushing them towards a more sustainable way of operating. So, in the long term, you should be moving towards your goals and your outcomes. We think that there is a lot to be welcomed in this Bill. If it can be got right, you give a clear steer from the top, you give statutory guidance on how you implement that, and then public bodies work collectively to work towards those goals. You can even then start to aggregate from what is happening at the grass-roots level through to saying how that is contributing towards our national goals. So, it gives us a very good framework for the public sector. The critical thing is that we need to work out how we bring the goals down to the next level, and we have suggested that that should be done—. We are working with 11 local authorities and the three national parks as early adopters of the legislation, and we believe that there is real potential to thrash some of these things out, and come out with some guidance that both sides feel is workable and sensible and not too bureaucratic or prescriptive.

[180] **Alun Ffred Jones:** Bill, back to you.

[181] **William Powell:** Thank you, Chair. I would like to return to that point regarding the local government Measure. I was saying that the WLGA clearly represents the wider local government family, but in these stringent financial times we live in, ever more functions are being driven down to town and community councils. Do you believe that there is a danger of an imbalance there, in terms of representation and the input of that important first tier of local government, given capacity issues? Do you think that, potentially, there is a role for One Voice Wales there to step up to the plate? What are your reflections on that area?

[182] **Mr Hurford:** Yes, as you say, it is clearly a direction of travel. Services are being delivered in a range of different ways, either through town and community councils or through third sector bodies and others, and then there clearly is a capacity issue. The community councils will need to make a decision as to whether they have the capacity to

sustain certain services locally. It is a risk, therefore, that there is too much expectation placed on, specifically, community councils. One Voice Wales clearly has a role. It does not have full membership of all the community councils in Wales and I know that that is its aim. We do work closely with One Voice Wales around delegation of services, how best unitary authorities should discuss and negotiate, for want of a better description, with community councils, services and the level of funding. I think that One Voice Wales does have a clear role in this, certainly, should expectations around this Bill for example, but also service delivery expectations, increase on the sector.

[183] **Mr Rookes:** At the moment, you have £200,000 as the threshold. If there is more delegated responsibility going down to town and community councils, with delegation of responsibility goes funding too. I think that, at the moment, somewhere around 47 of the town and community councils reach that £200,000 threshold, but if there is more and more delegation, then we need to be aware and consider the fact that there may be far more, or an increase in the number, certainly, of town and community councils that would come in over that threshold.

[184] **William Powell:** Do you consider that clustering may be a way forward in terms of building more capacity and coherence in policy, working with you?

[185] **Mr Rookes:** That could certainly do so, yes.

[186] **Jeff Cuthbert:** I am glad that you mentioned the issue of the early adopters, because I am wondering whether there is some early information in terms of outcomes that you are able to inform us about. My specific question is about the public service boards. I am wondering whether you would agree with the comment that is often made, that local service boards' performance is patchy. Some are better than others. We are going to see them after you, and we will no doubt put the same issue to them. With public service boards being put on a statutory basis, with potentially fewer of them, depending on the outcome of the Williams commission, that should lead to a more consistent approach. Together with the prescribed duties that would be put upon them and the way in which they work, that will mark a significant improvement in the way that public services bodies work together. Would you agree or disagree with that view?

[187] **Dr Peppin:** Shall I answer on the early adopters question and then perhaps Daniel can speak about the LSBs? As far as the early adopters are concerned, we have developed a diagnostic for them, which looks at how they should be gearing up for the future generations Bill. That diagnostic is being completed by senior officers in the authorities involved, and we have just done the analysis of that. What is revealing is that what we have asked them to do is three sets of narratives, and they have been asked to say whether or not they believe they are mostly A, B or C on each of the questions, and that gives them a profile of how geared up they are to meet the requirements. What that shows is that there are some areas where they are quite well advanced in some of this, but there are also large areas where there is a lot of work to be done. We are now in the process of visiting the authorities individually to work out the support we can offer under our sustainable development framework, to help them on a critical path for readiness for when the Bill comes into being. We are positive about the work with the early adopters. I think we were very pleased that 11, and the three national parks, wanted to get involved. We did not think that we would get as many as that, so that was a very encouraging response, and, over the coming months, we will be working with them to actually try to help inform the guidance that will come out, because we believe that that guidance is going to be absolutely critical. If we can get that right, then I think the Bill can actually work effectively.

[188] **Mr Hurford:** To respond to the question about the patchiness of local service boards, I think that local service board might argue differently, but I think it is possibly around local

and national expectations, and Welsh Government may have had specific expectations as to what local service boards should be undertaking and how they should be undertaking, and local service boards might have argued that there should be greater local discretion around local priorities and ways of working. Similarly, LSBs have been constituted or operate differently. Some adopt a much more strategic agenda, looking at the single integrated plan locally, and others actually still operate on the original concept around LSBs, where senior leaders of local partner bodies get together and have really challenging conversations about unblocking blockages and barriers in the system. So, different LSBs have taken slightly different approaches. I think that some partnerships have worked more effectively than others, partly because some of the partners have engaged more constructively than others. Ultimately, with all of these organisations or bodies, it depends on who is coming to the table and who is contributing what, and whether they are able to contribute commitment or contribute resources. I think that that has varied and I know that this Bill tries to address that issue. However, as I say, I think that part of it is around Welsh Government expectation being slightly different to what local partners want to do on the ground, and how they respond to local priorities and needs.

[189] **Jenny Rathbone:** I think you make some important statements about how this Bill could actually improve the way we deliver public services, and that is very welcome, but you also deliver some warning signs. If we are talking about co-production and sharing responsibility, and if, on the other hand, the legislation allows Welsh Ministers to overturn local decisions, we have a problem. Could you talk a little bit more about how you think the Bill needs amending, so that you do not have a very undermining situation, where a lot of local work goes on, and local communities decide x and the Welsh Minister comes in and says, ‘No, no, this is what we want and why’?

[190] **Dr Peppin:** A very specific example that we can give of that is in relation to the goals, where, at the moment, we have concerns that it seems too simple for the goals to be changed, and there is no indication of how often those goals could be changed. If those goals are to give the strategic lead, and then you set in train a whole series of negotiations and work locally, and then suddenly the goalposts are moved, that will create real problems timescale-wise and logistically in getting people together to reconsider. So, we think, at the moment, that one of the things that could be done is that the Bill could be tightened up in relation to changing goals, to make it much more difficult, because, once you have agreed on those high-level goals, they should not really change dramatically. So, we believe that the superaffirmative procedure should be used, if there has to be a change in goals, because of the implications. If you change the goals, the objectives change and then, all of a sudden, all the work that has been done has to be recast. That would be one specific example.

[191] **Jenny Rathbone:** So, I understand that, occasionally, it may be necessary to change the goals, but what you are saying is that there needs to be some collaborative arrangements in place to ensure that the method of changing the goals is in collaboration.

[192] **Dr Peppin:** Yes.

[193] **Jenny Rathbone:** That is great. I have got that.

[194] **Mr Hurford:** May I just come in on that? Clearly there has to be some balance between local and national expectation around goals et cetera, but one thing that we allude to in our response and have previously called for, ever since community planning came into being in 2000, was that the Bill says that the wellbeing plans must be reported to Ministers, and that local needs assessments need to be reported to Ministers, which is fine, but we would like to have some commitment in the Bill about Welsh Ministers having regard to that as well, because, previously, all of this activity—extensive needs assessment, public consultation engagement, plans drawn up that are agreed by all local partners—was reported, but it was

not always clear.

10:30

[195] Sometimes, Welsh Ministers clearly do reflect on that, but I think it would be useful if the Bill strengthened that and said, based on all of this collective evidence coming across from all of the communities of Wales, that Ministers should have regard for that in terms of its own policy development.

[196] **Mr Rookes:** Another point is that, if the Minister is able to send back the wellbeing plans that have been produced at a local level, the challenge really should not be on the outcome of those, but on the methodology—so, were the social, the economic and the environmental impacts considered in the decision? It comes down almost to a phrase like, ‘I do not like the outcome that is there, but I cannot fault in any way the way that you did it’. So, the challenge from the Minister and from others should be strengthened in such a way that it is challenging the approach and not necessarily the outcome.

[197] **Jenny Rathbone:** Okay, that is an important point. You talk about the absence of reference to engagement in the proposals and the need to value the voice of local communities. We had this discussion earlier with the Wales Council for Voluntary Action around actually defining what we mean about co-production and community engagement. Have you seen the WCVA submission around co-production and community engagement, and social justice, self-determination and working on them together? Is that the sort of thing you want to see in the Bill?

[198] **Mr Hurford:** Yes, we work closely with the WCVA and share a lot of its objectives. It may well be just the difficulty in terms of legislative drafting around how consultation and engagement are defined, I am not sure. I think it talks about consulting on the wellbeing plan, and I think local authorities would prefer to have a much earlier dialogue and engagement, rather than just consulting and saying, ‘This is our plan and what we think’. Whether that comes on the face of the Bill or in guidance, I think we are probably more relaxed about, but, from a local authority point of view, we are more committed to having early constructive dialogue and engagement, particularly in the current climate, where difficult decisions are being made. So, rather than having consultation after something has been agreed, we really want to have earlier engagement.

[199] **Jenny Rathbone:** Okay. Importantly, I just want to move on to the costs. If the Bill were to amend the 2009 local government Measure, as suggested by the auditor general, could it not actually reduce the audit costs if it gave him or her the powers to examine public bodies in the light of their sustainable development, rather than having to look at bodies in silos?

[200] **Mr Hurford:** Potentially, it could, and we are sympathetic to a lot of what the auditor general has said around amending the 2009 Measure. We have previously said, I think in our response to the reforming local government White Paper, that it does need to be amended anyway in terms of the references to continuous improvement in the current climate. It is difficult to sustain that, but, potentially, if the auditor general’s duties and powers and timescales were clarified and made more consistent, then, theoretically, there could be more proportionate, if not reduced, regulatory burden on authorities and other partners.

[201] **Jenny Rathbone:** Good. Okay, thank you. That is clear. In terms of your anxieties over the costs of the audit requirements of the Bill, what conversations have you had with the Government about the type of measures that would actually be the most effective for ensuring that we were meeting our future generations sustainability objectives? Have you had any discussions on that so far, because I think the key to it is garnering some of the things that we

currently measure and deciding which ones are going to be most meaningful?

[202] **Mr Rookes:** I think, probably, that this is an area that we need to have further discussions on. We are certainly in the same position as you. We believe that if you are going to set new objectives, then the measurement of those objectives needs to be fit for purpose. We may need to revisit some of our existing processes and get rid of those to make sure that what we are doing is actually streamlined. If we can take out some other requirements and focus on responding to the core objectives, then that would help everyone.

[203] **Jenny Rathbone:** Yes, because what the public wants to see is cost-neutral proposals. So, if we want to change our focus, then we need to stop doing some things that are not particularly useful and do other things that we think will most clearly measure where we think we want to be in the future.

[204] **Mr Rookes:** It was not seeking to increase the bureaucracy, but there is an inevitability that additional bureaucracy will be introduced. However, we need to look to see whether all the others are fit for purpose and, if they are not actually contributing in any way to the management and progression of sustainable development, then we need to consider removing them or repealing.

[205] **Jenny Rathbone:** So, what you are saying is that you have not yet started having discussions about what the measures might be that will be most meaningful.

[206] **Mr Rookes:** No.

[207] **Antoinette Sandbach:** I want to go into paragraph 21 of your evidence, where you say that in recognition of the value of the voice of local communities, there should be a consequential duty on Welsh Ministers to have regard to local intelligence, needs and assessments and wellbeing plans. You say that this has been a missed opportunity during the past 14 years of community strategies and, subsequently, single integrated plans. How would you see us achieving that? Would you like an obligation put on?

[208] **Mr Hurford:** Yes, as we mentioned earlier, whether Ministers should have due regard or take into account—I am not sure of the legislative drafting in terms of which is the most appropriate—but it is important that, rather than just reporting needs assessments or wellbeing plans to Ministers, there should be a consequential duty of some description on Welsh Ministers to have regard when determining their own national policies, national strategies and national needs assessments. If all that body of evidence is there, I think that—I am sure that Ministers do—in the spirit of the Act, it would be appropriate to have some clarity in the Bill.

[209] **Antoinette Sandbach:** So, you want some grass-roots-up mechanism rather than top down.

[210] **Mr Hurford:** Absolutely.

[211] **Dr Peppin:** I think that the most effective results are achieved when you get that merging of bottom-up views and top down, because you cannot have a totally bottom-up approach and you cannot have a totally prescriptive top-down approach. However, if you can get the best of both by having that dialogue, then I think that what we are saying here is that that needs to be part of this wider procedure.

[212] **Antoinette Sandbach:** Again, in paragraph 19, you say that the duties and ministerial powers on the public service boards effectively make them less local in name and status and undermine the fact that they should be owned by organisations and communities. I think that

you recommend that we should remove the oversight plans by Welsh Ministers to protect local democracy and that sort of grass-roots—. So, which particular sections of the Bill would you like us to amend in that regard?

[213] **Mr Hurford:** That is a good question

[214] **Antoinette Sandbach:** Do you want to write to us?

[215] **Mr Hurford:** We will write to you in terms of which sections are most appropriate.

[216] **Antoinette Sandbach:** That is lovely; thank you very much.

[217] **Mr Rookes:** May I just add a point? It seems to be very prescriptive in the Bill with regard to the statutory reports that have to be considered in making the wellbeing analysis. All of those are very much on a social basis. There are no economic or environmental issues. Those statutory reports may well change the future legislation if they are on the face of the Bill, and there may be a need to revisit and repeal elements. So, maybe it is more important to have those in the statutory guidance that follows behind the document as opposed to being prescriptive in terms of what we can look at.

[218] **Antoinette Sandbach:** The difficulty is that we do not have scrutiny of the statutory guidance in the same way that we do with the legislation. So, given that there is only the social strand in there at the moment, if that is to stay in the Bill, would you like us to amend it to include economic and environmental strands, as it were?

[219] **Mr Rookes:** If you could refer on the face of the Bill to the social, the economic and the environmental strains—

[220] **Dr Peppin:** Without being prescriptive.

[221] **Mr Rookes:** Without being prescriptive, yes.

[222] **Antoinette Sandbach:** So, in other words, to almost go back to the goals, as it were.

[223] **Dr Peppin:** To make sure that all the goals are covered, yes, because, at the moment, it does look a bit lopsided.

[224] **Alun Ffred Jones:** Diolch yn fawr iawn. Thank you for coming in and for presenting your evidence. You will receive a transcript of the evidence to check for accuracy. Diolch yn fawr iawn. Thank you once again.

*Gohiriwyd y cyfarfod rhwng 10:40 a 10:46
The meeting adjourned between 10:40 and 10:46.*

**Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 11
The Well-being of Future Generations (Wales) Bill—Stage 1: Evidence Session**

11

[225] **Alun Ffred Jones:** Croesawaf bawb yn ôl i'r pwyllgor. Symudwn i eitem 4 a thystiolaeth gan y byrddau gwasanaethau lleol. Prynawn da.

Alun Ffred Jones: I welcome everyone back to the committee. We move to item 4 and evidence from the local service boards. Good afternoon.

[226] Good afternoon; welcome to our humble committee. Obviously we are considering

the Well-being of Future Generations (Wales) Bill. I ask you to introduce yourselves, first of all, for the record, and then we will commence with questions.

[227] **Mr Thomas:** Good morning. My name is Mark Thomas, and I am assistant director at Merthyr Tydfil County Borough Council.

[228] **Ms Delonnette:** I am Heather Delonnette, the sustainable futures officer with Powys County Council.

[229] **Mr McLean:** I am Will McLean, the head of policy and partnerships for Monmouthshire County Council.

[230] **Alun Ffred Jones:** Diolch yn fawr. You are all welcome. Jeff Cuthbert will kick off.

[231] **Jeff Cuthbert:** As you know, under the provisions of the future generations Bill, public service boards will be on a statutory basis and, depending on the outcomes of Williams, there may be fewer local authorities by that time—we do not know at this point. One of the things said about the performance of local services boards is that it varies across Wales—some are better than others. So, I am wondering what assessment you have made of the move to statutory public service boards in terms of improving collaboration and joint working between the various public bodies, and how that ought to improve matters more generally in terms of sustainable development.

[232] **Mr Thomas:** Chair, shall I answer that one? Thank you very much for the question. As somebody who has supported the Merthyr Tydfil local service board and the joint local service board with Rhondda Cynon Taf, and now the regional collaboration board, for about four years now, I can say that we have certainly had excellent co-operation with all partners and all constituent members of those local service boards. However, the view from the Merthyr Tydfil local service board was that placing the new public service boards on a statutory footing would give them more credibility and status than is currently the case. Currently, there is no compulsion to attend. While there are other statutory partnerships in existence—such as the community safety partnerships, which still exist, and previously the children and young people’s partnerships and the health, social care and wellbeing partnerships, and so on—giving the public service boards a statutory footing gives it that little bit more status and so on, and credibility. That was certainly the view of our local service board. That was the main thing. In terms of improving collaboration and so on, certainly, in our experience, the collaboration has always been there, but it gives that little bit more status and importance to the role of the public service boards.

[233] **Alun Ffred Jones:** Are there any other views?

[234] **Mr McLean:** From the Monmouthshire perspective, there would be less agreement on the nature of the statutory basis. We have found that the local service board has worked very effectively as an arena for bringing very senior leaders together. They worked on a cultural development within the area, and that has been very purposeful. I am not sure that we would have the same impact, or any greater impact, by moving on to a statutory footing. With the membership that is identified currently in the Bill, that does not include some of the key partners that we have used to make a real difference to the communities in Monmouthshire. I think that that is really important: that you maintain and retain as broad a membership of the board as you can.

[235] **Alun Ffred Jones:** What bodies are currently in the local service board?

[236] **Mr McLean:** For us, in Monmouthshire, it has been really important that we have involved the registered social landlords to a great extent. We also have community

representation on the local service board, as well. So, that gives you that test, continually, that what you are talking about is relevant to the communities, and for us in Monmouthshire in particular, we have small pockets of deprivation and it is quite isolated, but our RSLs give us a real outreach into those groups, and that has been of huge benefit to the LSB.

[237] **Jeff Cuthbert:** On that point, I am not aware that there would be any restriction on a public service board involving others with a particular expertise that is relevant to the issue. I take it that that is the point of view in Monmouth, but there would seem to be no reduction in the effectiveness, necessarily.

[238] **Mr McLean:** No, there would not be a reduction in effectiveness, I do not think.

[239] **Ms Delonnette:** I think, for Powys, one of the issues is around the change of membership, because they have worked very effectively so far—we have the single integrated plan, and the partners that have been involved have been very involved—and I know that one of the things that my chief executive mentioned was that there was concern about the drop from statutory member to statutory invitee of the police service, for example, which has been very effective and very involved in the process. I think that whether or not they become statutory may depend a bit on each individual one as to how much more effective they are than they currently are.

[240] **Jeff Cuthbert:** Very quickly on that point, at the moment, there is no compulsion for the police to attend. They choose to do so, which is good, but they are not a devolved matter in that sense, so that is why they are a statutory invitee. Thank you.

[241] **Antoinette Sandbach:** The WLGA evidence said that,

[242] ‘making a Board statutory risks legislative prescription with accompanying bureaucratic duties of reporting and regulation and risks shifting the focus away from relationships, flexibility and creativity to process and compliance.’

[243] Do you agree with that?

[244] **Mr McLean:** I think that there is a real risk that that could happen. I think that what is really important is that each area has the ability to have an LSB or a PSB that reflects its needs and aspirations. As I said, certainly, the way that our LSB currently works in Monmouthshire, and the structures that we have around it, would be very different from Merthyr or Caerphilly, or perhaps some of our other neighbours, in Gwent, for instance. That is to do with some of the investments that have been chosen to be made, and some of the resources that we have available. It is really important that it does reflect that local aspiration.

[245] **Antoinette Sandbach:** So, you would also agree, would you—. There is, again, a proposal that,

[246] ‘there should be a consequential duty on Welsh Ministers to have regard to local intelligence, needs assessments and wellbeing plans to inform its own national evidence’.

[247] So, that would be a bottom-up, feed-in process, if you like. I can see Mark Thomas nodding; in fact, everyone on the panel is. So, you would agree with that evidence, would you?

[248] **Mr McLean:** Yes, absolutely. I will not comment for my colleagues, but I think that it is really important that it does become intelligence, and that it is not simply a statistical almanac that we look to and think that that will allow us to understand our communities. One of the things that we have worked really hard to do is to ensure that there is a substantial

element of qualitative information about what it is like to live in a community, far beyond a statistical précis of what that area is like.

[249] **Alun Ffred Jones:** Are there any other comments on that point?

[250] **Mr Thomas:** Yes, I agree. It is important that local information is used to supplement what is available at a national level, so that it is a combination of all of that information, whether it is statistical, or more local and qualitative. One of the things that needs to happen, as well, is to have better quality of data around economic activity, for example, in terms of the level of detail that is available currently, which perhaps does not go down to the level that we would like and so on. But, in terms of the principle, yes, it needs to be a mixture of both national and local data. Perhaps taking that a little bit further, certainly in our experience in terms of producing a needs analysis to inform the single integrated plan for Merthyr Tydfil, it was important for us to consult and engage with our local community in the production of that, to make sure in the information that we brought together that there were not things that we had not included that the local community thought were important. That is particularly useful in terms of meeting with local voluntary groups and so on that may be aware of certain things that you are not so aware of at the county level.

[251] **Antoinette Sandbach:** There was an additional recommendation that the duties and ministerial powers that make the PSBs and the wellbeing plans less local, in name and status, undermine the fact that they belong to local communities and organisations, and that the provision in the Bill relating to the oversight of the plans by Welsh Ministers should be removed to protect the democratic element of the process. Is that, again, something you would agree with?

[252] **Mr McLean:** I think it is that kind of broad—. The fact that the plan echoes what local people think are the key issues in their area is fundamentally important, because it is, at the moment, a local service board and it has to have that sense of locality to it. Anything that seeks to prescribe from a top-down set of views would be something that we would certainly look to temper as far as we could.

[253] **Antoinette Sandbach:** What if the local community decided that sustainable development was not its priority and it did not want to comply with any of the goals that are set out in the Bill? What should happen then?

[254] **Mr Thomas:** That is the difficulty, is it not? In trying to address national issues, there needs to be a certain level of direction and prescription, but it is that balance in terms of prescription and flexibility as well. It is striking that balance that is the difficult thing to actually do. Linking to that and Welsh Ministers having an oversight of plans and so on, one of the things that we have identified, in terms of the response from the local service board, in terms of the scrutiny or oversight of all the activity relating to this piece of legislation, in terms of local scrutiny from the local scrutiny committee in whichever form, the audit input from the Wales Audit Office, Ministers having oversight, and the commissioner as well, is that there are potentially four different bodies having an input to and oversight of the plans. That is something that we are mindful of, in terms of local public service boards and their plans being answerable to all those.

[255] **Jenny Rathbone:** I have not quite got the four, but the scrutiny committees and the auditor general already have oversight of your plans, so there is no change there. I am struggling to understand how the way the legislation on public service boards is currently drafted would prevent you operating in the way that you currently operate in your local service boards, where it works well, because although you must invite the Welsh Ministers and the chief constable, they are not obliged to attend, but it does mean that they and somebody from the voluntary sector will have a place at the board if they feel that the items

on the agenda require them to have some input. I challenge you to really indicate how you think the way in which the public service boards legislation is currently drafted would prevent you going on doing the good things that you tell us you are doing at the moment.

[256] **Mr Thomas:** It is more to do with the level of prescription. Currently, the Wales Audit Office does not look in any detail at the work of the local service boards and the single integrated plans. It does not look at that in any depth. It focuses on the improvement plans and corporate plans of councils and so on, relating to the Local Government (Wales) Measure 2009. I know that there has been some discussion around that and whether there is opportunity to simplify and streamline that piece of legislation linked to this. It is the unknown really in terms of the amount of work that would be undertaken by the Wales Audit Office, for example. In relation to representation of Welsh Government Ministers on the public service boards, our experience has been very positive in terms of the representation from Welsh Government officials. It has been very helpful and beneficial. Similarly with the police, as was mentioned earlier, it has been very beneficial. Others mentioned earlier that they have been very beneficial in terms of attending public service board meetings and so on. So, all I am trying to say, really, is that it is the level of prescription. It is a bit of an unknown, so it is just something to be aware of.

11:00

[257] **Jenny Rathbone:** Okay. So, there is an anxiety, but there is not anything in the Bill, in itself.

[258] **Mr Thomas:** Yes.

[259] **Jenny Rathbone:** So, in terms of the auditor general's role, do you favour his proposal that the future auditor general could look at the way public services are delivered effectively in terms of sustainable development and not have to look at it in silos? So, they could look at local service boards, which might shorten the process.

[260] **Mr Thomas:** Certainly, in terms of the work that they do currently in relation to local government activity in terms of improvements and outcomes for their local citizens, I do not know whether that work could be directed and incorporated into an overview of the work of PSBs and delivering the wellbeing plans. That might be helpful. To what extent they may need to undertake work at the respective member organisations to follow up on things would remain to be seen. However, it would depend on the detailed information that is gathered together to support the evidence in terms of what difference we are all making as public service boards in the future. So, what I am saying is that there is a potential for that activity to be streamlined overall when you look at the whole audit activity, but it is not necessarily that clear, currently, certainly not to me.

[261] **Jenny Rathbone:** Well, I do not think that the Bill intends to fetter the powers of the auditor general. It is more about enabling her or him to get that overview in terms of how public services operate and collaborate and the impact on citizens. So, there is that.

[262] Have you been involved, in any way, in discussing what measures might be used to back up the Bill to analyse how well public bodies are meeting their sustainable development objectives?

[263] **Mr Thomas:** I think all public bodies are on this journey in terms of demonstrating the outcomes that they are achieving for their populations, and, certainly, through advice and guidance from Welsh Government, developing their approaches to results-based accountability and identifying population outcomes and performance accountabilities and so on is something that is being developed across all of Wales—certainly in our area.

[264] In terms of measures to measure what difference has been made through the wellbeing plans, I have not been directly involved in that particular discussion. Obviously, measures have been looked at and I know that the statistics office has given some evidence in relation to potential measures and so on, but certainly they have to be statistically sound and academically sound. They also have to be practicable, in the sense of, ‘Is the information available and collectable locally?’ So, there needs to be a joined-up approach to actually developing appropriate measures. It will not necessarily be easy and straightforward, but, certainly, that needs to be the approach. It should not be top-down, and it should not necessarily just be bottom-up; there needs to be a combined approach.

[265] **Jenny Rathbone:** Okay. Heather, as a sustainable development co-ordinator, have you been involved, in any way, in this?

[266] **Ms Delonnette:** I have been involved in some discussions, but, obviously, at the moment, because we do not know exactly what the Bill will end up saying, or what the Act will say, around the goals—goals could be shifted—we are still in the tentative stage. I think what we have to make sure is that, whatever measures we have, ultimately, they are meaningful and are the measures by which everything else is measured as well, rather than our having a set for the future generations Bill, a set for health impacts, a set for social services and a set for education, or whatever. That will not be easy. We will have to really look at it, all of the parties involved, from the bottom up, the top down, side to side, and everything, so that we end up with a set of accurate, measurable, meaningful indicators that are not, you know, 3,042—

[267] **Jenny Rathbone:** Definitely not. A shortlist.

[268] **Ms Delonnette:** Yes, a good shortlist that actually shows movement.

[269] **Jenny Rathbone:** Okay. Thank you.

[270] **Alun Ffred Jones:** Could we have sight of these indicators beforehand in order to have a sense of what the Bill will achieve?

[271] **Ms Delonnette:** Before—

[272] **Alun Ffred Jones:** Before the Bill is passed, should we have an indication of what these indicators will be?

[273] **Ms Delonnette:** I think there is some work going on somewhere around what they could be, but, as I said, until we actually know for definite what the legislation requires and what the goals are—. There is a possibility that some of the goals may change and we do not want to be working up good measures for an outcome on which we then decide that, actually, there is a better outcome, which needs a different measure.

[274] **Alun Ffred Jones:** Do you have a question on this point, Mick?

[275] **Mick Antoniw:** Yes. The goals, as opposed to the indicators, whereby you measure the implementation of the goals, are very generally written, whereas the indicators may well actually become more important than the goals in the legislation itself, depending on the weightings are put on them. Do you see that as a conflict, and do you think that the goals are perhaps too loosely drafted?

[276] **Ms Delonnette:** Personally, I think that the goals are broad enough that you can fit local requirements into them, while still saying, ‘Actually, this is where we want Wales to

go’.

[277] **Mick Antoniw:** Could I just ask, then, how do you say where we want Wales to go if the goals are so broad that they can be interpreted in any way, because that then brings you back to the other thing?

[278] **Ms Delonnette:** I do not think that they can be interpreted in just any way. I think that they can be interpreted locally. That is probably what I meant to say.

[279] **Mick Antoniw:** Right. Okay.

[280] **Mr Thomas:** Perhaps I could just add to that. On the principle of having higher level goals or higher level outcomes, but certainly goals, in the context of the Bill, I do not see that as a difficulty. It is then about identifying what you are going to do to actually deliver those goals; so, you will need measures at a high level, and then lower level measures or indicators around the different priorities underneath that. That is the same principle, certainly, as we have adopted locally in terms of our single integrated plan. The challenge, however, certainly in our experience, is that you identify the high-level outcomes that you want to achieve, or high-level goals, and the public service boards will not necessarily have all of the controls over all of those issues. So, if you are talking about ill health as an example, and obesity as an example, certainly the health service and the local councils, through leisure services, will have some sort of contribution in terms of increasing physical activity and all sorts of things. However, obviously, there are a lot of other factors out there in terms of social conditions, eating habits, and all sorts of other things—

[281] **Alun Ffred Jones:** That is supposing that you have leisure centres, of course.

[282] **Mr Thomas:** Well, exactly. That is right: if we still have them, or if we have transferred them to another body to run them for us, or whatever the situation may be. What I am saying is that you can have high-level measures that measure certain things around social issues and ill health, and lots of other examples, and the public service board will have some sort of impact but will not have control over all of those factors. So, in terms of measuring the effectiveness of the public service board, you will have a measure as to what is happening in that area or in that county or community, but it is not the same thing as the effectiveness of those service boards. You will need other indicators to actually demonstrate what that service board is doing, and what things it is putting in place to address those particular issues. That is the point.

[283] **Jenny Rathbone:** Surely these are cross-cutting objectives, which force everyone to work together. We can think of several objectives where it is not about one body. You mentioned obesity. That is one where most public services have a contribution to make.

[284] **Mr Thomas:** Absolutely. I was just making the point. There are lots of other things around alcohol, and all sorts of other things

[285] **Jenny Rathbone:** Yes, indeed.

[286] **Alun Ffred Jones:** Russell George is next.

[287] **Russell George:** Before I move on to my main point, is there a conflict in the goals? Do the goals conflict with each other as they stand now?

[288] **Mr McLean:** I do not think that there is an inherent conflict in them, no.

[289] **Russell George:** That has been some previous evidence that we have received, but

you do not think that there is; that is fine. In terms of resource, do you believe that, once the Bill is passed—assuming that it is—there is the resource within your authorities to carry out what you are expected to carry out? That is with the resource that you have now, or less resource, because we know, from this week, that the resource is reducing. So, would you be able to carry out your commitments with the level of staffing that you have now or with fewer staff?

[290] **Mr McLean:** Just to open it up, I think that it would be a real challenge for us. I think that the money that we have had to date to support local service boards from the Welsh Government has been of huge benefit to us in Monmouthshire. We are a very small authority and very kind of low cost, in a sense, in terms of funding levels. For us, and this perhaps comes back to one of the earlier questions, suddenly to have to deal with the prescription and regulation would actually be quite a significant additional burden. To come back to that point around the culture and the nature of the board in a specific area, a board that is, perhaps, light touch in terms of the structures it has around it but works very effectively to bring leaders together so that they can have conversations to resolve really challenging issues across the piece might be of huge benefit, but it does not have the infrastructure that other boards would. So, certainly for us in Monmouthshire some of the expectations would be a considerable additional burden.

[291] **Russell George:** In terms of the local authority, what the Minister said when he came to give evidence to us was that local authorities should already be carrying out these duties in any case, therefore there would not be any additional burden. What would be your view on that?

[292] **Mr McLean:** We carry out our duties and we fulfil what our statutory duties are, but when you compare Monmouthshire, for instance—an authority in a competitiveness area that does not have some of the kind of funding arrangements that flow into other areas—you will see a very difficult vehicle around the LSB than you would in other places, because we do not have Communities First and we are not in receipt of the European social fund. Having those large discrete funding parts does make sure that the LSB functions a little differently. I think that it is fair to say that. However, that is not to say that we are not discharging our duties.

[293] **Russell George:** Although what the Minister was saying to us was that local authorities should be doing this anyway.

[294] **Mr Thomas:** Just to follow up on that point, similarly we have a very light infrastructure. The funding that we have had from the Welsh Government, particularly supplemented by the local service board ESF funding, which has been extended now, luckily for us, up until the end of March, has been very helpful. However, you would need a minimum infrastructure to support any board and its work, really. A lot of the work, or most of the work, is done outside of the actual board in terms of generating the plans and pulling everything together and so on. So, yes, it will be challenging. The financial settlements are certainly challenging and are likely to be so for the foreseeable future. So, it will be a challenge, and that was one of the things in terms of the Bill in relation to funding from other partners—. My reading of it anyway is that the funding of the infrastructure, if you like, should come from the local authority, whereas, for me, I could not see why partners, certainly the statutory partners, should not also be asked to contribute towards the cost of supporting the public service board. That, to me, is part of making an equitable partnership.

[295] **Alun Ffred Jones:** So, the local service board in your area has been partly funded by ESF.

[296] **Mr Thomas:** Yes. LSB ESF funding has been used to support one member of staff, which has been invaluable. That was part of a national ESF funding bid to fund a number of

projects and that was one part of that. So, that funding is coming to an end. The funding for most projects is coming to an end in December, although some projects have been extended until March. So, we will have that funding continuing for that particular post up until March. I think that is the case across Wales, where that is the case.

[297] In terms of contributions from partners, I was not clear in my mind why it should all fall at the door of the local authority when you have other partners with equally large budgets, let us say. So, why could they not contribute, certainly to some of the costs of supporting the public service board?

[298] **Russell George:** In terms of member involvement, do you have a lead cabinet member in each of your local authorities working on and aware of the Bill? You are all nodding, so I will take that as a 'yes'.

[299] **Alun Ffred Jones:** William Powell **Alun Ffred Jones:** William Powell is next. sydd nesaf.

[300] **William Powell:** Diolch, Gadeirydd. It has been really interesting to hear the specific ways in which the current service boards operate in your local authorities and it is evident that two of the three of you before us today actually represent or work for authorities that have the cross-border dimension to take into account as well. Your authorities probably represent two thirds of the whole Welsh-English border between them. Could you give us some insight into how the current way in which local service boards are run take account of that cross-border dimension in service delivery and how you feel we could usefully bring amendments to this Bill to safeguard that aspect into the future?

[301] **Ms Delonnette:** Rather unhelpfully, I am going to completely dip out of this question, because I do not actually work directly with the LSB, so I would not be able to answer those questions. That is unfortunate seeing as we have got quite a lot of the border, but—.

11:15

[302] **Mr McLean:** It is a real challenge in Monmouthshire, particularly because two of our main towns, Monmouth and Chepstow, are quite often drawn, for public services, into England, particularly around health in Monmouth and schooling in Chepstow, and there is pressure with that, and people's expectations. When you spend time talking in communities, it is often those pressures that they want to talk to you about. To be brutally honest, it is not something that the LSB has sought to address. I know that colleague chief officers will have discussions with neighbouring authorities where there are particular issues, but it is not something that we do on a more proactive basis.

[303] **William Powell:** Do you think, going forward, that it would be sensible to place some kind of duty on authorities to engage not just with partner authorities within Wales? At the moment, for example, in your neighbouring authority, in Powys, you have the consultations going on regarding the future delivery of health services, which is absolutely critical, and it is even more interdependent, possibly, than your own authority. At the moment, if you have that major piece of dialogue not taking place, is it not going to—?

[304] **Alun Ffred Jones:** Is this relevant to the Bill, Bill?

[305] **William Powell:** Well, Chair, I would argue that it has potential relevance. I was keen to tease out the issues.

[306] **Alun Ffred Jones:** Is there any comment?

[307] **Mr McLean:** For instance, we have just gone through the significant public consultation around the restructure of health services in south Wales, and certainly, the feedback, when we go to talk to people, specifically around the single integrated plan—and we are talking about nobody being left behind, and about people being involved in their communities—is that there is a kind of anxiety about restructuring Welsh health services, when there is a hospital 20 minutes down the road in Hereford. There is a kind of tension there, but we have not gone any further than that.

[308] **William Powell:** No, okay. Well, there is the memorandum of understanding at a high level with the Welsh Government. I believe that Carwyn Jones signed a document related to these matters just a couple of years ago in Ludlow, but I think, at the next tier down, there have to be some issues addressed.

[309] **Llyr Gruffydd:** I will come back to the Bill itself. Section 8 articulates some of the principles around decision making and the way that we all, hopefully, will operate, if not already, or are operating. It talks about balancing short-term needs against long-term needs, an integrated approach, involving those with an interest in the objectives, collaboration, and deploying more resources to prevent problems occurring or getting worse. How does that differ from how you operate at the moment?

[310] **Mr Thomas:** I think, certainly from our perspective, that the integrated approach is certainly something that we have tried to adopt over a number of years. I think the key difference for me is the long-term view, looking forward to 2050, which I certainly support in terms of principle. That is what we need to be doing. I think the tension is in the short-termism of both political cycles and also funding, and how far ahead we can look at funding projections. In terms of having meaningful plans, there is obviously a tension there, but, certainly, the principle of looking ahead is absolutely the right one. Working together is going to be ever more important in terms of reducing resources. We cannot carry on doing what we have done in the past without working more closely with colleagues, but, as I say, there is the short-term funding window, if you like, and obviously, political cycles and pressures on politicians to be seen to be delivering things over their electoral cycle. So, there is obviously a tension there that I can certainly see.

[311] **Llyr Gruffydd:** Do we need legislation to address that?

[312] **Mr Thomas:** I think it is helpful, in the sense that we need to be looking forward in terms of future generations, and at the impact that what we do now may have on the future. I think it is certainly helpful to do that. Actually putting it into practice will obviously cause some tensions that we will have to work through.

[313] **Mr McLean:** I would agree with that. I think that, certainly in our local authority, having sustainable development principles at the heart of our longer-term planning horizons is there already, and is something that we would look to maintain for the future. I think there is a real tension between being able to sustain long-term perspective with both organisational and financial challenges in the very near future. That is the difficulty for us all to deal with.

[314] **Llyr Gruffydd:** Okay, thank you for those answers. I am just looking for how this Bill will actually change existing priorities and practices. Now, on the goals, obviously, I would imagine that you already work towards a healthier, more resilient, wealthier Wales. What, in this Bill, is really going to drive that sort of fundamental change in the way the public sector considers sustainable development as a central organising principle?

[315] **Mr Thomas:** For me, one of the changes is to do with the fact that, previously, with the single integrated plans, environmental issues were not seen as a key part of them, really,

and they were more about social and economic issues, rather than environmental ones. I think that it is right that those issues have been brought back to bear, because it was perhaps a mistake previously. So, that is certainly a plus point. In terms of the detail, again, it is going to be difficult to work through that. A number of authorities have agreed to be early adopters of the sustainable development work that is going on across Wales, and I think that that has been really helpful, because, again, it is trying to maximise the use of resources across Wales, in terms of officer time, expertise, and so on. So, I think that that is a really helpful initiative, and it is certainly one that we have embraced as an authority, because we cannot afford to keep reinventing the wheel 22 times, or however many times, across Wales. So, that will certainly help as well.

[316] **Mr McLean:** In terms of a local perspective, the vision for our single integrated plan is about having sustainable and resilient local communities, and it is backed up by three themes that represent social, economic and environmental wellbeing. So, for us, I do not think that the shift to a statutory basis would mean that we would look at our planning any differently. The weight between those three themes will come to change over time, I have no doubt, but the recognition that they were the principles upon which our long-term vision should be built was there from the outset.

[317] **Ms Delonnette:** Also, as I was saying about the measures, it is about a holistic approach. It is not for education to feed into one goal, but it actually has an opportunity to, and an expectation that it will, deliver on all of them. It may not be as much on one as on another, but there is this holistic approach. It is up to all of us to do all of it, not for me to do my bit and for you to do your bit and, actually, for us to conflict where I am doing something that is contravening what you are trying to do. It is about that sort of thing, and the long term.

[318] **Llyr Gruffydd:** Is there not a danger in asking the public services boards to conduct an assessment, to produce a plan, and then to report annually? Is there a danger there that the process takes over?

[319] **Mr Thomas:** I think that that is something that we have been doing. Certainly, the needs assessment, the plan part, has been fairly well established. We are now in the process of the reporting cycle. So, now is the first time we are doing that, and that really mirrors the approach that we have to take as local government in terms of identifying our priorities for improvement, setting out our plans and then reporting on how well we have delivered on them. So, the principle, I think, is okay, and I think that introducing that on a statutory footing does not really alter that. Perhaps where it may be helpful—and, obviously, we have some different views on this—is that, in my experience in terms of Welsh Government, for example, the health service tends to report to the health department, to put it very simply, and education is very much influenced by the education department, and this will help to pull it all together. That needs to happen, because, previously, there may have been a certain tension in that whichever directorate, department or local authority may have set up local service boards and so on, but has there been adequate buy-in, if you like, from some of the other Welsh Government departments? I think that this will help, hopefully, to ensure that; otherwise, you have people—different partners and different bodies—being pulled in different directions. That is not intentional, but that is what can happen.

[320] **Alun Ffred Jones:** I have two questions: one from Antoinette and one from Jenny Rathbone.

[321] **Antoinette Sandbach:** Obviously, the future generations commissioner is going to have an oversight function. In terms of the Bill, do you think that the powers and functions of the commissioner effectively balance the need for enforcement and local democracy?

[322] **Mr McLean:** The important thing with the commissioner is that the powers are

proportionate and that it is placed on the same footing as the other commissioners we have. I think that that is really important. I do not think that it will necessarily conflict with local democracy, but I do think that, coming back to the point that Mark made earlier, this multiplicity of reporting lines that we will have is a worry and a concern. So, I think that that would be something that we just need to be cautious of and make sure that it is proportionate, again—or else this question of additional burden becomes much more relevant.

[323] **Antoinette Sandbach:** So, would you like one reporting line? If this is the overarching principle, should this be the only or the principal reporting line?

[324] **Mr McLean:** I think that, as a local authority employee, my reporting line would always be through the local government body, and I think that scrutiny has an important role to play in terms of understanding the outcomes that are being achieved locally. I think that, if there were to be national oversight, we need to think about where the auditor general sits in that piece. So, it is probably more complicated than just one point.

[325] **Antoinette Sandbach:** Okay, thank you.

[326] **Jenny Rathbone:** I just want to pick up on what you were saying about the potential of the Bill to prevent silo working. Ultimately, which Minister do you think should be responsible for ensuring that the future generations Act sticks, because some of our witnesses have argued that it should be the First Minister because the First Minister has overarching responsibility over all the other Ministers?

[327] **Mr Thomas:** I am not an expert in terms of which Ministers have got responsibility for which areas, but I can see that there is some logic to that because that becomes an overarching role. However, obviously, that has to be balanced against all the duties and responsibilities held by the different Ministers. However, wherever it sits, there needs to be that overarching oversight, and each Minister and department needs to be signed up to the legislation and to actually follow that through at delivery level, as well.

[328] **Jeff Cuthbert:** May I just ask you, is the Brecon Beacons National Park part of your local service boards?

[329] **Mr McLean:** It does not sit firmly as part of our LSB but, in terms of some of the projects that we are taking forward, which are LSB-derived projects, it is a key partner.

[330] **Mr Thomas:** Part of the Brecon Beacons National Park is in Merthyr Tydfil right at the north end. We do not have interactions in terms of the LSB issues, but obviously the planning perspective is the main one. So, there is no real major settlement as it is obviously a countryside area.

[331] **Ms Delonnette:** Likewise, it does not sit on our LSB.

[332] **Alun Ffred Jones:** I think that we are all maxed out on this one. So, I thank you for your attendance and for presenting your views so coherently. You will be given a transcript of the proceedings to check for accuracy. Diolch yn fawr iawn. Thank you.

11:28

Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 12
The Well-being of Future Generations (Wales) Bill—Stage 1: Evidence Session
12

[333] **Alun Ffred Jones:** Croeso i'r sesiwn olaf y bore yma, gobeithio, ar y Bil Llesiant Cenedlaethau'r Dyfodol (Cymru). Gofynnaf ichi i ddechrau i gyflwyno eich hunain a dweud eich enw a'ch safle o fewn y corff yr ydych yn ei gynrychioli.

Alun Ffred Jones: I welcome you to the last session this morning, I hope, on the Well-being of Future Generations (Wales) Bill. I ask you to start by introducing yourselves and telling us your name and your role in the body that you represent.

[334] **Ms Parsons:** I am Clare Parsons, and I am sustainable communities manager for Brecon Beacons National Park Authority.

[335] **Mr Cook:** Good morning. I am John Cook, chief executive at the Brecon Beacons National Park Authority.

[336] **Mr Capaldi:** Good morning. I am Nick Capaldi, and I am chief executive of the Arts Council of Wales.

[337] **Mr Flather:** Good morning. I am Steven Flather, and I am head of finance at the Mid and West Wales Fire and Rescue Service.

11:30

[338] **Alun Ffred Jones:** Good. Obviously, you will have your different approaches, but in general I would welcome, when you are answering questions, a feel for your general approach to the Bill, and also for you to express where you think the Bill can or should be changed in order to strengthen it from your perspectives. I will ask Julie Morgan to kick off.

[339] **Julie Morgan:** I was going to direct my questions to the Arts Council of Wales, to Nick Capaldi, to start off with, if that is all right. I enjoyed reading your evidence, which had a picture and quotes and was quite vibrant. You obviously see the arts council as having a major leadership role in this Bill. Following what the Chair has said, could you give us your overview of the Bill and your general feelings towards the Bill?

[340] **Mr Capaldi:** Certainly, thank you. I think that we welcome the breadth of the Bill and the fact that it is about the wellbeing of future generations. Emphasising the word 'wellbeing' gives it a breadth that extends beyond simply environmental and sustainable concerns, important though they are. Within my written submission, I talked about the importance of stretching minds and legs, and I think that a sustainable, happy and confident future community is going to be one that takes care of its mental health, its physical wellbeing and, indeed, ensures that once those very basic aspects of human survival and sufficiency are taken care of, that we do try to extend ourselves creatively. I think that some of the challenges that we are going to face through the Bill will require a high degree of creativity in terms of finding the solutions.

[341] You mentioned the arts council taking a leadership role. I think that that is going to be very important. I think that artists are very good at unpicking some of the most challenging issues of the day and presenting them in new, invigorating and intellectually challenging ways. One of the things that worry me slightly about current portrayals of the future in media is what a dystopian picture it is. Everything from the film *Blade Runner* to most of the science fiction that we see and read talks about a dystopian future. I think that that worries and frightens a lot of people. Somehow, we have to bring some balance to this in terms of saying

that the world could be a better, more interesting and more equal place.

[342] My final comment would be on the Bill's goals themselves. We welcome the goals. I think that a couple of them, as I said in my written evidence, could be perhaps stretched a little. I think that there is a conflict inherent within the goals, and that, for us, would be particularly around the interpretation and the implementation of the goal relating to a prosperous Wales, and what the relationship between that and a more equal Wales will be. All too often, depending on one's model of economic development, social justice issues can be sidelined.

[343] **Julie Morgan:** In your evidence, you do not offer any comments on a prosperous Wales but, on a more equal Wales, you do suggest an amended definition. Could you expand on that definition?

[344] **Mr Capaldi:** Yes. I think that we need to be mindful of the full range of societies in contemporary, twenty-first century Wales, going forward. I think that what I was calling for was a small change in the wording to ensure that there is recognition that there are social justice issues, and that, as a matter of principle, we should ensure that we are being fair across all sectors of society.

[345] **Julie Morgan:** On the general principles of the Bill, you also say that you feel that something has been lost with the common aim and sustainable development principle. Again, could you tell us what you feel should be put in?

[346] **Mr Capaldi:** I think that we welcome the general thrust of the Bill that sustainability should be an organising principle of all public sector policy. However, built into that has to be a broader understanding of sustainability as it impacts on a human as well as a physical level. So, issues to do with resilience—what a resilient community is and how one builds a resilient community—is as much about developing the capacity and capability of communities and giving them the confidence to be able to articulate and voice their concerns. Only then, I believe, will we be able to point towards a greater sustainability. I think that the arts have an important role to play in encouraging that community empowerment.

[347] **Alun Ffred Jones:** Russell George, on this point.

[348] **Russell George:** You said that you believe that there is conflict within the goals. On the wider point, how would you amend those goals?

[349] **Mr Capaldi:** By strengthening the goal around a more equal Wales, so being clear about what that actually means. I think, inevitably, with all of the goals, the actual definition of the targets will be particularly important in terms of what one is aiming for. There needs to be a good intellectual understanding of the tension that potentially exists between economic development and the need to ensure that the least well-off, the most vulnerable in society, do not get left behind in our scramble for economic growth.

[350] **Mick Antoniw:** You have hit on a couple of quite important points on the goals themselves. You mentioned the term 'social justice'. Do you think that it would help if social justice was somehow incorporated—perhaps not just a 'prosperous' Wales, but a 'prosperous and socially just' Wales—just in terms of defining the parameters and objective of the goals?

[351] **Mr Capaldi:** I think that that might well work well. I think that our concern is around the sins of omission—if it is not there, explicitly spelt out, it is either implied that it is of lower concern, or indeed, even worse, ignored completely.

[352] **Mick Antoniw:** You also mentioned specifically the definition in respect of a more

equal Wales. The definition that we have at the moment is basically a society that enables people to fulfil their potential et cetera. If there was a further refinement of that along the lines of a society seeking to overcome prejudice, intolerance and all forms of inequality—. I am not suggesting those as the particular words, but is the point that you are making that some of the goals are very broad and should be more specific in terms of defining the parameters of the legislation?

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

[354] **Julie Morgan:** I just have one final question. I totally agree with you that the arts have a vital role to play in this. Are you confident that, as this develops and the mechanisms are set in place to ensure that it works and is monitored, the arts will be included in all of that?

[355] **Mr Capaldi:** I think that they have to be and it is part of our role to ensure that they are. It is helpful—and I genuinely mean ‘helpful’—that we are one of the prescribed bodies in terms of the sustainability duty. So, there is a requirement on us to exercise leadership. However, by and large, in the conversations that I have with artists and arts organisations, these are issues that they themselves are very concerned about. I think that we would be pushing at an open door in terms of artists’ and arts organisations’ willingness to tackle these issues.

[356] **William Powell:** Good morning. I would like to concentrate my questions to the representatives from the Brecon Beacons National Park. A question was raised in the last session as to the level of involvement that you have had with the local service boards. In your evidence, you clarify the journey that you as an authority have had in terms of the Powys local service board, as currently constituted. What lessons do you think could usefully be learned for the wider Bill, and for the public services boards as envisaged, from the experience that you have had to date?

[357] **Mr Cook:** I will respond directly to the question about Powys, but what I would also say is that I am here representing the national parks of Wales, not just the Brecon Beacons. There are slightly different experiences because of—[*Inaudible.*]—et cetera. However, from a Powys perspective, when I first took on the job of chief executive, I had a place on the Powys local service board. It was an interesting time; I think that we were still finding our feet in terms of what the strategic priorities were. Without boring the committee with the detail of that, we ended up with two specific strategic priorities; one was around mental health and wellbeing and one was around climate change. I notice that Heather Delonnette gave evidence earlier; we worked very closely with Heather and a number of representatives from a number of public bodies in Powys, looking at carbon reduction on the public estate, and we were moving on to transport. We are making some real progress on that. I have to say—I choose my words carefully—that the introduction of the single integrated plans introduced a degree of distraction. The focus became ensuring that the plan was complete and fit for purpose, but, frankly, some of the work started to suffer as a result of that. The carbon reduction programme ended up in the long grass, to a certain extent. I think that that is the lesson we need to learn, looking forward. I fully embrace the concept of public service boards being at the heart of wellbeing plans, but I think that we need to make sure that we focus on getting things done, not just on reporting what has been done for the sake of scrutiny.

[358] **William Powell:** That has been a theme in our earlier questions to previous panels as well: the importance of the process not taking over. I know that the national parks of Wales have done a considerable amount of work in terms of fostering the voice of local communities in different ways; I believe that Clare’s work is very much in that area. Concern has been expressed that, potentially, the voice of town and community councils may be somewhat lost in the way that the public service boards are envisaged. Are there any ways that you would advocate that voice being safeguarded? Are there any specific amendments that you would

propose to the PSBs, as currently envisaged?

[359] **Mr Cook:** It will be interesting to hear what Clare thinks in a moment. I do not have any specific suggestions for specific amendments, but I do think that it is important that we do not lose that local community-based involvement in all of this. I think that that goes through to the goals but, most importantly, to the measures of achieving those goals. If we end up with a set of national indicators, and that is it, we will lose that local ownership. I think that it is vital that communities are involved in developing measures and indicators for how we achieve the goals that are set out. I do not see any conflict with those goals as long as the balance is right, but I do think that it is important that communities, at grass-roots level, are involved in establishing what the measures are, rather than it just being at a public service board or national level. Otherwise, they just will not be meaningful.

[360] **Ms Parsons:** Just to add, as part of the national conversation work, we did a national conversation in the spring with town and community councils from across the park—there are 50 councils in the Brecon Beacons National Park. What they came up with very much mirrored the national conversation outputs, in terms of their concerns, issues and so on. So, they are keen to take part in that conversation and also in delivery. I think that it is only with a turnover of over £200,000 that the duty applies to them, and there are only four councils in the Brecon Beacons where that would apply. However, we found that many of the other smaller councils were keen to take part in the delivery end of future generations as well, so we do much of that work through the sustainable development fund, enabling them to deliver locally on these measures.

[361] **Alun Ffred Jones:** Jeff Cuthbert, on this point.

[362] **Jeff Cuthbert:** Yes. I am a little intrigued about your statement that it is not an issue of focusing on having the plan—the single integrated plan or the new local wellbeing plan, as it will be, on a statutory basis—but an issue of actual delivery. I would accept that: that is what is important to people, when all is said and done. Can you say a little bit more about the degree in which you engage with, say, local authorities—I know the span of Brecon Beacons National Park—how you engage with other local service boards, and the lessons that you would take forward when you become formal partners in the new statutory public service boards? Where will your contribution lie?

[363] **Mr Cook:** I think that our contribution lies primarily—. A good example, I think, is when I talked about climate change as a strategic priority for the Powys LSB. I would hasten to add that that was not a criticism of the Powys LSB; I think that it was a happenstance of developing the single integrated plan and what have you. There was a clear lack of understanding about what public bodies could do about mitigating, and adapting to, the impacts of climate change.

11:45

[364] Out of that discussion came a concrete programme, aimed at reducing the carbon emissions of the public estate. The ultimate aim of that was to roll out those learning experiences to communities within Powys so that we could help them to help themselves to reduce their own carbon emissions, which has an environmental impact but also a social and, primarily, economic impact. On matters of natural resources, we would bring a lot to that. Of course, Natural Resources Wales is going to be a member of that, so we would be very supportive of that principle.

[365] As to the key areas we work at, in terms of the national park, across partnership boundaries, sustainability tends to be at the front of everything we talk about. We have a sustainable destination partnership. The Brecon Beacons park is now a tourism destination in

its own right. We have a very active sustainable destination partnership that includes local authorities but also includes tourism businesses and other stakeholders. We have just restructured that to put more of a focus on the sustainability of that destination. Similarly, we have a sustainable transport initiative, and it is about not just transport, but making it sustainable. We would say that sustainability has been at the heart of what we do for many years. Therefore, we welcome that sustainability is put at the heart of decision making. However, it has to be about doing things, as opposed to just reporting them. Have I answered that?

[366] **Jeff Cuthbert:** Yes, that is fine. Steven, as a representative of fire and rescue authorities—as the authorities will also be statutory members of the public services boards—on the issue of moving from the, for want of a better word, ‘voluntary’ local service boards to the statutory boards, how do you think that will benefit the co-ordinated delivery of public services over and above what we have now?

[367] **Mr Flather:** Fire authorities are very much involved in community risk reduction. We spend a lot of our time in the educational field, talking to communities about how they can safeguard themselves and safeguard the environment. Being on these boards will help us get that message across and be able to work more closely with the Government to try to make sure that we are saying the same things and reacting in the same way. The only concern we have on public services boards, and you will probably find it in the evidence, is that there are 20 of them and only three of us.

[368] **Jeff Cuthbert:** Well, at the moment.

[369] **Mr Flather:** At the moment. Even so, within my own authority, the way it is set up at the moment means that our chief fire officer has to attend six public services boards. In south Wales, it is nine public services boards. It is about understanding how that can happen. We want to be part of it and be involved in it, but we are just worried about that issue of time.

[370] **Jeff Cuthbert:** A capacity issue.

[371] **Mr Flather:** Yes, a capacity issue.

[372] **Antoinette Sandbach:** I want to ask Brecon Beacons National Park and perhaps also the fire authority whether changes in the planning Bill will impact on your functions and ability to carry out your obligations under the future generations Bill. It is perhaps less relevant for the fire authorities, but I know that, certainly in north Wales, there has been a big impact in relation to flooding and building on flood plains. Can you both comment on that?

[373] **Mr Cook:** It could well have. The honest answer to that is that, at this stage, we do not know. The devil will be in the detail of the planning Bill. Our position for national parks in Wales is this: if you think national parks are special places and are international assets as well as national assets, you need national park authorities to keep them special, and the planning function is an integral part of that. Furthermore, within the Government’s review, we will be pressing that there is an opportunity to look at an economic development function for national park authorities on a sustainable basis—a sustainable economic development function. Can we deliver on the future generation commitments and goals without the planning function? Yes. Could we be more effective at delivering them with the planning function? Absolutely.

[374] **Alun Ffred Jones:** Are there any other comments?

[375] **Mr Flather:** I am not a great expert on planning, but building on flood plains will have an impact on fire authorities. We put our resources where the greatest risks are. The kind

of resources to be purchased or leased depends on the kind of risk we are defending. So, yes, changing planning and building on flood plains will have a major impact on the way fire authorities function. As to whether it is going to affect the way the future generations Bill goes, I doubt that. Those goals are something that we need to think about every time we make a decision. So, depending on the decision, we would keep thinking about the Bill. The kinds of decisions that we are making will not impact on the way that we include the goals in that decision making.

[376] **Mr Capaldi:** May I just come in, briefly? It is not a huge area for us, other than, in one respect, around planning, which is the quality of the built environment and the open spaces that result from various planning decisions. It is absolutely key to wellbeing that we try, as far as possible, to become more literate about issues of design and design aesthetics. We work with a handful of projects at the moment, which are trying to partner with the Government's Vibrant and Viable Places programme to specifically look at these issues. Somebody mentioned earlier the involvement of communities, but it is about communities being part of that process of design and consultation and capitalising on the creativity that exists in local communities.

[377] **Alun Ffred Jones:** Russell George is next.

[378] **Russell George:** Thank you. In terms of the fire and rescue authority, I would like to understand what changes you think you need to make within your organisation to comply with the Bill and what impact that has on resources.

[379] **Mr Flather:** It is difficult to tell, because we are not quite sure where the Bill is taking us—

[380] **Russell George:** As it stands now.

[381] **Mr Flather:** As it stands, the original concept of the Bill was to include these goals and to make decisions and embed them into a decision-making process, which is a governance issue. Apart from being able to demonstrate that we were considering the goals, it would not make a great deal of difference to us.

[382] If we are talking about the plethora of performance indicators, then, that is a concern. Originally, I thought we were looking at a set of measures—looking at outcomes based on the goals that we were aiming towards. The Bill now implies—it might not be true—that there will be some more detailed indicators and whether we will have the resources to be able to calculate those indicators and follow them is another issue.

[383] **Russell George:** How do you propose to measure the performance of your organisation, for example? How do you measure the performance?

[384] **Mr Flather:** At the moment, we already do, because there are national fire and rescue indicators, which are mainly about the number of fires, the number of accidents, the number of deaths and the amount of money that we spend per head of population. So, all of those sorts of measures exist.

[385] To me, it is more about looking at those six goals and that every time we make a major policy or strategy decision, we consider its impact on those goals and whether we are contributing to the journey towards those goals. That is the message I am trying to get across; that is the most important aspect of the Bill and I am frightened that it will be lost in the detail of performance indicators.

[386] **Russell George:** Okay.

[387] **Alun Ffred Jones:** Jenny Rathbone, did you want to come in?

[388] **Jenny Rathbone:** Yes. I just want to pick up on what the national park authority said earlier about the dangers of distracting people into process rather than delivery. One of the current sustainable development measures is the proximity of core public services within 15 minutes' walk or public transport—I think it was to a grocer's and a GP surgery. I wondered how the conflicts in terms of sustainable development are addressed by a national park authority and what impact, if any, this Bill would have on the way we operate.

[389] **Mr Cook:** In terms of the way we operate, I do not think that the Bill will have any significant impacts on how national park authorities operate. There is one caveat to that and it is about the administrative burden in terms of reporting. Perhaps we can elaborate on that later, but I will not use this as an opportunity to talk about that.

[390] Within the national park itself and the distribution of public services, of course, there is only so much of that that we are actively involved in—you mentioned doctors' surgeries and what have you. So, a key issue for us is around the sustainability of transport and working with existing transport networks to actually make it easier for the citizen and, indeed, for the visitor, to actually get around the national park as easily, as cheaply, as cost effectively and as environmentally sustainably as possible. We also work with businesses to develop that, because, obviously, in a rural area, the transport network is not as effective as it could be. Actually, only the other day, we took all the members from the three national parks to see the eco-travel network in the Brecon Beacons, which has been set up by two individuals and which is now providing very low carbon transport in terms of its electric-powered vehicles to businesses and communities on a rental basis so that they, as businesses, can commute around the park in a more effective manner, but also the visitors to the national park. We try to address it in ways where we have the opportunity and the powers to do so.

[391] **Jenny Rathbone:** In terms of proximity to a grocer, however, which is in that measure, what impact does that have on the economic activity in particular communities within the park?

[392] **Mr Cook:** Again, if you are not careful, multiple retailers drive that element out. So, within our planning function, we have elements around that in terms of how much of that we will allow. However, from a community development point of view, we work on local food initiatives and what have you, so that the food is, ideally, grown locally, but certainly made available locally within small communities as opposed to having to travel all the way to Brecon or to Merthyr Tydfil to a major supermarket. I think that Crickhowell is a good example of that, where local opportunities are actually encouraging people to spend more within the town so that that helps businesses to prosper.

[393] **Jenny Rathbone:** That is great. Just coming back to the point that you flagged up earlier, which is about gardening the measures so that we are not increasing the reporting requirements, but actually streamlining them so that we have clear objectives and so that we know how well we are moving towards them, have you, as an organisation—or all three park authorities—had any thoughts about what the measures are that should be backing up this future generations Bill?

[394] **Mr Cook:** There is a statutory requirement for national parks—not national park authorities, but national parks, as the park authority is the driver of it to produce a national park management plan. We would submit that while it is not the finished article, it is a long way towards what we think a wellbeing plan should look like. For our national park authority, the management plan has six priority areas. The read-across to the goals is quite striking. I hasten to add that we have had these for several years; it is not that we have now produced

them to match those goals. They are around landscape and culture, biodiversity, access and recreation, understanding—and those two can have a significant impact on wellbeing and health—and then resilient communities and sustainable economic development. From those, we have developed indicators and key objectives as to what we need to achieve over a period of five to 10 years to do that. In fact, we already have a series of measures and indicators that we would consider contributes towards sustainability. What I am saying, really, is if we have a set of national ones, we hope that there is an overlap, as opposed to a complete conflict—that we are not creating an additional reporting requirement just to meet on certain indicators.

[395] **Jenny Rathbone:** Absolutely. So, have you had any conversations at all yet with Government about the things that it might be thinking of having as overarching national objectives?

[396] **Mr Cook:** Not as yet, but I am on the implementation group, so, hopefully, we will be feeding into that.

[397] **Alun Ffred Jones:** You think that we need indicators to measure the success of the Bill.

[398] **Llyr Gruffydd:** You have articulated there, perhaps, how sustainable development is already the central organising principle in the work that you do, but of course that is not true of all of the partners that would be involved. That has been identified alongside the capacity issue. There might be an issue in the different levels of understanding or interpretations of sustainable development across the breadth of partners involved in public service boards. How do you think that that could be tackled or addressed?

[399] **Mr Cook:** Again, I think that this should be about shared experiences. We do not profess to have this completely perfect. We can all improve; we can all develop. As resources become more constrained, we will have to share best practice, partnership approaches and collaboration to do so. However, I do think that we can bring something to those public service boards in terms of our understanding of how we have achieved it and how we set out. The carbon reduction programme with the LSB is an example of that. I do share the concerns. There is a lack of clarity at the moment about the role of invited partners on these public service boards, and, as it stands at the moment.

12:00

[400] In the Brecon Beacons, we could find ourselves talking to seven. How long that will be we do not know, but I think that we do need to be clear about how much time we are spending talking about things and how much we are out there doing it. Inevitably, with us, it would be a priority. We would obviously have more impact in terms of Powys, Monmouthshire and Carmarthenshire than perhaps the heads of the Valleys because of the amount of sites. However, the impact that we could have on those southern-fringe communities could be significant. So, the jury is out on how much time we actually spend, but I do think that we could make a positive contribution towards a better understanding.

[401] **Llyr Gruffydd:** You mentioned in an earlier answer that you might want to elaborate a bit more on the administrative burden of reporting. Is that something you would like to do now?

[402] **Mr Cook:** Thank you. I think that the key to this is within the goals, because the goals are widespread, but focused on wellbeing. For example, we have 'A more equal Wales', and we have 'vibrant culture and thriving Welsh language'. On a number of these at the moment, we have duties as public bodies, and there is therefore a compliance requirement in that regard. So, we have to produce an equalities duty report every year. The Welsh language

situation will change, but, at the moment, we produce a Welsh-language monitoring report against our Welsh-language scheme each year, and so on and so forth. Our concern all along has been that, if we have to produce another compliance report on our wellbeing duty, as an organisation, frankly, of fewer than 100 people now, we are increasingly using capacity to report on what we are doing as opposed to—. There is a theme here, in terms of ‘Let’s do it’, while fully accepting that, as a public body, we need to be accountable and therefore report. I think that the concept of integrated reporting, which has been talked about within the Bill and which I think needs to be embraced, is a real opportunity for Government to take a brave decision, and that is to actually, not to tear up, but deconstruct a lot of the compliance reporting that we have and say that this Bill gives us an opportunity to have a cross-cutting approach in terms of asking what the key measures are that we have set out to achieve these goals and to report on the effectiveness with which we have done that.

[403] **Alun Ffred Jones:** Okay. Are there any other questions? May I just address one to Nick Capaldi? A council leader last night, following the settlement, said that, soon, local authorities will be reduced to providing social services, education and looking after roads, because there simply will not be enough money. What role, in fact, would the arts council have if local authorities simply are reduced to that, which would mean that they would be doing nothing in the field that you are interested in?

[404] **Mr Capaldi:** Part of our role is to try to ensure that we do not reach that position. However, it is clearly going to be, for us, for our organisation, our biggest challenge over the next three to five years. We recognise that local authorities face this Hobson’s choice between the ever-growing cost of statutory services and the diminishing amount of funds available for the discretionary ones. However, these services, provided through arts and leisure, are incredibly popular among, and incredibly important to, local taxpayers. I think that what we have to do is to mobilise that voice. All too often, in the arts, what we see is that the campaign starts at the point at which the chains are going on the arts centre door, at which point, it is too late. We have to be mobilising that silent majority—and I think that it is silent, and it is a majority—that does value leisure centres, leisure provision, culture and the arts. So, we are putting a lot of work at the moment into developing the materials, the research, and the practical guidance that will help local authorities to look at alternative ways of providing these services in this desperately difficult financial climate.

[405] **Alun Ffred Jones:** Okay—

[406] **Mr Cook:** Could I just come in?

[407] **Alun Ffred Jones:** Sorry; yes. Please, John.

[408] **Mr Cook:** I just wanted to pick up on something that Nick said fairly early on about the importance of the arts and their contribution to wellbeing and what have you. A good example of that, within the national park, concerns an artist called Pip Woolf, who developed a project called ‘A Woollen Line’, which was actually an arts project using wool from native breeds, but using it in an upland environment to block up dykes and what have you to create a natural barrier to stop erosion. It was art-based, but it actually had the benefit of engaging the farming community in understanding it, and the local community—because a lot of this was physical work, carrying woollen bales up on to the hill—but it is also now making a positive contribution to habitat restoration. It has actually not cost a lot of money. We supported it through our sustainable development fund, but it is about engaging communities in doing things for themselves, rather than looking for huge European funds to actually restore the uplands. It is only ever going to be a small example, and any opportunity for European funds to restore the uplands I would be very grateful for, but I do think that there are good examples of how communities, and, increasingly, the park authorities, are working with communities to actually do things for themselves in a facilitation role, rather than a delivery role.

[409] **Alun Ffred Jones:** I have obviously woken the Members up. Antoinette Sandbach is next.

[410] **Antoinette Sandbach:** I think, also, the arts—. I know, certainly, in north Wales—and it is a shame that we have not had any representatives from local government in north Wales here yet—that, for example, artists have been working with empty properties, and that is having a massive impact on the community space that people occupy, and also the perception towards empty properties and regeneration.

[411] **Alun Ffred Jones:** Can we stick to the Bill, please?

[412] **Antoinette Sandbach:** So how do you see that kind of—?

[413] **Mr Capaldi:** Perhaps I could make that connection, because, I think, as we have started to hear, the arts can illuminate so many different aspects of civic life and civic priorities, from town-centre regeneration to cultural tourism, to economic developments. I think that not only recognising and promoting that, but enabling it to happen on a sustainable basis, is very important, and, for us, sustainability equals continuity equals resilience, and, therefore, being able to work with local authorities to find financially resilient and sustainable ways of sustaining the arts is going to be very important, and, in north Wales, we have a glorious example of co-operation across the six local authorities on a project called Criw Celf, which is developing opportunities for talented youngsters to get professional tuition in the arts—delivered across all authorities.

[414] **William Powell:** Developing on that point, and, Nick, your comments about the importance of developing a rate of literacy in terms of appreciation of the arts and wider issues, there have been some concerns expressed regarding the voice of heritage within this Bill as well, and we are sitting in a fine building that is actually not too far away from two very significant buildings in the history of this city—I am thinking of the Cory's building, which is in a state of serious decline, and also, of course, the Coal Exchange. Do you believe that the voice of Cadw should also be present within the future generations Bill, and needs to be integrated to the thinking, which also relates to the work of national park authorities and other local authorities in terms of the heritage function?

[415] **Mr Capaldi:** Absolutely, and for two reasons. First, our heritage is a huge attractor of tourists, who are coming in and seeing and enjoying our heritage, but, secondly, and, for me, more importantly, they are part of the story of Wales, in terms of who and what we are. You picked two particular buildings—the Coal Exchange and the Cory's building—which are fundamental to Wales's industrial heritage, and understanding where we have come from and what made us the nation that we are will help us understand the nation that we could be in the future.

[416] **Alun Ffred Jones:** But the Bill would not, in itself, safeguard those buildings, I presume.

[417] **William Powell:** Not as currently drafted.

[418] **Mr Capaldi:** It will not safeguard the buildings themselves, but I think, as Mr Powell was saying, having the voice of Cadw, which I think is an important organisation, as part of these debates—. We work very closely with Cadw, and a lot of the projects we do could not happen without its help and support.

[419] **Alun Ffred Jones:** Diolch yn fawr. Stephen, and then I will finish with Jenny.

[420] **Mr Flather:** My concern here is that it is as if we are expecting this Bill to micromanage the work of the public sector. My view of the Bill is that that was not the intention. Is not the Bill—? I will start again. Should not the Bill, basically, be about sustainable development overall, in the round? By setting objectives, that means that, once objectives are set, you are measuring performance indicators against those objectives, and you do not think about it again, whereas I thought the Bill was about setting the belief into every decision. That is what concerns me about the Bill. It is not there yet, but I just get worried sometimes when I listen to what people are saying about their expectations of the Bill. I would rather see these six goals built into every decision made by every public sector body. It would then be evident that they have considered them. There are conflicts among the goals, but surely it is the job of the public sector to weigh up those conflicts and show why they have made those decisions the way they have done.

[421] **Alun Ffred Jones:** I think those are some of the conflicting concerns that the members of the committee are trying to wrestle with at the moment. I call Jenny Rathbone for the final question.

[422] **Jenny Rathbone:** Is the shroud-waving quotation that the Chair just told us about—the response of local authority leaders to a challenge—not just a clear indication of the need for a Bill that enshrines co-production and partnership, prevention not cure, and how are you guys going to get to these people soon enough so that they do not just take a silo approach to their financial challenges?

[423] **Mr Capaldi:** Well, that is the focus of our work at the moment—going around visiting and meeting with local authorities, providing them with the research and the materials that enable them, perhaps, to look differently at some of these issues. Is it shroud waving? That is not for me to comment on. I know from my conversations with members and officers that they are finding these issues very difficult. They are concerned about the arts. They want to protect the arts, but they need bodies such as ours to provide them with the ammunition and the arguments to enable them to perhaps sway some of their more sceptical colleagues.

[424] **Alun Ffred Jones:** Ar y nodyn **Alun Ffred Jones:** On that note, thank you hwnnw, diolch yn fawr iawn. very much.

[425] May I thank you for attending? You will receive a copy of the transcript for you to check for accuracy. Thank you, again, for coming here to present your views. Diolch yn fawr iawn.

[426] We will adjourn now and resume at 1.15 p.m.

*Gohiriwyd y cyfarfod rhwng 12:12 a 13:18.
The meeting adjourned between 12:12 and 13:18.*

**Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 13
The Well-being of Future Generations (Wales) Bill—Stage 1: Evidence Session
13**

[427] **Alun Ffred Jones:** Rydym wedi cyrraedd eitem 6 o'n trafodaethau ar y Bil Llesiant Cenedlaethau'r Dyfodol (Cymru) ac o'n blaenau heddiw mae cynrychiolwyr o'r byrddau iechyd ac Iechyd Cyhoeddus Cymru. A gaf i eich croesawu chi i gyd i'r sesiwn y prynhawn yma? Diolch i chi am fod yn barod **Alun Ffred Jones:** We have reached item 6 of our discussions on the Well-being of Future Generations (Wales) Bill and before us today we have representatives from the health boards and Public Health Wales. May I welcome you all to the session this afternoon? Thank you for being willing to

i ddod ger bron i gyflwyno eich tystiolaeth. A come before us to give us your evidence.
 gaf i ofyn i chi gyflwyno eich hunain drwy May I ask you to introduce yourselves by
 roi eich enw a'ch swyddogaeth, os gwelwch i giving your names and your roles, please?
 fod yn dda? Diolch yn fawr. Thank you.

[428] **Ms Mably:** I am Su Mably. I am a consultant in public health with Public Health Wales.

[429] **Dr Cooper:** Good afternoon. I am Tracey Cooper and I am chief executive of Public Health Wales.

[430] **Mr Purt:** Bore da. I am Trevor Purt. I am chief executive of Betsi Cadwaladr University Local Health Board.

[431] **Professor Davies:** Andrew Davies, and I am chairman of Abertawe Bro Morgannwg University Local Health Board.

[432] **Alun Ffred Jones:** Diolch yn fawr iawn. You are most welcome. Jeff Cuthbert is next.

[433] **Jeff Cuthbert:** I want to ask about the impact that you expect the statutory public service boards to have. I am sure that you all engage at the moment with the local service boards for your area, which is more or less, for want of a better phrase, on a voluntary basis. That will move under the provisions of this Bill to a statutory basis with public service boards, which may be larger in terms of the geographic area than now, depending on the outcomes of the Williams review. Perhaps you would like to say a little bit more about your current engagement with local service boards and how you might expect that to change as a result of the statutory public service boards coming into play.

[434] **Professor Davies:** Shall I start? May I first of all say that we very much welcome the legislation? Any views that we would express or any changes that we would suggest are those of detail rather than substantive ones, we feel. Certainly, from our health board, we cover three local authority areas of Swansea, Neath Port Talbot and Bridgend. While there are three LSBs for each of the local authorities, we also have an overarching relationship with the three local authorities through a non-statutory partnership called the Western Bay care partnership. In fact, we had a meeting only yesterday including the leaders, chief executives, me and my chief executive to discuss integrated health and social care. One of the benefits of that has been a joint bid for Welsh Government funding through the intermediate care fund of £7.8 million to deal with issues around integrated health and care, particularly for the elderly and frail. We very much welcome the proposal for a public service board; we think that it would give greater clarity. It would also allow us, as a health board, to engage more actively with the local authorities.

[435] If we are to deal with some of the major issues of long-term health and health inequalities, which, regrettably, in some of our communities are widening and not narrowing, then we need to be able to work much more effectively with local authorities than we currently do. So, we would very much welcome that engagement through the public service board. If this Bill were passed, together with the changes that we were suggesting about a wider commitment for all public bodies to one of the common aims, namely health and wellbeing, we feel that that would improve things quite considerably.

[436] At the moment, each LSB can decide its own criteria and, as I speak as a former Minister, that was always one of the weaknesses, I felt, with LSBs, namely that there was no commonality of agenda or priorities, so each of the three LSBs in effect could have, in the area that we cover, different priorities, which does not allow a coherent integrated approach to

tackling issues, whether it is integrated health and social care or indeed dealing with issues around health inequality.

[437] **Alun Ffred Jones:** Are there any other comments on this?

[438] **Mr Purt:** In terms of Betsi's footprint, we cover six local authorities and five LSBs. I share very much what Andrew has said. I think that our hope, from a public service board that is actually more linked to the boundaries of the organisation, is that the lack of coherence that we currently have can be dealt with. We often have a complex set of arrangements with our colleagues in the public sector and not just with local authorities, in terms of trying to agree priorities, trying to agree a common set of outcome measures and trying to align both budgets and staff resources to deliver an agenda. If we were to move to a board that was more linked to our boundaries as an organisation, then the ability to do once rather than to do five times would be hugely advantageous. However, I will come back to the point that Andrew made as well: it is for me about ensuring that we have the same priorities in terms of the delivery of the health service across north Wales. Having five LSBs with different priorities and different focuses and different approaches to how they want to deliver work and services is not helpful in terms of retaining and recruiting staff or of service models.

[439] **Alun Ffred Jones:** Antoinette Sandbach, do you want to come in on this?

[440] **Antoinette Sandbach:** My concern is that you are advocating a one-size-fits-all approach and actually local authorities are very well placed to understand the needs of their local populations in their particular areas. It seems to me that if you break that link in the way that you are suggesting, in fact it becomes a top-down approach with you dictating your priorities to local populations rather than local populations saying, 'These are what our priorities are'. I can see that Tracey Cooper wants to come in.

[441] **Dr Cooper:** Thank you. May I just say at the outset, from Public Health Wales's perspective as well, that I echo Andrew's points? We think that it is a critical piece of legislation. From a national public health perspective and given the challenges that we are facing at the moment, we think that it is very timely. We fully support it. There are areas, which I will come on to talk about in a little while, that we think could be strengthened however, but in a minor way; it would not take much to address that, which is really about societal health. Perhaps, the intent of the Health in All Policies strategy needs to be a little bit more explicitly drawn out of there, but we think it is a fundamental piece of legislation that really needs to shift the equilibrium of treating and care to prevention. That leads me to respond as follows: in addition to our colleagues, we see things from a more national perspective, given that we are a national agency and we work with colleagues in health boards and in local authorities—increasingly in fact in local authorities. I think you are absolutely right, the advantage with the public service board is, first, we think it has to be legislated for, because this is about re-wiring, for that very reason, and if this is done in the way that the Bill is aspiring to and should deliver, this is about understanding the mutual skills, responsibilities and relationships that exist. We are going through a process at the moment to really try to drive local delivery and engagement around some of the key priorities, like early years for us, and prevention. Many of the experts are actually in the local authorities, so I think the integration is just as much about each other understanding the strengths of each other, to actually do this in collaboration, rather than just assuming that these are different sectors that come together and produce separate little bits of the same plans. I think it is absolutely fundamental that it is done in an integrated way, which is different from where it has been. Again, from a national perspective, we know, when we are linking with health board colleagues and local authority colleagues, that there is some really good practice where there is true integration at local level or community level, and some of that then gets lost in translation through those organisations, and there are areas where it really should improve.

[442] **Antoinette Sandbach:** Do the public sector boards, in effect, not risk losing that local democratic accountability in the way that they are structured?

[443] **Dr Cooper:** I do not think they can. I think, to me, this is legislation that really needs to get us to the right place. In addition to the legislation, there is the whole cultural change. So, as we start to move forward to this getting closer to being enacted, I think that what is going to be really important for us, from a societal perspective, is making sure that the right relationships occur at local level so that that does not happen and so that the public service boards are behaving in way, and are making decisions in a way, that are absolutely community led. I think that has to be managed into it, so that it does not happen by default.

[444] **Antoinette Sandbach:** But, in terms of the appointment method of the public service boards, there seems to be very little local democratic accountability in terms of how local populations can influence and hold that board accountable.

[445] **Professor Davies:** I know it is not a public service board, but our Western Bay partnership, I think, has been very effective, and I am sure that there are similar arrangements in other parts of Wales, whereby there is a collective agreement about priorities by each of the four major partners: ourselves and three local authorities, but, ultimately, each local authority will still make that decision themselves. So, it is an iterative process and I think that when you have multiple levels of government as we do in Wales, having the appropriate forms of governance and accountability allow you to accommodate decisions and decision making at different levels. May I just give one example where we felt that a uniform approach would be helpful? We have a very dynamic relationship, for example, with the City and County of Swansea through a joint initiative called the healthy city initiative, which is part of the World Health Organization initiative, and it also came out of the Marmot review, which the UK Government commissioned in 2008. That is only one relationship that we have with one local authority. From our point of view, it would be extremely beneficial if we had a healthy region or a healthy ABMU region with all three local authorities. So, my point is that I think that there is a lot of benefit to having a regional perspective, without actually detracting from local accountability and democratic decision.

[446] **Alun Ffred Jones:** May I say two things in terms of what the Minister has said? The Minister has said that these boards will be able to set local priorities. That is what he said. So, there was a suggestion that they would be setting their own priorities within their own regions. This issue of having a uniform approach or a uniform set of standards did not seem to be what the Minister was saying. If you have that sort of uniformity, how can it be community led? If it is community led, who knows where the community will lead you? Is there an inherent tension in the Bill?

13:30

[447] **Dr Cooper:** My understanding of the Bill—colleagues may be more expert at this—and how I interpret it is that this is in order to really ensure that the needs assessments take place, engaging with the communities, to make sure that the different public services are aligned and are looking in the right direction, rather than perhaps what has happened before, because of other priorities that may distract. How this is tested when it is implemented obviously needs to be clear but, certainly from reading the Bill and the wellbeing goals, we would have some concerns. The main concern that we would have with the Bill, where we think there is a missed opportunity, is explicitly referencing health in the common aim, because that is the main hierarchical element of the Bill, so that health then starts to go through the wellbeing goals. It is those objectives set against those goals at local level, from my understanding, that the public service boards will be required to identify within those common goals—what is important for respective communities so that they are actually providing services and aligning decisions towards more healthy communities and wellbeing,

based on a consistent approach. I think that this is part of the guidance that has to go along with the Bill to make sure that it is not too disparate.

[448] **Alun Ffred Jones:** It may not surprise you to note that everyone who has been before us has wanted something else to be added to the Bill. There we are. Did you want to just come in, Mr Purt?

[449] **Mr Purt:** I just wanted to pick up on one thing that Tracey said, which picked up on Mr Cuthbert's earlier question about what is wrong with the current LSB issue. I think that one of the issues for me, which I hope gets driven through this, is the fact that health is everyone's business. At the moment, very often it actually feels as if it is the NHS's role and responsibility only. I think that if we can have some influence over the priorities that are set, and a recognition that all partner organisations have a role, certainly within the wellbeing issue, because most of the predeterminants of ill health are outwith the NHS's responsibility—. I think that there is a key function in this in terms of those shared goals and those shared outcomes, and the recognition on all partners, whether it be at a sub-level from the main public service board, or at the public service board itself, that it is a unification of a whole range of different organisations to deliver often on a set of common goals.

[450] **Alun Ffred Jones:** A number of Members want to come in. I will turn to Julie Morgan to begin with.

[451] **Julie Morgan:** I wanted to follow up on the comments that Public Health Wales was making. I know that you said that you just feel that it has to be tweaked, and that health should be high up, but from your evidence you seem to be saying that there has been a lost opportunity, in the public health Bill and in this Bill that we are discussing today, and that it seems as if something has fallen between the two stools. Is that right? Is that what you are saying?

[452] **Dr Cooper:** We spend a lot of our time forecasting forward. So, the public's health is really the specialism that we can bring to the discussions. With the challenges that we face, which I mentioned earlier—everyone is familiar with those—we really have to get into a more strategic approach, as a country, to prevention. That is with children, enabling people to have positive lifestyles, addressing the issues that we know cause harm, like smoking and alcohol, and also shifting the models that we are providing to make sure that people live healthier for longer into older age.

[453] We have no problems with the content of the public health White Paper. There are quite specific elements that are all about improving public health. In our first response to the Green Paper we made reference to wanting to see—which was an aspiration at the time—a clear vision that is about legislation that addresses that more strategic aspect of health and wellbeing and societal health. That was flagged as being present within the wellbeing of future generations Bill, so we have no problems with the public health Bill through that lens, and we have engaged very closely with the Minister and officials to continue to provide some support around that. Now that we have looked at the wellbeing of future generations Bill, which we absolutely support, there are a number of areas where—. We just think that the whole interdependence of sustainable development and a healthy society is just a little bit too silent in the Bill, and by adding health—because this is not about the NHS; it is about our health—

[454] **Julie Morgan:** I understand that.

[455] **Dr Cooper:** It is about keeping people in a tax-paying status for longer, creating the healthy children who become the healthy adults, and, actually, also reducing the cost of the delivery service in the country. So, we would want to see health as part of the common aim,

and we would want to see a much more formative approach for health in all policies. However, we support both of those Bills; it is just making sure that we take the opportunity in the wellbeing of future generations Bill—which is unique to Wales at this point—to make sure that we make societal health explicit. I do think that there are some tweaks. There is quite clear wording around the definition of a healthier Wales, making sure that health takes primacy in the common aim. One of the particular challenges for us at the moment is inequality. We have an 18-year differential in healthy life expectancy in Wales, and that has not changed in the last seven years. So, how can we use the Bill to reduce absolute inequalities by, for example, making reference to tackling poverty around some of the goals that, again, impact on health and societal health?

[456] **Julie Morgan:** Thank you. That clears that up.

[457] **Llyr Gruffydd:** I, too, wanted to draw attention, as the Chair has done, to the fact that every witness that we have had here says that they want to see their own particular area in the common aim. However, my question is a bit more fundamental, in that I am grappling with how this is really going to change the culture. I know that you cannot change culture through legislation—I accept that—but when you look at some of the principles of co-production, and collaboration, involving those with interests, an integrated approach, balancing the short term and long term, surely that is good governance. If it is not happening at the moment, then questions should be asked about why it is not happening. Do we need legislation to force that to happen? That is the first question. Likewise, to an extent, with the goals. We all want a healthier, more resilient, more prosperous Wales, so we are working towards that in any case, surely.

[458] **Mr Purt:** I will take the second one first and probably pass on the first one.

[459] **Dr Cooper:** I am happy to take the first one.

[460] **Mr Purt:** On the issue of whether we need legislation for common outcomes and common goals, I suspect that we probably do. I think that there is something for me about—I completely echo everything that Tracey said. Health boards were established not just to be the providers of healthcare; they were there as planners of healthcare. The way in which we plan healthcare has to be with common outcomes and common goals with our public sector colleagues. I think that we have tried very hard to do that, and, certainly, the current LSB issue has not proved as successful as we would have liked within that. If that means that we need a set of joint outcomes that both organisations can sign up to and be held to account for—. In England, there was one, some years ago, called ‘vital signs’, and it was literally that. Local authorities and the NHS in England were jointly assessed on that on an annual basis. It does drive change, and, sometimes, driving change drives the culture, rather than the other way around.

[461] **Dr Cooper:** I am happy to take the first one. My background for the last eight years is as a regulator, so I have particular views on good legislation, and also views on when it is all about policy and not legislation. I really think that we need legislation for this. There is a line from a former world that we used to use, which is, ‘What a board is seen to be monitoring suggests that that is what it deems to be important’. So, at the moment, what happens at a local level with different public services is that understandable priorities that come through the system are not integrating. They are not about what is needed for this or that person in the community, and that is what really gets lost in this. I think that we have to manage into the way in which we construct public services, to make sure that it is not about silos of performance managing—Government-set targets as well—regional opportunities to dilute, but that it is actually about managing into that integration, because I do not think that it would happen otherwise.

[462] **Professor Davies:** I suppose that I speak as a former legislator myself, and the purpose of legislation, for me, is how you can encourage people to change behaviour, be it individually or collectively. I am mindful of a previous piece of legislation that the Assembly passed, namely the Rights of Children and Young Persons (Wales) Measure 2011. That imposed a duty on Welsh Ministers to have due regard to the United Nations Convention on the Rights of the Child. It was not a tick-box approach; it was actually trying to change the culture within Government, so that, when Ministers exercise their duties, they always have due regard for the convention. Similarly with this, just looking at what is happening in England with the Health and Social Care Act 2012, there is a duty on local authorities to improve the health of the community. What we are asking is that this be embedded in all public bodies so that it is mainstreamed, that they are mindful of their duty to improve health, that it is not just the duty of the NHS to do it, and that, collectively, public bodies have the power and the duty to do so.

[463] **Llyr Gruffydd:** Does the Bill sufficiently embed that? Does it give that clarity? People might say that there is an ambiguity around some of the wording here—'seeking' to do this and 'attempting' to do that. Is that direction there at the moment?

[464] **Professor Davies:** I think that if it was included in the common aim, we would very much be supportive of that move and that amendment of the proposed legislation.

[465] **Mick Antoniw:** The Bill deals with environmental, social and economic issues. It attempts to create a framework to blend those together, which is not an easy task. The goals are, of course, the objective of the legislation and, somewhere along the way, there will be indicators, which will ultimately be how you measure the progress. The weighting of those may well determine how effective the other two are. Do you see the way in which the Bill is drafted at the moment as being in any way confusing to actually delivering a clear framework and set of objectives?

[466] **Dr Cooper:** To me, as I read it, I see a chronology; I see a structure there. I think that the indicators are really important; I did make that comment about what a board is seen to be monitoring suggests what it deems important. So, this is about ensuring—and it may need to come in guidance, quite frankly—that the legislation goes so far as to give the construct and the changes in the governance for what we are intending to achieve to focus on wellbeing for the future. However, I think that some of how the behaviours should be, the kind of things that need to be measured and how those need to be incorporated into the way a public service board does its business and engages with the community, would benefit much more from being plugged in with the guidance. I do think that it would benefit from a bit of glue being put into there.

[467] In fact, I met with Peter Davies this morning. As Public Health Wales, we have been asked to lead on the development of what we are currently calling the public health outcomes framework, with the absolute intention, with public consultation, and consultation with colleagues across all sectors, for those outcomes to become, if you like, the health elements of wellbeing—indicators within the Bill—to make sure that there is commonality around how education promotes health. We know that early attainment for children in education has an impact on life expectancy. We know that. So, we need to get the measures right, and that will take a little bit of time. I think that those are some of the elements of the glue that is needed around this to make it real.

[468] **Mick Antoniw:** May I ask you, then, to look at the goals and the extent to which they precisely convey objectives that will, perhaps, enable the commissioner to take this action? The environmentalists say that the foundation of everything is the environment. You are saying that the foundation of everything has to be health. Trade unions will say that the foundation of everything has to be social justice. They all appear, but perhaps one of the

issues may be that the goals are very broadly drafted. Are you happy with the drafting? You make certain comments on health, but I would like to explore what your thinking is on whether the goals are sufficiently precise and clear to actually set a robust framework?

[469] **Dr Cooper:** I am not expert enough to talk about the other goals, to be honest, but certainly, on the healthier Wales goal, we think that the definition falls a bit short of what health is about. Health is about being able to fulfil one's potential and—

[470] **Alun Ffred Jones:** How would you define it?

[471] **Dr Cooper:** At the moment, it is quite specific around mental health and we would want to see that it reflects more around someone achieving what their—. In order to live a healthy life, with a little more clarity around it, being about health rather than specific—. It is quite a narrow definition that actually applies to certain parts of society and is not actually about trying to prevent ill health. In relation to the other goals, I am not an expert to comment on the other goals, but certainly we would want to tighten up. I think that you are right; I think people need to have some clarity there. We would certainly want to tighten up a little bit around the healthier Wales goal.

13:45

[472] **Mick Antoniw:** On the healthier Wales part, if there was the insertion of the words, 'and implemented', would that strengthen that particular goal?

[473] **Dr Cooper:** Perhaps that would sit above all of them, because I think that that is being clear around the relationship between the goals. There is a hierarchy in the Bill about the relationship between the goals and what the public service board is expected to do with the goals, and maybe that is where it sits, with the goal informing the planning that is implemented and the performance management that comes with that.

[474] **Mick Antoniw:** Looking at the indicators, because we will, at some stage, be looking at those, of course, I understand that there are all sorts of combinations of indicators, but the important thing is the weighting of them and do you therefore have any view on the sorts of indicators? You may be more familiar with the standard indicator—more than I am—and how that might tie in. Do you think that that should be on the face of the Bill or should it certainly be something that is considered ahead of the Bill?

[475] **Dr Cooper:** No, I do not actually. I think that evidence changes, community needs change and societies change. So, on having the plug-in there to ensure that there are indicators that are considered and that need to reflect the wholesome element of wellbeing, I think those should be subject to regular review and they should be subject to a needs assessment that is based on evidence and community need, and a particular community against what we know is national evidence. So, I think that it would make it too inflexible to prescribe those in the Bill. It needs the plug-in and it needs a process of version control and refresh and renewal.

[476] **Mick Antoniw:** Okay, thank you.

[477] **Ms Mably:** Just to build on that really, some of our concerns about the healthier Wales goal are that there is really an emphasis about choices and behaviour, and what we would be talking about is the fact that people's choices and behaviours are very much governed by that broader picture that the other goals cover. People's choices and behaviours are not just about what we tell people and the messages that we keep putting out; they are about their ability to make those choices, whether that is through their educational attainment or their start in life—the choices that they have are very much governed by their personal circumstances, which is all of that whole agenda. That is partly why we keep talking about it,

but why we feel that it should be in the common aim because everything else leads from that. The health comes from all of those determinants and those determinants have an impact—it is a two-way relationship.

[478] **Jenny Rathbone:** We can all agree on these aims, but should they be in legislation because if they are not objective, measurable and enforceable, what is the point? You argue, for example, that there should be something on the alleviation of poverty; we all want that, but we do not have an awful lot of control over that because there are an awful lot of other agents out there that are not public bodies and, in particular, taxation and benefits legislation sit in another place. So, how meaningful is it to put in things that we do not completely control?

[479] **Dr Cooper:** I think that that is a very importantly posed question because increasingly—I will tell you about an experience that we are going through at the moment. We are looking at strategic planning for public health in Wales and through our roles. So, we have started to look at what we call, ‘the state of the nation’. So, we have 12.5% of children between the ages of four and five who are obese; we have 48% of the population who have long-term conditions; and, we have 75% of childhood deaths occurring in areas of high deprivation. So, all of the factors around ill health, around educational attainment and around mortality are so much more pronounced in areas of high deprivation where, obviously, the poverty agenda is. We are not suggesting that we should add another goal. We think that it could be incorporated because it is something about aspiring legislation to reduce the absolute inequalities, because it could otherwise just move the normal distribution along a bit. A lot of poverty, I would say, also relates to deprivation, the educational attainment of children, the health of children, exposure to child abuse and alcohol. There is a vicious circle that is perpetuated by poverty, which results in ill health, poor educational attainment and not being able to attain a job.

[480] **Alun Ffred Jones:** I want to bring all of this back to the Bill, since that is what we are discussing. I am not disputing anything that you say here, but let us concentrate on the legislation.

[481] **Jenny Rathbone:** I am particularly interested in the point about why we need to have alleviation of poverty in the Bill. We can agree that we need to do that, but putting it into the Bill is not going to change things, unfortunately.

[482] **Dr Cooper:** It is, obviously, up to the legislature. I guess that the more important point for us is that, whatever the words that we use are, there should be something more specific about the absolute need to reduce inequalities in the enactment of the Bill, because it is quite silent at the moment, and it is a real challenge for us, in Wales.

[483] **Professor Davies:** Just to reinforce what Tracey said about aspiration, again, I refer to the Rights of Children and Young Persons (Wales) Measure 2011, where it refers to the United Nations Convention on the Rights of the Child. Those are not specific targets—they are rights, and there are, obviously, many rights within the UNCRC. Of course, when Ministers are exercising their duties, they have to have due regard to the convention and the rights within it. We would see this as a common aim and we would see the goals as being the aspiration that people have to take into account when they are making decisions at a local level. So, these are not specific targets, as such—that would be an operational matter. We are talking here about high-level legislation.

[484] **Jenny Rathbone:** I think that it is a nice idea, but I am not sure how much due regard people have towards the needs of the child; therefore—

[485] **Alun Ffred Jones:** These are the challenges that we will be discussing later. I call on

William Powell, and then we will turn to Russell George.

[486] **William Powell:** I would like to move back to the interrelationship between this proposed Bill and other pieces of legislation already in place. The first comments that we had this morning were from representatives of Barnardo's and the Wales Carers Alliance regarding the proposal in this Bill to repeal the Social Services and Well-being (Wales) Act 2014 in respect of section 14(3) and section 14(4) related to the carers strategies Measure. I think that this has been subject to a certain amount of hokey-cokey activity, because it was going to be removed by the Social Services and Well-being (Wales) Act 2014, then, by very late Government amendment, it was reinstated; we are now back to a situation where this is proposing to repeal it. I wonder whether you could comment on the potential impact of that, and whether you feel that it would be better retained or deleted.

[487] **Ms Mably:** From our point of view, I think that that is a parallel concern to one that we have about the repeal of other legislation that relates to health and wellbeing strategies.

[488] **William Powell:** Is that the National Health Service (Wales) Act 2006?

[489] **Ms Mably:** That is right. I am afraid that I am not overly familiar with the carers issue that you refer to, but we have a parallel concern, which is that not having health in the common aim means that we feel that, although it is in the goals, that concept of Health in All Policies is not sufficiently explicit. So, we have a piece of legislation in the national health service Act that explicitly requires something, which is a health and wellbeing needs assessment, and we are talking about removing something explicit by a piece of legislation where health is more implicit. So, we share some of those concerns about repealing legislation.

[490] **William Powell:** Would you welcome us recommending that that is changed by amendment?

[491] **Ms Mably:** I think that our position, really, is that if we had health in the common aim, we would not have the same concerns, because everything would have to come back to health in the hierarchy. We would, therefore, imagine that there would be health and wellbeing assessments as part of those local assessments listed.

[492] **William Powell:** That is helpful; thanks. On an unrelated, but important, point, Andrew referred earlier to recent legislation in England, and we have a lot of noise at the moment about English votes on English matters. Well—

[493] **Alun Ffred Jones:** We are not getting into constitutional matters.

[494] **William Powell:** Certainly not, but in relation to the deeply porous border that we have between England and Wales, particularly with regard to healthcare delivery, what do you feel that this Bill contributes to that, particularly on the ground and the work of the relevant public service boards in those areas where there is such an interdependency? Very often, there is dependency on services on the other side of the border.

[495] **Mr Purt:** It comes back to one of the earlier points I made. In terms of running a health board, what I want to have is legislation that clearly helps me in delivering the health and wellbeing agenda. As has been said, by having it as implicit rather than explicit, I have a concern that that weakens that. I am concerned that, in England, across the border, there is a much closer relationship between local government and the NHS in having common goals, common outcomes and a common understanding of how to achieve that. I could move it away from children to the area of older people, and I have concerns that we are seeing—because of the understandable pressures at the moment—the closure of a number of residential care

homes across Wales. That actually means that, as providers of health services, we are seeing, very often, people coming to our hospitals who should not be there. If this legislation provided us with an opportunity to agree and sustain common goals, common objectives, common ways of measuring success, between ourselves and our colleagues in the public sector, then I think that that would provide a much easier way than the one we currently have.

[496] **William Powell:** Would there be any specific amendments that you would recommend that we bring forward that would help to safeguard that?

[497] **Mr Purt:** I think it is the same issue again; it is about making health an explicit goal of this, and not just an implicit one. Wellbeing can mean an awful lot to an awful lot of people. I think, from my perspective, in trying to operate a service system, I want my local authority colleagues and my other public sector colleagues to be very clear about their responsibilities to drive the same agenda.

[498] **William Powell:** I am grateful for that, thank you.

[499] **Russell George:** Andrew Davies said earlier in his evidence today that he thought that all public bodies should be included in the legislation. I know that, Public Health Wales, you have said that you agree with all the public bodies that have been identified, but you have also said that you query why the Welsh Ambulance Services NHS Trust has not been included, and I assume that Andrew Davies would agree and have the same opinion as you as well. We have raised this with the Minister, and the Minister has written back to us to say, 'Well, they don't fit the criteria'. So, if you are aware of the detail of the criteria, is there an amendment you would suggest on what should be constituted as a public body?

[500] **Dr Cooper:** I am not aware of the criteria. I would say that part of the challenge for us—this is my personal view—that needs to be changed through the enactment of the Bill is a shift, from a health perspective, from what is predominantly the NHS's problem: that members of the population are using the NHS when they do not need to. Part of the shift to move into primary care, to keep people in the home, is very much about there being innovative models for us to introduce, and the ambulance service is quite pivotal as part of that change, through being able to provide care in the home, being able to provide infusions in the home for people who want chemotherapy et cetera. So, I think that it is important for WAST, the Welsh ambulance service, to be considered as part of a public body, on the basis that, even if it is not prominent, it is an enabler to help the aspirations of the Bill to be implemented. Trevor may have some more views on the matter.

[501] **Mr Purt:** I have just the same views, Tracey. We are trying to move care much closer to home and we are trying to use WAST as an enabler, working with local government as well. Certainly, there are experiences, in a sense, of how they are very often the glue that holds some of our new services together, between us and the rest of the public sector. So, WAST has an important view. It also runs a huge fleet of vehicles, and for no other reason than fuel sustainability, there is something around its perception of how services could be delivered in a different way.

[502] **Professor Davies:** From a governance point of view, I accept that WAST is a delivery organisation, but certainly I think that its view is that it is still an autonomous body, and we have an extremely good relationship with WAST at non-executive level, operational level and executive level. For example, it is very heavily involved in our unscheduled care board, and in all sorts of ways. It is a distinctive body; the chairman is appointed by the Minister for health, and the chief executive officer is an accounting officer separately. So, while we do commission services from it, legally and in governance terms, it is a separate body. That is why we would support the view that it should be also on the face of the Bill.

14:00

[503] **Antoinette Sandbach:** I wanted you to comment on the powers of the Welsh Ministers to overturn the plans that public service boards come up with. I do not think that we can assume that there is going to be a Labour Government in Wales forever.

[504] **Jeff Cuthbert:** Hear, hear.

[505] **Antoinette Sandbach:** I said that I do not, but I am glad that you support that idea. [*Laughter.*]

[506] Bearing in mind that these Bills gave quite extensive powers to Welsh Ministers to change the goals, to amend them, and to come in and, effectively, overturn a PSB plan, it is entirely possible that organisations could spend many months or years coming up with their plans for them then to be vetoed. What is your view on that?

[507] **Professor Davies:** Ultimately, Welsh Government is the sovereign decision-making body in the policy areas for which it has responsibilities. In principle, and as a former politician, I have no problem with that. In our experience, for example, we have to submit in a new planning regime our three-year, integrated, medium-term plan, and the Minister has to sign those off, but it is an iterative process. There is a process by which each health board will go through its plans and aspirations with civil servants and Ministers and then, through that process, the Minister will sign it off. In principle, I have no problem with that in a democracy.

[508] **Alun Ffred Jones:** Are there any further questions? Do you wish to leave us with any thoughts as you leave? I think that you have made your feelings quite clear.

[509] **Dr Cooper:** Please put health in the common aim. [*Laughter.*]

[510] **Alun Ffred Jones:** So, that is your last throw of the dice, is it?

[511] **Dr Cooper:** That is my last parting comment.

[512] **Alun Ffred Jones:** Diolch yn fawr i chi. Thank you very much for coming in and presenting your evidence. You will receive a transcript of the evidence for you to check for accuracy. Thank you once again.

14:02

Papurau i'w Nodi Papers to Note

[513] **Alun Ffred Jones:** There are two letters. Are you happy to note them?

[514] **Antoinette Sandbach:** Are these the Public Accounts Committee letters?

[515] **Alun Ffred Jones:** Yes, from the Public Accounts Committee.

[516] **Antoinette Sandbach:** I can see that there is a letter from Darren Millar. There was a suggestion that the auditor general could perhaps do a piece of work on the financial implications of the FG Bill. Would it be possible for us to, in effect, commission that work via PAC or with PAC's approval?

[517] **Alun Ffred Jones:** We have done.

[518] **Antoinette Sandbach:** Oh, we have. Lovely, thank you.

[519] **Alun Ffred Jones:** It will also be discussed in the PAC meeting next week.

[520] **Russell George:** Next week?

[521] **Alun Ffred Jones:** Sorry, in PAC next week, not our meeting. It will be discussed there, as well, so it may well ask for a similar piece of work to be done.

14:03

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod ar gyfer y Canlynol: Eitemau 9 a 10
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting for the following Business: Items 9 and 10**

[522] **Alun Ffred Jones:** Cynigiaf fod

Alun Ffred Jones: I move that

[523] *y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42.*

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42.

[524] Gwelaf fod y pwyllgor yn gytûn.

I see that the committee is in agreement.

[525] *Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:04
The public part of the meeting ended at 14:04*