

# **LOCAL GOVERNMENT AND PUBLIC SERVICES COMMITTEE**

## **REPORT TO PLENARY UNDER STANDING ORDER 9.9:**

### **LEGACY REPORT - 2003 to 2007**

#### **INTRODUCTION**

The Local Government and Public Services Committee is one of the Assembly's seven subject committees. This report is made under Standing Order 9.9, which requires subject committees to report to the Assembly from time to time on their progress in fulfilling their work programme. The report is made separately from the Committee's annual report for 2006-07, and is in two parts. Firstly it gives an overview of the strategic priorities and work activities of the Local Government and Public Services Committee (the Committee) during the 2<sup>nd</sup> Assembly. The second section of the report is a legacy to the relevant successor Committee(s) of the 3<sup>rd</sup> Assembly, indicating key issues that those Committees may wish to consider.

Copies of all the Committee's reports, agendas, papers, minutes and transcripts of meetings can be found on the National Assembly website.

#### **1. STRATEGIC OVERVIEW**

##### **Remit and Responsibilities**

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

##### **Work and Achievements**

1.2 The Committee met 52 times during the 2<sup>nd</sup> Assembly. The Committee met jointly with the Social Justice and Regeneration Committee to consider the interim evaluation of the Communities First Programme and with the Welsh Affairs Committee to scrutinise the *Public Services Ombudsman (Wales) Bill*. Formal meetings were held at the Assembly Building in Cardiff Bay, with the exception of a meeting on 6 July 2006 in the National Assembly visitor centre in Colwyn Bay. The Committee also undertook a number of visits in Wales and to other European countries to gather evidence for its policy reviews. In June 2006 Members met Sir Michael Lyons in London to discuss his inquiry into Local Government.

1.3 The Committee's main strategic priorities during the 2<sup>nd</sup> Assembly have been:

- The operation of new scrutiny arrangements in local government

- The role of town and community councils
- Encouraging more candidates to stand for local election
- Electoral arrangements in Wales
- The operation of the regulation and inspection regime for public services
- Helping to shape reform of the public services agenda in Wales as a result of proposals in *Making the Connections*

1.4 The principal achievements of the Committee during the 2<sup>nd</sup> Assembly are outlined below.

### **Scrutiny of Legislation**

1.5 The Committee scrutinised and reported on the following primary legislation:

*The Local Government Bill 2003 (June 2003)* - the Committee also undertook detailed scrutiny of subordinate legislation flowing from the Act.

*The Civil Contingencies Bill (December 2003)* – the Committee also scrutinised the draft regulations and guidance arising from the Civil Contingencies Act 2004 and responded to the Cabinet Office.

*The Public Services Ombudsman (Wales) Bill (December 2004)* - the Committee undertook joint scrutiny sessions with the House of Commons Welsh Affairs Committee. The Committees invited written and oral evidence from a wide range of organisations affected by the legislation and reported separately.

*The Electoral Administration Bill (October 2005)* - the Committee recommended a series of amendments to the Bill and met informally with Peers to discuss them. On 11 January 2006, a plenary motion under Standing Order 33.9 was carried, requesting that the First Minister ask the Secretary of State for Wales to bring forward the Committee's amendments. The Committee considered the response of the Lord Chancellor on 21 June 2006.

*The Local Government and Public Involvement in Health Bill (February 2007)* – the Committee scrutinised the Bill with a view to reporting in March 2007. See also part 2 of this report – strategic issues.

#### *Scrutiny of subordinate legislation*

1.6 A protocol for handling subordinate legislation was agreed in June 2003. The Committee received a detailed timetable of forthcoming legislation within the Minister's portfolio, including cross-cutting items, at alternative meetings. Details of the statutory instruments scrutinised by the Committee are contained in the Committee's annual reports for 2003-2007.

#### *European Legislation*

1.7 The Committee has considered items in the European Commission's Legislative and Work Programme relevant to its remit. Detailed consideration of European proposals has included responding to consultations on relevant Directives and Green Papers.

## **Policy Reviews**

### *The Operation of New Political Management Structures in Local Government*

1.8 The Committee published its report in June 2004 and considered the Government's response in September 2004. An update from the Minister on the Welsh Assembly Government's response to the report was considered on 15 February 2007. As a result of one of the report's recommendations, the Assembly approved *The Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004* in November 2004.

### *Regulation and Inspection of Public Services in Wales*

1.9 The Committee published its report in May 2005. During the course of the inquiry the Committee undertook a number of rapporteur visits and met with the Scottish Parliament's Local Government and Transport Committee, Scottish Executive officials and officers from the Convention of Scottish Local Authorities to discuss regulation and inspection arrangements there. The Welsh Assembly Government's response was considered in September 2005, and a further update from the Minister was considered on 15 February 2007.

### *Electoral Arrangements in Wales scrutiny project*

1.10 The Committee agreed a terms of reference in March 2005 and after taking evidence and undertaking visits to Sweden, the Netherlands, Belgium and Denmark, an interim report was published in November 2005. A final report was launched in December 2006, and debated in plenary session on 6 March 2007, with the written Cabinet response being considered in Committee on 22 March 2007.

## **Public Services Reform – Making the Connections**

1.11 A key development in the Local Government and Public Services portfolio is the Welsh Assembly Government's *'Making the Connections'* agenda aimed at transforming public services in Wales. The publication of Sir Jeremy Beecham's Review of Local Service Delivery report – *Beyond Boundaries* – has been a milestone. The Committee has also monitored the work of the related policy delivery functions: the *Public Service Management Wales* people programme, the *Value Wales* procurement arm, and the *Citizen Service/Access Team* developing citizen-centred public services.

### *The Lyons Inquiry*

1.12 The Lyons Inquiry into Local Government began in July 2004 and the Committee met twice with Sir Michael Lyons, the latest meeting being in June 2006 after the remit of the original inquiry had been extended. The Committee

made a submission on the impact of council tax revaluation in Wales in March 2006.

### *Budget scrutiny*

1.13 The Committee carried out its requirements to contribute to the budget process each year by identifying priority areas for expenditure within the local government main expenditure group. During the 2006-07 Draft Budget Planning Round, at the request of the Chair of the Education, Lifelong Learning and Skills Committee, the Committee considered relevant recommendations of the Committee on School Funding.

### *Public appointments*

1.14 The Committee's public appointment nominees<sup>1</sup> were involved in the appointment of the Independent Adjudicator and to the Welsh Independent Remuneration Panel in 2003-04.

### *Complaints*

1.15 In October 2004 the Committee considered a report of the Welsh Administration Ombudsman, in accordance with Standing Order 23, and recommended an amendment to the First Minister's proposed response to the report.

### *Scrutiny of relevant bodies*

1.16 The Committee considered the work of the Local Government Boundary Commission for Wales, the Welsh Local Government Association, the Local Government Equalities Unit, The Local Government Data Unit, Syniad, the Electoral Commission and the Audit Commission.

## **Cross-cutting issues**

### *Equality*

1.17 As part of the consultation process to inform the Committee's policy reviews and scrutiny project, written submissions were invited from a number of groups representing minority interests. The scrutiny project into electoral arrangements in Wales specifically focused on the needs of disabled voters, young people, people from ethnic minorities and Welsh speakers.

1.18 The Committee considered and responded to the following:

- Electoral Commission's review of the minimum age of voting and candidacy in UK elections
- Children's Commissioner for Wales annual report for 2003-4
- Equality of Opportunity Committee's review of mainstreaming equality in the Assembly

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<sup>1</sup> Ann Jones and Glyn Davies.

- Independent Commission to Review the Voluntary Sector

1.19 In March 2006 a meeting was devoted to equality issues. The Standing Invitees to the Equality of Opportunity Committee attended for consideration of local authorities' responses to recent equality legislation. An update on how those authorities were implementing their equality schemes was considered in March 2007.

### *Sustainable Development*

1.20 The Committee wrote to the Minister for Environment, Planning and Countryside in April 2004 with its views on the Sustainable Development Scheme draft action plan. The Minister has also provided regular updates on the development of the Wales Spatial Plan, most recently in March 2007.

## **2. LEGACY TO SUCCESSOR COMMITTEE(S)**

### **Strategic Issues**

2.1 It is recommended that successor Committee(s) should concentrate on the following high level strategic issues.

### **Local Government structure and functions**

#### *The Beecham agenda – Delivering Beyond Boundaries*

2.2 The Welsh Assembly Government published its action plan 'Making the Connections: Delivering Beyond Boundaries' in November 2006, and the Committee discussed plans to pilot Local Service Boards in 2007-08 with the Minister in December. The further development of plans set out in the document are anticipated with interest.

2.3 The Auditor General for Wales has been undertaking a review via the Wales Audit Office (WAO) which covers the whole of Welsh public services. The focus of the work has been to establish the progress that has been made to meet the challenges of 'Making the Connections', identify barriers and solutions and share the findings. Elements of this work have reflected the recommendations of the Committee's 2005 report into the Regulation and Inspection of Public Services in Wales, involving the use of self assessment techniques and a focus on the identification and dissemination of good practice to support the improvements necessary.

2.4 Members of the 3<sup>rd</sup> Assembly may wish to give consideration to the progress of the WAO review along with other areas including developments in performance measurement, benchmarking, regulation and inspection, citizen involvement, governance and scrutiny functions and the capacity of public service managers to deliver.

2.5 The Committee also specifically recommends that any successor Committee be involved in any possible future consultation on the de-regulation of services regulated by the Care Standards Inspectorate for Wales.

2.6 The Minister has indicated the opportunities offered by the Government of Wales Act 2006 for new legislative powers to progress the public service reforms outlined in *'Beyond Boundaries'*. The Committee has carefully considered the implications for Wales of the UK Government *Local Government and Public Involvement in Health Bill*, which provides for new legislative competence to be conferred on the Assembly. The insertion of certain Matters into Part 1 of Schedule 5 to the Government of Wales Act 2006 under Field 12 (local government), will enable the Assembly to adopt Assembly Measures on those Matters. The Welsh Assembly Government also issued a *Local Government Policy Statement* in March 2007. The implications of the statement for the future of local government in Wales, and the consideration of any future Assembly Measures in this respect will be a matter for scrutiny by the 3<sup>rd</sup> Assembly.

#### *The role and functions of elected Members*

2.7 Research into the role and functions of elected Members in Wales was also published by the Welsh Assembly Government before the Assembly elections. The role of councillors was also raised in the interim report of the Lyons Inquiry. The outcome of the research will be an issue to consider in the 3<sup>rd</sup> Assembly. In particular there is scope for a robust piece of work to review the role of scrutiny in local government.

#### *Scrutiny of Performance Measurement Data*

2.8 All Wales local government performance data for 2005/06 was considered in Committee in November 2006, and the outcome of consultation on changes to the Performance Measurement Framework was considered in March 2007. A Performance Wales team has also been established as part of the Delivering the Connections action plan.

#### *The Role of Town and Community Councils*

2.9 A future Committee may wish to consider the future role of town and community councils, in the light of recommendations of the 2003 Aberystwyth report, the provisions of the Local Government and Public Involvement in Health Bill, the Welsh Assembly Government's Policy Statement, and the Lyons Inquiry final report. It may wish to take evidence from One Voice Wales on this issue.

#### *Revised Community Planning Guidance*

2.10 The Minister is due to update the Committee on revising Community Planning Guidance in March 2007 but the guidance will not be revised before the Assembly elections.

## **Local Government Finance**

### *The Lyons Inquiry*

2.11 Sir Michael Lyon's final report into local government finance and functions in England was published at the same time as the Chancellor's Budget speech on 21 March 2007. At its final meeting on 22 March the Committee considered the report's implications for Welsh local government. The recommendations on council tax rebate, supplementary business rates, changes to LABGI and a tourist tax were noted, but there was disappointment that the report did not make greater reference to devolving local government finance in Wales.

## **Promoting engagement in local democracy**

2.14 The Committee finalised its report on Electoral Arrangements in Wales in December 2006 to allow time for Cabinet response before the elections. Some late evidence was received from Estyn and the Wales Debating Federation on delivering citizenship education in Welsh schools. The Committee would have welcomed further exploration of this issue with teaching trade unions, the Assembly Parliamentary Service's education service and youth organisations such as Funky Dragon.

2.15 Assembly Elections in 2007 will also test changes brought in by the Electoral Administration Act 2006, including the ability to register up to 11 days before polling and the verification of personal identifiers for postal votes. Schedule 2 of the Government of Wales Act 2006 also gives powers to the Assembly Commission to promote public awareness of Assembly elections and the Committee has recommended that full use is made of those powers. Scrutiny of the impact of the Act, and implementation of the Committee's recommendations about electoral arrangements, will be timely in the run-up to local government elections in 2008. Monitoring of implementation of the Committee's recommendations should focus on the responses on education (rec's 21 – 28, in particular 27). It is recognised that the Elections Planning Group has no statutory powers but that it is important to have a vehicle for implementing the Committee's recommendations.

## **Cross-cutting issues**

### *Welsh Language*

2.16 The progress made by local authorities in implementing their Welsh language schemes and providing services in Welsh should be monitored in the 3<sup>rd</sup> Assembly.

### *Communities First*

2.17 After meeting jointly with the Social Justice and Regeneration (SJR) Committee to consider the Communities First programme, the Committee

sought the views of local authorities on the delivery of Communities First in their areas. Responses were circulated to Members and the SJR Committee Chair and there is scope for further scrutiny.

### *Children's Issues*

2.18 The Committee received a paper to note on Welsh input to the UK Government review of implementation of the UN Convention the Rights of the Child in March 2007. It has also recently considered a package of regulations - 'Towards a Stable Life and a Brighter Future' – aimed at improving arrangements for looked-after children in Wales. Continued scrutiny of the corporate parenting role of local authorities will be essential in the 3<sup>rd</sup> Assembly. The Committee notes the importance of involving young people in the development of proposed Local Service Boards, local government scrutiny processes and the development of Children's Services, for example when recruiting Heads of Children's Services. Guidance in these areas should be subject to scrutiny.

### *Equality*

2.19 The Committee considered the latest local government performance data in November 2006 and expressed concern about differences in waiting times for disabled facilities grant between local authority areas. The WLGA reported that it was due to publish an Assembly-sponsored benchmarking study on adaptations in 2007 and that there was scope for speeding up the procurement process.

2.20 The results of pilot question testing for the 2011 Census in Carmarthenshire are due to be published in late 2007 – early 2008 and there is scope for Members to continue to feed into the development process. The Committee is keen to ensure that the Census will obtain accurate data from all Welsh residents, including migrant workers and Gypsies and Travellers, to inform formula funding for public services.

2.21 The Welsh Assembly Government's equality report is required under section 77 of the Government of Wales Act 2006. When the Committee last considered relevant sections of the report it agreed that future consideration should include a separate report from the WLGA Equalities Unit, for example to include information on diversity in public appointments.

### *Sustainable Development*

2.22 Future development of the Wales Spatial Plan should incorporate marine planning issues. The Committee has sought the opportunity for joint scrutiny of a forthcoming UK Government Marine Bill with the Environment, Planning and Countryside Committee. A key component of the proposed Bill is a potential system of marine spatial planning. A White Paper on the Marine Bill was published on 15 March 2007 with a consultation deadline of 8 June.

### *Role of the Public Services Ombudsman*

2.23 The Public Services Ombudsman for Wales reported to the Committee on his first six months in office in September 2006. A relevant Committee of the 3<sup>rd</sup> Assembly may wish to further consider the progress of the Ombudsman's investigations and the public profile of the Office.

## Legislation

### *Primary Legislation and Measure-making powers*

2.24 The implications of the powers to be conferred on the Assembly through the *Local Government and Public Involvement in Health Bill* are highlighted under strategic issues above. This Government Bill finished Committee stage in the House of Commons on 8 March 2007, with no published date for Report stage. The Committee agreed and laid a report of its scrutiny of the Bill up to 22 March 2007.

### *Subordinate Legislation*

2.25 A number of items of draft legislation were identified for scrutiny by the Committee but not brought forward for consideration before March 2007. These are listed in the table below. Some relate directly to local government policy or finance, others are cross-cutting.

<b>Working Title and details</b>	<b>Scope and effect</b>
<b>The Conduct of Members (Principles and Model Code of Conduct) (Wales) Order 2006/07</b> Ref: LG.084, previously LAA 21. Identified for scrutiny: 22 Sept 2004.	To prescribe a revised code of conduct for local government in Wales, following outcome of the review of the operation of the existing code. Introduces a new code applying to members of county/county borough and community councils, fire authorities and national park authorities.
<b>Local Authorities (Political Restrictions Regime) (Wales) 2005</b> Ref: LG.065, previously LAA 30. Identified for scrutiny: 1 Dec 2004.	To review the restrictions on the political activity of local government employees. To amend regulations on the scope of staff affected; the extent of restrictions; role of the independent adjudicator; pay of political assistants.
<b>The Local Authorities (Conduct of Referendums) (Amendment) (Wales) Regulations 2007</b> Ref: LG.100 Identified for scrutiny: 21 Sept 2006	To update the existing regulations to reflect changes introduced by the Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004. To incorporate amendments subsequently identified by Legislation Committee and to make administrative improvements similar to those already made by the comparable regulations for England.
<b>The draft Public Transport</b>	To establish a Public Transport Users'

<p><b>Users' Committee for Wales (Establishment) Order</b>  Ref: to be provided.  Identified for scrutiny:  30 March 2006</p>	<p>Committee for Wales, which will Act as a watchdog to ensure that the passengers' voice is heard. Will represent the interests of users of all modes of public transport in Wales, that is ferries, taxis and air services as well as buses and trains. It therefore has the potential to help promote and develop integrated transport policies across Wales.</p>
<p><b>The Congestion Charging Regulations</b>  Ref: to be provided  Identified for scrutiny:  17 May 2006</p>	<p>To enable Local Authorities to introduce two forms of charging: congestion charging and work place parking levies. Will enable a Local Authority to introduce a congestion charging scheme within their area, subject to Assembly approval.</p>

### *European Legislative Proposals*

2.26 On 18 January 2007 the Committee considered European Union policy and legislative issues in 2007 that were relevant to the remit of the Committee. The following proposal was identified as a priority for scrutiny in the 3<sup>rd</sup> Assembly: **Commission Communication on the implementation of national strategies for Green public procurement based on EU-wide target setting and regular monitoring and benchmarking**. Its expected date of adoption is autumn 2007.

The proposal aims to:

- convince Member States of the need to address National strategies for green public procurement, co-ordinated and verified by the Commission;
- indicate ways of achieving the EU wide target for Green public procurement which has been set by the EU leaders in the renewed Sustainable Development Strategy;
- link Green public procurement to other policies and demonstrate its usefulness for reaching key environmental and economic objectives (climate change through energy efficiency in public buildings and transport for instance, or demand driven development of eco-technologies).

**Members' Research and Committee Service  
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