



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Pwyllgor Deddfwriaeth Rhif 4
Legislation Committee No. 4

Dydd Iau, 5 Mawrth 2009
Thursday, 5 March 2009

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Lorraine Barrett	Llafur Labour
Michael German	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Gareth Jones	Plaid Cymru (yn dirprwyo ar ran Bethan Jenkins) The Party of Wales (substitute for Bethan Jenkins)
Jonathan Morgan	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Sharon Barry	Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government
Brian Gibbons	Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (The Minister for Social Justice and Local Government)
Steve Pomeroy	Pennaeth, Uned Strategaeth a Pherfformiad Llywodraeth Leol Head, Local Government Strategy and Performance Unit

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Ruth Hatton	Deputy Clerc Dirprwy Glerc
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 1.30 p.m.
The meeting began at 1.30 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Michael German:** Good afternoon, ladies and gentlemen, and welcome to this meeting of Legislation Committee No. 4, considering the Proposed Local Government (Wales) Measure. I welcome Jonathan Morgan, who was elected to the committee on Tuesday in place of Paul Davies. We have received apologies from Bethan Jenkins, and Gareth Jones is substituting for her. Before we begin, I will make the usual introductory remarks. In case there is a fire alarm, please exit properly; there is no test forecast for today, so the alarm is likely to be a real emergency. Please make sure that electronic equipment is switched off. We operate bilingually, and so headsets are provided for translation. Amplification is available on channel 0 and the interpretation is on channel 1. No-one should touch any of the buttons on the microphones, and you should all wait to ensure that the red light is on before speaking.

1.31 p.m.

Y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru)—Cyfnod 2: Ystyried Gwelliannau
The Proposed Local Government (Wales) Measure—Stage 2: Consideration of Amendments

[2] **Michael German:** I need to make some introductory remarks about the procedure in this committee meeting. I know that Members will have received a note from the clerks explaining the principles of how the Stage 2 consideration of a proposed Measure works, but I want to explain in more detail how this afternoon's meeting will run, and how I will be handling the debates.

[3] Before we begin, every Member should have before them a copy of the proposed Measure—that is, the green document—the marshalled list of amendments, and the groupings of the amendments for debate. They are the three key documents. The marshalled list of amendments is the list of all the amendments that have been tabled, marshalled into the order in which the sections appear in the proposed Measure. Schedules will be considered with the relevant sections that introduce them. So, for our meetings, the order in which we consider amendments will be: sections 1 to 51(1), Schedule 1, section 51(2), Schedule 2, a new Schedule, sections 51(3) to 51(6), section 52, Schedule 3, sections 53 and 54, the new sections that are being introduced by amendment, and finally the long title, which is always considered last. You will see from the groupings list that the amendments have been grouped to facilitate debate, but the order in which they are called and proposed for a decision is dictated by the marshalled list. Members will need to follow both papers, although I will advise when I call them whether they are being called to speak in the debate or to propose their amendments for a decision.

[4] We will have one debate on each group of amendments. There are currently 12 groups of amendments, so there will be one debate on each of the 12 groups. I will call the proposer of the first amendment in the group, who should speak to and propose their first amendment—except for the Minister, who cannot propose an amendment because he is not a member of this committee, so I will formally do so on his behalf, having first asked him whether he wishes me to do so—and the person who proposed the first amendment will then speak to the other amendments in that group. The person who proposes the first amendment in the group is speaking to all the amendments in the group. I will then call other speakers, including any other proposers of amendments in that group, but they should not propose their amendments at that stage.

[5] Members who do not have an amendment in the group but who wish to speak should indicate their wish to speak in the usual way, by raising their hand or catching my eye. I will then call the Minister to speak on each group, even if it is not a section that the Minister has introduced. At the conclusion of each of these 12 debates, I will call the proposer of the first amendment in the group to wind up. I have decided that I will take interventions only on matters of clarification and not on matters of debate. They will be matters for me to interpret. If Members wish to intervene, please indicate that to me, as all Members will be able to speak only once to each group of amendments, apart from the person summing up the group.

[6] Following the debate on a group, I will clarify whether the Member who proposed the first amendment wishes to press the matter to a decision. If not, he or she may seek the agreement of the committee to withdraw the amendment. If it is not withdrawn, I will put the question on the first amendment in the group that the amendment be agreed to. Given that we have limited precedent in the National Assembly, it is my intention that all votes be recorded

at this stage, so that the names of those who vote for or against or who abstain will be recorded in the minutes.

[7] I will call the proposers of other amendments in each group to propose their amendments at the appropriate time, which will be in accordance with the marshalled list and not the groupings for debate. If you do not wish to propose your amendment, you should say so clearly when the amendment is called. For the record, only committee members may propose amendments, which is why I will formally propose amendments on behalf of the Minister, should he wish me to do so.

[8] Members will be aware that the only way in which to debate a section of the proposed Measure is to have tabled an amendment to it. Any sections to which amendments have not been tabled will be deemed agreed, as will any sections to which tabled amendments are not agreed. I will announce at the end of the session which sections have been agreed for the purposes of the meeting.

[9] For any sections that are not disposed of today, there will be a further opportunity to table amendments to them. For them to be considered during next week's meeting, amendments need to be tabled by 5 p.m. today. Are there any questions on the procedure? I see that there are none, in which case, we will move on.

Agweddau ar Wella (Adrannau 4 a 7) Aspects of Improvement (Sections 4 and 7)

[10] **Michael German:** The first grouping of amendments to consider this morning concerns aspects of improvement. They are amendments 1, 2, 3, 4 and 5. The lead amendment in the group is amendment 1 on page 1 of the marshalled list. Minister, would you like amendment 1 in your name to be proposed?

[11] **The Minister for Social Justice and Local Government (Brian Gibbons):** Please, if you would, Chair.

[12] **Michael German:** I propose amendment 1 in the name of Brian Gibbons.

*Cafodd gwelliannau 1, 2, 3, 4 a 5 eu grwpio ar gyfer y drafodaeth.
Amendments 1, 2, 3, 4 and 5 were grouped for debate.*

[13] I call on the Minister to speak to amendment 1 and the other amendments in the group.

[14] **Brian Gibbons:** Amendments 1 to 4 give effect to the undertaking that I gave in Plenary recently to ensure that local authorities can demonstrate improvement by exercising any of their functions as well as by delivering services. That is in response to evidence presented by the Welsh Local Government Association to the Stage 1 committee that improvement should consistently embrace services as well as functions. This may seem to be a rather fine distinction, but many of local authorities' key activities go beyond mere service provision. Such areas include democratic representation, community leadership and, indeed, the stewardship of public funds.

[15] It is therefore important that we recognise the fact that these activities can also contribute to the wider improvement agenda. For example, an authority could improve social wellbeing by ensuring better and fuller representation for a particular social group in its democratic process, and it might improve efficiency by adopting better procurement practices. Neither would directly entail the authority providing any services directly to the public, but could yield valuable benefits, which would certainly be deemed to count as an improvement.

Under the proposed Measure as instituted, this would not have been possible, and the purpose of amendments 1 to 4 is to correct that situation.

[16] Amendment 5 relates to section 7, which allows Welsh Ministers to make an Order to amend, remove or add anything to an aspect of improvement under section 4. This amendment is in response to the Subordinate Legislation Committee's recommendation that Welsh Ministers be given a duty to consult relevant interested parties before making an Order using this power. That is a constructive suggestion by the committee. The proposed Measure already provides that Orders under section 7 be subject to the affirmative procedure in the Assembly. However, the power in section 7 is potentially significant, and exercising it could fundamentally reshape authorities' strategic focus. Therefore, I believe that it is appropriate that we amend section 7 in line with the amendment.

1.40 p.m.

[17] **Michael German:** Does any Member wish to speak to this group of amendments?

[18] **Kirsty Williams:** We welcome very much the tabling of these amendments by the Minister, which give effect to the recommendations of previous scrutiny committees.

[19] **Michael German:** Do you wish to respond to the debate on this group of amendments, Minister?

[20] **Brian Gibbons:** No, I am quite happy, thank you.

[21] **Michael German:** Do you wish to move to a vote on amendment 1, or do you wish to withdraw it?

[22] **Brian Gibbons:** I wish to move to a vote, please, Chair.

[23] **Michael German:** The question is that amendment 1 be agreed to. I remind Members to keep their hands raised to give the clerk enough time to record their names. I call for a vote.

*Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 1: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 1.
Amendment 1 carried.*

[24] **Michael German:** We now come to dispose of amendment 2. Minister, would you like me to formally propose the other amendments in the group that are in your name?

[25] **Brian Gibbons:** Yes, please.

[26] **Michael German:** I propose amendment 2 in the name of Brian Gibbons. The question is that amendment 2 be agreed to. I call for a vote.

Gwelliant 2: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 2: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 2.
Amendment 2 carried.

[27] **Michael German:** We now come to dispose of amendment 3. I propose amendment 3 in the name of Brian Gibbons. The question is that amendment 3 be agreed to. I call for a vote.

Gwelliant 3: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 3: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 3.
Amendment 3 carried.

[28] **Michael German:** We now come to dispose of amendment 4. I propose amendment 4 in the name of Brian Gibbons. The question is that amendment 4 be agreed to. I call for a vote.

Gwelliant 4: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 4: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 4.
Amendment 4 carried.

[29] **Michael German:** We now come to dispose of amendment 5. I propose amendment in the name of Brian Gibbons. The question is that amendment 5 be agreed to. I call for a vote.

Gwelliant 5: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 5: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 5.
Amendment 5 carried.*

Dangosyddion a Safonau Perfformiad (Adran 8) Performance Indicators and Standards (Section 8)

[30] **Michael German:** We now move to the second group of amendments, namely amendments 35, 6, 7 and 36. This group of amendments relates to performance indicators and standards. Minister, would you like amendment 35 in your name, the lead amendment, to be proposed?

[31] **Brian Gibbons:** Yes, please.

[32] **Michael German:** I propose amendment 35 in the name of Brian Gibbons.

*Cafodd gwelliannau 35, 6, 7 a 36 eu grwpio ar gyfer y drafodaeth.
Amendments 35, 6, 7 and 36 were grouped for debate.*

[33] I call on the Minister to speak to amendment 35, which is on page 3 of the marshalled list, as well as to any other amendments in that group.

[34] **Brian Gibbons:** Amendments 35 and 36 are technical amendments, which are required to correct the grammar in the Welsh version of the proposed Measure. I am advised that the Welsh text, as introduced, was ungrammatical and potentially misleading. These amendments have been tabled with the intention of correcting that. Amendments 6 and 7, as you have said, deal with performance indicators and standards. They are intended to expand the Welsh Ministers' duty to consult, particularly by introducing a requirement to consult the Auditor General for Wales before changing the specific performance indicators and standards, as well as representatives of the affected authorities and anyone else whom the Welsh Ministers feel should contribute to the consultation process. You may recall that the amendment was suggested by the auditor general himself during his evidence to the Stage 1 committee. The case that he made was entirely legitimate, not least because of his important role in monitoring performance indicators and standards.

[35] **Michael German:** Does anyone wish to speak to any of the amendments?

[36] **Lorraine Barrett:** May I make a point? I was looking for the English-language version, and it says that:

[37] 'There is no need to amend the English version'.

[38] So, given that I cannot read Welsh, I take that what I will agree to will be right. I just make the point that I do not, in effect, know what I am voting on.

[39] **Michael German:** The information that you have been given is correct. Does any other Member wish to speak to this group? I see that no-one does. Minister, do you wish to reply?

[40] **Brian Gibbons:** No, thank you.

[41] **Michael German:** Minister, do you wish to move to a vote or do you wish to withdraw your amendment?

[42] **Brian Gibbons:** I wish to move to a vote, Chair.

[43] **Michael German:** The question is that amendment 35 be agreed to. I call for a vote.

*Gwelliant 35: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 35: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 35.
Amendment 35 carried.*

[44] **Michael German:** We now come to dispose of amendment 6, in the name of the Minister; this has already been debated with amendment 35. Minister, do you wish your amendment to be proposed?

[45] **Brian Gibbons:** Yes.

[46] **Michael German:** I propose amendment 6 in the name of the Minister. The question is that amendment 6 to be agreed to. I call for a vote.

*Gwelliant 6: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 6: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 6.
Amendment 6 carried.*

[47] **Michael German:** We now come to dispose of amendment 7, in the name of the Minister; this has already been debated with amendment 35. Minister, do you wish your amendment to be proposed?

[48] **Brian Gibbons:** Yes.

[49] **Michael German:** I formally propose amendment 7 in the name of the Minister. The question is that amendment 7 be agreed to. I call for a vote.

Gwelliant 7: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 7: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 7.
Amendment 7 carried.

[50] **Michael German:** We now come to dispose of amendment 36, in the name of the Minister; this has already been debated with amendment 35. Minister, do you wish your amendment to be proposed?

[51] **Brian Gibbons:** Yes.

[52] **Michael German:** I formally propose amendment 36 in the name of the Minister. The question is that amendment 36 be agreed to. I call for a vote.

Gwelliant 36: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 36: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 36.
Amendment 36 carried.

Pwerau Cydlafurio (Adran 9) **Powers to Collaborate (Section 9)**

[53] **Michael German:** We now come to amendment 8 in the name of the Minister, which is grouped with amendment 9. This third group of amendments is in relation to powers to collaborate. Would you like amendment 8 in your name to be proposed, Minister?

[54] **Brian Gibbons:** Yes, Chair.

[55] **Michael German:** I propose amendment 8 in the name of Brian Gibbons.

Cafodd gwelliannau 8 a 9 eu grwpio ar gyfer y drafodaeth.
Amendments 8 and 9 grouped for debate.

[56] I invite the Minister to speak to amendment 8, which is on page 3 of the marshalled list, and to the other amendment in that group.

[57] **Brian Gibbons:** One of the main purposes of the proposed Measure is to make it easier for local authorities to collaborate to deliver improved services in Wales. Amendments

8 and 9 would strengthen the available collaborative powers even further. These amendments clarify that an authority may collaborate with another authority to facilitate the discharge of that other authority's duties, whether the facilitating authority would improve its own duties or not. In other words, this will allow collaboration to be motivated by altruism as well as mutual benefit, and it will avoid a local authority having to demonstrate that it would gain from the collaboration before agreeing to it. I ask the committee to support these amendments.

[58] **Michael German:** Does any Member wish to speak to either of these amendments? I see that no-one does, and I presume, Minister, that you do not wish to reply. Do you wish to move to a vote or do you wish to withdraw your amendment?

[59] **Brian Gibbons:** I wish to move to a vote, Chair.

[60] **Michael German:** The question is that amendment 8 be agreed to. I call for a vote.

*Gwelliant 8: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 8: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 8.
Amendment 8 carried.*

[61] **Michael German:** We now come to dispose of amendment 9, on page 4 of the marshalled list. Minister, do you wish your amendment to be proposed?

[62] **Brian Gibbons:** Yes.

[63] **Michael German:** I formally propose amendment 9 in the name of Brian Gibbons. The question is that amendment 9 be agreed to. I call for a vote.

*Gwelliant 9: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 9: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 9.
Amendment 9 carried.*

**Rheoleiddwyr Perthnasol a Swyddogaethau Perthnasol (Adran 16)
Relevant Regulators and Relevant Functions (Section 16)**

[64] **Michael German:** We now come to amendment 10 in the name of the Minister. This

is the fourth grouping to be considered this afternoon, and it concerns relevant regulators and relevant functions. Minister, would you like me to propose amendment 10 on your behalf?

[65] **Brian Gibbons:** If you would, please.

[66] **Michael German:** I propose amendment 10, and call the Minister to speak to amendment 10.

[67] **Brian Gibbons:** The proposed Measure makes provision about the audit, regulation and inspection of local authorities, and about the roles of the various bodies that carry out that work. In its report, the Subordinate Legislation Committee recommended that Welsh Ministers' powers under section 16(3) to amend the list of relevant regulators should be subject to a duty to consult the bodies affected. I agree and support that recommendation from the Subordinate Legislation Committee.

1.50 p.m.

[68] Building on the committee's recommendation, I think that it would be beneficial to expand the duty further to include consultation with representatives of the Welsh improvement authorities themselves. We would also like to consult the Auditor General for Wales, as he will be responsible for co-ordinating the work of all specified regulatory bodies. It is possible that we may wish to use this power to add a regulator that has not yet come into being and so, in that context, would not be subject to the terms of the proposed Measure. The duty to consult would not work in such cases as we cannot consult a body that does not already exist. The proposed new subsection 6, therefore, deals with that by removing the duty to consult a new regulator in these circumstances. Therefore, in practice, this amendment would allow Welsh Ministers a requirement to consult the relevant regulatory bodies, the Welsh improvement authorities, and the Auditor General for Wales before making any such order. I would urge support for the amendment.

[69] **Michael German:** Does any Member wish to speak on amendment 10? I see that no Member wishes to speak. Therefore, do you wish to move to a vote, Minister, or do you wish to withdraw your amendment?

[70] **Brian Gibbons:** I wish to move to a vote, Chair.

[71] **Michael German:** The question is that amendment 10 be agreed to. I call for a vote.

*Gwelliant 10: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 10: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 10.
Amendment 10 carried.*

**Asesiadau Gwella (Adrannau 18 ac 20)
Improvement Assessments (Sections 18 and 20)**

[72] **Michael German:** We now come to amendment 11 in the name of the Minister, which is grouped with amendment 14. Minister, would you like amendment 11 in your name to be proposed?

[73] **Brian Gibbons:** Yes, Chair.

[74] **Michael German:** I propose amendment 11 in the name of Brian Gibbons.

*Cafodd gwelliannau 11 ac 14 eu grwpio ar gyfer y drafodaeth.
Amendments 11 and 14 grouped for debate.*

[75] I invite the Minister to speak to amendment 11, on page 5 of the marshalled list, and to the other amendment in that group.

[76] **Brian Gibbons:** Section 18 currently places a duty on the auditor general to carry out a forward-looking assessment of how far a Welsh improvement authority is likely to meet its requirements under Part 1 in that current year. Several witnesses at the Stage 1 committee suggested, however, that it would be helpful for the auditor general's assessment to look forward more than one year where appropriate. I support this. An amendment to section 18 would allow the auditor general to carry out an assessment covering more than one year.

[77] Improvement is not necessarily contained within an annual cycle, and it is important that regulators have the opportunity to take a longer view, just as improvement authorities would do. Amendment 11, therefore, would allow the auditor general to do just that. It would also allow him to carry out, for example, an in-depth assessment of a Welsh improvement authority one year, and follow it up with a lighter and less burdensome update on subsequent years, if he was happy that that was appropriate. This proposal is definitely more practical and likely to be less burdensome for the auditor general and the improvement authorities.

[78] Moving on to amendment 14 and section 20 of the proposed Measure, this was an issue that gave rise to considerable discussion at various stages of our initial consideration. I appreciate the concerns of the Wales Audit Office and the Welsh Local Government Association that the Auditor General for Wales's deadline to produce audit and assessment reports by 30 November is unduly onerous. It leaves only a month after the deadline by which improvement authorities have to produce the material on which the auditor general would be reporting. Although exactly the same deadlines exist under current legislation, I appreciate that there may well be circumstances in which the auditor general may not meet them. Indeed, in the last year, a number of authorities have not produced their improvement plans before the statutory deadline of 31 October. In those circumstances, the auditor general would find himself with nothing to report on. Amendment 14, therefore, would allow the auditor general more flexibility and give him the option to ask Welsh Ministers for an extension to complete the audit and assessment report for one or more named authorities. I appreciate that there is already a power under section 20(3)(b) for Welsh Ministers to vary the 30 November date by Order. However, I would suggest that that is not flexible enough to deal with any of the ad hoc situations that the auditor general may face from time to time. On that basis, I would urge the committee to support these amendments.

[79] **Jonathan Morgan:** Looking at the drafting of this amendment, the way I read it is that you want to enable the auditor general to carry out an assessment of whether the authority is likely to comply with requirements in subsequent financial years. So, you are asking the auditor general to take a decision this year on whether they will be able to comply next year. During the discussion, you said, in essence, that the auditor general would make a decision now, and then the auditor general could look back at it in a subsequent year. However, that is different to the wording of the amendment. The amendment is about the auditor looking at it now and making a guesstimate, almost, of what might happen in subsequent years, as opposed

to getting to that subsequent year and looking backwards.

[80] **Michael German:** I remind Members that you can only speak once during a debate, and the Minister will then have a chance to reply. Have you finished, Jonathan? You can carry on if you wish.

[81] **Jonathan Morgan:** I just wanted to make that point now in case I had misheard the Minister. Are both scenarios covered by this amendment? If he believes that they are, I would like some guidance on that. How does it cover the scenario that I just outlined and the Minister's scenario, where the auditor general looks back at it at a later date? I am not entirely sure whether the amendment provides for the Minister's scenario.

[82] **Michael German:** It is for the Minister to reply when his turn comes. Does any other Member wish to speak to this group of amendments?

[83] **Kirsty Williams:** Despite the Minister's explanation, I am still not quite sure of the rationale for allowing the auditor general to consider subsequent financial years. I am clear about the auditor general's role within the current year, but could the Minister explain the purpose of allowing the auditor general to look at subsequent financial years as part of this process? My understanding is that the Measure allows the auditor general to look at authorities within the current year, and the improvement plan is for a year. Could he, therefore, explain the relevance of the amendment to that inspection regime?

[84] **Michael German:** Do any other Members wish to speak? I see not. The Minister will now reply to the debate.

[85] **Brian Gibbons:** The proposed Measure allows the auditor general to look at what the authority has achieved in the previous year, as you said. However, the purpose of that is not just to confirm that what has been done has been done, but to assess whether that will contribute to the ongoing improvement of the local authority. It is not just a static, retrospective view; the whole essence of the proposed Measure is to drive continuing improvement. The purpose of this amendment is to allow the auditor general to undertake a health check of what the authority has done, but also, as part of this process, to assess the authority's ability to deliver improvement in the current year, which the Measure already covers. It also enables the auditor general to look at the organisation's ability to deliver consistent improvement and say that he is reasonably confident that, over the next two to three years, it is capable of delivering that. In the subsequent years, the inspection or auditing regime could be lighter, rather than using the same process every year. One of the big challenges is that we are trying to introduce a proportionate audit and assessment process, so that it reflects the degree of risk; if the auditor general decides, on the basis of his assessment, that this is a healthy, forward-looking organisation, doing all the right things, then a lighter assessment might be appropriate for the next year, to ensure that all is well, rather than going into a root and branch review once again.

2.00 p.m.

[86] **Michael German:** Do you wish to move to a vote on your amendment 11?

[87] **Brian Gibbons:** Yes please, Chair.

[88] **Michael German:** The question is that amendment 11 be agreed to. I call for a vote.

*Gwelliant 11: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 11: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 11.
Amendment 11 carried.*

[89] **Michael German:** We will vote on amendment 14 in the group later, in accordance with the marshalled list.

**Rhannu Gwybodaeth (Adrannau 19, 20, 25, 26 ac Adran Newydd)
Information Sharing (Sections 19, 20, 25, 26 and New Section)**

[90] **Michael German:** We now come to amendment 12 in the name of Brian Gibbons, which is grouped with amendments 13, 18, 19 and 33. Minister, do you wish amendment 12 in your name to be proposed?

[91] **Brian Gibbons:** Yes, please, Chair.

[92] **Michael German:** I propose amendment 12 in the name of Brian Gibbons.

*Cafodd gwelliannau 12, 13, 18, 19 a 33 eu grwpio ar gyfer y drafodaeth.
Amendments 12, 13, 18, 19 and 33 grouped for debate.*

[93] I call on the Minister to speak to amendment 12 and the other amendments in the group.

[94] **Brian Gibbons:** Amendment 12 would remove section 19 of the proposed Measure as drafted. Section 19 would allow the Auditor General for Wales to require the regulators and inspectors listed in section 16 to produce reports outlining what they have found in the exercise of their relevant functions under the proposed Measure. This and other amendments in group 6 have been tabled to address the concerns that Estyn and the Care and Social Services Inspectorate for Wales raised in their evidence to the Stage 1 committee, which I think that committee agreed with. In their evidence, Estyn and CSSIW expressed concern that section 19, as currently drafted, is too directive, giving the auditor general unilateral power to demand information. I understand their concerns and therefore propose to delete section 19. Relevant regulators would no longer have to supply the auditor general with reports. However, amendment 13 would insert a new subsection 20(1)(d), which is a consequential amendment to amendment 33, which proposes to insert a new section 34. The new subsection 20(1)(d) would require the auditor general to explain how he has considered the information received from the other regulators in relation to the proposed new section 34 when producing his audit and assessment reports under section 20.

[95] Amendments 18 and 19 are consequential amendments to amendment 12. In particular, if section 19 is deleted, the reference to it in section 26 would clearly be superfluous and would need to be deleted. Amendment 33 relates to amendment 12 and would insert a new section creating a mutual duty on the Auditor General for Wales and relevant regulators to supply each other with information to assist them in discharging their functions under the proposed Measure. This approach would sustain a more collaborative approach to regulation and better maintain the independence of all the regulators. Therefore, I urge the committee to support this group of amendments.

[96] **Michael German:** Does any Member wish to speak to this amendment? I see that no-one does. Minister, do you wish to move to a vote or do you wish to withdraw your amendment?

[97] **Brian Gibbons:** I wish to move to a vote, please, Chair.

[98] **Michael German:** The question is that amendment 12 be agreed to. I call for a vote.

*Gwelliant 12: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 12: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 12.
Amendment 12 carried.*

[99] **Michael German:** We now come to dispose of amendment 13 in the name of Brian Gibbons, on page 5 of the marshalled list. Minister, do you wish your amendment to be proposed?

[100] **Brian Gibbons:** Yes, please, Chair.

[101] **Michael German:** I propose amendment 13 in the name of Brian Gibbons. The question is that amendment 13 be agreed to. I call for a vote.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 13.
Amendment 13 carried.*

[102] **Michael German:** We now come to dispose of amendment 14 in the name of Brian Gibbons. This was debated with amendment 11. Minister, would you like your amendment to be proposed?

[103] **Brian Gibbons:** Yes, please, Chair.

[104] **Michael German:** I propose amendment 14 in the name of Brian Gibbons. The question is that amendment 14 be agreed to. I call for a vote.

*Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 14: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 14.
Amendment 14 carried.*

[105] **Michael German:** We will dispose of amendments 18, 19 and 33 later, in accordance with the marshalled list.

**Adroddiadau am Arolygiadau Arbennig (Adran 23)
Reports of Special Inspections (Section 23)**

[106] **Michael German:** We now come to amendment 15 in the name of Brian Gibbons, which is grouped with amendments 16 and 17. Minister, would you like amendment 15 in your name to be proposed?

[107] **Brian Gibbons:** Yes, please, Chair.

[108] **Michael German:** I propose amendment 15 in the name of Brian Gibbons.

*Cafodd gwelliannau 15, 16 a 17 eu grwpio ar gyfer y drafodaeth.
Amendments 15, 16 and 17 grouped for debate.*

[109] I call on the Minister to speak to amendment 15 and to the other amendments in the group.

[110] **Brian Gibbons:** Hopefully amendments 15 and 16 will not be controversial, as they simply replace the word 'the' in sections 23(3)(a) and 23(3)(b) with the word 'a'. That will simply bring these sections in line with the drafting style of the rest of section 23.

[111] Amendment 17, however, is important and places a duty on the auditor general to send inspection reports that relate to local authorities' benefit functions to the Secretary of State for Work and Pensions. This amendment is required because the policy responsibility for benefit matters is not devolved. The Secretary of State has his own powers as regards benefits administration and needs to be aware of relevant audit findings to inform the use of his powers. There is nothing new here. This amendment reflects the current position under the Local Government Act 1999. As the proposed Measure would repeal most of that Act as it applies to Wales, we also need to re-enact this duty to preserve the Secretary of State's position. This amendment would affect the functions of the Secretary of State and, under Schedule 5 to the Government of Wales Act 2006, a Measure can only make such a provision if the Secretary of State consents. I sought and received such consent in writing before tabling this amendment. The Department for Work and Pensions is fully content with what we are proposing. I therefore urge the committee to support these amendments.

[112] **Michael German:** Does any Member wish to speak to these amendments? I see that they do not. Minister, do you wish to move to a vote on your amendment?

[113] **Brian Gibbons:** Yes, please, Chair.

[114] **Michael German:** The question is that amendment 15 be agreed to. I call for a vote.

Gwelliant 15: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 15: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 15.
Amendment 15 carried.

[115] **Michael German:** We now come to dispose of amendments 16 and 17 in the name of Brian Gibbons. Minister, would you like these amendments to be proposed?

[116] **Brian Gibbons:** Yes please, Chair.

[117] **Michael German:** I propose amendment 16 in the name of Brian Gibbons. The question is that amendment 16 be agreed to. I call for a vote.

Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 16: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 16.
Amendment 16 carried.

[118] **Michael German:** I propose amendment 17 in the name of Brian Gibbons. The question is that amendment 17 be agreed to. I call for a vote.

Gwelliant 17: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 17: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 17.
Amendment 17 carried.

[119] **Michael German:** We now move on to dispose of amendments 18 and 19 in the name of Brian Gibbons, which were debated with amendment 12 in group 6, on information sharing. Minister, would you like these amendments to be proposed?

[120] **Brian Gibbons:** Yes please, Chair.

[121] **Michael German:** I propose amendment 18 in the name of Brian Gibbons. The question is that amendment 18 be agreed to. I call for a vote.

*Gwelliant 18: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 18: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 18.
Amendment 18 carried.*

[122] **Michael German:** I propose amendment 19 in the name of Brian Gibbons. The question is that amendment 19 be agreed to. I call for a vote.

*Gwelliant 19: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 19: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 19.
Amendment 19 carried.*

Ffioedd (Adran 28) Fees (Section 28)

[123] **Michael German:** We now come to amendment 20 in the name of Brian Gibbons, which is in a group of its own. Minister, would you like your amendment to be proposed?

[124] **Brian Gibbons:** Yes please, Chair.

[125] **Michael German:** I propose amendment 20 in the name of Brian Gibbons, and call on the Minister to speak to it.

[126] **Brian Gibbons:** This is, in essence, a technical amendment. Section 28 requires the Auditor General for Wales to set a scale of fees to carry out audits, assessments and special inspections. This amendment is required to ensure that the fees charged under this proposed Measure are treated in the same way as fees charged by him for other purposes. Currently, section 21 of the Public Audit (Wales) Act 2004 allows Welsh Ministers to prescribe a scale of fees for the audit of local government accounts, in place of that prescribed by the auditor general. This amendment extends that power to fees for work carried out under the proposed Measure. As that work would not include the audit of accounts, there is no need to include a duty to consult professional accountancy bodies as required by section 21(5)(c) of the 2004

Act.

2.10 p.m.

[127] We have no plans to use this power, whether for the audit of accounts or for regulatory works under the proposed Measure. We are quite content for the auditor general to continue to set his own fees in the normal course of his business. However, the purpose of the amendment is to seek, and to ensure, consistency with existing legislation following the introduction of this proposed Measure.

[128] **Michael German:** Do any Members wish to speak to this amendment? I see that no-one does. Minister, do you wish to move to a vote on amendment 20?

[129] **Brian Gibbons:** Yes please, Chair.

[130] **Michael German:** The question is that amendment 20 be agreed to. I call for a vote.

*Gwelliant 20: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 20: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 20.
Amendment 20 carried.*

**Pwerau Gweinidogion Cymru i Gynorthwyo Awdurdodau Gwella (Adrannau 29 a 30,
ac Adran Newydd)
Powers of Welsh Ministers to Support Improvement Authorities (Sections 29 and 30 and
New Section)**

[131] **Michael German:** We now come to the ninth group of amendments to be considered this afternoon, which relate to the powers of Welsh Ministers to support improvement authorities. Minister, would you like to proceed with your amendment 21, the details of which are on page 7 of the marshalled list, and to speak to the other amendments in the group?

[132] **Brian Gibbons:** Yes please, Chair.

[133] **Michael German:** I propose amendment 21 in the name of Brian Gibbons.

*Cafodd gwelliannau 21, 38, 22A, 22, 37, 40, a 39 eu grwpio ar gyfer y drafodaeth.
Amendments 21, 38, 22A, 22, 37, 40, and 39 grouped for debate.*

[134] **Brian Gibbons:** I would like to clarify which amendment I am speaking to.

[135] **Michael German:** You are speaking to the lead amendment in the group, namely amendment 21, but you can give a view on the other amendments in the group now, if you wish, or you can wait until the end, when you respond to the debate on this group. At this point, I ask you to speak to amendment 21 and to all the other amendments in the group. I will then ask Kirsty Williams, Jonathan Morgan and any other Members who wish to do so to

speak to the amendments in the group. I will then call on you to reply to the whole debate on this suite of amendments. So, you are the only person in this group who gets to speak twice. You may take your opportunity now or later, or on both occasions, if you wish to.

[136] **Brian Gibbons:** I suppose that we shall see how it goes.

[137] The provisions of section 29 of this proposed Measure, which allow Welsh Ministers to ‘do anything’ to support improvement, attracted much comment during Stage 1. I take this opportunity to reiterate what I said during Stage 1 and in Plenary: ‘do anything’ in this context is not a requirement of direction; it is a description of the opportunity to provide a full range of services by way of improvement to a local authority that either requests or is willing to accept them. Therefore, the reference to ‘do anything’ is a generic phrase to provide general or specific support to a local improvement authority in an appropriate way. That is crucial to maintain a shared national and local approach to better services and to ensure that our formal powers of intervention under section 30, which are directive and mandatory, are used only as a last resort.

[138] Section 29 does not allow us to compel anyone to do anything that they do not wish to do. They do not have to accept any of the assistance offered if they choose not to do so. However, I am sympathetic to the concerns that were raised in relation to a number of these items, both in Plenary and during Stage 1 discussions. Therefore, I propose the amendments to clarify that the powers of the Welsh Minister in relation to this section may be used only to assist and not in any way to direct a Welsh improvement authority to comply with the provisions of this proposed Measure.

[139] Amendments 21 and 22 require the Welsh Minister to consult an authority that it proposes to assist before providing such assistance—unless the authority has requested that assistance, naturally. I trust that that satisfies Members’ concerns, and I urge them to support the amendments, which will guarantee that, even though the assistance being offered is not mandatory, should an authority choose to accept it, there will be a consultation period before that service is delivered.

[140] On the other amendments, amendment 22A would require us to consult key stakeholders alongside any authority that we would propose to support under section 29. I have two concerns in relation to this amendment. First, if we are going to consult with other key stakeholders, then clearly that may have big implications for the improvement authority that will be able to avail itself of that assistance. The need for assistance may relate to particular shortcomings or capacity shortages within an organisation. Indeed, it could even relate to the lack of experience or competence of a number of identifiable, named individuals. If those matters were to become widely known, it could reduce the willingness of local authorities to seek outside help to address their difficulties, even if they were in need of doing so, because of the requirement to bring third parties into the discussions.

[141] A further objection is more technical. If you look at how the amendment will be drafted and where the words ‘key stakeholders’ will be inserted into the legislation, if we accept it as written, it would require that the key stakeholders would also be subject to the improvement services that would be offered to the improvement authorities themselves. In other words, inadvertently, the key stakeholders would have to be beneficiaries of the improvement that was directed at the improvement authority itself. On that basis, I propose the amendments—

[142] **Michael German:** There will be no proposal of any amendments at the moment. To clarify the procedure, the reason why the first amendment in the group is proposed is in order to have a debate. No other amendments will be proposed until we have concluded the debate. I will then invite members of the committee who have tabled amendments to formally

propose their amendments for voting purposes. There is no need to propose anything at present because this is the debate on the group of amendments. I will now ask Kirsty Williams to speak to her amendments in the group after which, I will ask Jonathan Morgan to speak to his amendments in the group.

[143] **Kirsty Williams:** May I just clarify that I am also speaking to amendment 39?

[144] **Michael German:** We are speaking to amendments 21, 38, 22A, 22, 37, 40 and 39.

[145] **Kirsty Williams:** Thank you, Chair. I begin by acknowledging that the Minister, in tabling his amendments, has gone some way to acknowledging the concerns that were raised during the Stage 1 consideration of the proposed Measure and I welcome that. However, from the Welsh Liberal Democrats' perspective, they do not go far enough or offer enough safeguards.

[146] As the Minister will know, the concerns that were raised at Stage 1 were backed by a recommendation by the Stage 1 committee to establish a concordat or partnership agreement tool by which the Assembly Government and the relevant authorities would have a clearly stated and set out method of interaction, should the Minister wish to invoke the 'do anything' part of this particular proposed Measure.

[147] The amendment sets out, in proposed subsection (1), the concordat or the partnership agreement. Proposed subsection (2) allows that, if any improvement authority specifically requests the assistance of the Welsh Ministers, they may provide that assistance, regardless of that agreement. So, if the authority were to come forward itself, it could do so. Therefore, it aims not to be restrictive. Proposed subsection (3) defines exactly what that partnership is and proposed subsection (4) allows for the partnership agreements to be formed between different types of authorities. The Welsh Liberal Democrats feel that this amendment, amendment 39, and amendment 38, which would enact the provisions of amendment 39, which proposes a new section, better reflect the concerns expressed and the evidence at Stage 1 and gives us the assurance that appropriate agreements will be put in place between the Welsh Assembly Government and the local authority.

2.20 p.m.

[148] We also believe that there is a practical issue in that consultation, which the Government refers to, potentially could delay assistance being given while it is being carried out. The existence of an established partnership agreement or concordat would enable that process to move more swiftly, without the need for delays from any due consultation process. As I said, I welcome the fact that the Government has gone some way towards meeting the concerns, but it has not gone far enough.

[149] Amendment 40 is on a slightly different issue. Again, concerns were expressed about the definition of

[150] 'failing or is likely to fail',

[151] which is when the Minister can come in. We feel that those terms require further definition and clarity and amendment 40 seeks to do that.

[152] **Jonathan Morgan:** In speaking to amendments 22A and 37, I will start by saying that I accept that the Government has attempted to bring forward amendments that reflect some of the concerns that were expressed at Stage 1 in the evidence that was provided to the committee—the concerns are very clear when you read the Stage 1 committee report. Very often, this process is about trying to find the correct balance in terms of what you can

practically do to ensure that concerns are adequately reflected in the Measure. Amendment 22A, in the name of Paul Davies, seeks to amend the Government's amendment 22. The principle behind including key stakeholders was that we have to accept that there may well be occasions when the Government should consider how key stakeholders could inform this process, for they may well have an interest in the improvement that we are seeking in local authorities. That was the principle behind the amendment. We were trying to do that in a constructive way that tried to think a bit more broadly, beyond consultation purely with authorities, and that is why Paul decided to table the amendment. During the Minister's contribution earlier, he said—I hope that I am paraphrasing correctly—that the way in which this amendment was drafted would also necessitate key stakeholders being part of the improvement programme. I would, if possible, like to seek some clarification from lawyers as to whether or not that is accurate, because if that is the case then I suspect that that may be an unintended consequence that we would not wish to see. As the Government will be voting against amendment 22A when it comes to a vote, it may well be worth my while withdrawing or proposing to withdraw the amendment at the appropriate stage, if that would be the unintended consequence of how the amendment has been drafted. Obviously, I would not wish to pursue amendment 22A if that is the case.

[153] **Michael German:** I will take advice on whether we are allowed to take legal advice at this stage. I am not certain that we are, but I will come back to that in a moment. I will do that before we move to a vote on amendment 22A.

[154] **Jonathan Morgan:** May I conclude the point that I wanted to make on amendment 37?

[155] **Michael German:** Yes, of course.

[156] **Jonathan Morgan:** Clearly, with regard to consultation, which we strongly support, these amendments were in no way meant as a criticism of the lack of additional amendments by the Government, which we have said that we broadly welcome. However, if you are going to consult, it is obvious that we need to ensure that Welsh Ministers take account of the consultation process detailed in the subsection and the opinions expressed therein. The last thing that we would wish to see was for Ministers to consult and then not react to or act upon the opinions expressed during the consultation process. So, in a sense, amendment 37 was trying to take it one stage further by ensuring that a duty would be placed on Welsh Ministers to take account of the consultation process. That is all that I have to say, Chair.

[157] **Michael German:** I am going to come back with some advice in a moment, but I will let the Minister conclude this debate unless any other Member wishes to speak first. I see that no-one does.

[158] **Brian Gibbons:** We understand why the Welsh Conservatives wanted to include this, but, as I have said, our feeling was that bringing third parties into the process could deter an authority that needed assistance from accepting it. Its laundry would be washed very publicly in that way, and that could act as a deterrent. We could then either allow the deficiency to go unaddressed, or we would have to consider direction, which should be a last resort. Anything that would deter authorities from engaging voluntarily—which is the whole point of this section—is not constructive. We are happy to consider legal advice, but perhaps it would be best to withdraw the amendment, as Jonathan has suggested.

[159] In relation to the consultation, my understanding is that the consultation would not necessarily be a big 14-week or 12-week consultation. It would be a consultation with the local authority so that the local authority would not feel as if it had suddenly woken up one morning to find the Assembly Government making it an offer of assistance—that could not happen without a consultation process. Equally, my understanding of the law is that, if we did

not demonstrate that we had taken the contents of such a consultation into account, we would potentially be subject to judicial review. That is the whole essence of consultation: if you undertake consultation in good faith, implicit in that is that you bear in mind what it throws up. It could be argued that, if we are going to bring in this particular section, there would be a similar requirement to have a similar amendment to every other part of this proposed Measure where consultation is required, because consultation is as important in all the other instances. If there is a specific requirement for these extra safeguards with regard to this particular consultation, I would argue that they probably should exist for all types of consultation and not just be restricted to this one particular area.

[160] Turning to the amendments in the name of Kirsty Williams, a local authority under this proposed section does not need a formal agreement to say 'no'. It would just need to say, 'You're offering assistance; we don't like it. Thank you very much, but no', and that would be the end of the matter. Introducing a very long, formal agreement to provide safeguards to say 'no', when authorities can say 'no' straightaway when an offer is made to them, is not really necessary. It would introduce a complex, and possibly even bureaucratic, process because, under the proposed Measure, if an authority does not want the assistance, it is quite free to say 'no'. We do not need a long and elaborate agreement to say so.

[161] There are other concerns, too. If we read what is in the amendment, it states:

[162] 'A 'partnership agreement' means an agreement which identifies the circumstances under which the power'.

[163] It would be difficult for that agreement to cover all the circumstances in which help might be needed. We only have to look at the sudden impact of the global crisis on the way that local government has to function now. Potentially, that could give rise to a requirement for assistance under this particular section. Any such partnership agreement would have to be far-sighted to envisage circumstances such as those in which we find ourselves now. This agreement would either have to be at a very high level, in order to try to capture every possible contingency, which is, effectively, what this proposed Measure is, or it would have to be very detailed, and there could be significant contingency that could not possibly be contemplated, because it would come out of left field. In addition, new things come along. Would that agreement have to be renegotiated every time something new appears? Likewise, some things go out of date. Would the agreement have to be rewritten to include these changed circumstances? So, because of the very detailed requirements and the mention of circumstances at a very high level, which would really add nothing to the exercise other than a cumbersome consultation process, I urge rejection of this amendment, as written.

2.30 p.m.

[164] From my experience of dealing with local authorities in difficulty, I know that one of the most intractable problems is for them to acknowledge that they have a problem. In my experience, they often spend six, nine or 12 months in denial or coming up with another rationale for why a particular problem exists. Kirsty expressed concerns about the consultation adding to the process and I fear that, if this amendment were carried, it would cause exactly the adverse consequences that Kirsty is concerned about. Getting authorities to accept that they have a serious failure can take months, in my experience, or, in some instances, well over a year. If you think of the local authorities that have found themselves in serious difficulties, you realise that, empirically, that is the case. If an authority is in trouble, we are proposing to offer help. This section allows us to give any help that we can offer, and authorities can say either 'yes' or 'no'. It is as simple as that. On that basis, although I understand where the amendments are coming from, I do not think that they will add any value and they may even be counterproductive to their declared intention.

[165] **Michael German:** Before I proceed, I want to comment on the question that Jonathan Morgan asked, which was whether a committee can ask for legal advice during the discussion of amendments. The advice that I have received is that this is still very much a grey area, because we have insufficient precedent in the National Assembly on which we can base a judgment. This is not the final stage at which an amendment may be proposed, as that can be done during Stage 3 as well, and it would be unfair to put our legal adviser on the spot by asking her about matters for which she has had no prior notice. Therefore, since the question was partially a matter of interpretation rather than legality, I suggest that you consider whether it would be more sensible for you to consider your position on that amendment and use the alternative route of Stage 3, Jonathan. The advice of the National Assembly legal service is also available to you, as it is to all members of committees. Members might wish to seek legal advice in advance of Stage 2 proceedings, although I accept that there are difficulties and pressures and all that, but there are two alternatives that you might wish to consider. Taking that advice before moving on to table an amendment at Stage 3 might be one. On that basis, I move to the disposal of the amendments in group 9.

[166] Minister, do you wish to move to a vote on amendment 21?

[167] **Brian Gibbons:** Yes, Chair.

[168] **Michael German:** Therefore, the question is that amendment 21 be agreed to. I call for a vote.

*Gwelliant 21: O blaid 3, Ymatal 2, Yn erbyn 0.
Amendment 21: For 3, Abstain 2, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Morgan, Jonathan
Williams, Kirsty

*Derbyniwyd gwelliant 21.
Amendment 21 carried.*

[169] **Michael German:** In accordance with the marshalled list, we now move to dispose of amendment 38 in the group, on page 7 of the list. I invite Kirsty Williams to propose amendment 38.

[170] **Kirsty Williams:** I propose amendment 38.

[171] **Michael German:** The question is that amendment 38 be agreed to. I call for a vote.

*Gwelliant 38: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 38: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Morgan, Jonathan
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth

Watson, Joyce

Gwrthodwyd gwelliant 38.
Amendment 38 defeated.

[172] **Michael German:** We now move to dispose of amendments 22 and 22A. I will come to the procedure in a minute, but, Minister, would you like amendment 22 in your name to be proposed?

[173] **Brian Gibbons:** Yes, Chair.

[174] **Michael German:** I propose amendment 22 in the name of Brian Gibbons. However, I will defer the vote on amendment 22 until we have disposed of amendment 22A, which is an amendment to amendment 22. This is an historical precedent in the National Assembly, because, until now, we have not had an amendment to an amendment. Enjoy this historic moment, colleagues. I invite Jonathan Morgan to propose amendment 22A in the name of Paul Davies.

[175] **Jonathan Morgan:** I am not one to get in the way of historical precedents, but, in light of what the Minister has said, I will not propose amendment 22A, to allow for further consideration.

Ni chynigiwyd gwelliant 22A.
Amendment 22A not proposed.

[176] **Michael German:** The question is that amendment 22 be agreed to. I call for a vote.

Gwelliant 22: O blaid 3, Ymatal 0, Yn erbyn 2.
Amendment 22: For 3, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Barrett, Lorraine
 Jones, Gareth
 Watson, Joyce

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Morgan, Jonathan
 Williams, Kirsty

Derbyniwyd gwelliant 22.
Amendment 22 carried.

[177] **Michael German:** There will be a charge of £65 to go to a charity of my choice for the person whose mobile phone went off during a vote and who did not follow the instructions given at the beginning of the meeting. [*Laughter.*]

[178] We now come to dispose of amendment 37 in the group, which is on page 8 of the marshalled list. I invite Jonathan Morgan to propose amendment 37.

[179] **Jonathan Morgan:** I propose amendment 37 in the name of Paul Davies.

[180] **Michael German:** The question is that amendment 37 be agreed to. I call for a vote.

Gwelliant 37: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 37: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Morgan, Jonathan
Williams, Kirsty

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

*Gwrthodwyd gwelliant 37.
Amendment 37 defeated.*

[181] **Michael German:** We now come to dispose of amendment 40 in the group, which is on page 8 of the marshalled list. I invite Kirsty Williams to propose amendment 40.

[182] **Kirsty Williams:** I propose amendment 40.

[183] **Michael German:** The question is that amendment 40 be agreed to. I call for a vote.

*Gwelliant 40: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 40: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Morgan, Jonathan
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

*Gwrthodwyd gwelliant 40.
Amendment 40 defeated.*

[184] **Michael German:** In accordance with the marshalled list, amendment 39 will be disposed of later in the proceedings.

Pwerau Gweinidogion Cymru i Gyfarwyddo Awdurdodau Gwella (Adran 30) Powers of Welsh Ministers to Direct Improvement Authorities (Section 30)

[185] **Michael German:** We now come to the tenth group of amendments, comprising amendments 41, 42 and 43. This group concerns the power of Welsh Ministers to direct improvement authorities. I invite Kirsty Williams to propose amendment 41 and to speak to the other amendment in that group.

[186] **Kirsty Williams:** I propose amendment 41 in my name.

*Cafodd gwelliannau 41, 42 a 43 eu grwpio ar gyfer y drafodaeth.
Amendments 41, 42 and 43 grouped for debate.*

[187] Amendments 41, 42 and 43 apply to various parts of section 30 of the proposed Measure but, in essence, do the same thing. Section 30 allows Ministers to direct that the specified functions of an authority be carried out by Welsh Ministers or by a person nominated by them. The Welsh Liberal Democrats fully accept that, sometimes, local authorities fail, or that some aspect of their work fails, and it is therefore proper and appropriate for Ministers to choose to intervene in those circumstances. However, we have concerns about listing the Welsh Ministers as the persons who will intervene.

[188] We believe that the Assembly Government is a facilitator; it is an organisation that funds others to deliver its services and, therefore, it is not appropriate for the Ministers to take over the running of a local service, in such circumstances. We agree that the Ministers should be able to get an agency or a named individual working on behalf of the Ministers to assist in the running of services in the short term, but we do not believe that, in the long term, the Assembly Government is in a position to run those services on behalf of a local authority.

Therefore, we would like to see the reference to the Welsh Ministers taken out.

2.40 p.m.

[189] **Michael German:** Do any Members wish to speak to this amendment?

[190] **Jonathan Morgan:** We support amendments 41, 42 and 43, and I endorse the point made by Kirsty Williams. I do not think that it is desirable for the Welsh Ministers be listed in this part of section 30 as drafted. I spoke earlier of unintended consequences, but this might be an intended consequence. Welsh Ministers would see the power transferred to an individual who would be directly responsible for running services. Without the ability for someone other than the Minister to undertake this function, the situation would be undesirable. Therefore, these amendments are sensible and I wholeheartedly support all three of them.

[191] **Michael German:** Do any other Members wish to speak?

[192] **Joyce Watson:** I would be quite happy to speak in opposition to this amendment.

[193] **Michael German:** Could you describe which amendment you are opposing, because there are three in the group?

[194] **Joyce Watson:** I am sorry. Section 30, amendments 41, 42 and 43.

[195] **Michael German:** So, you are speaking against all three amendments in the group, are you? I just want to be clear, for the record, because you said, 'this amendment'. This is a debate on three amendments.

[196] **Joyce Watson:** Yes, sorry. I agree that it is the Welsh Minister who should take control of such a situation. In taking that control, we would not be hiding behind an appointed nominee, but sending out a strong and clear message that the Minister is assuming control and accountability for that control. That is all that I have to say.

[197] **Lorraine Barrett:** I speak in opposition to amendments 41, 42 and 43 for the same reason as Joyce. The buck stops with the Minister, who may appoint a nominee, but when situations arise in the National Assembly for Wales or in other Parliaments, we hear outrage from opposition Members. They say, 'Do not blame the civil servant; you are the Minister, so you take the responsibility'. Here is such a situation, in which the Minister could choose to hide behind a civil servant or a nominee in another public body. Therefore, for those reasons, it is important that the Minister takes control and responsibility. He or she can appoint someone if it is more appropriate to do so. However, for me, the responsibility should still stay with the Minister.

[198] **Michael German:** Do any other Members wish to speak?

[199] **Gareth Jones:** I also want to speak in opposition to amendments 41, 42 and 43. I find it extremely difficult to identify a person other than a Minister who could take over in these circumstances. I would find it practically impossible, because it is the Welsh Assembly Government Minister who would be au fait with all aspects of local government, and it would be extremely difficult to find someone else who could take on that very important task.

[200] **Michael German:** I call on the Minister to respond first and then Kirsty will reply to the debate.

[201] **Brian Gibbons:** It is true that an independent facilitator can do good work, which is

why we have included that provision in the proposed Measure. If there are particular circumstances in which an independent body could do the job, that option or contingency should be available. However, it is a momentous decision for us as an Assembly Government to bring a public body, a local authority, under directions from the Assembly, and one would think that democratic accountability for that decision would be required as a fairly consistent feature.

[202] If we look at the practical experience of where intervention or involvement by Ministers has been necessary, we see that a feature has always been regular reports to the Assembly or its committees so that Members know exactly what is going on. That is only possible because Ministers have direct responsibility for that intervention and, because they are involved in that, they are duty bound to know what is going on. Delegating that activity to a facilitator would, by definition, reduce that accountability. If the facilitator is genuinely independent, the Minister is merely a conduit of information from them, without any accountability for what the facilitator does. If the facilitator is not genuinely independent, then they are answerable to the Minister, which is what we are trying to protect in this particular proposed Measure.

[203] I am not sure about Kirsty's assertion that ministerial involvement does not work. There have been instances of ministerial involvement with a number of local authorities across Wales, and with one possible exception, which is recent, all the evidence shows that ministerial intervention has been constructive and beneficial for those authorities. All of those authorities have improved. There is empirical evidence to show that Kirsty's argument is flawed. Therefore, on the basis of flexibility, democratic accountability and empirical evidence, I urge rejection of the three amendments.

[204] **Michael German:** I ask Kirsty Williams to reply to the debate.

[205] **Kirsty Williams:** As I said in proposing amendment 41, we understand that there will be circumstances where Ministers will seek to intervene in a particular service. We believe that the Minister is, therefore, democratically accountable for that decision to intervene. However, the Minister will be aware that local authorities, in trying to deliver services, whether they need assistance or not, are also democratically and locally accountable, and are delivering services on a mandate from local people. I am concerned that that mandate could be overturned by the Minister, and that the Government could be seen to be delivering services in a way that lacks that local democratic mandate.

[206] Being able to use a person nominated by the Minister does not preclude the Minister from keeping the Assembly updated in the Chamber. It sits uncomfortably with us that Ministers could carry out the functions of authorities, and we think that that could happen, given the way that this is drafted. It is more appropriate for functions to be carried out by bodies that are nominated by the Minister. Just this week, Gwenda Thomas signalled her intention, subject to further consultation, to intervene in children's social services in Swansea. She will not be running that service herself—she will appoint an intervention board to assist. We believe that appointed nominees are best-placed to deliver.

[207] **Michael German:** Do you wish to move to a vote or do you wish to withdraw your amendment?

[208] **Kirsty Williams:** I wish to move to a vote, Chair.

[209] **Michael German:** The question is that amendment 41 be agreed to. I call for a vote.

*Gwelliant 41: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 41: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Morgan, Jonathan
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

Gwrthodwyd gwelliant 41.
Amendment 41 defeated.

[210] **Michael German:** We now come to dispose of amendments 42 and 43 in the name of Kirsty Williams, on page 9 of the marshalled list. I invite Kirsty Williams to formally propose amendment 42.

[211] **Kirsty Williams:** I propose amendment 42.

[212] **Michael German:** The question is that amendment 42 be agreed to. I call for a vote.

Gwelliant 42: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 42: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Morgan, Jonathan
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

Gwrthodwyd gwelliant 42.
Amendment 42 defeated.

[213] **Michael German:** I invite Kirsty Williams to formally propose amendment 43.

[214] **Kirsty Williams:** I propose amendment 43.

[215] **Michael German:** The question is that amendment 43 be agreed to. I call for a vote.

Gwelliant 43: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 43: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Morgan, Jonathan
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

Gwrthodwyd gwelliant 43.
Amendment 43 defeated.

2.50 p.m.

Ystyr Swyddogaeth Benodedig (Adran 30)
Meaning of Specified Function (Section 30)

[216] **Michael German:** We now come to amendment 44 in the name of Kirsty Williams, which is in a group on its own. I invite Kirsty Williams to propose and speak to amendment 44.

[217] **Kirsty Williams:** I propose amendment 44 in my name.

[218] Section 30(6) gives Ministers powers to direct authorities that a specified function must be exercised by the Ministers or their nominees. We would like to test the concept and consider whether those functions should be restricted to statutory functions rather than any other type of function that might be included, such as the provision of leisure centres or discretionary services that local authorities are responsible for. We accept that, at this stage, the amendment mentions only one specific statutory function. We have tabled the amendment thus to raise a debate on the issue, with a view to possibly tabling a fully worked-up amendment at Stage 3. We would like to test the principle of restricting this to statutory functions only.

[219] **Michael German:** Does any Member wish to speak on this?

[220] **Brian Gibbons:** We were mystified, I must admit. We spent a fair amount of time trying to understand what this amendment was intended to do.

[221] **Kirsty Williams:** You should have picked up the phone, Minister.

[222] **Brian Gibbons:** That may be a useful lesson for the future—perhaps you are right. Our understanding is that we can intervene only on a statutory basis. If an authority is doing something on a discretionary basis that is not covered by the statutory framework, that is fair enough, but we would not have a basis on which to intervene. We will certainly take your point back, just to confirm that that is the case, but that is our understanding. On the basis that this is a sprat to catch a mackerel, I would urge Members to reject amendment 44, but I appreciate fully the spirit in which it was proposed, and we will seek to address the issues of principle involved.

[223] **Kirsty Williams:** Thank you. I am grateful for the Minister's assurance that they will seek to address the principles involved and perhaps look at a way of making that clear, because the nature of statutory and non-statutory functions was not clear from our reading of that subsection.

[224] **Michael German:** Kirsty, do you wish to move to a vote or do you wish to withdraw your amendment?

[225] **Kirsty Williams:** I wish to withdraw amendment 44.

[226] **Michael German:** Does any Member object to amendment 44 being withdrawn? I see that there are no objections.

*Tynnwyd gwelliant 44 yn ôl drwy ganiatâd y pwyllgor.
Amendment 44 withdrawn by leave of the committee.*

Diwygiadau Amrywiol a Chanlyniadol (Adrannau 40 a 51, Atodlennau 1, 2, 3 ac Atodlen Arfaethedig Newydd)
Miscellaneous and Consequential Amendments (Sections 40 and 51, Schedules 1, 2, 3 and Proposed New Schedule)

[227] **Michael German:** We now come to amendment 23 in the name of Brian Gibbons, which is grouped with amendments 25, 26, 27, 28, 24, 34, 29, 30, 31 and 32. Minister, would you like amendment 23 in your name to be proposed?

[228] **Brian Gibbons:** Yes, please, Chair.

[229] **Michael German:** I propose amendment 23 in the name of Brian Gibbons.

Cafodd gwelliannau 23, 25, 26, 27, 28, 24, 34, 29, 30, 31 a 32 eu grwpio ar gyfer y drafodaeth.

Amendments 23, 25, 26, 27, 28, 24, 34, 29, 30, 31 and 32 were grouped for debate.

[230] I call on the Minister to speak to amendment 23 and the other amendments in the group.

[231] **Brian Gibbons:** Amendments 23 and 29 correct typographical errors in the drafting of the proposed Measure. In both cases, the proposed Measure refers to non-existent provision. Amendment 25 is required to make consequential amendments to sections 39(a) and (c) and 139(d) of the Social Security Administration Act 1992. The purpose of this amendment is to allow the Secretary of State to exercise his powers under that Act where an authority fails to comply with Part 1 of the proposed Measure with regard to the administration of benefit and/or the Secretary of State has received a report from the Auditor General for Wales to that effect. This preserves the current situation under the Local Government Act 1999. As policy responsibility for benefits is not devolved, it is important that the Secretary of State remains able to receive, and act on, evidence from the Wales auditors. Amendment 25 would affect the functions of the Secretary of State under Schedule 5 to the Government of Wales Act 2006, and a Measure can only make such provision if the Secretary of State consents. I sought and received such consent in writing before tabling this amendment. The Department for Work and Pensions is fully content with what we propose.

[232] Amendments 26, 27, 30, 31 and 34 remove provisions in the Local Government Act 1999 as regards Wales, which will become redundant as the proposed Measure establishes an alternative improvement regime here in Wales.

[233] Amendment 28 relates to Schedule 2, which would make consequent amendments to the Planning and Compulsory Purchase Act 2004. The effect of the amendment would require a Welsh local authority or national park authority to have regard to a community strategy prepared under Part 2 of the proposed Measure when preparing a local development plan. This would replace the provisions that require such authorities to have regard to the community strategies prepared under section 4 of the Local Government Act 2000. The proposed Measure would repeal and replace that section as regards Wales.

[234] Amendment 24 relates to amendment 34. The amendment would introduce a new Schedule 3, containing transitional provisions and savings for Parts 1 and 2 of the proposed Measure. Amendment 34 would introduce a new Schedule of transitional provision and savings to the proposed Measure. The new Schedule would make provision for the time between when the proposed Measure came into force and the publication of a new community strategy under the proposed Measure. It will take some time for local authorities and their partners to prepare new community strategies or to revise the current ones. During that time, it will be important that local authorities and others have regard to strategic objectives set out in the original community strategy prepared under the Local Government Act 2000. These amendments provide that a community strategy prepared under the 2000 Act remains valid until one is prepared under the proposed Measure. In particular, they would mean that local authorities and national park authorities could continue to reflect their existing community strategy in drawing up the local development plan. Once a local authority has published a community strategy under section 39 of the proposed Measure, the Schedule's transitional provisions would automatically cease to apply. I recommend that this new Schedule be inserted after Schedule 2 to the proposed Measure as drafted. As I said, these amendments are minor and consequential, but they are nonetheless necessary, and I would urge the committee to support them.

[235] **Michael German:** Does any Member wish to speak to this group of amendments? I see that you do not. Minister, do you wish to move to a vote on your amendment 23 or do you wish to withdraw it?

[236] **Brian Gibbons:** I wish to move to a vote.

[237] **Michael German:** The question is that amendment 23 be agreed to. I call for a vote.

*Gwelliant 23: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 23: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 23.
Amendment 23 carried.*

[238] **Michael German:** We will now dispose of the remaining amendments in the group, amendments 25, 26, 27, 28, 24, 34, 29, 30, 31 and 32, which are on pages 10 to 15 of the marshalled list. Minister, would you like these amendments in your name to be proposed?

[239] **Brian Gibbons:** Yes, Chair.

[240] **Michael German:** I propose amendment 25 in the name of Brian Gibbons. The question is that amendment 25 be agreed to. I call for a vote.

*Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 25: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 25.
Amendment 25 carried.*

[241] **Michael German:** I propose amendment 26 in the name of Brian Gibbons. The question is that amendment 26 be agreed to. I call for a vote.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth

Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 26.
Amendment 26 carried.*

[242] **Michael German:** I propose amendment 27 in the name of Brian Gibbons. The question is that amendment 27 be agreed to. I call for a vote.

*Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 27: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 27.
Amendment 27 carried.*

[243] **Michael German:** I propose amendment 28 in the name of Brian Gibbons. The question is that amendment 28 be agreed to. I call for a vote.

*Gwelliant 28: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 28: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 28.
Amendment 28 carried.*

[244] **Michael German:** I propose amendment 24 in the name of Brian Gibbons. The question is that amendment 24 be agreed to. I call for a vote.

3.00 p.m.

*Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 24: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

Derbyniwyd gwelliant 24.

Amendment 24 carried.

[245] **Michael German:** I propose amendment 34 in the name of Brian Gibbons. The question is that amendment 34 be agreed to. I call for a vote.

*Gwelliant 34: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 34: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 34.
Amendment 34 carried.*

[246] **Michael German:** I propose amendment 29 in the name of Brian Gibbons. The question is that amendment 29 be agreed to. I call for a vote.

*Gwelliant 29: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 29: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 29.
Amendment 29 carried.*

[247] **Michael German:** I propose amendment 30 in the name of Brian Gibbons. The question is that amendment 30 be agreed to. I call for a vote.

*Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 30: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 30.
Amendment 30 carried.*

[248] **Michael German:** I propose amendment 31 in the name of Brian Gibbons. The question is that amendment 31 be agreed to. I call for a vote.

Gwelliant 31: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 31: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 31.
Amendment 31 carried.*

[249] **Michael German:** I propose amendment 32 in the name of Brian Gibbons. The question is that amendment 32 be agreed to. I call for a vote.

*Gwelliant 32: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 32: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 32.
Amendment 32 carried.*

[250] **Michael German:** We now move to dispose of amendment 33, which was debated with amendments 12, 13, 18 and 19 in the sixth group of amendments concerning information sharing. Minister, would you like amendment 33 in your name to be proposed formally?

[251] **Brian Gibbons:** Yes, if you would, please.

[252] **Michael German:** I propose amendment 33 in the name of Brian Gibbons. The question is that amendment 33 be agreed to. I call for a vote.

*Gwelliant 33: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 33: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Jonathan
Watson, Joyce
Williams, Kirsty

*Derbyniwyd gwelliant 33.
Amendment 33 carried.*

[253] **Michael German:** We now move to dispose of amendment 39, which was debated with amendments 21, 38, 22A, 22, 37 and 40 in the ninth group of amendments concerning the powers of Welsh Ministers to support improvement authorities. I invite Kirsty Williams to propose amendment 39.

[254] **Kirsty Williams:** I propose amendment 39 in my name.

[255] **Michael German:** The question is that amendment 39 be agreed to. I call for a vote.

*Gwelliant 39: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 39: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Morgan, Jonathan
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Watson, Joyce

*Gwrthodwyd gwelliant 39.
Amendment 39 defeated.*

[256] **Michael German:** That concludes our consideration of amendments at Stage 2. Sections 1 to 54 and Schedules 1, 2 and 3 are deemed agreed, together with the new sections and Schedules agreed to in today's proceedings. Standing Order No. 23.40 reads as follows.

[257] 'If a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.'

[258] I consider that the amendments agreed by this committee have substantially altered some existing provisions and have certainly inserted new sections and Schedules. As such, in accordance with Standing Order No. 23.40, do Members agree that the Assembly Government should prepare a revised explanatory memorandum? I see that you all agree. Therefore, the Government is required to provide a revised explanatory memorandum.

[259] I now turn to Standing Order No. 23.41, which is the sting in the tail.

[260] 'Any revised Explanatory Memorandum requested under Standing Order 23.40 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.'

[261] Stage 3 begins tomorrow. *[Laughter.]* The deadline for tabling amendments will be notified to Members in due course and will also be published in the business notice.

[262] I thank Members for bearing with me and for going through this at a rate of knots. I declare the meeting closed and thank you for your attendance.

*Daeth y cyfarfod i ben am 3.04 p.m.
The meeting ended at 3.04 p.m.*