

Report To: Democratic Services Committee

Date of Meeting: 14th November 2013

Lead Member/Officer: Gary Williams Head of Legal and Democratic Services

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Title: Consultation on Designated Persons Order

1. What is the report about?

- 1.1 The report is about the consultation document produced by Welsh Government in respect of the public bodies that it is considering including in an order identifying bodies as designated persons that can be scrutinised by local authorities under the provisions of the Local Government (Wales) Measure 2011

2. What is the reason for making this report?

- 2.1 To seek Members' views on the consultation document with a view to preparing a response on behalf of the Council to the proposals.

3. What are the recommendations?

- 3.1 That Members note the contents of the consultation paper and provide views as to the response to be submitted on behalf of the Council

4. Report details.

- 4.1 The Local Government (Wales) Measure 2011 ("the Measure") provides the Welsh Ministers with the legal power to 'designate' public service providers for the purposes of local authority scrutiny. In other words it broadens the application of local government scrutiny to the wider public service (those organisations which are 'designated'). The provisions of the Measure place a new duty on local authority scrutiny committees to scrutinise public service providers in their area.
- 4.2 The purpose of this duty is not to replicate systems of accountability that already exist in respect of these other bodies, but, rather, to focus on areas where the public services work together.
- 4.3 It may be that some of the bodies being considered for designation already participate in discussions at our scrutiny committees, e.g. the local health board, but the current law does not require the local authority's scrutiny committees to engage in this activity and there is no way of compelling other public bodies to attend scrutiny meetings.
- 4.4 Under the provisions of the Measure public bodies that are designated in an Order made by the Welsh Ministers can be required to attend before a scrutiny committee

in respect of matters that affect the authority's area or the inhabitants of the area, and provide the committee with such information as is reasonably required.

- 4.5 These provisions do not apply to matters in respect of which a crime and disorder committee could make a report or recommendations.
- 4.6 The Measure provides that a scrutiny committee may make a report and recommendations to a designated person and request that they take it into consideration.
- 4.7 The Measure sets out criteria for those bodies which may be designated. They are bodies which;
- provide the public (or a section of the public) with services, goods or facilities of any description (whether on payment or not);
 - provide those services, goods or facilities in the exercise of functions of a public nature; and
 - are wholly or partly funded by public money.
 - are not a local authority (meaning a county or county borough council).
- 4.8 The current consultation document is seeking the views of local authorities on the bodies that should be designated for the purposes of the Measure as designated persons. The Welsh Government expresses the view that the designation of bodies should take place in a phased way and is suggesting that the first designation order should include bodies that are required under Section 38 Local Government Wales Measure 2009 to participate in community planning through single integrated plans.
- 4.9 The intended effect is that there will be a focus on scrutiny of the contribution made by Local Service Board partners to the delivery of shared objectives in the single integrated plan.
- 4.10 The bodies that are being suggested for designation at this stage are as follows;
- Local Health Boards
 - NHS Trusts
 - Fire and Rescue Authorities
 - National Park Authorities
- 4.11 The Welsh Government is also seeking views on whether to include town and community councils given their role in community planning.
- 4.12 Other bodies, the designation of which the consultation seeks views on, are registered social landlords and third sector bodies that meet the criteria set out above.
- 4.13 The consultation paper also asks for views on whether there are other bodies that should be designated in this first order or in future orders.

4.14 The consultation paper is attached as Appendix 1 to this report and the response form is attached as Appendix 2.

5. How does the decision contribute to the Corporate Priorities?

5.1 The ability to require designated persons to attend before scrutiny and provide information will assist in scrutinising those aspects of the corporate priorities that depend upon partnership working with other public bodies and agencies.

6. What will it cost and how will it affect other services?

6.1 There is no direct cost associated with this consultation. There may well be a requirement for more resources to support the scrutiny of designated bodies if these are to be additional to the current scrutiny workload.

7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?

7.1 This is a consultation document. The Chairs and Vice Chairs of Scrutiny and Cabinet have been consulted. There is no requirement for an Equalities Impact Assessment.

8. Chief Finance Officer Statement

8.1 The report is simply a response to a consultation and, as such, has no major financial implications. These will be determined once the revisions to the scheme are confirmed.

9. What risks are there and is there anything we can do to reduce them?

9.1 The risk in not responding to the consultation is that the views of the Council are not taken into account.

10. Power to make the Decision

10.1 Section 111 Local Government Act 1972.