

Local Government and Public Service Committee

LGPS(2)-12-06(p.3)

Date: Thursday 21 September 2006

Venue: Committee room 2, Senedd, National Assembly for Wales

Title: Secondary Legislation Forward Look

Purpose

1. To provide members with:
 - a schedule of proposed legislation and invite members to indicate which items they wish to scrutinise in more detail.
 - a schedule of regulations where the Minister has agreed to use executive procedures

Forward look

2. At **Annex A** is a report from the Minister outlining forthcoming legislation and others items of secondary legislation in the pipeline. When considering its draft strategic work programme the Committee agreed to identify for scrutiny those items of legislation where there was scope to influence content. Under the column titled 'scope' the Minister has indicated whether there is scope for distinctive Welsh policy.

Recommendations

3. That the Committee notes the report from the Minister (see Annex A) and identifies draft legislation for future scrutiny.

Ann Jones
Committee Chair

Contact: Lara Date, Committee Clerk

LOCAL GOVERNMENT & PUBLIC SERVICES COMMITTEE Proposed Legislation

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REF NO.	TITLE	INTENTION OF LEGISLATION			Policy Type	KEY DATES & PROCEDURE	COMMENTS
		PURPOSE	EFFECT	SCOPE	T- Technical P-Policy	SC - Subject Committee BC- Business Committee. LC-Legislative Committee P-Plenary CIF- Come into Force	
Legislation with crosscutting themes - for information purposes							
	The Placement of Children (Wales) regulations 2007 <i>(please note that DLS are looking at more appropriate title given the range of changes to be included with regs)</i>	To strengthen arrangements for placements, health and education of looked after children - Details are included with the feasibility report tabled by Business Unit on 31 May 2006 and debated in plenary on 7 June 2006	Regulations and statutory guidance will place new duties on local government and health partners to meet new duties in respect of looked after children that will have effect from July 2007	Impact on Local Government - regulations and guidance will impose additional duties on local authorities and health partners,	P	Other dates TBC CIF - July 2007	Procedures Not identified for scrutiny S024 & SO29 Regs and Statutory guidance will be issued under Children Act 2004 and Local Authority Social Services Act 1970
	Food Law Code of Practice	Revision of the current Food Safety Act Code of Practice and associated Practice Guidance,	The Code sets out instructions and criteria to which food authorities should have regard when engaged in the enforcement of food	To reflect the new legislative base for food law – The EU Food Hygiene Regulations and the Food Hygiene (Wales) Regulations 2006.	T	Not yet Timetabled	Not identified for scrutiny

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		concerning the execution and enforcement of the Act and Regulations made under it by Food Authorities.	law.				
TWA 1	The draft Regional Transport Planning (Wales) Order 2006	To ensure that future transport planning more accurately reflects the people of Wales' travel patterns.	The overall effect of this Order will be to require local authorities to produce Local Transport Plans on a regional rather than individual authority basis. These regional plans will be consistent with the over arching Wales Transport Strategy.	Limited to Wales. The Order will directly affects all 22 Local Authorities in Wales.	T	BC – 26 Sept 2006 LC – 10 Oct 2006 P – 24 Oct 2006 CIF – 25 Oct 2006	SO 24 Identified for Scrutiny Crosscutting theme - for information purposes only.
TWA 2	The draft Public Transport Users' Committee for Wales (Establishment) Order	To establish a Public Transport Users' Committee for Wales, which will Act, as a watchdog to ensure that the passengers' voice is heard.	This Committee will represent the interests of users of all modes of public transport in Wales, that is ferries, taxis and air services as well as buses and trains. It therefore has the potential to help promote and develop integrated transport policies across Wales.	Limited to Wales.	P	Not yet time-tabled but unlikely to come forward before Spring 2007	SO 24 Identified for Scrutiny Crosscutting theme - for information purposes only.
	Congestion Charging Regulations	To enable Local Authorities to introduce two forms of charging: congestion charging and work place parking levies	These regulations will enable a Local Authority to introduce a congestion charging scheme within their area, subject to Assembly approval.	Limited to Wales. The Order may affect Local Authorities in Wales.	P	Not yet time-tabled but unlikely to come forward before Spring 2007	SO 24 Identified for Scrutiny Crosscutting theme - for information purposes

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							only.
Additional Legislation added since timetable last circulated							
LG.098	Account & Audit (Wales) Regulations (amendment) 2007	To reflect a significant change in accounting terms for year ended 31 March 2007 that will require authorities to complete different accounting statements.	The 2006 SORP changes published on 16 June 2006 enable further accounting convergence with UK-GAAP accounting requirements which is an objective supported by HM Treasury and backed up by the regulations underpinning the Whole of Government Accounts	Wales only	T	BC - 23.01.07 LC - 06.02.07 P - 14.02.07 CIF - 01.03.07	SO 24
LG.099	Local Authority (Capital Finance & Accounting) (Wales) Regulations (Amendment) 2007		An amendment to regulations will help mitigate the impact of bringing in the changes to the SORP to accommodate the new accounting standard – FRS26. It will help local authorities allow for <i>existing</i> premia to be treated as now, and avoid the full value of the carrying debt (valued at circa £43m across	Wales Only	T	Draft Timetable to be agreed by Policy Lead	SO 24

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			authorities in Wales) being written off by authorities on 1/4/2007.				
	The Local Authorities (Conduct of Referendums) (Amendment) (Wales) Regulations 2007	To update the existing regulations to reflect changes introduced by the Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004	To incorporate amendments subsequently identified by Legislation Committee and to make administrative improvements similar to those already made by the comparable regulations for England.	Wales only		Timetable Awaited	SO 24
LG.091	Non- Domestic Rating (Small Business Relief) (Wales) Order 2006	To implement regulations and regulatory amendments for the introduction of the new Small Business Rate Relief scheme.	To implement the Non-Domestic Rating (Small Business Relief) (Wales) Order for the introduction of the new Small Business Rate Relief scheme.	Wales Only	T	BC - 28.11.06 LC - 05.12.06 P - 12.12.06 CIF - 01.04.07	SO 24

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LG.092	Non-Domestic Rating (Demand Notices and Discretionary Relief) (Amendment) Regulations 2006	To implement regulations and regulatory amendments for the introduction of the new Small Business Rate Relief scheme.	To implement the Non-Domestic Rating (Demand Notices and Discretionary Relief) (Amendment) Regulations for the introduction of the new Small Business Rate Relief scheme.	Wales Only	T	BC - 28.11.06 LC - 05.12.06 P - 12.12.06 CIF - 01.04.07	SO 24
LG.093	The Local Government Act 2003 (Commencement No.1 and Savings) (Wales) Order 2006	To implement regulations and regulatory amendments for the introduction of the new Small Business Rate Relief scheme.	To implement the Local Government Act 2003 (Commencement No.1 and Savings) (Wales) Order for the introduction of the new Small Business Rate Relief scheme.	Wales Only	T	BC - 28.11.06 LC - 05.12.06 P - 12.12.06 CIF - 01.04.07	SO 24
LG.094	The Non-Domestic Rating Contribution (Wales) (Amendment) Regulations 2006	The rules for calculating the contributions to the non-domestic rating pool are contained in The Non-Domestic Rating Contributions (Wales) Regulations 1992 (SI 1992/3238). Amendments are made annually to certain	Local Authorities are required to pay non-domestic rating contributions to the Assembly in respect of the rates that they collect from businesses in their area. Rates are paid into the non-domestic rating pool, from which they are re-distributed, to the local authorities on the basis of adult population. Payments into the pool are made by the local	Wales only	T	BC - 28.11.06 LC - 05.12.06 P - 12.05.06 CIF - 31.12.06	SO 24

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		<p>parts of the Regulations to ensure that the basis for local authority contributions to the pool remain accurate. Amending regulations are now required to enable local authorities to correctly calculate their non-domestic rating contributions for 2007-08.</p> <p>To enact Section 63 of the Local Government Act 2003 to allow Local Authorities not to maintain rural settlement lists as the business rate rural relief scheme is being replaced by the Small Business Rate Relief scheme.</p>	<p>authorities by way of estimates, which are completed before the start of the financial year. After the end of the financial year, local authorities submit final audited returns which will determine whether they will receive payments from, or whether they will be required to make additional contributions to the rating pool.</p>				
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LG.097	Council Tax (Administration and Enforcement) (Amendment) (Wales) Regulations 2006	To uprate the earnings thresholds for applying an Attachment of Earnings Order to recover council tax debt.	Allows debtors to retain more of their earnings before deductions are made. Will take longer for local authorities to recover debt	Wales Only		BC - 23.07.07 LC - 06.02.07 P - 14.02.07 CIF - 01.04.07	SO24 Accelerated procedure
LG.096	Council Tax (Discount Disregards) (Amendment) (Wales) Order 2006	To uprate the amount an apprentice can earn before becoming liable for council tax, and to update some definitions where consequential amendments have not been made following the introduction of other Regs.	Allows apprentices to earn more before they become liable for council tax. Updates definitions to retain original policy intent	Wales Only		BC - 23.07.07 LC - 06.02.07 P - 14.02.07 CIF - 01.04.07	SO24 Accelerated procedure
LG.095	Council Tax (Additional Provision for Discount Disregards) (Amendment) (Wales) Regulations 2006	To uprate the amount that certain care workers can earn before they become liable for council tax.	Allows care workers to earn more before they are counted as liable for council tax.	Wales Only		BC - 23.07.07 LC - 06.02.07 P - 14.02.07 CIF - 01.04.07	SO24 Accelerated procedure

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LG.090	The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2007	To amend the Local Government Act 1992.	To amend the Local Government Act 1992 as requested by the Parliamentary Counsel.	Wales Only	T	BC - 12.12.06 LC - 16.01.07 P - 30.01.07 CIF - 01.02.07 Standard Procedure	SO 24
Current Legislation - previously circulated							
LG.089	The National Assembly for Wales (Returning Officers' Charges) Order	To put in place the statutory provisions governing the funding of Assembly elections	To reimburse Returning Officers for the fees and charges incurred in connection with the Assembly election in May 2007	Wales Only	T	BC - 07.11.06 LC - 21.11.06 P - 05.12.06 CIF - 08.12.06 Standard Procedure	SO 24 Not Identified for Scrutiny
LG.088	The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Amendment) (Wales)	To amend Regulation 10 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001	To amend Regulation 10 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 to bring it into line with the amendments being proposed in relation to	Wales Only	T	BC - 14.11.06 LC - 28.11.06 P - 05.12.06 CIF - 06.12.06 Accelerated Procedure	SO 24 Not Identified for Scrutiny This legislation must come

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	Regulations 2006		Schedule 12A of the Local Govt Act 1972 by the Local Govt (Access to Information) (Variation) (Wales) order 2006				into force on the same day as the Local Government (Access to Information) (Variation) (Wales) Order 2006.
LG.084 (Previously LAA21)	The Conduct of Members (Principles and Model Code of Conduct) (Wales) Order 2006/07	To prescribe a revised code of conduct for local government in Wales, following outcome of the review of the operation of the existing code.	Introduces a new code applying to members of county/county borough and community councils, fire authorities and national park authorities.	Powers under sections 49, 50 and 81 of the Local Government Act 2000	T	Legislation delayed - unable to meet the drafted timescale.	Previously identified for scrutiny 22.09.04
	Regulatory Reform (Local Authorities) (England and Wales) Order 2006	To remove five consent regimes: <ul style="list-style-type: none"> • S4 Cancer Act 1939 ▪ Para 25 of Sch 14 of LGA 1972 ▪ S 71 of LGA 1972 ▪ S1 of LG (Overseas) Act 1993 ▪ Para 6 of Sch 1 of Education Act 1996 	Remove unnecessary bureaucracy in local government.	England and Wales	P	No requirement for timetable	Not identified for scrutiny SO 26 Legislation

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LG.055 (Previously LAA 04)	The Local Authorities (Allowances for Members of County and County Borough Councils and Fire and Rescue Authorities) (Wales) Regulations 2007	To amend councillors' allowances regulations to enable allowances to cease if councillor is suspended and increase flexibility in travel & subsistence arrangements	Will impact on local authorities only.	Power under section 18 of Local Government and Housing Act 1989 and Local Government Act 2000 (s100)	P	Timetable currently being revised CIF - 31.10.06	SO24 Identified for detailed scrutiny by the LGPS Committee at its 25 February 2004 meeting.
LG.066 (Previously LAA 11)	The Landlord and Tenant Act 1954, Part II (Notices) (Wales) (Amendment) regulations 2005	To amend business tenancies legislation under the Landlord and Tenant Act 1954	Bilingual forms for use of landlords and tenants of commercial property.	Bilingual forms for tenants and landlords	T	Legislation Abandoned Legislation currently on hold: delayed as DCLG are due to conduct a consultation exercise on s 57 of the Landlord and Tenant Act 1954 and this is likely to impact on the Regulations. CIF - 1 March 2007	SO 24 Not identified for scrutiny
LG.074 & LG.075 (Previously	The Local Authorities Executive	Amendment to Functions and Responsibilities and	Impacts on how local authorities make certain decisions.	Power under section 13 of Local Government Act 2000.	T	BC - 28 Nov 2006 LC - 12 Dec 2006 P - 16 Jan 2006	SO 24 Not

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LAA 26)	Arrangements (Functions and Responsibilities) (Wales) Regulations 2006 and the Local Authorities (Alternative Arrangements) (Wales) Regulations 2006	Alternative Arrangements Regulations – technical updating of whether functions are for the executive of an authority PHASE II				CIF - 18 Jan 2007 Standard Procedure	identified for scrutiny Legislation currently delayed in order to consider (i) representations made to those Authorities operating Alternative Arrangements and (ii) the need to incorporate amendments arising out of the Gambling Act 2005.
LG.064 (Previously LAA 27)	The Local Authorities (Access to Information) (Variation) (Wales) Order 2005	Amendment to Schedule 12A of the Local Government Act 1972	Schedule 12A sets out the types of information exempt from the general public. Amendment required to ensure local authority compatibility with the Freedom of Information Act 2000 which becomes fully operational on 1 January 2005	Section 100I and Schedule 12A of Local Government Act 1972	T	BC - 14.11.06 LC - 28.11.06 P - 05.12.06 CIF - 06.12.06	SO24 Not identified for scrutiny

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LAA-28	Local Authorities (Allowances for Members of Community Councils) (Amendment) (Wales) Regulations 2005	To amend community councillors allowance regulations to enable community councils to have the discretion to pay additional allowances.	Will impact on community councils only	Sections 173-178 of Local Government Act 1972 and section 100 of Local Government Act 2000	P	Delayed indefinitely	SO24 Not identified for scrutiny
LG.065 (Previously LAA30)	Local Authorities (Political Restrictions Regime) (Wales) 2005	To review the restrictions on the political activity of local government employees	To amend regulations on the scope of staff affected; the extent of restrictions; role of the independent adjudicator; pay of political assistants	Powers under the Local Government and Housing Act 1989	T	Delayed indefinitely: awaiting ODPM decisions on primary legislation	SO 24 Identified for future scrutiny by LGPS Committee on 1 December 2004. Consultation ended 4 February 2005. Awaiting UK Gvt decision on any amendment to primary legislation before asking Minister to decide on way forward.

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LG.080 (Previously LAA33)	The Standards Committees (Wales) Regulations 2006	To regulate for community committee members, the re- appointment of independent members, exempt information and sub- committees.	To remove existing difficulties and restrictions being encountered by local authorities.	Regulations cover Wales only	P	Legislation CIF - 14 July 2006 To be removed from Forward look	Identified for future scrutiny by LGPS committee on 21 September 2005