

Policy Items not subject to Consultation

Topic	ODPM Proposals for Primary Legislation	Welsh Assembly Government Proposals
Business rates-Revaluation Timetable	Amend the dates by which the valuation officer(s) have to provide the draft and compiled rating lists.	Agree. We wish this provision to apply in Wales.
Business rates-Compensation for erosion of rateable value	<ul style="list-style-type: none"> a. Amend formula for calculating multiplier to take account of erosion over and above that estimated at start of new list. b. Amend duty to calculate the multiplier at a revaluation based on estimates of total rateable value to include power to take account of erosion arising from non-backdated appeals. 	Agree. We support this move to protect rates yield and would wish these provisions to apply in Wales.
Business rates-Ending prescription	Abolish powers of the SoS to prescribe rules for determining Rateable Values and prescribing particular Rateable Values.	Agree. We support the abolition of prescription and would wish these provisions to apply in Wales.
Business rates-Decriminalisation of non-return of forms	<ul style="list-style-type: none"> a. Amend the deadline for returning statutory information to 56 days. b. Repeal provision making non-return a criminal offence and replace with new civil offence. c. New power to provided for service of notice relating to new civil offence. d. New power to enable SoS to vary the level of civil penalty. 	Agree. We wish these provisions to apply in Wales.
Business rates-Rating of meters	<ul style="list-style-type: none"> a. Make provision for establishing that land used for the operation of utility meters is a hereditament. b. Make provision establishing that the occupier of such a hereditament is the owner. 	Agree. We fully support the rating of meters owned by suppliers and wish these provisions to apply in Wales.
Business rates-Clarification of exemption for agricultural buildings	<ul style="list-style-type: none"> a. Provide for exemption of ancillary buildings connected with farming rings, but not in common occupation. b. Modify occupancy tests applied in determining exemption for ancillary buildings 	Agree. We wish these provisions to apply in Wales.

Business rates- Hardship relief	Amend power to amend contributions regulations so that changes can be made after 1 January in the preceding financial year.	Agree. We wish these provisions to apply in Wales.
Business rates- Transitional relief	New provision making transitional relief a permanent feature of revaluations.	We are strongly opposed to this. We want to retain the existing provision that gives the Assembly the power to decide whether or not to have a scheme in the light of the impact of a revaluation on business in Wales.
Business rates- Small business relief	<ul style="list-style-type: none"> a. New provision giving mandatory relief to small businesses occupying properties within prescribed rateable value limits. b. New power for the SoS to make regulations dealing with the interaction between small business relief and other reliefs. c. New provision introducing dual multiplier. 	<ul style="list-style-type: none"> a. Want a widely drafted power enabling the Assembly to set, by Order, the parameters of the scheme to be introduced in Wales. This would include the size and types of property to be covered and the amount of relief to be given. This will include the power for the Assembly to revoke by order the current provisions for rural rate relief contained in the 1988 Act insofar as they relate to Wales. b. Agree. We wish this provision to apply in Wales and be at the discretion of the National Assembly. c. Agree. We wish this provision to apply in Wales and its use to be at the discretion of the National Assembly.

Valuation Tribunals	The creation of an NDPB to provide administrative support for Valuation Tribunals.	We do not wish to apply this provision in Wales.
Merger of NNDR and RSG	<ul style="list-style-type: none"> a. Creation of a new grant called 'Formula Grant' b. Repeal of parts of LGFA 1988 and 1992 dealing with the distribution and reporting of the revenue settlement and replacement with similar new provisions c. Creation of a new account called the 'Formula Grant Account' which would be the 'home' of central government support and current NDR 'pool' transactions d. The 'Distributable Amount ' would still be calculated and included in the local Government Finance Report 	<p>Agree in principle.</p> <p>We will adopt the primary legislation (although we may wish to use a different name to Formula Grant) if NNDR is to continue in Wales.</p>
Separation of Local Government and Police settlement reports	DTLR have not requested this.	We seek this provision for Wales as it will enable the earlier publication of the local government settlement.
Approval of the Council Tax Base to become a function of local authority executives.	DTLR have not requested this.	We seek this provision for Wales as it will assist greatly in further improving the revenue settlement timetable. We see not need for this to be approved by full council but setting the council tax should remain a function of the full council.
CFO to report to the Council on the robustness of the budget calculations	Specific provision to be created	This is not agreed as a requirement to be placed on all Welsh authorities. However, we seek provision as a reserve power either to be applied as a blanket across Wales or on an individual authority.
Local authorities to keep a	Specific provision to be created	This is not agreed as a requirement to be

<p>minimum level of reserves</p>		<p>placed on all Welsh authorities. However, we seek provision as a reserve power either to be applied as a blanket across Wales or on an individual authority.</p>
<p>Duty on local authorities to keep their budget under review and take corrective action</p>	<p>Specific provision to be created</p>	<p>This is not agreed as a requirement to be placed on all Welsh authorities. However, we may seek provision as a reserve power either to be applied as a blanket across Wales or on an individual authority.</p>
<p>S114/115- CFO to be able to approve expenditure related to preventing further financial difficulties</p>	<p>Specific provision to be introduced</p>	<p>Agree. We wish this provision to apply in Wales.</p>
<p>Payments towards local authority indebtedness</p>	<p>This would include payments to cover debts owing to the Public Works Loans Board (PWLB) and non PWLB debt. This would include premiums on the early repayment of debt. Relates to the issue of overhanging debt.</p>	<p>Agree.</p>
<p>Council Tax</p>	<p>Introduction of statutory revaluation cycle Clarification of ability to change bandings and ratios on revaluation</p>	<p>Agree- subject to Welsh discretion over timings of revaluation, structure of the system in Wales and complete discretion over transitional relief schemes.</p>
<p>The Prudential System</p>	<ul style="list-style-type: none"> a. Repeal of BCA etc process b. Greater reliance on proper accounting practice and codes c. Some controls on the use of capital receipts d. Credit arrangements to be treated as borrowing e. Power to invest f. Wide power to amend the system by regulation and direction 	<p>All agreed and we would wish these provisions to apply in Wales with the operation of the system in Wales at the discretion of the National Assembly for Wales.</p>

Specific power for local authorities to invest	New provision	Agree. We wish this provision to apply in Wales.
Payment of Best Value grant to Community Councils	Introduction of a new power to pay grant to town, parish and community councils which are subject to Best Value	Agree- All community councils in Wales are currently de minimis but this might not always be the case as we await the outcome of the research study.
Index linking of s137 expenditure for Community Councils	New provisions	Agree. We wish this provision to apply in Wales.
Clarification of provisions on community council finance and the introduction of a specific power to invest	New power	Agree. We wish these provisions to apply in Wales
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Emergency Financial Assistance to Fire Authorities	Extention of this facility to fire authorities	Agree.
Trading powers	<p>New provision to enable local authorities to trade, subject to provisions in secondary legislation.</p> <p>These provisions might be applied differently to different individual authorities or to different categories of authorities (see freedoms and flexibilities below)</p>	Agree. We would wish the Assembly to have the powers of regulation and guidance relating to Wales. There would be no cross reference to categorisation of authorities by the Audit Commission in Wales.
Fees and charges	New provision to enable local authorities to charge for discretionary services	Agree. We wish this provision to apply in Wales. We would wish the Assembly to have the powers of regulation and guidance relating to the exercise of this

		power in Wales.
Housing	<ul style="list-style-type: none"> a. Intro of prudential system b. Abolition of set aside-introduction of a pool for Wales c. Removal of rent rebates from the HRA d. Clarity about powers to pay overhanging debt arising out of stock transfer e. Changes to rent setting 	<p>Agree a,b c and d subject to Welsh discretion over a and b and subject to further discussion on c and d.</p> <p>Agree (e) subject to Welsh discretion over commencement date. Failing this, Assembly would wish to see provision which would enable it to impose the same broad rent setting duties on local authorities.</p>
Repatriation of the power to set performance indicators in the field of housing benefit and council tax benefit collection to DWP.	Not applicable in England.	Provision to effect this transfer.
Provision in relation to “two tier” workforce	To legislate to make statutory within local government the provisions in the Cabinet Office Statement of Practice on Staff Transfers in the public sector.	Agree in principle; the Assembly would welcome provisions which safeguarded fair treatment of employees
Power to make grants in relation to service improvements or service excellence		Agree. We are content for this to apply in Wales.
Power for local authorities to hold local polls relating to service delivery or budgeting		Agree. We are content for this provision to extend to equivalent authorities in Wales, if it is felt necessary to clarify local authorities’ powers to do this.
Power for local	Local authorities would be able to grant voting	We do not wish this

authorities to grant voting rights to co-opted members	rights to co-opted scrutiny committee members, subject to approval of a published scheme for doing so	provision to extend to Wales.
Amendment to change the Audit Commission's financial year and enable it to delegate to officers		Agreed
Differential application of freedoms and flexibilities	<p>(a) to confirm that the powers to remove statutory barriers to achieving best value or promoting well-being can be applied differently to different individual authorities or types of authority (eg national parks authorities as distinct from county and county borough councils)</p> <p>(b) to enable this differentiation to be applied by way of a Parliamentary Order specifying categories of authority determined by the Audit Commission</p>	<p>(a) no objection</p> <p>(b) we do not want this provision to apply in Wales</p>

