

## **Agenda – Equality, Local Government and Communities Committee**

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Meeting Venue:

For further information contact:

Video Conference via Zoom

Naomi Stocks

Meeting date: 11 March 2021

Committee Clerk

Meeting time: 12.50

0300 200 6565

[SeneddCommunities@senedd.wales](mailto:SeneddCommunities@senedd.wales)

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### **Pre-meeting (12.50 – 13.00)**

- 1 Introductions, apologies, substitutions and declarations of interest**
  
- 2 Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee’s remit – evidence session with the Minister for Housing and Local Government and the Deputy Minister for Housing and Local Government**  
(13.00 – 14.15) (Pages 1 – 15)  
Julie James MS, Minister for Housing and Local Government  
Hannah Blythyn MS, Deputy Minister for Housing and Local Government  
Emma Williams, Director of Housing & Regeneration, Welsh Government  
Reg Mitchell-Kilpatrick, Director General, Covid Crisis Coordination, Welsh Government

### **Break (14.15 – 14.30)**



- 3 Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit – evidence session with the Deputy Minister and Chief Whip**  
(14.30 – 15.15) (Pages 16 – 65)  
Jane Hutt MS, Deputy Minister and Chief Whip  
Alyson Francis, Deputy Director of Communities Division, Welsh Government
- 4 Paper(s) to note** (Pages 66 – 67)
- 4.1 Letter from the Minister for Housing and Local Government in relation to the British-Irish Council (BIC) Joint Housing and Spatial Planning Work Sectors ministerial meeting**  
(Page 68)
- 4.2 Letter from the Minister for Housing and Local Government in relation to the British-Irish Council (BIC) Digital Inclusion Work Sector ministerial meeting**  
(Pages 69 – 70)
- 4.3 Letter from the Minister for Housing and Local Government in relation to the Local Government and Elections (Wales) Act 2021**  
(Pages 71 – 79)
- 4.4 Written submission from the CICAIR to the inquiry into fire safety in high rise blocks in Wales (Welsh Government white paper – Safer Buildings in Wales: A Consultation)**  
(Pages 80 – 83)
- 4.5 Response from the Welsh Government to the Committee's report on the Welsh Government draft budget 2021-22**  
(Pages 84 – 96)
- 5 Motion under Standing Order 17.42(vi) to resolve to exclude the public from the remainder of the meeting and from the meeting on 18 March 2021**

**6 Inquiry into COVID-19 and its impact on matters relating to the Equality, Local Government and Communities Committee's remit – discussion of the evidence received**

(15.15 – 15.45)

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# Agenda Item 3

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

# Agenda Item 4

## Equality, Local Government and Communities Committee

11 March 2021 – papers to note cover sheet

Paper no.	Issue	From	Action point
ELGC(5)-06-21 Paper 1	Inter-Institutional Relations Agreement	Letter from the Minister for Housing and Regeneration in relation to the British-Irish Council (BIC) Joint Housing and Spatial Planning Work Sectors ministerial meeting	To note
ELGC(5)-06-21 Paper 2	Inter-Institutional Relations Agreement	Letter from the Minister for Housing and Regeneration in relation to the British-Irish Council (BIC) Digital Inclusion Work Sector ministerial meeting	To note
ELGC(5)-06-21 Paper 3	Local Government and Elections (Wales) Act 2021	Letter from the Minister for Housing and Regeneration in relation to the Local Government and Elections (Wales) Act 2021	To note
ELGC(5)-06-21 Paper 4	Inquiry into fire safety in high-rise buildings	Written submission from the CICAIR to the inquiry into fire safety in high rise blocks in Wales (Welsh Government white paper – Safer Buildings in Wales: A Consultation)	To note
ELGC(5)-06-21 Paper 5	Draft Budget 2021-22	Response from the Welsh Government to the Committee's report on the Welsh Government draft budget 2021-22	To note

# Agenda Item 4.1

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Our ref: DC-JJ-00371-21

John Griffiths MS - Chair  
Equality, Local Government and Communities Committee  
Welsh Parliament

[SeneddCommunities@senedd.wales](mailto:SeneddCommunities@senedd.wales)

24 February 2021

Dear John,

I am writing in accordance with the inter-institutional relations agreement to let you know that the British-Irish Council (BIC) Joint Housing and Spatial Planning Work Sectors Ministerial Meeting will be held tomorrow Thursday 25 February. Member Administrations have agreed to hold a virtual meeting which will be hosted by the Northern Ireland Executive. As the Minister with responsibility for housing and planning, I will be representing the Welsh Government.

The meeting is an opportunity for Member Administrations of the BIC to discuss the implications of the changing demography of administrations and the potential impact this will have for the spatial planning and housing sectors. It will also allow discussion on how we can work to resolve these issues as a collective.

The meeting will provide an opportunity for Ministers to reflect on the joint work of the Housing and Collaborative Spatial Planning work sectors, while also agreeing Forward Work Plans for both work sectors.

A communiqué will be agreed by the council at the meeting and I will update the Committee about its publication and the outcome of the meeting, in due course.

I have written in similar terms to the chairs of the Legislation, Justice and Constitution Committee, Mick Antoniw MS and the Climate Change, Environment and Rural Affairs Committee, Mike Hedges MS.

Yours sincerely,

**Julie James AS/MS**  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Our ref: DC/JJ/00529/21

John Griffiths MS - Chair  
Equality, Local Government and Communities Committee  
Welsh Parliament

[SeneddCommunities@senedd.wales](mailto:SeneddCommunities@senedd.wales)

03 March 2021

Dear John,

I am writing in accordance with the inter-institutional relations agreement to let you know that the British-Irish Council (BIC) Digital Inclusion Work Sector Ministerial Meeting will be held this week on Friday 5 March. Member Administrations have agreed to hold a virtual meeting which will be hosted by the Isle of Man. As the Minister with responsibility for digital inclusion, I will be representing the Welsh Government.

The meeting is an opportunity for Member Administrations of the BIC to discuss digital inclusion, a key social justice and equalities issue, and the activity ongoing across administrations to ensure people are able to, engage with, and benefit from the rapid pace of technological change taking place in society. Furthermore, it will provide an opportunity to discuss the impact the pandemic has had on the digital inclusion agenda and the critical role we must continue to play to help citizens become digitally confident, a combination of motivation, basic digital skills and access.

The meeting will provide an opportunity for Ministers to reflect ongoing wider work across the sectors on the theme of online safety, while also agreeing the Forward Work Plan.

A communiqué will be agreed by the council at the meeting and I will update the Committee about its publication and the outcome of the meeting, in due course.



I have written in similar terms to the chairs of the Legislation, Justice and Constitution Committee, Mick Antoniw, MS, Children, Young People and Education Committee, Lynne Neagle, MS, Culture, Welsh Language and Communications Committee, Bethan Sayed, MS, and Economy, Infrastructure and Skills Committee, Russell George, MS.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

John Griffiths, MS  
Chair  
Equality, Local Government and Communities Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

26 February 2021

Dear John

**IMPLEMENTATION OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**

Following the Local Government and Elections (Wales) Act (“the 2021 Act”) receiving Royal Assent I wanted to take the opportunity to provide the Committee with an overview of the steps I intend to take to support the implementation of the 2021 Act.

In order to provide local authorities with certainty as to what legislative changes are being implemented when, and ensure everyone is able to make the required preparations it is necessary to make a number of statutory instruments before the end of this Senedd term.

**The Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021 (“the first commencement Order”)**

The first Commencement Order, which I intend to make in early March, will commence a broad range of provisions on a series of dates between March 2021 and May 2022.

All Regulation making powers in Parts 2, 3 and 4 of the 2021 Act that are not yet in force will be brought into force on the day after the Order is made to facilitate the drafting, consulting upon and making of the necessary subordinate legislation.

Section 163 of the 2021 Act, which amends the Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) to make provision in relation to the appointment, by the Boundary Commission, of its chief executive, and section 164 of the Act, which amends the 2013 Act in relation to directions made under section 48 of that Act, will be brought into force on 1 April 2021.

## General power of competence

The general power of competence will be brought into force for principal councils on 1 November 2021. As I reported to the Committee during Stage 1, Regulations have been drafted which require qualifying local authorities to prepare and approve a business case before exercising the general power to do something for a commercial purpose.

I intend to issue the draft ***General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021*** for formal consultation during March.

Subject to the outcome of that consultation I anticipate these Regulations being made during October, subject to draft Regulations being laid before, and approved by, the Senedd. I intend these Regulations be extended to community councils ahead of the general power being commenced for these councils.

The general power will be brought into force for community councils on 5 May 2022, this will allow for the preparation of the necessary subordinate legislation and statutory guidance to support the implementation of the provisions.

## Duty on community councils to prepare an annual report

Section 52 of the 2021 Act will be brought into force on 1 April 2022. This provision requires town and community councils to prepare and publish a report about the council's priorities, activities and achievements. Councils will be required to publish their first report, which will relate to the 2021-22 financial year, as soon as practicable after the end of that financial year.

## Part 3 and 4 of the 2021 Act

In light of the revised scrutiny timetable for the 2021 Act I've postponed commencement of a number of the provisions in the Act to 5 May 2022 to correspond with the date of the next ordinary local government elections.

I consider this approach to be more appropriate and less disruptive to local authorities, especially in light of the ongoing pandemic, rather than subjecting the sector to a number of new requirements within the year preceding an ordinary election. A full list of the provisions which will be brought into force on this date is provided at Annex A.

### *Guidance*

In order to ensure local authorities have the necessary support and assistance when implementing these provisions I have asked my officials to prepare guidance underpinning the provisions which is clear about the culture and approach expected when implementing the legislation.

In addition to developing new guidance, existing guidance will be re-visited and updated. Rather than create numerous pieces of separate guidance which have to be read together, I've asked my officials to develop a consolidated set of guidance, currently referred to as 'the Democracy Handbook', which is grounded in the values and principles of equality, transparency, accountability, respect and partnership between electors and those that have been elected

### *Digital Democracy*

Alongside the development of guidance, work is underway to consider how best to exploit the potential of digital technology in the everyday lives of the citizens of Wales.

I've commissioned the Centre for Digital Public Services to undertake a Discovery project to consider, in light of all aspects of the 2021 Act, what the future of digital democracy looks like in 2022 and beyond for both councils and citizens and identify where we are now and how we get from here to being able to fully carry out the requirements in the 2021 Act by 2022.

### **The Local Government and Elections (Wales) Act 2021 (Commencement No. 2 and Saving Provisions) Order 2021 (“the second Commencement Order”)**

The second Commencement Order provides for the bringing into force of:

- Part 6 of the 2021 Act, which provides, amongst other things, for a new performance and governance regime for principal councils, the Welsh Ministers new support and intervention powers and co-ordination between Regulators;
- the restructuring provisions within Part 7 of the 2021 Act;
- the information sharing provisions in section 159; and
- the disapplication of the Local Government (Wales) Measure 2009 (“the 2009 Measure”) to principal councils and National Park authorities.

The second Commencement Order also includes saving provisions relating to the disapplication of the 2009 Measure to principal councils and National Park authorities, so that the exercise of certain functions and other things done under the 2009 Measure continues to have effect following the commencement of the provisions in the 2021 Act which disapply the 2009 Measure to these authorities.

In addition, as a result of the commencement of the new performance regime in Part 6, and the consequent disapplication of the 2009 Measure, a number of consequential amendments are required to other enactments.

On 9 February I laid in draft the ***Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021*** to provide for these amendments. Subject to the Regulations being approved by the Senedd I will make these Regulations and the second Commencement Order shortly after.

I intend to bring the majority of these provisions into force on 1 April 2021, this will ensure that the new performance regime will apply to principal councils from, and in relation to, the 2021-2022 financial year. This approach will give principal councils the entire financial year to conduct their first self-assessment and report early in the 2022-23 financial year. Councils will continue to assess their performance in accordance with the 2009 Measure in respect of the current financial year with reports to be published by the end of October 2021.

The provisions relating to Panel Performance Assessments will commence following the next ordinary local government elections in May 2022. This will allow for a more gradual and measured roll out of the new regime, allowing for at least one cycle of self-assessments to be conducted before requiring a panel assessment be completed.

Chapter 2 of Part 6, which makes provisions in respect of the membership and proceedings of Governance and Audit Committees, will also commence on 5 May 2022.

#### *Guidance*

I intend to publish guidance during March to support the implementation of the new performance and governance regime for principal councils. My officials and local government have been working together for the last 24 months, through a small focus group of local government officers with a role in performance and governance in their authorities, to co-produce this guidance.

The consultation on the draft guidance concluded earlier this month and the responses will be carefully considered and taken into account for the final version of the guidance.

### **The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021 (“the third Commencement Order”)**

The third Commencement Order will bring into force section 47 of the 2021 Act, which provides for attendance, including remote attendance, at local authority meetings, and Schedule 4 to the 2021 Act (as introduced by section 49) so far as these provisions are not already in force.

Part 1 of Schedule 4 amends existing legislation, primarily Part 5A of, and Schedule 12 to, the Local Government Act 1972 (“the 1972 Act”) and the Public Bodies (Admission to Meetings) Act 1960, to make provision in relation to arrangements for local authority meetings and documents, including requiring electronic publication of certain meeting documents. Part 2 of Schedule 4 makes certain consequential amendments as a result of section 47.

These provisions were inserted at Stage 3 for the purpose of making permanent arrangements in respect of certain provisions of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (“the 2020 Regulations”). The 2020 Regulations provided flexibility to enable local authorities to operate safely, effectively and lawfully, while retaining the principles of openness and accountability to the public by, for example, enabling meetings to be conducted on the basis of full or partial remote attendance and by making provision about the electronic publication of certain documents.

The 2020 Regulations only make provision in relation to meetings held before 1 May 2021, as section 78 of the Coronavirus Act 2020 only enables the Welsh Ministers to make provision in relation to meetings up until 7 May 2021.

As the 2020 Regulations only apply to meeting held before 1 May 2021, I intend to bring sections 47 and 49 of, and Schedule 4 to, the 2021 Act into force on 1 May (so far as they are not already in force).

As I’ve set out in previous letters, the pandemic has exposed how out-of-date current provisions in respect of local authority meetings are, in particular the procedural and technical provisions which govern how meetings are recorded, how summonses are sent to members, and how documents including notices, agendas and minutes are published.

If the above provisions of the 2021 Act are not brought into force on 1 May, authorities will revert to the provisions of the 1972 Act (and associated legislation) as they stood before they were modified by the 2020 Regulations, representing a significant step back. This would prove particularly challenging should it be necessary for local authorities to continue to operate in a Covid secure manner at that point in time as they would not be able to meet legally and safely without the amended provisions being in force.

Bringing these provisions into force on this date is subject to the Senedd approving the ***Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021*** (“the Consequential Regulations”).

The Consequential Regulations, which I have laid in draft before the Senedd, make amendments to other enactments which are consequential on the amendments made to the 1972 Act by Schedule 4 to the 2021 Act, give effect to provisions in section 47 relating to the contents of notices (or summonses in the case of National Park authorities) for

meetings, including remote meetings, and make transitional provision to ensure a smooth transition from the 2020 Regulations to the provisions of the 2021 Act.

The Consequential Regulations also provide that documents published electronically, as required under the 2020 Regulations, must be accessible for six years from the date of the meeting to which they relate. Currently the 2020 Regulations do not specify how long documents required to be published electronically under those Regulations must remain accessible, effectively requiring them to be accessible indefinitely.

#### Amending the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001

Part 5A of, and Schedule 12 to, the 1972 Act do not apply to executives of principal councils, with separate provision is made in the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 (“the 2001 Regulations”), albeit the same principles apply across the bodies of legislation.

There was insufficient time to bring forward Government amendments at Stage 3 to amend the 2001 Regulations to align the arrangements for the executives of principal councils with the revised provisions in Part 5A of the 1972 Act in respect of principal councils and other local government bodies.

Provision is now needed to amend the 2001 Regulations and I intend to make the ***Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021*** during March.

If the amendments to the 2001 Regulations are not made to come into force at the same time as Schedule 4 comes into force, executives of principal councils will revert to the provisions of the 2001 Regulations on 1 May 2021, therefore facing the same challenges I set out above in respect of principal councils.

In addition, as principal councils are required to make arrangements for remote attendance under section 47 in respect of their executive, the 2001 Regulations need to be amended to ensure they complement the provisions in section 47, in the same manner as Schedule 4 amends the 1972 Act in respect of meetings of the principal council.

Finally, if the 2001 Regulations were not amended as proposed, meetings of the executive would be subject to different requirements to meetings of the principal council, which would lead to confusion and inconsistency.

In developing the Consequential Amendment Regulations and the amendments to the 2001 Regulations, I have had regard to the public sector equality duty in section 149 of the Equality Act 2010.

#### *Guidance*

I intend to publish guidance to support local authorities in implementing these provisions. Whilst this will be published ahead of the Democracy 2022 guidance I’ve referred to earlier in this letter, it will be drafted on the basis of the same unpinning values and principles of equality, transparency, accountability and respect.

This guidance will also emphasise the importance of considering matters such as equality, specifically complying with their duties under the Equality Act 2010, and the expectation that authorities make reasonable adjustments when deciding on what meeting arrangements are appropriate. For example, I would expect to this to include consideration of matters such as providing subtitling facilities etc.

## Establishment of Corporate Joint Committees

I have also laid the draft statutory instruments necessary to enable the first corporate joint committees (“CJCs”) to be established in April 2021. This represents the first tranche of statutory instruments in respect of CJCs.

This tranche comprises of four sets of establishment Regulations, one for each region, namely the:

- ***Mid Wales Corporate Joint Committee Regulations 2021***
- ***North Wales Corporate Joint Committee Regulations 2021***
- ***South East Wales Corporate Joint Committee Regulations 2021***
- ***South West Wales Corporate Joint Committee Regulations 2021***

In addition to providing the establishment of each CJC, these Regulations include the core constitutional arrangements and key details, such as membership, geography and the functions which will be exercised by each CJC: strategic development planning; regional transport planning; and the power to do things to promote or improve the economic well-being of their areas.

A formal consultation has been undertaken in respect of the draft establishment Regulations with a number of engagement events and technical briefing sessions held, both prior to, and during the consultation period. The consultation process resulted in 52 responses with no calls for fundamental changes to the Regulations.

Whilst the draft establishment Regulations provided for the necessary modifications to the Transport Act 2000, so as to enable the CJCs to exercise their proposed transport functions, in line with the principle of making provision once, these modifications are now provided for in the ***Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021***

The Regulations provide that the functions to be exercised are to come into force on the 28 February 2022 for the South East Wales CJC or 30<sup>th</sup> June 2022 for the remaining three CJCs. This delay is allow each CJC to undertake preparatory work before they discharge those functions.

A number of Statutory Instruments have also been laid alongside the Establishment Regulations to ensure that, from the point they are established, Corporate Joint Committees:

- come under the remit of the Public Services Ombudsman for Wales (***the Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021***)
- come within the remit of the Auditor General for Wales (***the Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021***)
- are subject to the Public Services Equality Duty (***the Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021***)
- will be able to be subject to Welsh Language Standards (***Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021***)

These will ensure CJCs are subject to appropriate oversight, management and conduct requirements from the start and deliver against commitments I made during the passage of the 2021 Act in relation to matters such as the Welsh Language Standards.

Within the first tranche, the **Corporate Joint Committees (General) (Wales) Regulations 2021** put in place a number of core provisions in relation to the general administration and governance of Corporate Joint Committees, including provision to:

- ensure, ahead of the wider application of the local government ethical framework, that members, co-opted participants from constituent councils and employees of CJsCs are subject to appropriate standards of conduct
- subject CJsCs to appropriate accounting and financial management practices
- enable arrangements to be made for the provision of services between CJsCs and principal councils
- ensure equality of treatment of members of a CJC by the CJC

Once the Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021 has been made and CJsCs are subject to the relevant provisions of the Public Audit (Wales) Act 2004, I intend to make provision to ensure CJsCs are subject to the appropriate accounting and financial management duties.

To achieve this the **Accounts and Audit (Wales) (Amendment) Regulations 2021**, which is subject to the negative Senedd procedure, will be made to apply the Accounts and Audit (Wales) Regulations 2014 to CJsCs. I intend to make these Regulations the day after the Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021 is made but note that it will come into force during the recess period.

Further secondary legislation is planned in the next term to complete the application of the local government legislative framework that Corporate Joint Committees will operate in – for example they can only be made subject to the Wellbeing of Future Generations (Wales) Act 2015 once they have been established. I will continue to work with local government to co-develop an appropriate and proportionate implementation of that framework.

### **The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021**

Finally, I have also laid the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021 which amend the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to increase adopter's absence entitlement for members of a local authority from 2 weeks to 26 weeks. The changes made by these Regulations will result in the same periods of maternity and adopter's absence being available to members of principal councils and provide for similar arrangements for adopter's absence as are already in place for maternity absence.

I have also written to the Chair of the Legislation, Justice and Constitution Committee regarding these amendments.

Yours sincerely



**Julie James AS/MS**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



## **Annex A: Provisions of the Local Government and Elections (Wales) Act 2021 coming into force on 5<sup>th</sup> May 2022.**

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The relevant local authorities will be subject to the duties listed below from the 2022 local government elections.

- Public participation duty including duty to prepare a public participation strategy (sections 39 – 41)
- Duty to establish a petitions scheme (section 42)
- Duty to publish official addresses (section 43)
- Duty to have regard to any guidance issued by the Welsh Ministers under Chapter 2 of Part 3 (section 44)
- Duty to publish a constitution and constitution guide (section 45)
- Duty to make arrangements to enable the electronic broadcasting of meetings (section 46)
- Appointment of a chief executive (section 54)
- Duty of political group leaders in relation to standards of conduct (section 62)
- Duty of standards committee to make annual report (section 63)
- Duty on community councils to prepare a training plan (section 67)
- Panel assessments of performance (section 92 and 93)

The following provisions will also come into force on 5 May 2022:

- Participation at meetings of community councils: provides that members of the public attending a community council meeting must be given reasonable opportunity to make representations about any item of business due to be discussed at the meeting (section 48)
- Reconsideration of remuneration following direction by the Welsh Ministers: amends section 143A of the 2011 Measure to provide that where the Welsh Minister direct a principal council to reconsider their response to a recommendation of the IRP, the reconsideration cannot be delegated and must be undertaken by the full council (section 56)
- Appointment of assistants to executive: provides for the appointment of members of principal councils as assistants to the executive. The assistants will not be members of the executive but could act on their behalf in certain circumstances (section 57)
- Job sharing: amends LGA 2000 so as to provide for two or more members of a principal council sharing an office on an executive and increases the maximum allowable size of an executive where members of the executive share office. (section 58)
- Making information available to overview and scrutiny committees: enables the Welsh Ministers to make regulations requiring the provision of information to the public or members of a principal council about decisions of the executive of that council (section 65)
- Power to require authorities to appoint joint overview and scrutiny committees: amends a regulation-making power in section 58 of the Local Government (Wales) Measure 2011 so that regulations may require principal councils to establish a joint overview and scrutiny committee (section 66)
- Governance and Audit Committees: Membership and Proceedings (Chapter 2 of Part 6)
- Removal of the restriction on monitoring officers also being designated head of democratic services and prevention of a council's chief executive being designated head of democratic services (section 161)
- Abolition of polls consequent on a community meeting: amends the 1972 Act so as to abolish community polls, with the exception of community governance polls (section 162)

# Agenda Item 4.4



**CICAIR** APPROVED INSPECTORS  
REGISTER

**EVIDENCE SUBMITTED BY CICAIR TO THE WELSH PARLIAMENT EQUALITY, LOCAL  
GOVERNMENT AND COMMUNITIES COMMITTEE**

**MARCH 2021**

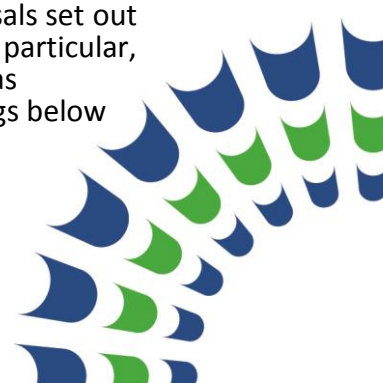
## 1. CICAIR

As the body designated by the Secretary of State in England and Welsh Ministers in Wales, CICAIR Ltd maintains the Construction Industry Council Approved Inspectors Register. The approval process provides applicants (individuals and companies) with a route to registration as an Approved Inspector. Approved Inspectors registered with CICAIR Ltd are qualified to undertake building control work in England and Wales in accordance with Part II of the Building Act 1984 and the Building (Approved Inspectors etc.) Regulations 2010. CICAIR manages the approval and termination of approval of Approved Inspectors in accordance with section 49 of the Building Act 1984 and regulations 3 and 5 of the Building (Approved Inspectors etc.) Regulations 2010. CICAIR undertakes all activity involved with the operation of the Register itself, including the assessment of new Approved Inspector applicants, monitoring and auditing existing Approved Inspectors, investigating alleged breaches of the Approved Inspectors Code of Conduct and undertaking disciplinary proceedings and appeals. Additionally CICAIR engages regularly with stakeholders including MHCLG, the Welsh Government, Association of Consultant Approved Inspectors and Local Authority Building Control. CICAIR's work and activities are overseen by a statutory Board of Directors, chaired by the Rt Hon Nick Raynsford, and comprising 9 other individuals with a range of relevant expertise. Representatives of the Welsh Government and MHCLG attend CICAIR Board meetings. The Registrar is Karen Holmes.

## 2. THE GRENFELL DISASTER

The Grenfell Tower fire was the worst failure of building safety in living memory. It is essential that all the lessons learned from this tragedy are understood and acted on to ensure that in future the arrangements put in place to ensure safety in buildings are effective and make any repetition of a similar disaster impossible. Accordingly CICAIR welcomes the publication of the White Paper 'Safer Buildings in Wales' as a clear indication of the commitment of the Welsh Government to put in place a new Building Safety Regime which will better protect the interests of the public and will prompt positive culture change in the way buildings are designed, constructed and managed.

CICAIR fully supports these objectives and believes that many of the proposals set out in the White Paper will help raise standards and improve building safety. In particular, we welcome the recognition that while the scale of the Grenfell disaster was exceptional, the likelihood of life-threatening incidents occurring in buildings below



the 18 metre height used to define Higher Risk Residential Buildings, is much greater, and in consequence the new building safety regime must cover a wider range of at risk buildings. We do however have concerns that some of the policy proposals in the White Paper may not achieve their stated aims, and indeed in some respects may work against those aims, and in these areas we set out below suggestions as to how the objectives might better be delivered. These suggestions are not proposed in the interests of any one organisation or group of organisations, but because we believe they are in the public interest and will better ensure safety in buildings. In this evidence we are simply focussing on these areas in which we have relevant expertise and where we believe there is a real opportunity to secure better outcomes and so more effectively deliver the Welsh Government's aspirations.

### 3. CAPACITY AND COMPETANCE

It is widely recognised that capacity and competence are vital to the delivery of the culture change which the White Paper aims to promote. Many of the roles which are crucial to raising standards and improving building safety are facing serious challenges in securing sufficient, suitably qualified professional staff to meet requirements. This is particularly relevant to the building control field. The NHBC in its evidence to your Committee highlight a decline of 43% in local authority expenditure on building control between 2008-9 and 2017-18.

To successfully meet the more demanding expectations of building control activity in the future, there will be a need for a significant increase in the number of suitably qualified surveyors attracted to join the profession, and retained within the sector. There will also be a real need for continuing professional development to ensure that those working in the field are keeping abreast of new materials, technology and regulatory requirements. In the past, private sector Approved Inspectors have played a significant role in training and continuous professional development. The policy proposal in the White Paper to revert to a local authority monopoly on building control work on buildings over 18 metres/ 6 storeys sends a clear message that Approved Inspectors will not be able to undertake such work in future, and there is therefore no incentive for them to recruit and train surveyors with the necessary skills to undertake such work.

The intentions laid out in the White Paper could be interpreted that it is the nature of the organisation, rather than the competence of its team that will determine the choice of building control body to handle the most complex fire safety challenges. The combination of this policy and the otherwise welcome decision of the Welsh Government to widen the net to include category 1 buildings within the new building safety regime (albeit only at this stage in respect of buildings in occupation) sends a message about the direction of travel which is unlikely to be interpreted by Approved Inspectors as an encouragement to expand their workforce and their training programmes in Wales. All of this could have a serious negative impact on both capacity and competence.

### 4. A LEVEL PLAYING FIELD WITH SAFEGUARDS AGAINST CONFLICTS OF INTEREST AND INCENTIVES TO RAISE PERFORMANCE STANDARDS

In CICAIR's view, the best framework for delivering high quality building control services for all buildings is one which provides a level playing field for both local authorities and AIs to compete for business with clear safeguards against conflicts of interest and incentives to improve the quality of service. A level playing field requires



the same standards and expectations applying to those undertaking building control work, whether they are in public or private sectors. We therefore welcome the commitment in the White Paper (para 4.2.9) to create a unified professional and regulatory structure for building control. We are not however clear how this is compatible with the exclusion of AIs from work on category 1 buildings covered in para 3 above, nor the suggestion in para 4.2.9 that new registration requirements will be introduced for AIs (but not for local authorities) as well as an application procedure “which will include restriction as to the type of work to be registered”. It is unclear whether these restrictions will go further than category 1 buildings and if so what is the rationale for this.

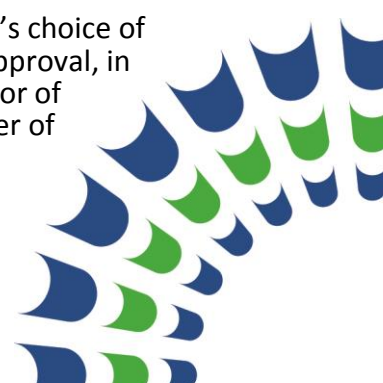
As the body currently designated by Welsh Ministers to regulate AIs, we stand ready to offer insight into the current regime, and how that insight may assist and influence the proposed changes to registration requirements and procedures. Needless to say, we will be happy to assist the Welsh Government in developing proposals for new registration arrangements.

As a member of the Future of Building Control Group, we strongly support its recommendation for the creation of an independent new Registration Body to oversee two registers. The first register would cover the individual registration of all building control professionals seeking to undertake building control work, whether in the public or private sectors, linked to a skills matrix to ensure that only those with the requisite skills and experience can undertake building control work on more complex and higher risk buildings. The second register would cover all building control bodies, including AIs and local authorities, with regular monitoring and audit to ensure the organisation’s competence and capacity to undertake the full range of work for which it is authorised (with restrictions applying where it cannot meet the required standards) and to identify the need for further training and development to enable the organisation to improve its performance and expand its potential remit. There should be clear rules to prevent conflicts of interest, such as AIs providing substantial consultancy as well as building control services to clients, and local authorities undertaking building control work on buildings owned by or being developed in partnership with the local authority.

## 5. AVOIDING A TWO TIER SYSTEM

One of the less welcome consequences of the Hackitt recommendations is the creation of a two-tier system with different procedures and requirements applying to building control work on high-risk and in-scope buildings, as against the large majority of other buildings where the client will still be able to choose the building control body. This has been criticised by, among others, the Westminster Housing, Communities and Local Government Select Committee, which recommended that client choice should be removed in all cases. Both Dame Judith Hackitt and the Westminster Minister (Lord Greenhalgh) have resisted such proposals in the past on the grounds that the new system could easily be overwhelmed by the need to have arrangements in place to appoint building control bodies in literally hundreds of thousands of cases every year. However the two-tier system is inherently unstable, as there is no clear dividing line between those buildings deemed higher risk and the rest. Height is a factor, but not by any means the only one as the Welsh Government has pointed out in making the case for category 2 buildings to be brought within the new regime.

In CICAIR’s view a more logical approach would be not to remove the client’s choice of building control body, but to constrain it by requiring the client to secure approval, in all case involving higher risk buildings, of the chosen body from the Regulator of Building Safety (or perhaps by the Welsh Government in Wales). The register of



building control professionals and building control bodies proposed in para 4 above would provide the evidence of the capabilities of building control bodies which could both help inform the client' choice and provide the Regulator (or Welsh Government) with strong evidence of skills, capabilities and track record to help them decide whether or not to approve the chosen body. This would have the added advantage of removing the conflict of interest in England where the Regulator would, on current proposals, be overseeing its own performance on higher risk buildings. A further advantage would be the scope for extending the definition of higher risk buildings from just category 1 to include others within the current proposed category 2, without overwhelming the system or causing serious administrative challenges. Such flexibility could well prove important when introducing such far-reaching reforms as are envisaged, when almost inevitably some elements in the package will prove more difficult than others to implement, and some suggested changes to the ranking of risks are likely to be thrown up by the experience of operating the new arrangements. Maintaining a unified system would also help to avoid the risk in any two-tier system that focus inevitably gets concentrated on the higher priority work, and less attention is given to driving up standards across the board, which is essential if we are to have a truly effective building control system.

## 6. CONCLUSION

We hope that these observations are helpful to the Equality and Local Government and Communities Committee in framing a response to the Welsh Government's White Paper, and we will be pleased to provide further clarification either in writing or verbally as required.



# Agenda Item 4.5

**Julie James AM**  
Minister for Housing and Local Government

**Hannah Blythyn AM**  
Deputy Minister for Housing and Local Government

**Rebecca Evans AM**  
Minister for Finance and Trefnydd

**Jane Hutt AM**  
Deputy Minister & Chief Whip



Llywodraeth Cymru  
Welsh Government

**John Griffiths MS**  
Chair of the Equality, Local Government and Communities Committee

08 March 2021

Dear John

Thank you for the Committee's report on the Draft Budget 2020-21. We would like to extend our thanks to members of the Committee for their time. The attached paper sets out our response to the report's ten recommendations.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AM**  
Minister for Housing and Local Government

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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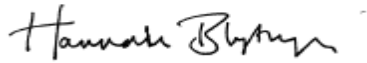
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



**Rebecca Evans AM**  
Minister for Finance and Trefnydd



**Jane Hutt AM**  
Deputy Minister & Chief Whip



**Hannah Blythyn AM**  
Deputy Minister for Housing and Local Government

**WELSH GOVERNMENT RESPONSE TO THE RECOMMENDATIONS FROM THE  
EQUALITY, LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE REPORT:  
SCRUTINY OF THE WELSH GOVERNMENT DRAFT BUDGET 2021-22**

**LOCAL GOVERNMENT – SECTION 1**

**Recommendation 1**

**We recommend that the Welsh Government assess the impact of reduced Non-Domestic Rates collection to fully understand the actual costs, and should ensure that any further resources required to cover additional loss of income are provided to local authorities.**

**Response: Accept in Principle**

The Welsh Government is closely monitoring the impact of Covid-19 on the non-domestic rates (NDR) tax-base. A monthly monitoring process was put in place with local government early in 2020-21. This has provided regular insight into how the pandemic is affecting NDR collection rates compared to previous years. We will continue to monitor this information on a monthly basis throughout 2021-22.

To recognise the impact of reduced NDR income, we allocated an additional £100m of central funds to the local government and police settlements in the third supplementary budget, while reducing provision from NDR funds by the same amount. This action reduces any deficit position on the NDR pool from lower collection rates this year and alleviates any ongoing impact on the NDR funding available for the local government and police settlements in future years.

Risks associated with non-domestic rates collection are ultimately managed by the Welsh Government. The monitoring arrangements will enable us to identify any in-year cash-flow issues which local authorities might experience and respond accordingly. Future local government settlements will continue to consider the overall funding position of local authorities and provide the best possible settlement based on the resources available.



**Recommendation 2**

**We recommend that the Minister for Finance reviews the allocation in the provisional Local Government Settlement for the Council Tax Reduction Scheme and increases this allocation in the final budget for 2021-22. The Welsh Government should work with local government to assess how much additional resource is required to cover the increase in demand for the scheme**

**Response: Accept in principle**

The Welsh Government has been working closely with local authorities to monitor the impact of Covid-19 on the demand for council tax support. We will continue to do so through 2021-22.

The £244 million provided in the settlement has been maintained to reflect the total value of council tax reductions for households at the point of introduction of the council tax reduction scheme (CTRS).

Since the scheme was introduced in 2013, CTRS caseload has fallen but council tax levels have increased and the overall value of reductions has therefore also increased. It was recognised from the outset that this would be a feature of CTRS in Wales. Local authorities need to plan for any additional costs arising from their local decisions on increases in council tax, reflecting the shared ownership of the national approach to CTRS which operates in Wales.

In recognition of the impact of Covid-19, the Welsh Government has provided local authorities with almost £11m in additional funding in 2020-21 to help them cater for the increased demand on the council tax reduction scheme – providing a lifeline to the additional 10,000 households that have been directly affected by the coronavirus pandemic and are struggling to cope financially during these difficult times. This approach ensures that the need for additional funding is measured accurately and targeted effectively between authorities.

We will continue to monitor the position in all these areas while the pandemic continues to have an impact on household, business and public finances.

**Recommendation 3**

**We recommend that the Welsh Government takes action to increase take-up of the Council Tax Reduction Scheme to ensure access for all who are eligible.**

**We reiterate the recommendation from our report on benefits in Wales that the Welsh Government takes action to improve the take-up of all benefits in Wales, both devolved and non-devolved. We ask that the Welsh Government provides us with an update in progress in improving take-up of benefits.**

**Response: Accept**

We will continue to produce regular detailed reports on the financing and caseloads for the council tax reduction scheme and to maintain our campaign to raise public awareness of the availability of CTRS and other council tax support (discounts and exemptions) to increase take-up.

We have already also worked with authorities, advisory services and MoneySavingExpert.com to develop simple and consistent advice to ensure all households in Wales have access to information about their entitlements. This included a joint campaign to promote the council tax discount available to people diagnosed as having a severe mental impairment. This campaign attracted national TV coverage and provisional figures suggest that SMI exemptions have increased by over 1,000 since 2018 to over 5,200 in December 2020.

We have rerun our online campaign to raise further and continued awareness of the support households may be entitled to, including those receiving Universal Credit. These webpages have had over 80,000 unique views since they were launched in 2018.

It is important to note that Council Tax Benefit was not devolved to the Welsh Government and CTRS is not a social security benefit but an integral part of the council tax system.

## HOUSING – SECTION 2

### Recommendation 4

**We recommend that the Welsh Government increases allocations that contribute to tackling homelessness in the final budget.**

#### **Response: Accept**

In line with our commitment to make homelessness rare, brief and unrepeatable, Welsh Government has and continues to invest substantially in homelessness prevention.

To build on the progress made this year we have allocated an additional £40m in the draft budget to the Housing Support Grant. Together with the Homelessness Prevention Grant, which we have increased by £4m, this is an investment of £188.6m into our 2 main homelessness prevention funding streams for 2021/22.

The Covid-19 pandemic has demonstrated the high level of previously unmet support needs and whilst the emergency additional funding has assisted in helping to meet these in the short term to keep people safe during the pandemic, we have recognised that this longer term investment in housing support is required if we are to build on the progress made and not go backwards. This funding will enable us to maintain and build on the inclusive approach taken during the pandemic to ensure no-one is left without accommodation. It will also support implementation of the transformational shift to a rapid-rehousing approach, as set out in the Homelessness Action Group recommendations, and which is required in order to end homelessness in Wales.

As set out in the draft budget, £4m of the covid-19 reserve was allocated to the Homelessness Prevention Grant to enable us to maintain the emergency provision of accommodation and support in the early part of the next financial year as required, and ensure continuity of provision. The Final Budget for 2021-22 published on 2 March allocated an additional £206.6m to the Local Authority Hardship Fund to meet anticipated costs and loss of income the first six months of the financial year, this will include the additional costs associated with providing emergency accommodation and support to those who are homeless over and above the £4m already allocated.

### **Recommendation 5**

**We recommend that the Welsh Government continues to urgently explore all legal avenues to resolve the complexities of improving the safety of high rise buildings and to work with the UK Government on how this work can be progressed at pace. We would request and update from the Minister for Housing and Local Government ahead of the debate on the final budget.**

### **Response: Accept**

We are continuing to work on funding offers to support remediation of high rise residential buildings in both the private and public sector. Of the £10.5m allocated to social sector remediation in 2020-21 we will be providing £8.266m which will support improvements in fire and structural safety for 12 buildings. We are disappointed not to be able to allocate the full amount of funding available, but given the challenges to capital infrastructure projects as a result of Covid-19 this is a remarkable achievement and we hope that those living in those buildings will see the works progress at pace.

A further £32m has been allocated to remediation as part of the draft budget.

Welsh Government officials continue to work on the detail of this further further funding package which will cover both the private and social sector in 2021. Such an offer is not easy. We want to ensure that the funding package proposed allows those managing and living in high rise buildings to comprehensively address building safety issues, not just those caused by cladding. Our package will support remediation in relation to cladding and compartmentation, as well as providing funding for fire suppression systems where not already fitted and fire evacuation sounders where appropriate. Only by taking this holistic approach can we genuinely ensure buildings are made safe.

To support this work we are working with partners to establish a Joint Inspection Team. The work of this team will help inform our work by providing far clearer details of the scope and scale of works required to our high rise buildings. Such an evidence base approach will be vital in assessing the future level of support needed in this area.

An announcement will be made on how applicants can access this fund as soon as possible. The Committee will be kept updated on this issue and we look forward to your ongoing contribution as we develop this policy area.



## **Recommendation 6**

**We recommend that, ahead of the debate on the final budget the Welsh Government provides an update on action it has taken to raise awareness of the Discretionary Assistance Fund among those eligible to apply for its support.**

### **Response: Accept**

The Welsh Government is committed to ensuring that the Discretionary Assistance Fund (DAF) is accessible to everyone who needs it. We work to ensure through our own awareness raising, and by promoting the fund via partners such as local authorities, food banks and social media that everything is done to identify and reach target groups, this will continue.

The DAF continues to be supported by its Partner Network containing more than 570 organisations who are key to reaching the most vulnerable in society. We will continue to explore further increasing of communications where needed and where appropriate.

The DAF has been able to adapt its criteria to ensure the fund reflects the circumstances and lived experiences of service users and is supported by a network of partners which signpost and apply on behalf of their clients. The DAF Partner Network contains more than 570 front-line organisations across Wales, including food banks, advice agencies, local authorities, domestic violence organisations, homeless charities, direct and indirect disability organisations, and many more organisations who support clients with a wide range of vulnerabilities including disabilities. These organisations are best placed to help clients, given their expertise in supporting more vulnerable groups and their learned knowledge of their clients and the pressures they are facing on a daily basis.

In addition to the work with and the role played by the partner network, Welsh Government has used social media frequently since the start of the pandemic to help raise awareness of the fund including those new to Universal Credit and awaiting their first payment. The DAF is also included in the Welsh Government Financial Support leaflet which was published last year and recently updated and [republished](#).

As part of the Final Budget published on 2 March, we allocated an additional £10.5m to the DAF to continue the flexibilities around accessing the funding to the end of September 2021 along with measures aimed at addressing underlying causes of poverty. This additional funding and the DAF support measures will be promoted through all of the appropriate channels.



## EQUALITY CONSIDERATIONS IN THE DRAFT BUDGET – SECTION 3

### **Recommendation 7**

**We recommend that, ahead of the Senedd debate on the final budget, the Welsh Government provides further information to demonstrate how its strategic integrated impact assessment has influenced the allocations in the budget.**

### **Response: Accept**

We remain committed to reviewing our approach to assessing impacts. For the 2021-22 Draft Budget we took a number of steps to improve the way we present the impact of our spending decisions in the budget.

This year, we included details of the impacts of specific spending decisions as part of the main narrative in chapters four and six to enhance transparency. This was complemented by a summary of the contextual evidence that informed these strategic spending decisions - presented in Annex C. This included evidence about the disproportionate impacts by different protected characteristics, including gender, race and socio-economic disadvantage

We also presented more-detailed case studies on the impacts of specific spending decisions to better demonstrate how assessment is undertaken in more detail. This includes a case study on the Personal Learnings Account programme, which includes early results from the 'gender focused' approach we took for this pilot.

Chapters four and six of the Budget narrative set out a number of strategic spending decisions which are designed to respond to the evidence that the most disadvantaged people in Wales will be experiencing the most severe financial impacts caused by the crisis.

We also published Ministers' written evidence papers to Senedd scrutiny committees as part of the 2021-22 Draft Budget package, which includes information about how impact considerations have informed budget allocations within each MEG.



### **Recommendation 8**

**We recommend that the Welsh Government's draft budget for 2022-23 includes examples to demonstrate how the Distributional Impact model has influenced decisions taken in that budget.**

#### **Response: Accept in Principle**

The distributional analysis included in the Draft Budget is an exploratory exercise to see what can be done in this area, although it includes some interesting results in its own right. It has not been used to directly assist with budget allocations for 2021-22. However, this type of analysis has the potential to inform future Welsh Government budgetary decisions.

The aim is to incorporate distributional analysis in the suite of information accompanying future budgets. Its capacity to inform budgetary decisions will depend on the availability of data in specific areas.

The Government has included provision in the Draft Budget to fund a boost to the Family Resources Survey in Wales. This will improve the data available to support this type of analysis in future years, as well as supporting a range of other analytical priorities. There may also be the potential to make use of other data sets to widen the scope of this work. However the results of this investment in improved data will only be available after a few years.

### **Recommendation 9**

**We recommend that the Welsh Government, ahead of the Senedd debate on the final budget, outlines its position as to whether it believes, in principle, public spending should be completely progressive across all quintiles of equivalised household income**

#### **Response: Accept in Principle**

As shown in the distributional analysis published alongside the Draft Budget, the relationship between the provision of public services and income varies across different programmes. Some services are provided on a universal basis and others are subject to means tests. The distributional impact of services which are provided on a universal basis will depend on which groups in society make most use of them. Those that are subject to a means test are, by design, more likely to be progressive with respect to income. However, means testing is not deemed a suitable approach across all services.

Furthermore, not all types of public spending are amenable to distributional analysis. For example, the impact of capital or preventative spending on different households is far from direct. The future benefits and beneficiaries of such spending are difficult to capture in this type of analysis. More generally, there are aspects of public spending which provide wider societal benefits which are also difficult to reflect within this framework.

#### **Recommendation 10**

**We recommend that the Welsh Government uses the distributional analysis of public spending to identify the changes needed to ensure that spend is completely progressive across all quintiles of equivalised household income.**

#### **Response: Reject**

The distributional analysis published alongside the draft budget shows that spending is generally progressive with respect to income across the public service areas included. However, it is not uniformly progressive by quintile of income.

The progressivity of some aspects of spending will depend on the types of household which make use of the service, as well as the design of the service itself. There are very good reasons to provide some public services on a universal basis. For example, universal healthcare provision ensures all members of society have access to the same services irrespective of their ability to pay. In these cases it cannot be guaranteed that need for the service will always be higher among those from the lower end of the income distribution and reduce uniformly as incomes rise. In addition, certain areas of public spending are difficult to capture in this type of model.

Distributional analysis provides a useful way to assess public service usage across the income distribution. This gives policy makers an additional perspective when considering the design and delivery of public services. It is, however, one of a suite of tools available for use in the process of policy formulation. Using it in the way suggested here would be a very blunt approach and would not necessarily fit with other legitimate policy goals.