

Communities, Equality and Local Government Committee

Meeting Venue:
Committee Room 2 – Senedd

Meeting date:
6 November 2013

Meeting time:
09:00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

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Agenda

Private pre-meeting (09:00–09:15)

1 Introductions, apologies and substitutions

2 Public Services Ombudsman for Wales : Consideration of Annual Report 2012/13 (09:15–10:15)

Peter Tyndall, Public Services Ombudsman for Wales
Elizabeth Thomas, Director of Investigations
Susan Hudson, Policy and Communications Manager

[Public Services Ombudsman for Wales Annual Report 2012/13](#)

Break (10:15–10:30)

3 Inquiry into barriers to home building in Wales – Evidence session from Ed Green, Pentan Partnership Architects (10:30–11:00)

(Page 1)

Ed Green, Pentan Partnership Architects

4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business: (11:00–12:00)

Motion to go into private for rest of meeting and beginning of 14 November 2013.

5 Papers to note (Pages 2 - 20)

Briefing paper for C E and LG committee meeting, 6 November 2013

Ed Green, Pentan architects (winner of 'Self Build on a Shoestring' competition, October 2013)

The following paper describes the competition brief, the nature of the winning design, and the subsequent interest shown in the design, on the basis that this is the likely topic of conversation.

Competition brief:

The competition was run by the National Self Build Association (NaSBA) in conjunction with Grand Designs, and the judges included Kevin McCloud and Charlie Luxton, the Mayor of Bristol George Ferguson (a former president of the Royal Institute of British Architects) and the chair of NaSBA, Ted Stevens. The competition was open to anyone, and the brief was for entrants to come up with innovative, sustainable ways of self building a typical home for a family of four. All the entrants had to provide a detailed cost report that demonstrated that the house could be constructed for less than £50,000.

The winning design:

The winning design – called BARNHAUS – is an innovative housing concept that utilises low cost off-the-shelf agricultural barn frames (costing about £2,500) to form the basic 'structure' of the house. This frame is lined externally with a thick skin of insulation (straw bales are a very cost effective option), and doors and windows are inserted at either end. The result is a very generous two bedroom home (100m², making it much bigger than most starter homes built by the volume housebuilders), and costing as little as £41,000.

The house can be extended very easily at either end, and can be super-insulated to achieve the highest levels of environmental performance without recourse to extensive, and often expensive, renewable technologies.

This approach taps into the two key findings of the Ipsos Mori survey carried out by the RIBA last year, which found that lack of space and lack of flexibility were the two biggest criticisms of contemporary volume housebuilding.

Post award:

The organisers are now exploring if it is possible to build a full mock-up of the Barnhaus at the Grand Designs Live exhibition in London next year (May 2014). Pentan have been approached by a wide variety of individuals and organisations interested in the Barnhaus concept, and are currently developing it in more detail with a view to piloting the first Barnhaus schemes asap.

Self build as a movement is on the incline in the UK as a whole, although definitions of Self Build vary considerably. Last year, the English Government made £30M available via short-term loans for self-build schemes of five or more units (2012-2015). The money can cover 75 per cent of early costs such as land acquisition, site preparation, section 106 obligations, and construction. Seven sites of public land have also been made available in England – in Cornwall, Bristol, Hemel Hempstead, Bolsover, Surrey, Stoke-on-Trent; and Milton Keynes.

Agenda Item 5



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Communities, Equality and Local Government Committee

Paper to Note – Action point from 2 October 2013: Inquiry into progress with Local Government Collaboration

CELG(4)-29-13 Paper 2

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Date: 18th October 2013
Our ref: HVT/1976/fgb
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Dear Christine

INQUIRY ON LOCAL GOVERNMENT COLLABORATION

In the course of giving evidence on 2nd October as part of the Committee's inquiry on local government collaboration, committee members asked me to provide examples of local authorities that have moved to open source software. I have appended to this letter a list of various examples that Wales Audit Office staff are aware of. I trust that this information will be of use to the Committee.

Huw

HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

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Annex: Examples of local authorities that have moved to open source software (OSS) based on information held by the Wales Audit Office

The Welsh Government's 2011 *ICT Strategy for the Public Sector in Wales* says that it will 'build capability within the public sector in Wales to increase the amount of open source code and software in use and to make it available for reuse elsewhere'.

Whilst the Wales Audit Office has not undertaken work looking specifically at the use made of OSS in Wales, we are aware of some instances in which it is being used across local government. We have identified these examples through financial audit related work which concentrates on ICT systems that present a potential material risk to the accuracy of local authorities' accounts and as part of the improvement assessment work that we undertake each year under the 2009 Local Government (Wales) Measure. Examples of OSS in use include:

- **Newport** uses the Ingres Database - Ingres a commercially supported, open-source SQL database with a global community of contributors.
- **Rhondda Cynon Taff** uses Solaris as an operating system underpinning their Capita Academy Revenues and Benefits system. Solaris is a hybrid of OSS and commercial off-the-shelf software (COTS).
- **Gwynedd** uses Ingres as a database for their Academy Revenues and Benefits. The Council also uses Red Hat as a platform for its Cyborg payroll. Red Hat is one of a plethora of commercially supported variants on Linux. Linux is arguably one of the most widely used and recognisable OSS operating systems and is itself a version of the earlier UNIX system originally developed as an educational tool for use by trainee programmers.
- **Flintshire** uses Capita's OpenHousing, an OSS housing management application. Historically, Capita has strong track record in using or promoting OSS as part of its commercial offering. OpenHousing is software marketed and supported by Capita, but developed by a worldwide network of users with a strong central management of features and version control.
- **Wrexham** uses the Progress OpenEdge OSS database within its Orchard Housing Rents and Repairs software. Orchard's housing software contains a mix of COTS and some OSS components, they support both.
- **Conwy** uses the MySQL OSS database to manage data within its website. MySQL is particularly suited to web applications such as corporate websites. Conwy use this in conjunction with an Apache Tomcat OSS web server which sits within a Linux OSS operating system. This is quite a typical OSS Website system. Conwy also use many smaller scale OSS tools and applications for IT admin purposes and they also participate, as do many local education authorities in Wales, in the Moodle project (OSS interactive web pages for schools parents and pupils).

- **Carmarthenshire** uses Solaris as the operating system for its payroll. However, one of the features of OSS is that users often become developers, applying their experience in applying the software to the on-going task of improving it. Whilst in many of the above cases, the Council is simply an end user, running OSS without necessarily participating in its development, Carmarthenshire also provides an example of a full-scale development using OSS: They are currently using OSS to develop electronic forms (planning applications, etc) using tools produced by I-Local. . This application has the potential to be used by other councils.

As with COTS, there is a vast amount of OSS available, covering almost any commercial or service delivery application imaginable. Often organisations will run mainstream services and processes with COTS, but add OSS for specific add-on components where local tailoring is needed. This seems to be consistent with the pattern of use emerging in Welsh Local Government. The Wales Audit Office is considering holding a shared learning seminar on the use of open source software, following on from recent seminars on the effective use of information technology.

Communities, Equality and Local Government Committee

Paper to Note – Action Point from 10 October 2013: Inquiry into progress with Local Government Collaboration

CELG(4)-29-13 Paper 3

Annex 1

Extract from “WLGA Collaboration Toolkit”, August 2012

5. How do we scrutinise collaborative activity?

Scrutiny should not be a 'bolt on' to any collaborative activity; indeed, the case for collaboration may have been initiated or at least explored by a scrutiny committee in the first place.

Scrutiny not only plays a key role in terms of governance and performance management arrangements, but also plays a key role in terms of local accountability and local democracy; whilst services may be commissioned or delivered on a collaborative footing, accountability remains local.

There are a range of approaches to scrutiny of collaborative activities, and may include scrutiny by existing scrutiny committees on a council by council basis, joint meetings between councils' scrutiny committees through to the establishment of new joint overview and scrutiny committees (following the Local Government (Wales) Measure 2011).

Depending on the collaborative activity in question, scrutiny could be ongoing and intensive (e.g. regular reporting/review), annual or bi-annual reporting or based on an ad-hoc/time limited arrangements (i.e. no standing scrutiny arrangements but potential to form time-limited scrutiny committees/task & finish groups to carry out investigations/reviews as necessary).

As noted above, scrutiny may have initiated a case for collaborative activity or may be involved from project inception, scrutinising the robustness of proposals, business plans, project plans or risk assessments prior to their approval. Scrutiny may also be involved in monitoring the performance and governance of a collaborative project/service on an ongoing basis; scrutinising the impact of individual projects and disseminating learning to inform future collaborative initiatives; or monitoring the impact on individual local authority areas of collaborative initiatives – e.g. how well does a collaborative project deliver improved services or value for money for the people of a local authority area?

As collaborative business models vary on a case-by-case basis, so too will the appropriate governance and scrutiny arrangements; authorities will need to consider their approaches to scrutiny, including the form and frequency of scrutiny activity, on a case-by-case basis

The Local Government (Wales) Measure 2011 gives powers to councils to form joint overview and scrutiny committees. However, [at the time of writing] the Welsh Government has not issued statutory Guidance or Regulations on joint overview and scrutiny committees, which is expected in the Autumn of 2012. It is anticipated however that joint overview and scrutiny committees will have the full range of powers and duties that are available to individual council committees, including powers to establish sub-committees, powers to call-in and duty to scrutinise designated persons.

Annex 2: Extract from "The Role of Councillors in Collaboration", WLGA Guide, October 2012

Overview and Scrutiny

There are a range of approaches to scrutiny of collaborative activities, and may include scrutiny by existing scrutiny committees on a council by council basis, joint meetings between councils' scrutiny committees, through to the establishment of new joint overview and scrutiny committees (following the Local Government (Wales) Measure 2011). As noted above, the Welsh Government will be commissioning a range of support for collaborative scrutiny in due course and has published draft guidance around new powers around joint overview and scrutinys.

Depending on the collaborative activity in question, scrutiny could be ongoing and intensive (e.g. regular reporting/review), annual or bi-annual reporting or based on an ad-hoc/time limited arrangements (i.e. no standing scrutiny arrangements but potential to form time-limited scrutiny committees/task & finish groups to carry out investigations/reviews as necessary).

Scrutiny may have initiated a case for collaborative activity or may be involved from project inception, scrutinising the robustness of proposals, business plans, project plans or risk assessments prior to their approval. Scrutiny may also be involved in monitoring the performance and governance of a collaborative project/service on an ongoing basis; scrutinising the impact of individual projects and disseminating learning to inform future collaborative initiatives; or monitoring the impact on individual local authority areas of collaborative initiatives – e.g. how well does a collaborative project deliver improved services or value for money for the people of a local authority area?

Scrutinising the Intention to Collaborate

- Scrutiny Committees in their normal business of monitoring service performance may wish to evaluate whether there are activities which may be better undertaken in collaboration with other local authorities.
- Where the Executive is recommending collaborative activity it would be an appropriate role for a scrutiny committee to evaluate the business case and business plan for such collaboration including the extent to which the proposed collaboration will meet the needs of local communities. Where appropriate local authorities may also form joint overview & scrutiny committees to jointly scrutinise proposals for collaboration.

Scrutinising the Performance of Collaboration

- Wherever service delivery is undertaken on a collaborative basis it would be reasonable to expect that the service to deliver to each local authority area is clearly specified. It would be an appropriate role for a scrutiny committee to scrutinise the performance of the service, including the

extent to which the agreed service specification is delivered, and the extent to which the needs of the local community are being met.

- Where services are delivered on a collaborative basis it may also be appropriate for more than one local authority to establish a joint overview & scrutiny committee to jointly scrutinise the operation/performance of a collaborative arrangement either as a time-limited, ad-hoc review or on an ongoing basis over time.

Annex 3

Case Studies included in Appendix A Statutory Guidance from the Local Government Measure 2011: Section 58, Joint Overview and Scrutiny Committees, May 2013

Maximising benefits, minimising waste

Case Study 1: Joint Scrutiny of Partnerships in Waste Management

In being awarded the Centre for Public Scrutiny's 2008 award for its joint scrutiny of partnerships in waste management, the participating four authorities (Cardiff, Monmouthshire, Newport and the Vale of Glamorgan) were successful in supporting elected members work together to address a complex and common issue.

The purpose of the inquiry was to consider the benefits and challenges of joint service delivery of residual waste activities within a regional setting. Whilst being sensitive to each participant's varying experiences of scrutiny and different organisational and political cultures, Members and Officers maximised the collective benefit of individual strengths through carefully thought out methods and ways of working. In this instance, site visits to explore best practice helped engage Members throughout the process, assisted the bonding process and helped to establish a 'team culture'.

A key outcome precipitated by the inquiry was securing the political will necessary for each council to enter into a formal waste partnership. The extensive evidence base generated by the project provided a clear steer to participating councils; that the benefits of partnership working in dealing with waste management were compelling in that collaboration had the potential to provide the public with a better service at lower cost.

Consequently each scrutiny committee recommended to its Executive that the four councils continue to work together to secure a regional waste management solution. In practical terms, this involved fifty scrutiny members from four authorities agreeing upon the same set of recommendations to be sent to their respective Executives. This represents a real first in Wales and demonstrates the willingness of elected members to set aside individual cultural differences to develop productive working relationships characterised by understanding, goodwill and a pragmatic project management approach.

These recommendations have subsequently led to the formulation of the regional Prosiect Gwyrdd partnership which is committed to looking for the best environmental, cost effective and practical solution for waste after recycling and composting has been maximised in each area. Further information about Prosiect Gwyrdd may be found from the following link <http://www.caerphilly.gov.uk/prosiectgwyrdd/>.

Joint Scrutiny - Improving the health of partner relations

Case study 2: The Economic Impact of NHS Procurement: A Study of the Aneurin Bevan Health Board.

"It did not feel like 'scrutiny', but more like partnership" -

Procurement Manager, Aneurin Bevan Health Board, commenting on experience of joint scrutiny.

In 2009 Newport City Council and Caerphilly County Borough Council were successful in securing funding under the Welsh Government's Scrutiny Development Fund to undertake a joint project to review local procurement by the Aneurin Bevan Health Board (ABHB).

The aim of the project was to use ABHB as a case study to examine the potential impact of local procurement on the local economy and to learn from good practice, sharing the project's findings with other public sector organisations within the wider Gwent area.

Following a competitive tendering exercise, the School of City and Regional Planning and the Welsh Economy Research Unit of Cardiff Business School at Cardiff University were commissioned to carry out research on behalf of the two Councils.

The Task and Finish Group made up from Councillors from both Newport and Caerphilly acted as the Project Board and recognised the co-operation of the ABHB who agreed to take part in the project despite the then recent reorganisation of the former Gwent Local Health Boards and Trust. Senior representatives from the NHS were involved at all stages of the project to ensure that the final recommendations were relevant and realistic. This was important to ensure partners had opportunity to influence the project and determine what benefits were likely to be accrued as a result of their involvement.

In presenting their report to the final meeting of the Task and Finish Group, the research team underlined the significance of the project and its relevance not only to the NHS but also the public and private sectors in general. The Task and Finish Group were keen to ensure that the report should receive a wide a circulation as possible to share the reports findings and conclusions. ABHB have indicated that they would like to share the report with procurement practitioners from other Health Boards and Trusts in Wales and Welsh Health Supplies.

In reflecting upon their experience in the scrutiny project, ABHB reported that the process was something they were pleased to be part of in the interests of openness and transparency. It was reported to be useful that ABHB were dealing with just one Task and Finish Group made up of both councils instead of two separate groups.

Key learning points emerging from the joint project include the need to market the benefits of joint scrutiny exercises to those partners being subject to research and evaluation. Also of importance in this instance was having a worthwhile and relevant topic to explore with partners which resulted in a 'win-win' situation for those involved.

Learning Points from Joint scrutiny

Case Study 3: Prosiect Gwyrdd

Building upon the benefits accrued from the joint scrutiny of waste management partnerships, Cardiff, Newport, Monmouthshire, Caerphilly and the Vale of Glamorgan formed a joint Scrutiny Panel to monitor the decisions made by the Prosiect Gwyrdd Joint Committee. More information about Prosiect Gwyrdd may be found from the following link <http://www.caerphilly.gov.uk/prosiectgwyrdd/>

Prosiect Gwyrdd is a joint project committed to looking for the best environmental, cost effective and practical solution for waste, after recycling and composting has been maximised in each area. The decision making body governing the procurement process of the Project is the Joint Committee which is made up of two Executive Members from each Authority.

Public scrutiny is considered to be an essential part of ensuring that Prosiect Gwyrdd remains effective and accountable. Arrangements have therefore been introduced to provide an opportunity for non-Executive Councillors to influence and challenge key decisions taken by the joint committee and project board.

These arrangements commenced in December 2009, when Councillors from the five authorities met with representatives of Prosiect Gwyrdd to share views on the evaluation criteria which would be used in the procurement process. Following this early involvement, more formal arrangements were put in place and a Joint Scrutiny Panel established.

Positive benefits reported to date include the strengthening of relations between the elected members of the participating councils and an improved engagement with Prosiect Gwyrdd Waste Management Officers. This has resulted in Members being kept properly informed of the work of the Joint Committee so improving their effectiveness as a 'check and balance' for decision making.

Learning points arising from the project include ensuring a clear understanding of the role of scrutiny and the benefits of clear reporting lines. As the project has progressed, improved work programming and support arrangements have been put in place, further adding to the potential for successful scrutiny.

Case Study 4: Officer Support for collaborative scrutiny

The Joint Scrutiny of Partnerships in Waste Management previously referred to in case study brought together four scrutiny committees from different Councils to examine the benefits and challenges of joint service delivery of residual waste activities within a regional setting.

In order to manage the project effectively, Cardiff County Council identified a lead Scrutiny Officer from within its Scrutiny Team. Having one point of contact for the four participating authorities was identified as being an important factor in ensuring work streams and activities were well co-ordinated and progress was regularly reported to stakeholders.

Whilst it was valuable to have a single person provide consistent advice, guidance and support at joint scrutiny meetings, the individual roles of Scrutiny Officers from the participating authorities was also integral to the inquiry's success.

At the beginning of the project, Officers quickly realised that time and care would need to be spent on ensuring that organisational and cultural differences did not become inhibitive.

Consequently Scrutiny Officers from the four Councils met regularly to discuss strategies that would encourage the participation and support of their respective Elected Members. It was reported that this element of joint scrutiny should not be underestimated in terms of its significance to achieving the added value characteristic of effective collaboration. Securing Member 'buy-in' at every stage of the project was reported to being essential to its smooth progression.

With regard to arriving at the project's recommendations, a report detailing the findings was presented to a joint meeting of the Panel. Members subsequently formulated mutually agreed recommendations that were informed by the evidence base generated as a result of the inquiry.

The mechanisms by which the team of Scrutiny Officers had co-ordinated the project ensured high levels of communication and team working which resulted in the recommendations and final report being properly 'owned' by every one of the participating councils.

Case Study 5: Denbighshire's Framework for Partnerships

Denbighshire County Council, in conjunction with Wrexham and Conwy County Borough Councils, successfully secured funding from the Welsh Government's (WG) Scrutiny Development Fund (SDF) in 2008/09 which enabled them to jointly commission training packages specifically tailored for scrutiny members.

Part of the funding received was used to commission a bespoke training course on how to effectively scrutinise partnerships and collaborative working arrangements. As a result of the training events, the 'Guidelines for Scrutinising Cross-Organisational Bodies, Partnerships and Collaborative Working Arrangements' were drawn up.

The framework builds upon the 'seven success factors for scrutiny' as set out in the Welsh Government's Advice Note 'Wider Scrutiny and Partnership Working' and provides some useful criteria that may be used to help identify which partnerships to scrutinise. Additional details of the Guidelines and Framework for Partnership Scrutiny may be found in the vault section of the Scrutiny Timebank website www.scrutinytimebank.co.uk.

The framework also provides a helpful template which may be used to form the basis of a protocol between a JOSC and a partnership as it details many of the practical issues that will be faced by members, officers and partners. Denbighshire acknowledges that scrutiny of partnerships is an area which requires improvement and with the establishment of a dedicated Partnerships Scrutiny Committee in May 2011 greater emphasis is intended to be placed on scrutinising the effectiveness of partnerships in delivering desired outcomes for local citizens.

In addition, Denbighshire's scrutiny function is keen to explore the associated benefits to the Council, both financially and otherwise, of delivering services via a range of partnership arrangements.

Annex 4:

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

24 JULY 2013

REPORT OF THE ASSISTANT CHIEF EXECUTIVE – LEGAL AND REGULATORY SERVICES

APPOINTMENT OF MEMBERS TO THE JOINT OVERVIEW AND SCRUTINY EDUCATION COMMITTEE

1. Purpose of Report

- 1.1 To inform Council of the proposals for the development for a Joint Overview and Scrutiny Committee to provide strategic overview and accountability for the Central South Consortium and to seek Council's approval for two Members from the Children and Young People Overview and Scrutiny Committee to sit on this Joint Committee.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 Under Section 58 of Part 6 of the Local Government Wales Measure 2011 there is provision to enable two or more Local Authorities to form joint Overview and Scrutiny Committees. The aim of section 58 is to strengthen scrutiny arrangements through the promotion of collaboration and the sharing of best practice. The Statutory Guidance issued under Section 58 of the measure states that:

'Enabling local authorities to establish JOSCs is intended to make it easier to scrutinise the delivery of providers whose services cover more than one county, or to examine issues which cut across geographical boundaries. The provision for joint scrutiny expands the options currently available to councils in undertaking wider public service scrutiny, and provides for a more flexible way of working to secure improved outcomes.

In addition, where joint scrutiny exercises have been undertaken they have facilitated opportunities to share learning and scrutiny capacity across local authorities. The harnessing of 'collective intelligence'

through JOSCs is intended to lead to more effective forms of governance, and higher standards of democratic accountability.'

- 3.2 At its meeting on 8 April 2013, the Children and Young People Overview and Scrutiny Committee received a report updating them on the work of the Central South Consortium Joint Education Service since its establishment in September 2012. The Interim Regional Director, Central South Consortium provided a report detailing the key components of the Central South Joint Education Services as well as progress achieved and future priorities.
- 3.3 At this meeting the Committee were also advised by the Scrutiny Officer that work was being undertaken, following a request from Members, to take forward the proposals for a Joint Scrutiny Committee with the other four Local Authorities involved in the Consortium; Cardiff, Merthyr Tydfil, Rhondda Cynon Taf and The Vale of Glamorgan; and to formulate methods of accountability for the Joint Education Consortium.
- 3.4 A series of meetings have been held amongst the Scrutiny Officers from the five participating Councils which have been facilitated by a representative of CfPS (Centre for Public Scrutiny) to discuss the proposed establishment of a Joint Overview and Scrutiny Education Committee (JOSEC). As a result of these meetings, officers have developed a proposed way forward, which is set out in this report.

4. Current Situation / Proposal

- 4.1 The purpose of the JOSEC will be to provide strategic oversight and accountability to the Central South Consortium Joint Education Committee (which comprises two Executive Members from each of the five authorities) in ensuring the delivery of effective school improvement services resulting in improved educational outcomes.
- 4.2 The JOSEC will act as a `critical friend` to the Central South Consortium making sure that it is appropriately challenged in its responsibility to ensure that the Joint Education Service and the Learning and Innovation Network for Schools (LINKS) service raise education standards in the schools of the five local authorities.
- 4.3 It is important that there is clarity regarding the role of the JOSEC in relation to individual council education scrutiny committees as the establishment of the JOSEC does not seek to replicate or duplicate the role of local authority scrutiny committees. Instead it seeks to focus primarily on holding the Consortium to account for the effective delivery of school improvement services. It will not have the responsibility of scrutinising the performance of individual local

education authorities within the Consortium area or the performance of individual schools.

- 4.4 However, in undertaking all or some of the functions, the JOSEC will undoubtedly consider local performance data as a means to make wider inferences about the effectiveness of Central South Consortium education services and the performance of the Joint Education Committee in ensuring the achievement of improved educational outcomes.
- 4.5 Consequently, it will be necessary for the JOSEC and participating councils to ensure they engage in two way communication with a view to developing forward work programmes that are complementary, flexible and make best use of the local intelligence that can be provided as part of elected member's community leadership roles.
- 4.6 Attached at Appendix A are the outline Terms of Reference for the JOSEC, which have been drawn up and developed through meetings with Scrutiny Officers from the five participating Councils, facilitated by a representative of CfPS. These are currently being considered by each of the five participating Local Authorities for approval.
- 4.7 It is proposed that the composition of the JOSEC will mirror the Central South Consortium Joint Education Committee in that each of the five authorities will nominate two (non-executive) Member representatives from their Overview and Scrutiny Committee that has Education as part of its remit. Following discussions with the other four local authorities, it has been proposed that the two Members nominated include the Chair of the relevant Scrutiny Committee, and one other Member. The Guidance for the Local Government Measure (Wales) 2011 states that:

'Councils will need to make attempts to ensure that member representation on JOSECs reflects the political balance represented in the relevant scrutiny committee so far as possible.'

In light of this, it is proposed that the Chair of the Children and Young People Overview and Scrutiny Committee, (who is a Member of the Independent Annibynwyr Group), be nominated, in addition to one representative from the Labour Group.

- 4.8 It is also recommended that the JOSEC, when formally established, appoints a chairperson from amongst its membership with a view to appointing a vice chairperson from a different local authority. These positions could be alternated on an annual basis or some other frequency as a developmental opportunity for elected members..

- 4.9 In March 2013, the Independent Remuneration Panel issued draft supplementary guidance which stated that any Chair of a Joint Overview and Scrutiny Committee should be a paid position. The final report is still to be published, however, the draft report proposes that Joint Overview and Scrutiny Committee Chairs will be paid a senior salary by their host council, but this will be additional to the maximum number of senior salaries a local authority can pay.
- 4.10 It has been suggested that the JOSEC meet four times a year as a minimum.
- 4.11 The JOSEC is initially being set up as a pilot project and is intended to be evaluated by the participating local authorities after a period of 24 months. Currently, there exists no dedicated resource allocated to supporting formal collaborative scrutiny processes within the five participating councils. Whilst CfPS will be able to support the establishment of any joint education scrutiny arrangements and provide initial policy advice and research capacity to the Joint Committee's early meetings, its capacity to do so on a regular basis is limited by the conditions of its funding arrangements with WG.
- 4.12 The establishment of a formal JOSEC for the regional consortium represents the first project of this kind in Wales and it is therefore proposed that potential joint funding between the five authorities be sought under the Welsh Government's Scrutiny Development Fund. The bid would cover a post of Joint Education Scrutiny Co-ordinator (JESC) and the Joint Scrutiny Committee costs for two years. This post will provide the JOSEC with dedicated analytical and project management support in helping ensure the delivery of effective school improvement services significantly improves educational outcomes. It will also be the role of the post holder to ensure that the learning and experiences of formal joint scrutiny inform the development of other collaborative accountability arrangements.
- 4.13 Initial discussions with Welsh Government have indicated that they would be receptive to funding a potential bid of this nature.
- 4.14 It has been proposed that Bridgend be the host authority for the JOSEC and the associated costs are being incorporated into the SDF bid.
- 4.15 At its meeting on 5 July 2013, the Children and Young People Overview and Scrutiny Committee agreed the draft Terms of Reference of the JOSEC and agreed to nominate Cllr Peter Foley and Cllr Gareth Phillips as the two Members to sit on the Joint Scrutiny Committee representing Bridgend.

5. Effect upon Policy Framework & Procedure Rules

5.1 None

6. Equalities Impact Assessment

6.1 There are no Equalities Impacts relating to this report.

7. Financial Implications

7.1 The proposals outlined in the report are dependent on grant funding being received from Welsh Government. Should the funding not be received, the project would be unlikely to go ahead, due to the additional costs and the complications associated with sharing those costs across the local authorities that are part of the consortium.

8. Recommendation

8.1 Council is asked to note the report and approve the appointments of the following Members from the Children and Young People Overview and Scrutiny Committee, to sit on the JOSEC as representatives from Bridgend:

- (i) Cllr Peter Foley
- (ii) Cllr Gareth Phillips

Andrew Jolley

Assistant Chief Executive – Legal and Regulatory Services

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Background documents

None

Paper to Note – Action Point from 26 September:

Inquiry into barriers into
home building in Wales

CELG(4)-29-13 Paper 4



Community Housing Cymru Group

A note for the committee-length of time for planning permission

The planning system has come under considerable scrutiny in recent years and Welsh Government have undertaken a root and branch review with several studies carried out. The following information has been put together with Asbri planning, who have considerable experience in promoting development for many of the RSL's in Wales.

The majority of the applications submitted for RSL's are dealt with in a timely fashion without much fuss. There is considerable goodwill with officers to enable affordable housing schemes. Where extensive pre-application discussions take place the process is usually much easier. Notwithstanding the above, where problems arise they are as follows:-

- Members refuse planning application for political reasons. This is normally responding to local opposition and the members taking a populist standpoint- local democracy can be a major issue:
 - Where planning applications are refused and S78 Appeals are made, there is a 90% success rate at appeal. A colleague from Asbri planning noted that he had only lost two appeals out of approximately 45 RSL appeals over a ten year period. The dismissed appeals related to a listed building and contemporary design issues.
 - RSL's can be very reluctant to undertake appeals by way of either the informal hearing methods or public inquiry to allow for cost applications to be made against local planning authorities. Instead they prefer to appeal by written representation and keep the process 'low key'.
 - Asbri planning has found that some councils are worse than others for refusing RSL applications.
- The planning system also incurs unnecessary costs on RSL's by imposing unwarranted planning conditions. Normally the information required has been submitted as part of the planning application but the planning officers and statutory consultees have failed to read the documentation in detail.
- The need to discharge unwarranted conditions and the time taken to formally issue a discharge letter, results in a delay in the development commencing on site, sometimes by a few months. LPA's do not resource this part of the planning function adequately.
- There is an on-going issues with LPA's seeking better design and inappropriate car parking standards on RSL schemes. There is very little appreciation of cost implications and the impact of over requirement for car parking spaces on RSL layouts. Excessive car parking standards is more of a problem than design issues.

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- Some Local Authorities are imposing excessive time constraints in respect of Code for Sustainable Homes. The need to obtain BRE/Stroma approval prior to implementing key stages is unwarranted. Pragmatic authorities are requiring the information to be submitted within 3 or 6 months from key milestones, thus allows for timeline flexibility.
- The planning application validation process is currently preventing planning applications to be lodged without detailed ecological surveys, which are constrained by the 'seasons'. An element of flexibility should be allowed in order that non-ecological matters can be dealt with and resolved during the winter months.
- There is another planning issue which is causing major difficulties for RSLs which is not related to the granting of consent but it's about the fact that LPAs seem to have little understanding of their lack of cooperation/resourcing with regard to the discharging of planning conditions. RSLs are able to lever in major amounts of private finance to help deliver affordable housing which is secured against previously completed homes. If there are any matters outstanding against these homes then the amount that can be secured is dramatically reduced which clearly has a major impact on supply.
- Planning consents include an increasing number of conditions, the pre-start conditions are time consuming to deal with but the ones which come later in the process and particularly those which should be discharged during the latter stages of a development or post completion are simply not being dealt with. There are scenarios where contractors do try to provide the required information to facilitate the discharge but LPAs often do not respond, citing lack of resources. All of this impacts on the amount of money available to deliver affordable homes, with impacts on the submitting of planning applications and the issue of keeping this aspect of the economy going as well as delivering affordable homes.

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