Wellbeing of Future Generations Bill – Changes to Local Service Boards and Single Integrated Planning
September 2014

The Wellbeing of Future Generations Bill and accompanying Explanatory Memorandum is available here:

Public Service Boards

- LSBs will become Public Service Boards (PSBs)
- PSBs will be statutory boards
- There will be a duty on the local authority to provide administrative support
- There will be changes to LSB membership and apparently 3 types of members/participants:
  - ‘Members’ (4 core, statutory members - LA, LHB, Fire and Rescue and Natural Resources Wales).
  - ‘Invited Participants’ (a list including who must be invited to participate including Welsh Ministers, National Park Authorities, Police and Crime Commissioners, third sector etc.)
  - ‘Other Partners’ (including community councils etc.) who the PSB must seek advice from or involve as appropriate.
- These membership changes are significant as not everybody is treated as an equal member on the face of the Bill: an invited partner ‘does not become a member of the board by virtue of accepting the invitation’ and although is allowed to provide assistance to the PSB, they appear to be precluded from providing financial assistance (S28(6)).
- It is assumed therefore that all the new PSB duties below apply only to the 4 core statutory PSB members.
- The Bill also sets out terms of reference for the PSB, detail about quorums and sub-groups (S32 and Schedule 3).

The WLGA has raised concerns about the unnecessary prescription, and the risk of confusion, clouded accountability, inconsistent commitment given the different categories of PSB ‘membership/participation’ and the risk of creating additional regulatory burdens as a result.

Wellbeing Plans

- The wellbeing plan will replace the single integrated plan and publication is to tie in with local government election cycles, meaning they must be in place no later than one year following the election.
- In drafting the plan, the PSB must seek the advice of the Future Generations Commissioner on how to apply the SD principle
- Plans will need to be sent to Ministers, the Future Generations Commissioner, Auditor General and a designated local scrutiny committee.
- The PSB must review its plan if directed by Ministers (S43(2)a) (see below)
- Each PSB must—
  - set well-being objectives for inclusion in its local wellbeing plan, and
  - prepare and publish an annual progress report – report to Commissioner, Auditor General, Welsh Ministers and local scrutiny
- However, through the Bill, LAs and other public bodies will also have individual duties to individually set wellbeing objectives, annual statements or action plans and produce annual reports, so it appears to be duplication that they all have to do it all over again as a collective.

  WLGA has expressed concern about the additional burden, regulatory impact and costs of the duplication around annual objective setting and reporting requirements.

**Ministerial Powers**

- Ministers will not approve wellbeing plans but will have a power to refer a plan that is ‘not sufficient’ to the local scrutiny committee (EM, para 226, p. 44)
- Where Ministers consider insufficient progress is being made they have the power to refer the matter to scrutiny (Explanatory Memorandum, para 231, p. 45).
- Ministers will have the power to set performance measures where the PSBs progress is slow in establishing their own performance management system
- There are also powers for Ministers (S46(2) and S47(2)) to merge or direct collaboration between PSBs if they consider it to be ‘beneficial to the local aim of each board’.
- There is a power for Ministers to determine, through regulations, the communities in an area (Explanatory Memorandum, para 210, p. 41).

  WLGA has expressed concern that Ministers have too many and unnecessary powers to direct or over-rule locally determined and locally evidenced wellbeing plans.

**Assessment of local well being**

- There will be a requirement to undertake an assessment of local wellbeing (replacing the strategic needs assessment). This is to be consulted on with a range of bodies and must be published no later than one year before the wellbeing plan is published.
- Assessments will need to be sent to Ministers, the Commissioner, Auditor General and local scrutiny committee and Minister have the power to refer them to local scrutiny.
Overview and Scrutiny

- There will be a requirement for councils to designate a local government scrutiny committee to scrutinise the work of the PSB.
- The committee will have the power to require the members of the Board to give evidence (though this appears to duplicate provisions under the Local Government (Wales) Measure 2011 on ‘Scrutiny of Designated Persons’ which doesn’t appear to be repealed or amended).
- As outlined above, Ministers will have the power to refer plans or assessments for consideration to local scrutiny.
- A designated scrutiny committee will have to send its recommendations or reports not only to the PSB, but also to the Commissioner, Auditor General and Welsh Ministers.

WLGA has expressed concern that the proposal impacts on local accountability and risks changing scrutiny into a quasi-regulatory role – scrutiny should engage with and report to the PSB and/or the authority, not the Auditor General or Welsh Ministers. Similarly, the Welsh Ministers’ power to refer plans back to scrutiny is effectively a Ministerial power of call-in which undermines local democracy and local discretion.

WLGA has stated that there should be local flexibility for authorities to allow any scrutiny committees to look at aspects of the PSB’s work, needs assessment or wellbeing plans and that the relationship with ‘Designated Persons’ sections of the 2011 should be clarified.