

Agenda – Public Accounts Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 24 February 2020

Meeting time: 12.45

For further information contact:

Fay Bowen

Committee Clerk

0300 200 6565

SeneddPAC@assembly.wales

(Private Pre-meeting)

(12.45 – 13.00)

1 Introductions, apologies, substitutions and declarations of interest

(13.00)

2 Paper(s) to note

(13.00 – 13.15)

2.1 Ministerial Direction – NHS pension arrangements for 2019/20: Letter from the Minister for Health and Social Services (4 February 2020)

(Pages 1 – 5)

2.2 Financial Management and Governance in Community Councils: Letter from the Welsh Government (31 January 2020) and Auditor General for Wales Report – Financial management and governance – Community and town councils 2018–19 (6 February 2020)

(Pages 6 – 21)

Auditor General for Wales Report – [Financial management and governance – Community and town councils 2018–19](#)

Welsh Government Statement: Support for Financial Management and Governance in the Community and Town Council Sector in Wales in 2020–21 (12 February 2020)

2.3 Medicines Management: Letter from the Welsh Government (10 February 2020)

(Pages 22 – 37)



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Wales

2.4 Public Procurement: Letter from the Welsh Government (11 February 2020)
(Page 38)

2.5 NHS Wales Informatics Services: Letter from the Welsh Government (11 February 2020)
(Pages 39 – 41)

3 Effectiveness of Local Planning Authorities in Wales: Evidence Session with the Public Services Ombudsman for Wales
(13.15 – 14.15) (Pages 42 – 69)
Research Briefing
PAC(5)–07–20 Paper 1 – Public Services Ombudsman for Wales

Nick Bennett – Public Services Ombudsman for Wales

(Break)
(14.15 – 14.20)

4 Effectiveness of Local Planning Authorities in Wales: Evidence session with the Future Generations Commissioner for Wales
(14.20 – 15.45) (Pages 70 – 79)
PAC(5)–07–20 Paper 2 – Future Generations Commissioner for Wales
PAC(5)–07–20 Paper 3 – Future Generations Commissioner for Wales’ response to the Welsh Government’s National Development Framework for Wales

Sophie Howe – Future Generations Commissioner for Wales
Marie Brousseau-Navarro – Director of Policy, Legislation and Innovation, Future Generations Commissioner for Wales Office

5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:
(15.45)
Item 6 and Item 1 of the meeting on 2 March 2020

6 Effectiveness of Local Planning Authorities in Wales: Consideration of evidence received

(15.45 – 16.15)

Vaughan Gething AC/AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref 00107/20

Nick Ramsay AM
Chair
Public Accounts Committee
National Assembly for Wales

4 February 2020

Dear Nick,

Following your session yesterday with the Permanent Secretary and the Director-General of Health and Social Services about the Ministerial Direction on NHS pension arrangements for 2019-20, I thought I would highlight my correspondence with the Secretary of State for Health and Social Care in England on 22 January outlining my concerns at the approach taken in England. He replied to my letter on 31 January.

You will note that he commits to a review of the UK Government changes that led to this situation with the outcome known in time for the Budget on 11 March.

You will also note that he makes clear that he and the Department of Health and Social Care took the decision not to engage with the devolved administrations on their announcement, which I find unacceptable and disappointing given the impact it had on health services across the UK.

My colleague the Minister Finance and Trefnydd also wrote to the Chief Secretary to the Treasury about this issue on 28 January. We have not yet received a response to this letter.

Yours sincerely,

Vaughan Gething AC/AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Minister for Health and Social Services

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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.



Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

22 January 2020

Dear Mr Hancock,

NHS Pensions and Taxation Allowances

I am writing to you again on this matter to outline the Welsh Government's position on the use of reimbursing clinicians who use scheme pay from their pensions to pay for a tax bill for 2019/20. The position that Welsh Government found itself in before Christmas was totally unacceptable. Intervening in the midst of a UK General Election without notice, let alone discussion with devolved national governments on the impact and application of UK tax rules, gave every impression of being opportunistic. The scheme in England was only brought about due to the fact that the UK Government have still not sorted out the issue of the annual and lifetime allowance charges which is causing unprecedented levels of pressures in our NHS system especially now over the winter months. The Ministerial Direction that we have issued is a sticking plaster not a sustainable long term solution.

The Welsh Government fundamentally disagrees with the solution which has been implemented in England. The tax issue should be resolved by the Treasury, not left to the health budgets of each of the four UK Governments to absorb. However, we were left with no option but to also consider putting in place the same temporary solution while the UK Government is consulting on changes from April 2020. The Welsh Government will also be writing to the Chief Secretary to the Treasury on this matter.

Whilst I have noted that it has recently been confirmed by the Treasury that the outcome of the review into the taper will be announced alongside the budget in March, I am disappointed that to date there has still been no engagement with devolved national governments. Our officials continue to engage on the consultation response to any future legislation changes to the England and Wales Pension Scheme, which I understand you will be responding to in March with any legislation changes backdated to April 2020.

The harm being done to the NHS across the UK by this issue is undeniable. The significant loss of activity is felt by our patients and it is hard to understate the loss of goodwill from our staff. In the period from April to the end of December, Health Boards in Wales have reported they have lost around 3,200 sessions which has affected nearly 27,000 outpatients, inpatients / daycase or diagnostics. It is even more important that a sustainable and transparent solution is found to resolve this issue once and for all, we cannot keep putting temporary measures in place. Given the wider public interest and importance I am making this letter publicly available.

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I am copying this letter to Edward Edgar MP, Minister of State for Health, Jeanne Freeman MSP, Cabinet Secretary for Health and Sport and to Robin Swann MLA, Department of Health in Northern Ireland.

Yours sincerely,

A handwritten signature in black ink, reading "Vaughan Gething". The signature is written in a cursive style with a large, sweeping 'V' and a long, trailing 'g'.

Vaughan Gething AC/AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Department of Health & Social Care

*From the Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care*

*39 Victoria Street
London
SW1H 0EU*

020 7210 4850

Vaughan Gething AM
Minister for Health and Social Services
Welsh Government
Cardiff Bay
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31 January 2020

Dear Vaughan,

Thank you for your letter dated 22nd January regarding the NHS Pension Scheme. You raised three points about the 19/20 NHS England tax payment scheme for high earning clinical staff in the NHS Pension Scheme. First, that the announcement of the scheme for 19/20 was announced during the pre-election period, second you expressed concerns that the NHS England scheme is not a long-term solution to the problem of senior clinicians declining additional work, and third that there was a lack of engagement with the Welsh Government before this announcement was made.

The NHS England tax payment scheme for 19/20 is designed strictly for the 19/20 pension scheme year only.

The Government is aware of problems due to pension tax charges and have a manifesto commitment to urgently review the operation of the annual allowance taper. Work on the review is underway and Health and Treasury Ministers met on 13th January with the Academy of Medical Royal Colleges, the British Medical Association and other key stakeholders to set a long-term solution. The outcome of the review will report at Budget on 11th March.

Alongside this, the review will also consider the findings from the Department's recent consultation on a package of pension flexibility for NHS clinicians who face annual allowance tax charges. The proposed flexibility would help NHS clinicians to adjust their pension saving to fit within their tax-free allowance for pension saving and manage their pension tax liability without reducing their workload. The consultation received over 2,300 responses and I am grateful to the Welsh Government for contributing their views on the proposed flexibility. The Department is currently considering all consultation responses and as you note our respective officials continue to work together on this issue. The Government will publish its consultation response in due course.

Whilst it is unusual to make an announcement such as the NHS England solution in the pre-election period, I considered advice from NHS England and accepted their judgement that it is operationally necessary and urgent to take further action on clinicians' pensions to protect patient care over winter. I also accepted NHS England's judgement that this decision could not wait until after the General Election and I was advised by my officials that the announcement was compatible with pre-election guidance.

Given the importance that must be attached to the NHS and its performance over winter and recognising the particular circumstances within the NHS and necessity of this intervention to address operational capacity at this time, I formally directed NHS England to proceed with their operational proposals. This direction also applies to Chris Wormald in his capacity as Principal Accounting Officer for the Department of Health and Social Care. This approach was subject to agreement across Government and judged to be in line with the principles of the General Election Guidance.

A letter from Simon Stevens, Head of NHS England, setting out the case for the operational proposals and my response is available at;
<https://www.gov.uk/government/publications/senior-clinicians-pensions-letters-between-dhsc-and-nhs-england>

I do appreciate that you would have preferred to have been given prior warning of the announcement. As you know, my officials work closely with yours on pensions matters. Given the speed at which the proposal was developed, the sensitivity of the announcement and the fact it applies only in England, the decision was made not to engage with the Devolved Administrations in advance. However, I can confirm that we intend to work closely with you and your officials going forward.

Yours ever,

A handwritten signature in blue ink, appearing to read 'Matt', with a stylized flourish at the end.

MATT HANCOCK

Agenda Item 2.2

Tracey Burke

Cyfarwyddwr Cyffredinol / Director General
Y Grŵp Addysg a Gwasanaethau Cyhoeddus
Education and Public Services Group



Llywodraeth Cymru
Welsh Government

Nick Ramsay AM
Chair
Public Accounts Committee
National Assembly for Wales
Cardiff Bay
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31 January 2020

Dear Mr Ramsay

Financial Management and Governance in Community and Town Councils

Thank you for your letter of 17 December following my attendance at Public Accounts Committee on 25 November on Community and Town Councils. You provided a copy of your letter to the Chair of the ELGC Committee given the Committee's scrutiny of the Local Government and Elections (Wales) Bill. For the same reason and for completeness, I am copying this letter of response to the ELGC Chair.

Further to your request for a high-level summary of the status of each of the areas for action for community councils, please find this at Annex A. We remain committed to progressing these actions during this Assembly term, working closely with the sector and key stakeholders such as the Wales Audit Office (WAO).

Thank you for highlighting that the Committee wished to stress that the Welsh Government gives further consideration to how good practice is shared. I can inform you that we have activity planned in this area which includes upcoming guidance on digital engagement and financial support; updates to the Good Councillor's guide and work with One Voice Wales (OVW) and the Society for Local Council Clerks (SLCC) to support sector-led sharing of good practice. We will continue to work with these partners as part of the preparations for the relevant provisions in the Bill. We anticipate the Bill, particularly the eligibility criteria for General Powers of Competence, will act as a catalyst for councils to access this support. We will remind councils that whilst we support creativity, they must act within their legal framework.



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Your letter also noted compliance with statutory requirements and the challenge of ensuring that the new annual reporting requirement in the Local Government and Elections Bill achieves its intended purpose. Community and Town Councils generally meet their wide-ranging statutory duties, however as highlighted by the WAO report and the evidence session in November, a frustratingly high number of councils fail to meet the statutory deadlines. Therefore, we do accept that some councils may find a duty to produce an annual report a challenge but we will be using the guidance to explain that annual reporting should be proportionate to the scale and the scope of the council's work. We will engage with stakeholders in the council sector and with WAO colleagues to prepare guidance that helpfully describes how this might look.

You also asked for an update on the uptake of the different training initiatives which the Welsh Government has supported, including the bursary schemes. Details on the bursary uptake for both clerks and councillors, broken down by councils with budgeted turnover, is provided in Annex B.

I hope the above information and the detail contained in the two Annexes is sufficient by way of additional information for your Committee. Please let me know if you would like any further detail or clarification.

Finally, I would like to take this opportunity to thank the Committee for its time and interest in this area.

Yours sincerely



Tracey Burke

High-level summary of the status of each of the areas for action for community councils

Timescale: For items designated as “for further consideration” - our commitment is to progress thinking during this Assembly Term, unless otherwise stated in individual cases.

THEME: Clarifying the role of the sector	
Action	Update
<ul style="list-style-type: none"> Undertake a campaign to: <ul style="list-style-type: none"> confirm important role of sector; raise awareness of the work of community council (including in areas which don't have them). 	<p>Ongoing.</p> <p>Number of actions already taken to increase communications with sector. Work planned for more outward-facing communication in lead-up to next community council elections.</p>
<ul style="list-style-type: none"> Encourage community councils to reflect on what is required locally, in terms of the kinds of services they could deliver. 	<p>Ongoing.</p> <p>Actions already completed include Ministerial engagement, updated guidance issued in October 2019 on community asset transfer, and through the introduction of Local Government & Elections (Wales) Bill.</p>
<ul style="list-style-type: none"> Raise awareness of the benefits of establishing new community and town councils. 	<p>Ongoing.</p> <p>Priority to date has been on growing capacity and confidence within the sector. Activity to raise awareness of establishing new councils will increase towards the next local government elections.</p>

<ul style="list-style-type: none"> • Alongside raising awareness of the benefits of establishing new community councils, explore other models which could provide a focus for communities in urban areas. 	<p>For further consideration.</p> <p>Further consideration required to explore other models for relevant communities in urban areas. The communications referred to previously are planned to be used to share these models.</p>
<ul style="list-style-type: none"> • Consider further the usefulness of a 'place based services' distinction, the appetite for change and the pace that it could be sustained. 	<p>For further consideration.</p> <p>No firm view has been expressed within either tier of local government on the way forward.</p>
<ul style="list-style-type: none"> • Consider consulting on the merits of retaining 'dual hatted' councillors. (The Independent Panel recommended against having dual members, regardless of the types of councils.) 	<p>For further consideration and engagement.</p> <p>No clear views across local government tiers. The effect on the level of participation will also need to be considered.</p>
THEME: Increasing democracy and participation	
Action	Update
<ul style="list-style-type: none"> • Use existing powers to ensure Community Reviews are conducted on a regular basis. 	<p>Ongoing.</p> <p>Seeking an up-to-date position from each Principal Council in 2019-20.</p>
<ul style="list-style-type: none"> • Establish better understanding of use of social media by community and town councils to engage their community; and facilitate sharing of good practice. 	<p>Ongoing.</p> <p>Currently analysing the responses to the digital survey. This will inform guidance due to be published before the end of June 2020.</p>

<ul style="list-style-type: none"> • Undertake a campaign to encourage more people to stand for election. 	<p>Ongoing.</p> <p>Phase 1 of the Diversity in Democracy programme completed. Phase 2 ongoing.</p>
<ul style="list-style-type: none"> • Consider and potentially consult on the need for a comprehensive review of community council boundaries, recognising any action in future would require a different legislative vehicle. 	<p>For further consideration.</p> <p>We expect this only to be taken forward if individual Principal Council reviews fail to be implemented regularly.</p>
<ul style="list-style-type: none"> • Consider whether to ensure that elections should be held regardless of whether seats are contested - balancing stimulating the democratic process with cost. 	<p>For further consideration.</p> <p>Priority has thus far been on increasing participation for the 2022 elections.</p>
<ul style="list-style-type: none"> • Explore what more can be done to promote diversity amongst councillors. 	<p>For further consideration.</p> <p>Part of the consideration for the current Phase 2 of the Diversity in Democracy Programme.</p>
<ul style="list-style-type: none"> • Allow the lower minimum voting age of 16 years to embed (if it goes ahead) before considering whether to lower the minimum age to stand as a community council candidate to 16 years. 	<p>For further consideration.</p> <p>As per action, we will review the effect of lowering the voting age for National Assembly for Wales' elections before considering further action.</p>
<ul style="list-style-type: none"> • Consider how local engagement and public participation has been affected in England following the introduction of the duty on Parish Councils to hold at least one public meeting per year. 	<p>For further consideration.</p> <p>We will review impact of annual public meetings on public participation in England alongside the impact of annual reporting requirements in the Local Government and Elections (Wales) Bill.</p>

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THEME: Building capacity	
Action	Update
<ul style="list-style-type: none"> • Provide access to the general power of competence (GPoC) to eligible community councils (through the Local Government and Elections Bill). 	<p>Complete.</p> <p>The GPoC provisions are within the Local Government and Elections (Wales) Bill.</p>
<ul style="list-style-type: none"> • Call on community councils to prepare for the introduction of GPoC by working towards the satisfying the three eligibility criteria. 	<p>Ongoing.</p> <p>This is linked to preparations for introduction of GPoC in the above Bill.</p>
<ul style="list-style-type: none"> • Support the establishment of joint delivery arrangements. 	<p>Ongoing.</p> <p>There is an ongoing grant, established in 2017-18, to encourage joint working arrangements. We will keep it under review.</p>
<ul style="list-style-type: none"> • Provide guidance, and share good practice, on different delivery models. 	<p>Ongoing.</p> <p>Work ongoing to gather evidence of good practice. Further research on delivery models will be required before proceeding.</p>
<ul style="list-style-type: none"> • Raise awareness of existing sources of funding. 	<p>Ongoing.</p> <p>Guidance on sources of funding is expected to be published this financial year.</p>
<ul style="list-style-type: none"> • Explore how community councils could be encouraged to consider moving to / expanding service delivery. 	<p>Ongoing.</p>

	The WLGA and One Voice Wales are leading on this work as part of their task and finish group on joint key issues.
<ul style="list-style-type: none"> • Explore widening access to new sources of funding for community and town councils, for example eligibility for grants and (through the general power of competence) the power to trade. 	<p>Ongoing.</p> <p>We have completed work to identify sources of funding available to Community and Town Councils. This will be reflected in the guidance on funding sources due to be published in this financial year.</p>
<ul style="list-style-type: none"> • Facilitate a conversation within local government about how services are funded and sustained. 	<p>Ongoing.</p> <p>The WLGA and One Voice Wales are leading on this work as part of their task and finish group on joint key issues.</p>
<ul style="list-style-type: none"> • Explore scope for sharing back office functions. 	<p>For further consideration.</p> <p>This is a longer term development that is likely to be explored by councils as they strengthen their capacity and capability and look to take on more.</p>
THEME: Building capability	
Action	Update
<ul style="list-style-type: none"> • Identify core training for councillors and consider the practicalities of introducing a core package of training. 	<p>Ongoing.</p> <p>We are working with the sector bodies, OVW and SLCC, through the National Training Advisory Group (NTAG) to survey current and future training needs.</p>

<ul style="list-style-type: none"> • Continue to provide a bursary scheme for councillors and clerks to undertake training. 	<p>Ongoing.</p> <p>We will keep the current scheme under review.</p>
<ul style="list-style-type: none"> • Encourage an increase in the number of qualified clerk - as a condition for exercise of GPoC, and through support to undertake training. 	<p>Ongoing.</p> <p>Bursary scheme available to support clerks to undertake CiLCA. We will keep the scheme under review.</p>
<ul style="list-style-type: none"> • Explore the establishment of a “network” of community council clerks in Wales. 	<p>For further consideration.</p> <p>The Society for Local Council Clerks (SLCC) undertake this role to some extent already. We will work with them to review whether and how this might be strengthened.</p>
<ul style="list-style-type: none"> • Consider how desirable, and possible, it is to go towards appointing clerks from a national list (including workforce implications). 	<p>For further consideration.</p> <p>This is a complex and potentially controversial area. We are currently prioritising increasing the number of clerks holding appropriate qualifications.</p>
<ul style="list-style-type: none"> • Consider options for provision of expert advice and support for the sector, within the context of the wider work supporting improvement in local government. 	<p>For further consideration.</p> <p>We are exploring how we can do more to support the sector to develop a sector-led improvement approach, which will be informed by the approach to future WAO community and town council audits.</p>
<ul style="list-style-type: none"> • Consider whether, and how, core training for councillors should be made mandatory. 	<p>For further consideration.</p> <p>We are presently exploring the feasibility of mandatory core training and the infrastructure required to deliver flexibly and monitor easily, to inform future decisions on mandatory training.</p>

<ul style="list-style-type: none"> • Explore with WAO what further support could be provided to smaller community councils to help them fulfil audit requirements. 	<p>For further consideration.</p> <p>This would need to be jointly developed between the Welsh Ministers and the Auditor General for Wales (AGW) following the WAO consultation on proposals for a new audit regime early in 2020.</p>
THEME: Improving relationships	
Action	Update
<ul style="list-style-type: none"> • Facilitate work to strengthen key relationships between community councils and principal councils. 	<p>Ongoing.</p> <p>There is work under way through the WLGA and OVW Task and Finish Group. We await the outcome of this work due in 2020-21.</p>
<ul style="list-style-type: none"> • Add a representative from community and town councils in the area to the list of required 'invited participants' on Public Services Boards (PSBs). 	<p>Ongoing.</p> <p>Further work with PSBs and community councils is required to identify a suitable mechanism for identifying a representative (and ensuring they are then able to act as a meaningful representative of the sector).</p>
<ul style="list-style-type: none"> • Explore what else can be done to facilitate relationship building between both tiers of local government and consider whether there is a need to make structures mandatory. 	<p>Ongoing.</p> <p>WLGA and OVW Task and Finish Group is leading on this action.</p>
<ul style="list-style-type: none"> • Explore support for councillor and employee relationships, when things go wrong. 	<p>Ongoing.</p>

	The Welsh Government has facilitated work between the Ombudsman's office and the sector's representative bodies to develop a guide for community and town councils in relation to officer complaints about bullying and harassment by individual councillors; a draft guide is in development and we await this to be shared with us.
<ul style="list-style-type: none"> Consider how the Code of conduct and grievance procedures could be strengthened to address poor behaviour by councillors. 	<p>Ongoing.</p> <p>Guidance is available from the Ombudsman to assist councillors in understanding their obligations under the '<i>Code of Conduct for Members of Community Councils: Guidance</i>'. The guide under development noted in the previous action will provide further clarity of the evidence requirements to support conduct and grievance procedures.</p>
THEME: Improving accountability	
Action	Update
<ul style="list-style-type: none"> Require community and town councils to publish an annual report. 	<p>Complete.</p> <p>The draft Local Government and Elections (Wales) Bill includes a provision to require community and town councils to report annually; associated statutory guidance will be developed during 2020-21.</p>
<ul style="list-style-type: none"> Continue to encourage community councils to follow a cycle of "engage, plan, undertake and report". 	<p>Ongoing.</p> <p>The guidance for annual reporting will do this. The Good Councillor's Guide will be updated to reflect the legislative changes.</p>

<ul style="list-style-type: none"> • Explore how digital mechanisms to engage, meet and share information are used, and could be used more extensively, by the sector. 	<p>Ongoing.</p> <p>A good practice guide on digital mechanisms for engagement will be issued before the end of June 2020.</p>
<ul style="list-style-type: none"> • Consider the case for legislating to extend the 'sustainable development principle' to community and town councils. 	<p>Further consideration.</p> <p>We intend that the sustainable development principle will be reflected in the statutory guidance for annual reporting, which and will be consulted on..</p>
<ul style="list-style-type: none"> • Consider the case for developing standards and principles for community engagement. 	<p>Further consideration.</p> <p>This is an area appropriate to develop with the sector as we develop guidance on annual reporting.</p>
<ul style="list-style-type: none"> • Test the recommendation that councillors should not be able to be co-opted for more than one term on a consecutive basis. 	<p>Further consideration.</p> <p>We are mindful of capacity issues in some councils and we would like to increase participation in democratic elections first.</p>
<ul style="list-style-type: none"> • Consider whether to legislate for appropriate support and intervention arrangements. 	<p>Further consideration.</p> <p>There is Ministerial support to explore how a formal performance and governance regime might operate, and this will begin to be explored with the sector in 2020-21.</p>
<ul style="list-style-type: none"> • Explore issuing information about community council's plans for the year with the precept notifications. 	<p>Ongoing.</p> <p>Within the statutory guidance on Annual Reporting we will ask councils to set out their plans for the year, including the precept level, in the annual report.</p>

Uptake of training initiatives which the Welsh Government has supported

We provide a clerk bursary scheme to encourage clerks to become CiLCA-qualified, and encourage take-up of other general, relevant training. In previous years the funding available for bursaries has far out-stripped demand. For example, in 2018-19 only three clerks made use of the bursary for CiLCA registration; and in 2017-18 there were no CiLCA registration bursaries claimed. In both years a budget of £3,000 made provision for 12 bursaries for CiLCA registration training, valued at £1,500 within the overall clerk bursary scheme of £3,000 per annum. The remainder of the bursary was for general training with a bursary of up to £100 per session.

This year, for CiLCA registration, we increased the value of the bursary to cover the full cost of registration (£350) and increased the budget for this to £4,000. For the first time, the funding is fully committed with 14 CiLCA bursaries claimed; 6 from councils with a budgeted turnover of £40,000 or less, and 8 from councils with a budgeted turnover between £40,001 and £100,000. In light of this, in December, we confirmed a boost of £15,000 to the available funds to support this scheme. .

For councillors, the bursaries are available for all councils who meet the criterion of budgeted income of £40k or less, regardless of whether they are members of One Voice Wales. Apart from 2017-18 (an election year), the full bursary grant available has never been fully utilised. In 2017-18 the original budget of £1,500 was increased to £3,000 in-year to meet increased demand, and £2,265 was claimed. Thereafter, the annual budget has increased; £3,000 for 2018-19 (with £1,240 claimed) and £4,000 in 2019-20 (with £590 claimed up until end October 2019).

Training is chiefly provided by One Voice Wales, who do not keep detailed records of the budgeted turnover of councils undertaking their training, other than recording whether it is under the £40k bursary threshold. We are, therefore, unable to provide details of training for councils between £40k and £100k, (and they would not qualify for bursary support under the existing criteria). However, the attached table sets out the general uptake of training provided by OVW and the numbers of those making use of the bursary.

<i>Number</i>	2017-18	2018-19	2019-20 (to Oct 2019)
Total Member and non-member councillors trained	1,853	1,458	345
Of those, councillors who received bursary awards	113	59	20

E-training modules are provided by One Voice Wales and have been available, free-of-charge, to all councillors since June 2019. Their National Training Advisory Group is responsible for ensuring that the online training meets the needs of councillors. Unfortunately One Voice Wales cannot track the uptake to this training, because its website is unable to do so therefore so we are unable to provide this information.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Support for Financial Management and Governance in the
Community and Town Council Sector in Wales in 2020-21**

DATE **12 February 2020**

BY **Julie James, Minister for Housing and Local Government**

Community and town councils are an integral part of local government; democratically accountable and working at the most local level to improve their communities.

The latest report from the Auditor General for Wales, “*Financial Management and Governance in Town and Community Councils 2018-19*” published on 5 February, noted that “...only 66% of councils published their accounts by the statutory deadline of 30 September 2019” and that “...significant problems led to public interest reports being issued on 12 councils.”

I want to ensure that all councils have the tools to meet their statutory requirements and to have strong governance to support their communities. Meanwhile, a number of community councils are thriving. They are ready to take on additional responsibilities and the Local Government and Elections (Wales) Bill proposes new powers for eligible councils i.e. the General Power of Competence (GPoC).

In recognition of the support needed, I am making available up to £500,000 of funding in 2020-21 to strengthen the financial management and governance across the sector. This additional investment will be in addition to the annual general support provided to the sector by the Welsh Government and will reflect the relevant areas the Welsh Government has committed to take action following the *Independent Review Panel on Community and Town Councils in Wales*.

I have asked my officials to immediately begin work with partners in One Voice Wales, The Society for Local Council Clerks and the WLGA to develop creative proposals for a support package to boost the governance infrastructure across the sector. The priorities for this work will be a short term boost in training and support for clerks and councillors, and development of a sustainable, self-improvement approach for councils which we will co-develop with partners. Our goal is to significantly lift the confidence in council governance arrangements and lay a strong foundation for the future.

In the longer term, I want to work with the community and town councils, and our partners, to develop sustainable proposals for enhancing the infrastructure of governance and support for the sector, based on the findings from the independent review. I hope to consult more broadly on these proposals by the end of this year.

In the meantime, I urge all councils to consider strengthening their financial management and governance arrangements through the additional opportunities that will be made available in 2020-21.

Agenda Item 2.3

Cyfarwyddwr Cyffredinol Iechyd a Gwasanaethau Cymdeithasol/
Prif Weithredwr GIG Cymru
Grŵp Iechyd a Gwasanaethau Cymdeithasol

Director General Health and Social Services/
NHS Wales Chief Executive
Health and Social Services Group



Llywodraeth Cymru
Welsh Government

Nick Ramsay AM
Chair
Public Accounts Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

10 February 2020

Dear Mr Ramsay

Medicines Management

I am responding to the recent temporary Chair's letter of 14 January seeking information on progress on a number of recommendations made by the Public Account Committee's report on Medicines Management.

This referred to previous letters asking for updates on specific areas. Whilst I consider these had been addressed in my earlier responses, I am providing another update as there has been further progress in some areas since then.

The letter asked about initiatives to improve repeat prescribing and reducing waste. These were addressed in our responses to Recommendations 2 and 12 which are now closed as the Committee has been advised. It is now for health boards to progress the actions in response to the guidance on repeat prescribing provided by the All Wales Therapeutics and Toxicology Centre (AWTTC).

The Committee may however be interested to see work carried out by Improvement Cymru that supported around 35 practices across Wales to identify and make improvements to their repeat prescribing processes. (Annex)



Q exchange Repeat
Prescribing Report v1a

Recommendation 10 focussed on improving medicines storage, in your letter you noted "the updated guidance that was promised has not yet been issued". A review was undertaken of patient safety notice [PSN030](#) in 2018. This review concluded the standards for medicine storage set out in the notice remain extant and this has been reaffirmed by the



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inclusion of much of its content in the Royal Pharmaceutical Society's [Professional guidance on the safe and secure handling of medicines](#), which was published later in 2018. Patient safety notice PSN030 sets clear standards for storage in all new builds and refurbishments where medicines are routinely stored. However, the review concluded that for existing medicines' storage areas not scheduled for significant refurbishment, advice on how the notice could be implemented would support health boards and NHS trusts in prioritising investment in improvements. Since that time, work has been progressing to develop and trial a standardised risk assessment to support NHS organisations identifying the highest priority improvements to storage. Final testing of the risk assessment will be completed shortly and once the findings of the review have been collated, it will be issued later this year alongside a revised notice.

The letter also asked for evidence that positive work to identify indicators of cost and quality improvements is driving actual improvements on the ground. You will recall our response to **recommendation 1** of the Committee's report stated we did not consider an additional annual report published by the Welsh Government was the most appropriate means to achieve the Committee's objectives. Instead we noted *"the All Wales Strategy Group was undertaking work to inform and develop their existing annual report and quarterly reporting of progress against the national prescribing indicators to ensure the content and format was more relevant and accessible to Board members of NHS bodies."*

My update in December 2019 noted that the [reports](#) had been published on the Welsh Analytical Prescribing Support Unit (WAPSU) website. As noted, in their letter to Chief Executives, the Chief Pharmaceutical Officer and the Deputy Chief Medical Officer advised it was now for health boards to review and take any necessary action in response to this data.

In response to the letter, however, I asked WAPSU to provide a short report which outlines a range of clear improvements in selected indicators across NHS Wales. This report is provided at Annex A.

Finally, the correspondence referred to electronic prescribing. As I have previously advised, the capital costs associated with implementing e-prescribing are expected to be substantial and require prioritisation over other investments. The priority to date has been taking forward the business case for the Welsh Pharmacy and Medicines Management System, which was more advanced, and I am pleased to inform you that capital funding of just over £3.1m for this system was approved by the Minister shortly before Christmas. This now paves the way for NWIS resource to be directed toward further developing the business case for electronic prescribing in secondary care and we look forward to receiving this soon.

I also confirm that options for an electronic prescribing system in primary care are being worked up and I have made it clear I expect this to be a priority for the new special health authority that we are establishing to lead national action on digital transformation.

Yours sincerely



Dr Andrew Goodall

cc: Andrew Evans, Chief Pharmaceutical Officer, Welsh Government
CGU Mailbox
Cabinet Mailbox

Improvements in selected indicators within NHS Wales

Low Priority for Funding

The aim of the **Low Priority for Funding in NHS Wales** initiative is to minimise the prescribing of medicines that offer a limited clinical benefit to patients and where more cost-effective treatments *may be* available. Five medicines were identified for the purposes of the first phase of this initiative (October 2017), with an additional four medicines included in the second phase (December 2018). When comparing 2018-2019 to 2017-2018, all health boards are showing an actual saving for the nine low priority for funding medicines. This equates to a total decreased expenditure across health boards in Wales of £1,119,856, a 19% difference in spend when compared to 2017-2018.

For all of the medicines within phase 1 of the initiative, a statistically significant decrease in overall prescribing was reported in the Journal of the Royal Society of Medicine. This decrease was in contrast to the prescribing pattern observed within England (albeit based on a slightly different group of medicines).

Co-proxamol was withdrawn in 2005 due to significant concerns around its safety. Death from co-proxamol overdose occurs rapidly; the risk of dying after co-proxamol overdose is nearly 30 times that for paracetamol. Despite this significant safety issue and its unlicensed status, co-proxamol prescribing has continued to occur. However following a joint health professional letter by the Chief Medical Officer and Chief Pharmaceutical Officer in 2017; and the endorsement by the All Wales Medicines Strategy Group to include co-proxamol in the first phase of the Low Priority for Funding initiative, in 2018-2019 prescribing across Wales decreased by over 60% in comparison to 2017-2018.

National Prescribing Indicators

Biosimilars

The purpose of the biosimilar National Prescribing Indicator (NPI) is to ensure the prescribing of biological medicines supports cost-effective prescribing in Wales. All health boards/trust are showing an actual year to date saving on spend for five selected biological medicines combined, when compared with the equivalent period of the previous year. For 2018-2019 this equates to an actual decreased expenditure across health boards/trust in Wales of £6,538,586, a 15% difference in spend when compared to 2017-2018.

Hypnotics and anxiolytics

There has been concern with regard to the high level of hypnotic and anxiolytic prescribing in NHS Wales, with the substance misuse strategy of the Welsh Government, *Working together to reduce harm*, calling for the reduction of inappropriately prescribed benzodiazepines. In quarter 4 2018-2019 hypnotic and anxiolytic prescribing across Wales decreased by 7.61% for the quarter ending March 2019 compared with the equivalent quarter of the previous year. This continues the downward trend in line with the aim of this NPI.

Tramadol

The unique dual-action pharmacological profile of tramadol increases the risk of adverse effects seen in overdose. Recent data for Wales reports that the number of deaths related to tramadol has more than doubled, from six deaths in 2017 to 14 deaths in 2018. This concerning increase highlights the need for appropriate use and review of tramadol. Across

Wales, prescribing of tramadol was 9.42% lower in the quarter ending March 2019, than in the equivalent quarter of the previous year. This also continues a downward trend in line with the aim of this NPI.

Welsh Analytical Prescribing Support Unit (WAPSU)

January 2020

**Opportunity Costing:
Repeat prescribing – redesign through
co-design**

Progress Report

December 2019

By

Paul Gimson & Andy Ware

#Qexchange

Paul Gimson @pgimmo

Andy Ware @Acrware

Brian Makusha @BrianMakusha

Acknowledgements

The opportunity costing methodology developed by

- Matt Wyatt, Improvement Advisor
- Sion Charles, Bevan Commission
- Professor Nick Rich, Swansea University

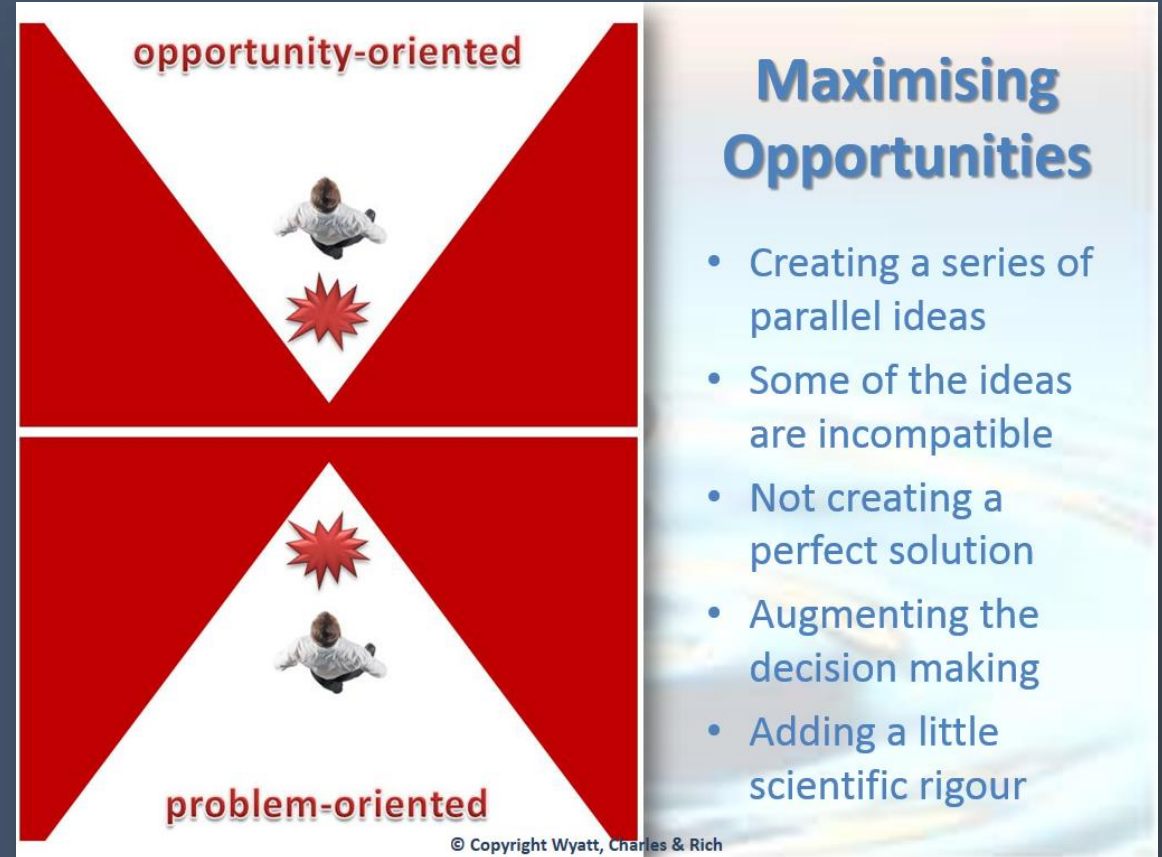
Background

- Repeat prescriptions account for 80% of all prescriptions in primary care. In 2015/16 over 79 million prescriptions issued from GP practices in Wales at a cost of £593Million.
- Repeat Prescribing was identified by our Community of Practice for GP Practice Pharmacists as the No. 1 issue they would like help with.
- The system is inherent with failure demand and is a system struggling to cope with increased demand (39% over the last 10 years) due to a growing population using medication for chronic medical conditions
- Previous work by the project lead and by 1000Lives has shown huge variation in repeat prescribing processes. One-size-fits-all approaches haven't worked in the complex adaptive system of primary care.
- Our experience of working in primary care has shown helping being to understand and redesign their own systems can be effective.
- Use of a method known as 'Opportunity Costing' (developed by Professor Nick Rich of Swansea University, Matt Wyatt of 1000Lives and Sion Charles, Deputy Director of the Bevan Commission) was showing promise in primary care
- The aim of this project was to apply the methodology specifically to repeat prescribing in primary care



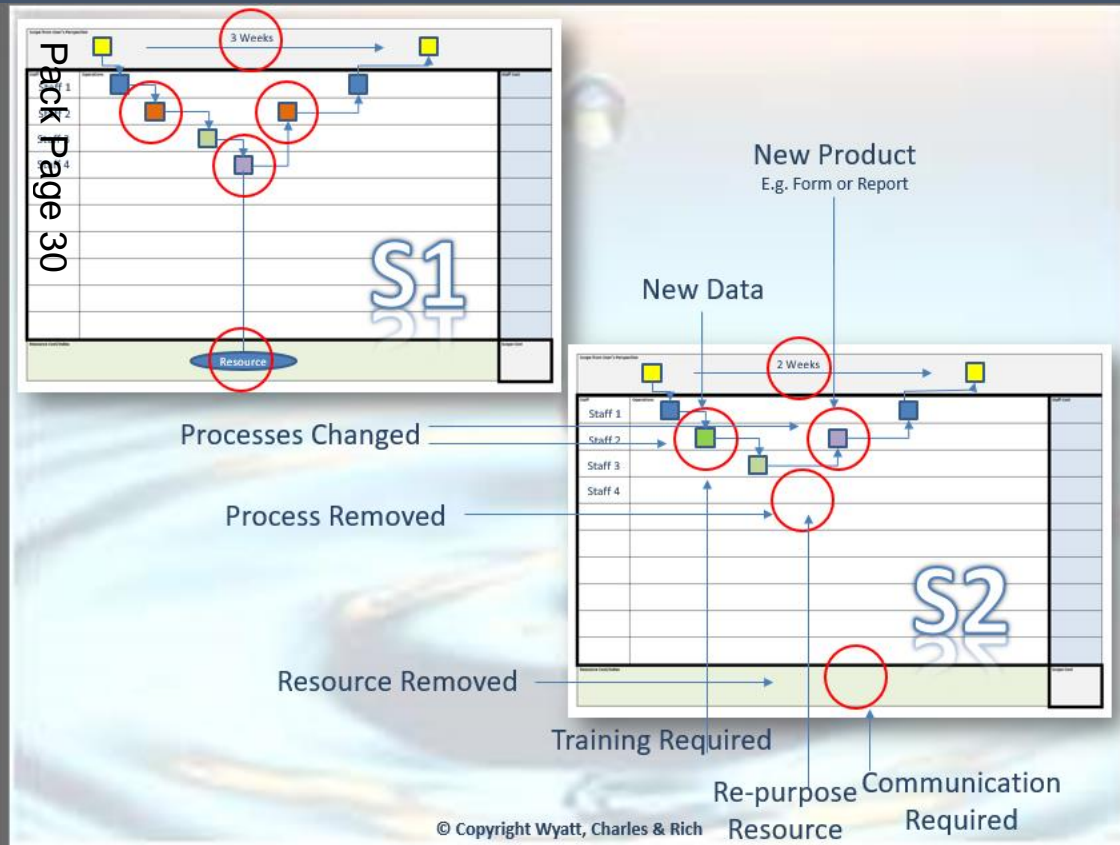
Opportunity Costing

- An 'Opportunity Oriented' method designed to help participants understand their own context and change it
- Opportunity costs are those costs that fall around the margin of work and resource usage where more effective, efficient or less wasteful processes can be developed to streamline services or process flow
- The costs identified may not be hard cash savings but they represent real opportunities to make better use of resources to achieve more
- A team base approach is advocated to understanding and changing your own system – always viewed from the 'customers' (usually the patients) perspective
- It is important that the workshops are undertaken by staff who 'touch' the work so that delegates are mapping 'work as done' rather than 'work as imagined'
- A practice based project supported by a one-day workshop for practice staff



Opportunity Costing – examples of tools used

Swim Lane Mapping



A3 used to manage project

1. Title & Team	
2. Scope	
3. Current Swim Lane	6. Future Swim Lane
4. Analysis	Planning
5. Goals	8. Measures

The A3 form is a template for project management, divided into eight sections. The sections are: 1. Title & Team, 2. Scope, 3. Current Swim Lane, 6. Future Swim Lane, 4. Analysis, Planning, 5. Goals, and 8. Measures. The text 'The A3' is overlaid on the form.

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Overview

- Bespoke workshop designed, organised and promoted through primary care across Wales
- 6 workshops held across Wales (include a bespoke workshop for 'managed GP practices') with over 100 attendees
- 6 bespoke workshops at individual practices
- Approximately 35 practices supported
- Average workshop evaluation score – 4.2 (out of 5)
- Our journey described in a number of blogs for the Q Network and through the twitter hashtags #opportunitycosting & #repeatprescribing #qexchange

<https://q.health.org.uk/blog-post/repeat-prescribing-through-co-design-a-q-exchange-project-update/>

<https://q.health.org.uk/blog-post/repeat-prescribing-through-co-design-update-2/>





TOTAL OPPORTUNITY COSTS IDENTIFIED;
£1,832,505.93

Improvements

Delegates were asked 'What is the first change you plan to make?'

“Redevelop the role of the pharmacy technician”

“Promote the use of ‘My Health Online’ (online prescription ordering)”

“Alter timings of prescription deliveries from the pharmacy”

“Train administration staff and develop a protocol to allow decisions regarding patients that need medicines review and bloods”

“Train administration staff to deal with simple prescription queries in order to release pharmacist's time for medication reviews”

“Give prescribing clerk more responsibility to free up receptionist and phone lines”

“Discuss plan for potential savings with other GP partners”

“Start the process of medication review at 11 out of 12 issues rather than 12/12”

“Set up clinical recalls for birth months and recalls for 10 months”

“Use the swim lane map in team meetings to map current processes”

“Identify patients who are on repeat prescribing systems but not on chronic disease registers”



Learning

- Opportunity costing / swim-lane mapping is an effective improvement tool in the complex and distributed system that is primary care
- Changes made through this process are not necessarily transferrable to other practices – but the methodology is
- Some practices struggled to implement changes outside of the workshop as insufficient coaching support was available – if this were to be repeated we would build in resource for more follow up support
- The workshops were most effective when a spread of the team attended (at least 1 practice pharmacist, 1 GP and 1 prescribing clerk). This was not always possible and the benefits to lone attendees was lessened
- The in-practice method supported by follow up coaching is probably a more effective method but requires more resource in terms of training time and facilitated support
- The programme helped us to develop the role of 'Practice Facilitators' – described here in a blog for the Q network; <https://q.health.org.uk/blog-post/i-am-not-an-expert-butt/>



Next Steps

- Working with Swansea University and creators of the opportunity costing methodology to write up & evaluate the programme
- Programme and lessons learnt shared at the Improvement Cymru national conference
- The OC method and lessons learnt will form part of the new 'Improvement Cymru Medicines Safety Programme'
- Specific learning relating to repeat prescribing will be shared through the PIPCOP – our Community of Practice for Practice Pharmacists (initially supported through a separate bid from The Health Foundation)
- The role of the practice facilitator has been accepted as a model by a number of Directors of Primary Care in Wales, and is the subject of three 'pacesetter' bids to test out the role in practice. If the bids are successful this role will form part of the recommendations from the Welsh Strategic Programme for Primary Care. We anticipate supporting those in the role to improve repeat prescribing (and more besides) using the lessons learnt from this programme
- Our learning will continue to be shared with the Q Network and be fed into the soon to be developed 'Q Lab Cymru' (<https://q.health.org.uk/blog-post/a-new-improvement-lab-in-wales/>)



The Q Improvement Lab

The Q Improvement Lab brings people and organisations together to explore, develop and test ideas to make progress on health and care challenges.

Final Thoughts...

- The Q Exchange funding helped us to devote time and to fund workshops that would otherwise have not been possible
- It allowed us to try out a methodology that was outside of the usual improvement orthodoxy
- The programme has not only supported improvement in repeat prescribing but has helped us to develop a new role that if successful could have massive benefits for improvement in primary care
- Primary Care is so large and complex that traditional methods of improvement developed in industry and hospital may not be effective. It is important therefore that methods such as this are tested in order to be able to offer support that works
- The programme has been successful in supporting a large number of GP practices to improve their repeat prescribing and therefore medicines safety. Future efforts will focus on providing the learning '*in situ*' supported by practice facilitation and communities of practice to share learning.



Agenda Item 2.4

Grŵp yr Economi, Sgiliau a Chyfoeth Naturiol
Economy, Skills and Natural Resources Group

Cyfarwyddwr Cyffredinol – Director General



Llywodraeth Cymru
Welsh Government

Nick Ramsay AM
Chair
Public Accounts Committee

11 February 2020

Dear Chair

Public Procurement

Thank you for your letter of 14 January on the subject of the potential impact that any future tariffs, arising from Brexit, may have for procurement.

EU transition has created a complex picture in terms of potential tariffs and implications for procurement. We have worked with the UK Government to understand the implications wherever possible.

The Department for International Trade (DIT) has ultimate responsibility for determining tariffs, including the temporary tariff schedule which was published in October last year. The temporary tariff regime liberalised a large percentage of tariffs for imports into the UK. At the same time we have been engaging closely with DIT on progress made against securing trade continuity agreements, with countries who currently have a deal with the EU.

Welsh Government officials have been working with their counterparts across England, Scotland and Northern Ireland regarding understanding and managing the impact of any new import tariffs. Tariffs will continue to be monitored in the event there are future changes. I would be happy to update your Committee in correspondence when and where there are material developments on this front.

With best wishes.

Yours sincerely

Andrew Slade
Director General
Economy, Skills and Natural Resources

Parc Cathays/Cathays Park
Caerdydd/Cardiff
CF10 3NQ

**Cyfarwyddwr Cyffredinol Iechyd a Gwasanaethau Cymdeithasol/
Prif Weithredwr GIG Cymru
Grŵp Iechyd a Gwasanaethau Cymdeithasol**

**Director General Health and Social Services/
NHS Wales Chief Executive
Health and Social Services Group**



**Llywodraeth Cymru
Welsh Government**

Nick Ramsay AM
Chair
Public Accounts Committee
National Assembly for Wales

Our Ref:

11 February 2020

Dear Mr Ramsay

Digital services in health and care in Wales

Thank you for your letter, and for the PAC's continued interest in the digital, data and technology developments in health and care in Wales. You have asked about My Health Online, Andrew Griffiths' resignation, progress on recruitment of a new Chief Digital Officer for health and care in Wales, and the Chief Clinical Informatics Officer and Chief Technology Standards Officer roles.

My Health Online

With regard to My Health Online, NWIS has identified that between the two current GP systems in use in Wales, there were four possible permutations. The Vision system allows automated transfer of patient data, so if a patient transferred to a GP using Vision from either system then their information could be transferred without the need for a new account. The EMIS system does not have this option in place, and so if the destination practice used EMIS, even if the originator was also EMIS, a new account has to be created.

NWIS is currently working with the Health Boards and GP Practices in Wales to establish new contract(s) with the GP System suppliers and will therefore work with the suppliers to ensure that this disparity is addressed in the future. The long term solution is to separate the registry of NHS patients in Wales from the electronic health and care record system. This is included in the scope of a proposed Patient Portal Authentication Service, which will allow patients to choose the application that works best for them in order to view their records and interact with health and care services. Patient-facing services is one of the five digital investment priorities



identified in the Minister for Health and Social Services' statement on 30 September 2019. My officials are working with all NHS organisations in Wales to ensure that digital funding for the next financial year deliver the objectives in the five strategic themes.

NWIS Director

Shortly after the Committee hearing, Andrew Griffiths announced that he would be stepping down from his role as Director of NWIS, with effect from the end of December. Given that he had not announced this formally, it was not appropriate to pre-announce this at PAC. Existing mechanisms were used for communicating Andrew's decision to step down with staff and the public, in a regular and proper way.

I have agreed that Helen Thomas will be the interim Director of NWIS until the new Special Health Authority is created and a new CEO appointed by fair and open competition. Helen was previously Director of Information at NWIS, and has my full confidence to lead the organisation through the changes of the coming months.

Chief Digital Officer

You sought clarification on the difference between the Chief Digital Officer role and the Chief Clinical Information Officer and Chief Technology Standards Officer who would report to them.

The Chief Digital Officer (CDO) will have a 'whole system' remit to lead digital change at pace and scale across health and care in Wales. The CDO for Health and Care will define national standards and services, as part of moving to an open digital architecture, across all digital systems. They will shape transformation in clinical services through ensuring that digital change is considered early as a key enabler. The CDO will also proactively advise the Welsh Government and system leaders on future digital strategy, act as a professional lead for the digital, data and technology workforce and be a champion for digital health and care in Wales.

The CDO is a full time role and will be a Director within the proposed NHS Executive Special Health Authority. The CDO will be supported by a governance structure with advisory, assurance and delivery elements and expert delivery teams. The CDO will work closely with other key stakeholders across Wales and the UK, including other CDOs within the wider Welsh public service.

The Chief Clinical Information Officer (CCIO) for Wales will represent the needs and views of all clinical staff groups on digital data and technology strategy and lead engagement with clinicians across Wales. The CCIO will be responsible for advising the CDO on clinical information governance and clinical data needs. This will include chairing the Wales Clinical Informatics Forum, which will provide advice and guidance to the CDO on clinical strategy, and make recommendations on clinical and operational priorities. The CCIO for Wales will work with the CCIOs of health boards and trusts to ensure that clinical information standards are appropriate across all areas, from community care to acute care settings.

The Chief Technology Standards Officer (CTSO) will lead delivery of the recommendations of the digital architecture review, including expert advice to the CDO on technical standards and system architecture. The CTSO will develop engagement and assurance systems to accelerate the adoption of standards and

drive compliance with a national architecture. The CTSO will work closely with CIOs and technical leads across NHS Wales to drive the transition to a national system architecture for the NHS in Wales, based on open platform, open standards and linked, safe data.

I hope this provides the Committee with the clear evidence that the roles do not overlap, but provide a clear and continuous line of decision and implementation.

Officials have developed a full role specification for the CDO. The evaluation of that role description has indicated that appointing the CDO is dependent on the establishment of the proposed NHS Executive Special Health Authority, in which the role will be hosted. As the committee noted it is important that the role attracts a strong field and so there needs to be an appropriate degree of certainty to the hosting arrangements. I have asked my officials to explore alternative options for hosting the CDO in the interim in order to proceed with the recruitment as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Goodall', written in a cursive style.

Dr Andrew Goodall CBE

Agenda Item 3

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

Document is Restricted

Public Accounts Committee's inquiry into effectiveness of Local Planning Authorities in Wales

Scoping paper

Overview

- [My role](#)
- [Trends in my planning and building control casework](#)
- [Themes arising in my casework](#)
- [Planning services and level of resourcing](#)
- [Annex: examples of planning casework handled by my office](#)

My role

As Public Services Ombudsman for Wales (PSOW), I investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of

privately funded healthcare.

Trends in my planning and building control casework

Complaints I receive about planning and building control services constitute around a tenth of the complaints handled by my office overall – 9% in 2018/19.

In many of these cases local authorities have refused to deal with complaints about the planning process on the ground that they relate to “properly made decisions”.

Whilst applicants for planning permission may appeal to the Planning Inspectorate, other parties involved in the process are entitled to complain to the relevant local authority about the process it followed when taking any decision. The issue has been raised with Monitoring Officers across Wales in March 2019 to emphasise the point that local authorities cannot confidently say that the decision is a “properly made decision” without first reviewing its process and responding to any issues raised in a complaint.

My powers in relation to planning process are quite limited. Where a right of appeal is available to a complainant, I cannot generally investigate the complaint. Matters brought to me from applicants for planning permission do not therefore generally fall within my remit.¹ Also, I cannot question the merits of a planning decision unless there is evidence of maladministration. My investigations therefore focus on the procedural aspects of a local authority’s decision making. Even where I find evidence of significant maladministration which has adversely affected the amenity of a complainant, I do not have the power to overturn planning permission. My recommendations aim to secure actions on the part of the local authority to remedy, as far as possible, any injustice resulting from an authority’s administrative failures. I am not able to investigate complaints where there is no personal injustice to the complainant.

These limitations on the cases I can investigate mean that only a relatively small proportion of planning and building control complaints that reach my office is subject to full investigation. However, I would like to draw the attention of the Committee to a public interest report related to planning processes issued by my office in January this year. Whilst I will refer to my findings later in this paper, a summary of this report can

¹ For instance, of the planning and building control cases closed in 2018/19, 49% were deemed to be out of jurisdiction.

be found in the [Annex](#).

Themes arising in my casework

Since April 2016, approximately half of all the cases relating to planning and building control received by my office related to the handling of planning applications.

However, this subject amounted to 60% of my planning and building control casework in 2018/19, a significant increase from 45% and 46% in the previous years.

Other major themes raised by the complainants in 2018/19 included unauthorised development (approximately 13% on average) and building control (approximately 6% on average). I have not seen significant changes in the proportion of these cases over the recent years.

I can also point out several more specific themes recognised by my casework staff:

- Information and engagement

The Auditor General's report noted a concern over the quality of information provided by local planning authorities to the public and over the quality of engagement with stakeholders about planning proposals and their potential implications. My staff have noted concerns about insufficient or inconsistent notification of planning applications to affected properties, and about the clarity and transparency of specific arrangements in each planning authority.

The requirements in respect of routine planning applications allow the planning authority some discretion in how such applications are publicised, which means that it may be difficult at times to ascertain that a correct process has not been followed in such cases

See [201706403](#) below for illustration of this theme in my casework. In both that case, and a much earlier one (200601750), failings in the Council's publicity for applications resulted, at least in part, in my recommending that the Council pay the complainant for any diminution in the value of their property as assessed by an independent District Valuer, potentially a significant sum.

- Enforcement

The Auditor General's report commented on the perception by some members of the public that enforcement in cases of breaches of planning conditions is not as effective as it should be, with some expressing concerns that developers may be 'playing' the planning system. I certainly see in my casework complaints in relation to enforcement of conditions of planning applications which were subsequently not fully complied with by the applicant, and about failure to act on unauthorised developments. My role in complaints about a lack of enforcement is limited but my casework suggests that legitimate planning decisions on what it is expedient and appropriate to enforce, can reflect pressures on planning staff and the limited staff resources for enforcement.

See [201800027](#), [201801745](#) and [201705212](#) for illustration of this theme in my recent casework.

- Delay

The Auditor General's report also commented on the length of time it takes for applications to be approved and unacceptable delays. Few cases reaching my office concern a delay in the handling of planning applications. This process is governed by definite timescales and if these are breached the applicants have a right to appeal to the Planning Inspectorate. However, my staff are more commonly asked to consider alleged delay in enforcement in cases of breaches of planning control (e.g. unauthorised developments).

See [201903049](#), [201801745](#) and [201800027](#) below for illustration of this theme in my recent casework.

I would also like to draw attention of the Committee to my recent public interest report ([201900014](#)) on an investigation against Flintshire County Council. My investigation found that the Council failed to take timely and appropriate action to deal with complaints about a car wash which was causing Statutory Nuisances of noise and water/chemical spray and which was also in breach of planning control. In addition, I concluded that the Council did not give due regard to the rights of the individual affected under

Article 8 of the Human Rights Act to the quiet and peaceful enjoyment of his home when addressing the concerns raised.²

- The Code of Conduct for elected members in Wales

My role in investigating alleged breaches of the Code of Conduct for elected members in Wales is also of relevance. Where I find evidence of a failure to comply with the Code on the part of elected members in the planning process I may refer the matter for further consideration to either the Adjudication Panel for Wales or to the relevant local standards committee.

Examples of serious cases include a member being disqualified from holding office for 18 months for using their position as an elected member in the planning process for their own advantage in relation to land they owned. In another example, a member was suspended from office for 3 months for failing to declare a personal and prejudicial interest in a wind farm application, and withdraw from a meeting when the matter was discussed.

I wish to stress that cases of this nature are infrequent and evidence from my casework suggests that high ethical standards are adopted by elected members across Wales. However, on the very few occasions when my investigation is required, my role serves as an effective mechanism by which cases of misconduct may be dealt with in an open and transparent way to promote public confidence in the planning process in Wales.

Planning services and level of resourcing

I am conscious that the Committee's main focus is on the impact of resourcing of planning authorities on delivering planning services. It is difficult for me to make a firm pronouncement on whether the themes arising in my casework can be connected to resource pressures on planning authorities, since these issues are not formally raised by the complainants who contact me or the bodies that I investigate.

However, in the interest of completeness I would like to point out some contributing factors noted in complaints:

² It is not my function to make definitive findings about whether a public body has breached an individual's human rights. However, where I identify evidence of maladministration which has caused injustice, I may consider whether a person's human rights may have been engaged and comment on a public body's regard for them.

- delays in enforcement can be linked to staffing issues, with the roles of dedicated enforcement officers being increasingly absorbed into the remit of planning officers;
- especially in rural communities with small planning department, there can be suggestions or perceptions that planning officers may have, and be influenced by, friendship or family links with applicants.

My focus is to consider whether there has been maladministration and injustice in individual cases, rather than to undertake reviews of the planning function, so I have not directly investigated these matters. They do, however, reflect concerns of those who complain to my office about planning matters.



Nick Bennett

Public Services Ombudsman for Wales

January 2020

Annex: examples of planning casework handled by my office

Case number: 201800027 – report issued May 2018

Mr Y complained that Pembrokeshire County Council (“the Council”) had failed to take enforcement action against a developer who had breached conditions of a planning application granted for a camp site for static and touring caravans. He also complained that the Council had failed to communicate with him and deal with his complaint under its complaints procedure. The Ombudsman found that there were apparent failings by it and contacted the Council. It agreed to the following as an early resolution to his complaint:

- Write a letter to Mr Y apologising for the delay in dealing with his complaint under its complaints procedure

- b) Provide him with a written response at stage 2 of its complaints procedure to include what actions it has taken to date.

This will be completed within 30 working days of the date of this letter and the Ombudsman is satisfied that this will resolve his complaint.

Case number 201801745 – report issued in August 2018

Mr X complained that the City and County of Swansea (“the Council”) had failed to take enforcement action against a restaurant which had not installed a ramp as per its planning application and about the length of time the Council had taken to respond to his concerns. Mr X made an enforcement enquiry to the Council in February 2018 and understood that a response would be provided within 12 weeks. Mr X subsequently complained and received a Stage 1 complaint response in June 2018. The Council explained to Mr X that enforcement investigations can take longer than 12 weeks. It did not offer an apology for the time taken, nor did it provide information to Mr X on how to escalate his complaint. The Council therefore agreed to complete the following actions:

- a) Apologise to Mr X for the length of time taken in investigating the enforcement enquiry
- b) Explain the reasons for the delay
- c) Provide information to Mr X on how to escalate his complaint to Stage 2 of its complaints procedure if he remained dissatisfied with its response.

The Council provided evidence that it had written to Mr X on 23 August 2018 and had complied with the actions outlined above.

Case number: 201705212 – report issued in December 2018

Mr A complained that, having granted conditional planning permission for a local housing development, the Local Planning Authority, failed to properly discharge the associated planning conditions, resulting in his property being subject to the risk of contamination and flood water. Mr A also complained that there was a failure to adequately respond to his complaint.

The investigation found that there had been missed opportunities to ensure that the planning conditions had been met or consider taking enforcement action. The

investigation also found that the Council had failed to fully respond to Mr A's complaint. The complaint was partly upheld.

The Ombudsman recommended that the Council apologise to Mr A for the failings identified in this report and arrange a meeting with the Land Drainage Authority, the Highways Authority, Dwr Cymru/Welsh Water and Natural Resources Wales to formulate an action plan to address the outstanding drainage works on the site, consider the environmental impact of the unattenuated flow of water and update Mr A on the outcome. The Ombudsman also recommended that, upon receipt of relevant evidence from Mr A, the Council refer Mr A's concerns about discharge leaking from the former landfill site to the Environmental Health Department for consideration and request that it undertake sampling from the stream, liaise with the water regulator and advise Mr A of the outcome of the investigations.

Case number: 201706403 – report issued in January 2019

Mrs B complained to Flintshire County Council ("the Council") about the way it handled an application to amend planning permission for a house to be built on the plot of land next to her house. Mrs B said that the amended plans resulted in significant changes to the proposed neighbouring property which have had a significant impact on her privacy and amenity.

The Ombudsman found that the consultation on the application was flawed as it failed to adequately describe the development or include site plans which would show the intention of the applicant to move the location of the house on the plot. The Ombudsman found that the Case Officer failed to adequately consider the impact that the relocation of the house would have on the amenity of Mrs B's property. The Ombudsman also found that the Council did not act in accordance with its Enforcement policy in respect of this case and that it failed to handle Mrs B's complaint properly.

Since the events, the Council has made a significant number of improvements to both its planning and enforcement processes. The Council agreed to apologise for the failings identified in the report, to engage the district valuer to assess the impact the relocation of House A had on the amenity of Mrs B's property and make a payment equivalent to the devaluation which resulted from this change and to meet with Mrs B to establish whether there are any outstanding enforcement matters.

Case number: 201903049 – report issued in September 2019

Mr X complained that Flintshire County Council failed to take enforcement action against a neighbouring property. Mr X also complained that Flintshire County Council provided him with incorrect information in a stage 2 complaint response issued to him.

The Ombudsman found that the Council had failed to provide Mr X with a fixed timescale as to when enforcement action against his neighbouring property would be commenced. Additionally, The Ombudsman found that the Council had given Mr X incorrect information in their stage 2 complaint response and had failed to provide him with an accurate and comprehensive update in regard to his complaint.

The Ombudsman contacted the Council and it agreed to:

- a) Provide Mr X with a written apology for the incorrect information provided to him in their stage 2 complaint response.
- b) Provide Mr X with a full, accurate and comprehensive update regarding his complaint.
- c) Complete the preparatory work for enforcement action and issue it, if necessary, within an agreed timescale.

The Ombudsman was satisfied that this would provide a resolution to the issues considered in this complaint.

Case Number: 201900014 – Report issued on 9 January 2020

A Landlord complained that, between 2014 and 2019, Flintshire County Council failed to take timely and appropriate action to deal with a car wash which was causing Statutory Nuisances of noise and water/chemical spray affecting the Landlord's tenant, Mr R and which was also in breach of planning control. The Landlord also complained that the Council failed to investigate and respond to its complaint appropriately and in line with its Corporate Complaints Policy.

The Ombudsman found that despite identifying in 2014 that the car wash was causing a Statutory Nuisance, the Council did not open an appropriate case file until 18 months later and did not serve an Abatement Notice for a further 13 months. When the car wash continued to operate and cause the Statutory Nuisance, contravening the Abatement Notice, the Council took no further action. Consequently, Mr R had to endure significant persistent, disruptive and intrusive noise levels and water spray for a number of years. This was a significant injustice to the tenant and also to the

Landlord, in view of the Landlord's obligations to its tenant and his right, under Article 8 of the Human Rights Act 1998, to the quiet and peaceful enjoyment of his home.

The Ombudsman found that the Council was aware from at least 2012 that the car wash did not have appropriate planning consent but it had almost no planning records from before August 2018. There were also failures in inter-departmental communication and co-operation. The lack of records coupled with the Council's inaction over the 5 years preceding August 2018 suggested that it did not fully consider whether to take enforcement action against the car wash and amounted to maladministration. Consequently, the Council could not explain the reasons behind its actions (and inaction) and moreover, it was impossible for the complaint to be dealt with fully and the history of the case in the Planning Department to be examined and evaluated.

The Ombudsman also found that the Council failed to respond to the Landlord's complaints appropriately and escalate them when it asked for assistance to raise a formal complaint. There was also an absence of clearly established ownership at senior levels in the Council, compounded by the length of time that the failures continued and a lack of regard for the difficulties being faced by Mr R. Consequently, there was no appropriate investigation of the complaint and the Landlord received no meaningful response to its concerns.

The Council agreed that, within one month of the Ombudsman's report, it would:

- a) Remind relevant staff at all levels within the Council of the importance of dealing with correspondence appropriately, including signposting individuals who want to raise a formal complaint to the Corporate Complaints Team
- b) Offer a meaningful apology, in writing, to the Landlord along with £1000 financial redress in recognition of the failings in complaints handling, and the Landlord's time and trouble pursuing the complaint for at least 5 years
- c) Offer a meaningful apology, in writing, to Mr R, along with £2,500 financial redress for the failure to deal with the Statutory Nuisances and in recognition of the persistent and prolonged exposure of Mr R to unacceptable levels of noise and water spray for at least 5 years.

In January 2019 the Council reviewed and updated its policy on Planning Enforcement. The Council also agreed that, within 3 months of the Ombudsman's report, it would:

- a) Share this report and its findings with relevant staff in the Planning, Environment and Legal Departments as well as with the Leader of the Council, the Cabinet Member for Planning and Public Protection, the Planning and Development Control Committee and the Environment Overview and Scrutiny Committee
- b) Establish what powers remain available to it to resolve the issues and ensure that it fully exercises those powers as appropriate to achieve an ultimate resolution
- c) Review its Public Protection Service Enforcement Policy, to ensure that it remains relevant, effective and compliant with Welsh Government guidelines, legislation and best practice, with particular reference to Statutory Nuisances
- d) Develop formal procedural arrangements for co-operation between departments to improve the efficacy and efficiency of inter-departmental collaboration, with an emphasis on Planning, Legal and Environmental Health
- e) Review the Complaints Policy to ensure it is clear who should have overall responsibility for investigating and responding to complaints, particularly where the matters concern different departments in the Council
- f) Reflect on how the consideration of human rights can be embedded into its practice when deciding whether to take enforcement action, with particular reference to planning control and investigations into Statutory Nuisances
- g) Review its internal communication and escalation channels to ensure that staff can raise concerns during their day-to-day work which can then be managed constructively, to encourage ownership and accountability whilst discouraging a "blame culture".

Agenda Item 4



Comisiynydd
Cenedlaethau'r
Dyfodol
Cymru

Future
Generations
Commissioner
for Wales

By email

18/02/2020

RE: Public Accounts Committee - Inquiry into effectiveness of local planning authorities -
for the Commissioner

Dear Claire,

Thank you for your letter.
Please see my response to your Planning Inquiry.

Planning Inquiry – Public Accounts Committee 24 February 2020

Question 1: The challenges of delivering planning services with less resources;

Cuts to planning services is a real concern and a real challenge.

I am pleased the Wales Audit Office raised the issue and this Committee is looking into this too as it is really important to well-being and future generations.

RTPI reports cuts of more than 50% in the last 10 years – there is a loss of skills and there are less new planners joining the service.

It is safe to say this is unsustainable and inadequate in the context of well-being and placemaking – new more comprehensive and holistic requirements on the planning system. Failure to invest in the system will hamper delivery of the Well-being of Future Generations Act.

Planning needs to be reprioritised as a key service as placemaking is one of the best opportunities to embed well-being in Wales and it will be more demanding on planning officers at first until it is fully embedded.

Planning can and should support all corporate strategies / objectives – deliver on local and regional objectives.

Additional resources are needed in the system to support the change needed

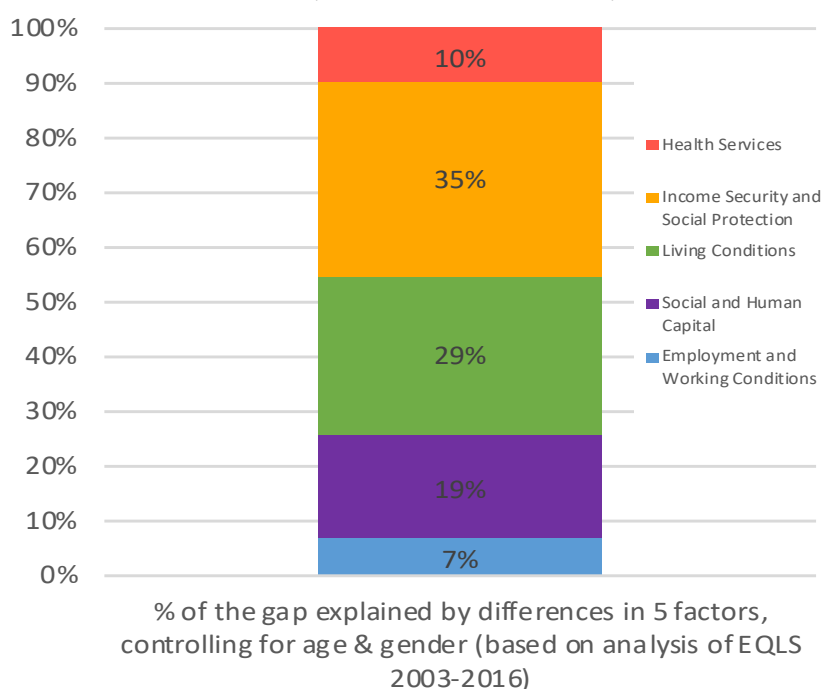
We understand Welsh Government is looking at what could be done for planning to be a full cost recovering service (Arup have been commissioned) but there are queries as to whether this will be enough and whether it could exacerbate inequalities.

Question 2: How can Planning deliver its responsibilities under the National Development Framework and the Well-being of Future Generations Act 2015 (WFG Act)?

Planning Policy Wales 10 and recast of planning policy unique to Wales is fundamental to the realisation of the aspirations of the Act. Wales is leading the way, now we need to show the world how we apply it to improve Wales' well-being.

The built environment has a huge impact on our well-being. For example, the World Health organisation identifies living conditions such as housing, access to nature and air pollution as accounting for 29% of the gaps in health status between richest and poorest. 19% relates to human capital such as relationships and connection to your community which are also largely determined by the characteristics of the design of communities and the built environment.

Decomposing the gap in health status between poorest and richest income quintiles over 36 European countries



There is a need for the planning system to operate more holistically but this is not always happening. Planning function is often missing from key decision-making forums and seen as the end of the process (when an

application is submitted) rather than a key element of all the plans and strategies and well-being objectives of all public bodies.

An example of this – the Welsh Government Annual Report - Land-use planning is only referred to in terms of agriculture. Placemaking is crucial to delivering a large number of the well-being goals and yet Welsh Government have not recognised their reform of Planning Policy Wales as a major step towards meeting their objectives.

Placemaking demands integration and collaboration with the other departments and agencies regulating the built and natural environment such as housing, highways, Welsh Water, Local Health Boards, Natural Resources Wales and local communities. I understand another pressure point for planning is delays in responding from statutory consultees who might also be struggling with their own resources – this might also be considered by the committee as part of this inquiry?

Budget cuts mean it is challenging to maintain a the status quo let alone find the time and space to support transformational change - RTPi research at the UK level has shown that the budget cuts have an impact in the manner they handle planning applications being more 'pro-development' and 'tick-boxing' which undermines the public's confidence in the system and is at odds with what is required through the WFG Act.

"Local Planning Authorities have had to adapt to survive in this environment, often adopting private sector working practices and aggressively pro-development stances to draw in the funding they need to resource their planning teams."

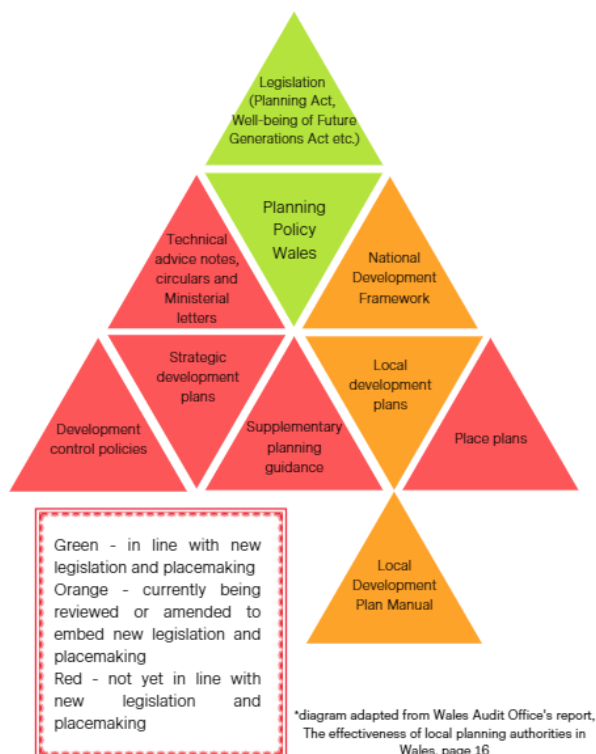
"'Proceduralism' – in other words, a 'tick-boxing' culture – has closed down a lot of the space planners traditionally had for reflection, professional discretion, and proactive planning. [Exceptions – large projects often in urban areas]." From RTPi written evidence to this Committee inquiry.

The relationship between the planning system and the WFG Act is complex especially because the full planning system is yet to be aligned with the Act.

This planning system is currently being overhauled - which I welcome but we are in the middle of a recast with elements not always aligned.

Only two elements of the recast are completed – Planning Act and Planning Policy Wales. The NDF and the Local Development Plan Manual, but this will still be far from a fully aligned system.

A complete recast will take time but is important. It should become a precedent for a full recast on areas such as housing and highways.



Planning Policy Wales 10 embeds the Well-being of Future Generations Act, the National Development Framework must support and reinforce Planning Policy Wales, not weaken it.

In my response to Welsh Government's consultation on the draft National Development Framework (attached), I raised my concerns about potential expansions of airports and ports not in line with decarbonisation targets, declaration of Climate Emergency, as well as the goals of a Resilient Wales, a Prosperous Wales (low carbon economy) and a Globally Responsible Wales. This will need to be addressed in the final framework which must be published alongside a detailed assessment of how it supports the carbon reduction in the Environment Act (and accepted revisions).

Good placemaking can save money to the public services overall, for example

- health (with the promotion of active travel, better housing, improving air and water quality...),
- waste (reduction and collection),
- energy with clean energy projects and infrastructure,

- biodiversity enhancement with green infrastructure - Nature based solutions should be part of planning as part of placemaking and possibly attract joint funding (prevention, integration, long term and collaboration)

A Placemaking approach could also increase revenues from Local Authorities according to RTPI.

“Planning fees and other income from development management are just a small part of the story. Planning and placemaking can also raise income by developing new industrial and employment space, which comes with increased business rates. It can make a place more attractive to visit which brings income to the local economy. And it can help provide new homes in places people want to live, which brings in more council tax.” (RTPI)

“Investing in planning is an investment which will bring not only social return, but increased tax revenue for local authorities by bringing people and economic activity into areas and by reducing social costs. Spending on planning is a very small part of total public spending, which means relatively major increases in resourcing could be made with little overall impact on budgets. Moreover these investments would deliver huge returns – rather than being forced to rely on generating more fees, Local Planning Authorities could help deliver social, environmental and economic outcomes which make society more resilient, happier and fairer.” (RTPI)

Realising all these ambitions and savings requires strong leadership.

Leaders both in Welsh Government and in local authorities need to change the culture from the cheapest option (way of operating or development authorised) to the one that can maximise contribution to the national well-being goals. This also applies to the housing and procurement sectors.

Question 3 - How Planning Services have to be more creative in how they deliver the Well-being Future Generations Act – especially around the community involvement and the role of planning committees and their decisions.

The Well-being of Future Generations Act is about finding more creative ways to address the problems of the present with the future in mind.

Local authorities should recognise the importance of the role of planning and placemaking in its senior staffing structures (within the Local Authority and in terms of partnership arrangements e.g. Public Services Boards) - RCTPI and Building Better Building Beautiful Commission 'Living with Beauty Report' called for similar role a few weeks ago.

Monmouthshire Council has created a role of 'Head of Placemaking, Housing, Highways and Flood'.

Strong leadership and investment is needed to see the value and potential of planning as a key mechanism to deliver on their corporate and well-being objectives and who drive a new culture of searching for and prioritising developments which help save money in other parts of the organisation.

A useful tool for this - RTPI Value of planning tool is currently being used by Merthyr and Bridgend.

There should be an increased demand on developers to show their use of 5 Ways of Working and real effort to maximise contribution to the goals and should be the norm for local authorities before approving proposals.

Increasing use of technology could also be an opportunity to drive efficiencies and have benefits to the environment. For example;

Going paperless supports a reduction in waste and saves in huge printing costs.

Inspections could be done by satellite or drones to save on the travelling costs and carbon emissions.

Adopting Strategic Development Plans would help with regional placemaking - more effective use of resources and lighten the requirements of Local Development Plans (only needing to be light if a Strategic Development Plan is adopted).

There should be better monitoring of planning outcomes – currently the onus is on the general public and Councillors to object. Welsh Government should look into improving scrutiny of decisions and monitoring outcomes of planning. The initiative from the Minister to call in every application (post 15 Jan 2020) of more than 10 houses, or more than 0.5 hectare, conflicting at least 1 provision of the Local Development Plan, is a step in the right direction.

On involvement specifically:

There is public concern about the transparency of the planning process - Planning is the topic people contact me about the most.

Resourcing involvement and public participation is a particular challenge for Local Authorities currently.

Involvement happens at the wrong time – often at the consideration of planning applications rather than at the plan making stage – more effort in this area could save time and money at the application stage and the pre-application phase should be used more often to better involve local communities and businesses affected.

Removing barriers to involvement such as changing the legal requirements for consultation and notification – I welcome the Wales Audit Office recommendation to review Development Management Procedure Order 2012 and update the engagement and involvement standards for local planning authorities.

Co-designing projects is key for communities to feel fully involved but it has to be resourced which is difficult given there has been 50% of staff reduction in planning departments and communities themselves can lack resources. For example, Woodland Trust have told me that in the case of the Dinas Powys flood protection plan, the community was unhappy with the initial process and decision and complained. I understand that Natural Resources Wales has now agreed to go back and take a co-design approach; however, this will take a lot of time and effort from the community who are not resourced either and who are relying on volunteers.

Place Plans should be widely adopted - Agree with the Wales Audit Office.

Technology can help to engage – webcasting of meetings, 3D software to show potential developments and how they would integrate in the current environment, better use of social media etc.

For example, Brecon Beacons National Park Authority used a 'Minecraft' style approach to engage with children in their area to plan their communities of the future.

Planning committees are an integral part of the planning system and an important part of giving voice to citizens but there is a perception of political considerations sometimes overtaking the technical aspects of the planning process. I agree with the Wales Audit Office, that councillors need to be trained so that they understand the consequences of their decisions against the well-being goals and well-being objectives.

Yours sincerely,



Sophie Howe
Future Generations Commissioner for Wales



NDF Consultation – Response from the Future Generations Commissioner for Wales, Sophie Howe

My response to this consultation constitutes advice issued under my section 19(1)(a) power.

I would like to thank the Welsh Government's planning team for having sought the advice of my office from the start of the preparation of the first draft National Development Framework for Wales.

I am pleased that the team have, in particular, followed our advice on involvement and have engaged more widely and differently from what they would have done prior to the coming into force of the Well-being of Future Generations Act.

You will be aware that I have already advised that you need to consider future trends and scenarios in the development of this plan. As well as the issues around carbon emissions and biodiversity I have raised below, this is also clearly crucial in terms of how the NDF will support the delivery of the infrastructure required particularly in terms of connectivity and the changes in how we will live and work as a result of the fourth industrial revolution. I would like to understand how this has been considered in the framework.

Turning to the substance of the framework:

Consideration of the well-being of communities

Subject to my main concern explained in the next paragraphs, I generally welcome the contents of the document and its references to community's well-being which follows my advice and I can recognise a real intent to embed the Well-being of Future Generations Act throughout the framework. Clearly the Government will need to demonstrate how these intentions are being implemented on the ground when the NDF is finalised as I am increasingly concerned that the aspirations set by Government are not being fully realised due to a lack of focus on supporting the change in culture needed and monitoring implementation.

Climate emergency, biodiversity and carbon targets

The work on the NDF started prior to the declaration of Climate Emergency and I would like to understand precisely how the NDF contents are to be amended to reflect this very important development.

In the same line, I would also like the Government to explain how the proposed NDF and maps have been assessed in line with the delivery of the national carbon reduction targets. I would like to see a robust analysis of how the NDF can help deliver the national carbon targets and how the framework seeks to carefully avoid increasing carbon emissions. While I was pleased that, following on my advice, there are commitments to 'low emission' transportation, 'low carbon' heat and energy generation throughout the document I fear this won't compensate for the proposed increase of high carbon emission projects (ports, airport, etc.) encouraged by the framework.

This is particularly based on the fact that while some parts of the document encourage the right behaviours (renewables, cycling path, green belts, mixed use developments, mixed tenures, low carbon energy, low emission transport etc.), these can be totally undone by other parts of the framework such as the push towards airport and port development.

The same point applies also in relation to the enhancement of biodiversity required in Wales by the Environment (Wales) Act. I would also like to see more clearly how the need for nature and biodiversity recovery has been taken into account and is delivered through the NDF, as well as how the Sustainable Management of Natural Resources principles have been applied (in addition to the sustainable development principle and ways of working in the well-being legislation) to the design of the NDF and in particular for design of the maps. I would therefore like to see another clear assessment of how the proposed NDF will help reverse the current biodiversity decline and I am not sure that the current propositions will be sufficient.

The proposed draft of the NDF does not yet reflect the Climate and Ecological Emergency Declaration which must be taken seriously and be implemented in this framework (as well as in all other government policies) and I would expect to see visible amendments to this framework following a review in the light of the declaration. Latest evidence suggests that the UK's share of the global carbon budget between 2010 and 2050 would need to be around 7,600 MtCO₂e in order to have an 80% change of avoiding an above 2 degrees global average temperature rise. The State of Nature Report 2019 reveals that of the 3902 species assessed in Wales 73 have been lost from Wales already with a further 666 species being threatened with extinction. The NDF must demonstrate clearly how it will support the reverse of this decline.

Disconnect between the ambitions and objectives of the framework and the priority area maps

I would like to understand how the current maps would enable the delivery of the objectives of the NDF. For example, it is not clear that renewable onshore wind development of the size and scale consistent with the stated ambitions of Ministers will be possible because it is suggested that a significant part of the priority areas might not practically be suitable for sustainable wind farms. It has been brought to my attention, as another example, that the area around Newport has restrictions such as infrastructure and flooding zones which would render impossible the delivery of the development suggested in the proposed NDF.

It is clearly crucial that the NDF supports the shift to a low carbon society in terms of the 'words' of the document but critically in terms of what flows in terms of 'action'. We must see a clear and detailed assessment of whether this framework will deliver decarbonisation targets in terms of the shift to renewable energy.

What assessment has been made as to how the framework will support practically both the long term environmental and economic benefits of off shore wind and solar energy required to meet decarbonisation targets in the Environment Act and beyond given more recent Ministerial commitments?

I would therefore like to see further and detailed analysis of the practical and more granular potential for each of the areas highlighted in the NDF to ensure that the overall ambitions of the Government as well as the proposed

NDF objectives can be delivered by this NDF (integration) and to identify the areas which might need adjusting to ensure implementation in the short and longer term.

Updating of the TANs and Investment plan

The setting out of the first NDF is part of the general recast of the land use planning in Wales and I would like to know what the government's plan is for updating the Technical Advice Notes and the Investment Plan referred to at the beginning of the document in light of the new planning and climate change policies. These will also impact the good implementation of the NDF.

Transitional Period and Reliance on SDPs

A final point concerns the references in the proposed NDF to the Strategic Development Plans which will provide a lot of the details of the implementation of the NDF objectives and policies. I understand that only one SDP is currently in preparation and it might only be ready in 2025. This is of significant concern given the timescales for decarbonisation. This development framework is just the initial phase of the policy change process that would be required to meet targets and without comprehensive adoption and implementation at speed. I would therefore like to know what the transitional arrangements are for the 5 to 10 years ahead until we have SDPs in place but also what would be the provisions if no such plans were adopted in some places.

Conclusion

I am grateful for the opportunity the Welsh Government has given to my office to work with this them on this draft. They have taken in account most of my advice to date, but having seen the full proposed document, I am concerned that the proposed NDF won't sufficiently moving us towards a resilient and low carbon society at the pace and scale required to meet our duties around decarbonisation and the enhancement of our ecosystems which are needed to fight climate change and to meet the needs of future generations. I would like to see, to reassure me and to improve the framework, detailed analysis demonstrating that the NDF and in particular the design of the different areas will enable Wales to meet practically its sustainability ambitions and well-being goals.