

## CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee  
10<sup>th</sup> October, 2013

**REPORT AUTHOR:** Interim Head of Democratic Services

**SUBJECT:** Designated Persons Order (Number 1) – Consultation Document

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**REPORT FOR:** Information / Decision

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- 1.1 A Welsh Government consultation document relating to the scrutiny of Designated Persons, has been received. The consultation period ends on 21<sup>st</sup> November, 2013.
- 1.2 Welsh Government's view in accordance with Chapter 2 of the Programme for Government, is that scrutiny of the way public services work together as a whole will provide effective challenge to, and governance of, collaborative projects. Welsh Government believes that cross public service collaborative projects should be scrutinised as this will be essential to ensure and promote shared responsibility and delivery and maintain a clear line of accountability.
- 1.3 All local authorities and their partners are expected to have a Single Integrated Plan in place for their area from April 2013. In addition Welsh Government is consulting on placing integrated planning on a single statutory footing as part of the consultation on the Sustainable Development Bill (now renamed The Future Generations Bill).
- 1.4 The Local Government (Wales) Measure 2011 provides powers for Welsh Ministers to designate public service providers for the purposes of scrutiny. The Measure also contains requirements regarding reports or recommendations in relation to designated persons, attendance by designated persons or their representatives at scrutiny meetings and that designated persons must have regard to the report or recommendations of scrutiny. Excluded matters for the purposes of designated persons relate to crime and disorder matters which fall under the remit of the Council's crime and disorder scrutiny committee. Consideration of the role that co-optation of specialists or community representatives and service users can bring to the scrutiny of designated persons is also encouraged.
- 1.5 The "Designated Persons Order", will designate the individuals and organisations which will be subject to scrutiny. It is stressed that this is not intended to duplicate existing systems of accountability. The conditions to be met for the designation of a person or a category of persons are that the person:
  - Provides the public (or a section of the public) with services, goods or facilities of any description (whether on payment or not);
  - Provides those services, goods or facilities in the exercise of functions of a public nature; and
  - Is wholly or partly funded by public money;
  - Is not a local authority (meaning a county or county borough council).

1.6 Welsh Government's policy is for public services in the future to be the subject of effective scrutiny. Welsh Government is also taking a phased approach to the designation of bodies, the first phase of which are those bodies placed under a duty to collaborate with local authorities in their community planning duties. The first order will in effect place a major focus on the scrutiny of designated persons on the contribution their Local Service Board partners make to the shared outcomes in the Single Integrated Plan.

1.7 The bodies under consideration in the first designation phase are:

- Local Health Boards
- NHS Trusts
- Fire and Rescue Authorities
- National Park Authorities
- Town and Community Councils are named community planning partners and Welsh Government is seeking views on how they could contribute to local collaborative scrutiny and whether it is necessary to designate them in the first place.
- Two other additions are proposed, namely:
  - Registered Social Landlords
  - Third sector organisations delivering services to the public and meet the criteria set out in paragraph 1.5 above.

1.8 Public service scrutiny aims to recognise different organisations' contributions to delivering and promoting shared responsibility for shared outcomes.

1.9 Welsh Government will set out statutory guidance in the Order:

- To provide clarity on the operation of Designated Persons Scrutiny;
- How it expects local authorities to work jointly with partners and neighbouring local authorities when constructing forward work programmes for scrutiny, to maximise the impact of scrutiny and reduce the burden on individual organisations operating across a number of local authority areas;

1.10 The capacity of local authorities and their partners will be critical to ensuring that the extension of local authorities' scrutiny powers contributes to delivering better outcomes for citizens and communities. Welsh Government's views is that scrutiny committees would benefit from co-opting individuals with professional expertise and / or useful experience onto a committee.

1.11 Members views are sought on the Consultation Document.

Recommendation:	Reason for Recommendation:
<p><b>(i) That the Draft Designated Persons Order from Welsh Government be noted.</b></p> <p><b>(ii) that Members consider any comments for submission to Welsh Government as part of the consultation process.</b></p>	<p><b>(i) To update the Committee on new Legislation / Regulations / Guidance affecting the Council.</b></p> <p><b>(ii) To respond to the Consultation Exercise.</b></p>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y / N</b>	<b>Within Budget:</b>	<b>Y / N</b>
<b>Relevant Local Member(s):</b>			
<b>Person(s) To Implement Decision:</b>	<b>Wyn Richards</b>		
<b>Date By When Decision To Be Implemented:</b>	<b>21 November, 2013</b>		

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**Background Papers used to prepare Report:**