

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

Well-being of Future Generations (Wales) Bill

[AS INTRODUCED]

PART 1

INTRODUCTION AND KEY CONCEPTS

- 1 Purpose of this Act
- 2 Aim of public bodies to improve well-being
- 3 Sustainable development principle
- 4 Overview
- 5 Meaning of “public body”

PART 2

IMPROVING WELL-BEING

Well-being goals

- 6 Well-being goals
- Well-being objectives and duty on public bodies*
- 7 Well-being objectives
 - 8 Setting and meeting well-being objectives: sustainable development principle
 - 9 Welsh Ministers’ well-being objectives
 - 10 Other public bodies’ well-being objectives

Measuring performance towards achieving the goals

- 11 National indicators and annual well-being report
- 12 Future trends report
- 13 Annual reports by the Welsh Ministers
- 14 Annual reports by other public bodies

Guidance

- 15 Guidance

PART 3

THE FUTURE GENERATIONS COMMISSIONER FOR WALES

The Commissioner

- 16 Future Generations Commissioner for Wales
- 17 Commissioner’s general duty

The Commissioner's functions

- 18 Commissioner's functions
- 19 Recommendations made by the Commissioner
- 20 Duty to follow recommendations
- 21 Future Generations report
- 22 Future Generations report: activity during the reporting period

Joint working

- 23 Joint working

Advisory panel to the Commissioner

- 24 Advisory panel
- 25 Appointed members
- 26 Payment of panel members' expenses

PART 4

PUBLIC SERVICES BOARDS

CHAPTER 1

ESTABLISHMENT, PARTICIPATION AND SCRUTINY

- 27 Public services boards
- 28 Invitations to participate
- 29 Invitations to participate: issue, response and duration of participation
- 30 Other partners
- 31 Changes in participation
- 32 Meetings and terms of reference
- 33 Overview and scrutiny committee of local authority

CHAPTER 2

IMPROVING LOCAL WELL-BEING

Local aim

- 34 Aim of public services boards

Local well-being assessments

- 35 Assessments of local well-being
- 36 Preparation of assessments

Local well-being plans

- 37 Local well-being plans
- 38 Local well-being plans: sustainable development principle
- 39 Local well-being plans: role of community councils
- 40 Preparation of local well-being plans: information about activities of others
- 41 Preparation of local well-being plans: Commissioner's advice
- 42 Preparation of local well-being plans: further consultation and approval
- 43 Review of local well-being plans
- 44 Annual progress reports

Consequential modifications

45 Modifications of enactments

CHAPTER 3

MISCELLANEOUS

46 Merging public services boards
47 Collaboration between public services boards
48 Directions to merge or collaborate
49 Performance indicators and standards
50 Guidance

PART 5

FINAL PROVISIONS

51 Meaning of “public body”: further provision
52 Power to make consequential etc. provision
53 Regulations
54 Interpretation
55 Commencement
56 Short title

Schedule 1 – Annual reports by other public bodies
Schedule 2 – The Future Generations Commissioner for Wales
Schedule 3 – Public services boards: further provision
Schedule 4 – Public services boards: consequential amendments and repeals

Well-being of Future Generations (Wales) Bill

[AS INTRODUCED]

An Act of the National Assembly for Wales about how public bodies are organised to improve well-being in accordance with the sustainable development principle.

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

INTRODUCTION AND KEY CONCEPTS

1 Purpose of this Act

The general purpose of this Act is to ensure that the governance arrangements of public bodies for improving the well-being of Wales take the needs of future generations into account.

2 Aim of public bodies to improve well-being

The aim of public bodies is to improve the economic, social and environmental well-being of Wales in accordance with the sustainable development principle (the “common aim”).

3 Sustainable development principle

Improving well-being in accordance with the sustainable development principle means seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4 Overview

(1) This section is an overview of the main provisions of the Act.

(2) Part 2 of this Act—

(a) sets well-being goals for the pursuit of the common aim of public bodies (section 6);

(b) requires the bodies to set well-being objectives that are to contribute to the achievement of the well-being goals (section 7);

(c) requires the bodies to set and seek to meet their well-being objectives in accordance with the sustainable development principle, which includes further provision about how the principle is to be applied to the objectives (section 8);

(d) requires indicators that measure progress towards achieving the well-being goals (section 11, and reports on future trends in the well-being of Wales (section 12), to be published by the Welsh Ministers;

(e) requires the bodies to report annually on their progress towards meeting their well-being objectives (sections 13 and 14 and Schedule 1).

(3) Part 3 of this Act –

(a) establishes the office of Future Generations Commissioner for Wales (section 16 and Schedule 2);

(b) provides for the Commissioner to promote the needs of future generations by monitoring and reporting on the extent to which the public bodies are setting and seeking to meet their well-being objectives in accordance with the sustainable development principle (section 17);

(c) establishes a panel of advisers to the Commissioner (sections 24 to 26).

(4) Part 4 of this Act –

(a) establishes a public services board for each local authority area in Wales and sets out who else a board may work with (Chapter 1);

(b) states the aim of the boards and requires them to publish local well-being plans setting out how each board is to pursue that local aim, and thereby contribute within its area to the pursuit of the common aim (Chapter 2, section 34);

(c) provides that local well-being plans must include objectives that are designed to maximise each board's contribution (within its area) to the achievement of the well-being goals (Chapter 2, sections 34 and 37);

(d) provides that each board must set and seek to meet their objectives in accordance with the sustainable development principle, which includes further provision about how the principle is to be applied to the board's objectives (Chapter 2, sections 37 and 38);

(e) makes specific provision about how local well-being plans apply to community councils and how, in that way, a community council may contribute to the local aim of the public services board in its area (Chapter 2, section 39);

(f) provides for boards to merge or otherwise collaborate (Chapter 3).

5 Meaning of “public body”

(1) For the purposes of this Part and Parts 2 and 3 of this Act, each of the following persons is a “public body” –

(a) the Welsh Ministers;

(b) a local authority;

(c) a Local Health Board;

- (d) the following NHS Trusts –
- (i) Public Health Wales;
 - (ii) Velindre;
- (e) a National Park authority for a National Park in Wales;
- (f) a Welsh fire and rescue authority;
- (g) the Natural Resources Body for Wales;
- (h) the Higher Education Funding Council for Wales;
- (i) the Arts Council of Wales;
- (j) the Sports Council for Wales;
- (k) the National Library of Wales;
- (l) the National Museum of Wales.

(2) Section 51 enables the Welsh Ministers to amend the meaning of a “public body”.

(3) Chapter 1 of Part 4 provides for persons who are listed as public bodies in subsection (1) (as well as certain other persons who exercise functions of a public nature) to be either members, invited participants or other partners of the public services boards established under that Part.

PART 2

IMPROVING WELL-BEING

Well-being goals

6 Well-being goals

- (1) Each public body is to pursue the common aim by seeking to achieve the well-being goals listed and described in Table 1 –

TABLE 1

Goal	Description of the goal
A prosperous Wales.	An innovative and productive, low carbon emission, economy that makes more efficient and proportionate use of resources; and which generates wealth and provides employment opportunities for a skilled and well-educated population.
A resilient Wales.	A biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.

	A healthier Wales.	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
5	A more equal Wales.	A society that enables people to fulfil their potential no matter what their background or circumstances.
	A Wales of cohesive communities.	Attractive, viable, safe and well-connected communities.
10	A Wales of vibrant culture and thriving Welsh language.	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.

- (2) In seeking to achieve each of the well-being goals, a public body must take into account each of the three aspects of well-being contained in the common aim.
- (3) The Welsh Ministers may by regulations amend subsection (1) by –
- (a) adding a goal,
 - (b) removing a goal, or
 - (c) amending the title or description of a goal.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult –
- (a) the Commissioner;
 - (b) the other public bodies;
 - (c) such other persons as the Welsh Ministers consider appropriate.

Well-being objectives and duty on public bodies

25 **7 Well-being objectives**

- (1) Each public body must set and publish objectives (“well-being objectives”) that are designed to maximise its contribution to the achievement of the well-being goals.
 - (2) When publishing the well-being objectives (including well-being objectives revised under section 9 or 10) a public body must also publish a statement –
- 30 (a) explaining why the body considers that meeting the objectives will contribute to the achievement of the well-being goals;
 - (b) specifying what actions the body proposes to take to meet the objectives;
 - (c) explaining how those actions are intended to lead to the objectives being met;

- (d) specifying the periods of time within which the body expects to meet the objectives;
- (e) providing such other information as the body considers appropriate about taking the actions and meeting the objectives.

- 5 (3) A public body that exercises functions in relation to the whole of Wales may set objectives relating to Wales or any part of Wales.
- (4) A public body that exercises functions in relation only to a part of Wales may set objectives relating to that part or any part of it.
- 10 (5) The well-being objectives of a public body that is also a member of a public services board may be included in that board's local well-being plan (see Chapters 1 and 2 of Part 4).

8 Setting and meeting well-being objectives: sustainable development principle

- (1) A public body must –
- 15 (a) set well-being objectives under section 7(1) in accordance with the sustainable development principle, and
- (b) take all reasonable steps (in exercising its functions) to meet those objectives in accordance with the sustainable development principle.
- (2) Applying the sustainable development principle to setting and taking steps to meet the objectives requires a public body to take into account –
- 20 (a) the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect;
- (b) the benefits of taking an integrated approach, by considering how –
- 25 (i) an objective may impact upon each of the well-being goals and the three aspects of well-being contained in the common aim;
- (ii) the body's objectives impact upon each other or upon other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
- (c) the importance of involving those with an interest in the objectives, by seeking their views and taking them into account;
- 30 (d) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its objectives, or assist another body to meet its objectives;
- (e) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's objectives, or another body's objectives.
- 35 (3) A statement published under section 7(2) must also include provision setting out –
- (a) how the public body considers it has fulfilled its duty under paragraph (a) of subsection (1), and

- (b) how the public body proposes to fulfil its duty under paragraph (b) of subsection (1); including how it proposes to govern itself, keep the duty under review and ensure that resources are allocated annually for the purpose of fulfilling the duty.

9 Welsh Ministers' well-being objectives

- 5 (1) The Welsh Ministers' well-being objectives must be set and published –
 - (a) no later than 6 months after the date on which the first general election is held following the commencement of this section, and
 - (b) no later than 6 months after the date of each subsequent general election.
- 10 (2) The Welsh Ministers' well-being objectives must be set for the period –
 - (a) beginning with the day specified for that purpose in the statement published under section 7(2), and
 - (b) ending with the day of the next ordinary general election under section 3 of the Government of Wales Act 2006 (c.32).
- 15 (3) If the well-being goals are amended, the Welsh Ministers must review their well-being objectives.
- (4) If, on a review under subsection (3), the Welsh Ministers determine that one or more of their well-being objectives are no longer appropriate, they must revise the objective or objectives concerned.
- (5) The Welsh Ministers may at any other time review and revise their well-being objectives.
- 20 (6) Well-being objectives revised under subsection (4) or (5) must be set for the remainder of the period referred to in subsection (2).
- (7) Where the Welsh Ministers revise their well-being objectives under subsection (4) or (5), they must publish them as soon as is reasonably practicable.
- 25 (8) In setting or revising their well-being objectives, the Welsh Ministers must take into account the Commissioner's report under section 21.
- (9) In this section, "general election" means –
 - (a) the poll held at an ordinary general election under section 3 of the Government of Wales Act 2006 (c.32), or
 - (b) the poll held at an extraordinary general election under section 5 of that Act.

30 10 Other public bodies' well-being objectives

- (1) In this section references to a public body do not include the Welsh Ministers.
- (2) A public body's well-being objectives must be set and published –
 - (a) no later than the beginning of the financial year following the commencement of this section, and
 - 35 (b) at such subsequent times as the body considers appropriate.

- (3) If the well-being goals are amended, a public body must review its well-being objectives.
- (4) If, on a review under subsection (3), a public body determines that one or more of its well-being objectives are no longer appropriate, it must revise the objective or objectives concerned.
- 5 (5) A public body may at any other time review and revise its well-being objectives.
- (6) Where a public body revises its well-being objectives under subsection (3) or (4), it must publish them as soon as is reasonably practicable.
- (7) In setting or revising its well-being objectives, a public body must take into account the Commissioner's report under section 21.

10 *Measuring performance towards achieving the goals*

11 National indicators and annual well-being report

- (1) The Welsh Ministers must –
- (a) publish indicators (“national indicators”) that may be applied for the purpose of measuring progress towards the achievement of the well-being goals, and
- 15 (b) lay a copy of the national indicators before the National Assembly.
- (2) A national indicator –
- (a) must be expressed as a value or characteristic that can be measured quantitatively or qualitatively against a particular outcome;
- (b) may be measured over such period of time as the Welsh Ministers consider
- 20 appropriate;
- (c) may be measurable in relation to Wales or any part of Wales.
- (3) If the well-being goals are amended, the Welsh Ministers must review the national indicators.
- (4) If, on a review under subsection (3), the Welsh Ministers determine that one or more of
- 25 the national indicators are no longer appropriate, they must revise the indicator or indicators concerned.
- (5) The Welsh Ministers may at any other time review and revise the national indicators.
- (6) Where the Welsh Ministers revise the national indicators under subsection (4) or (5), they must as soon as reasonably practicable –
- 30 (a) publish the indicators as revised, and
- (b) lay a copy of them before the National Assembly.
- (7) Before publishing national indicators (including indicators revised under subsection (4) or (5)), the Welsh Ministers must consult –
- (a) the Commissioner;
- 35 (b) the other public bodies;
- (c) such other persons as they consider appropriate.

(8) The Welsh Ministers must, in respect of each financial year beginning after the date on which national indicators are published under subsection (1), publish a report (an “annual well-being report”) on the progress made towards the achievement of the well-being goals by reference to the national indicators.

5 (9) An annual well-being report under subsection (8) must specify the periods of time to which the measurement of each indicator relates.

12 Future trends report

(1) The Welsh Ministers must, during the period of 12 months beginning with the date of a general election, publish a report (a “future trends report”) that contains –

10 (a) predictions of likely future trends in the economic, social and environmental well-being of Wales, and

(b) any related analytical data and information that the Welsh Ministers consider appropriate.

15 (2) In subsection (1), the reference to the date of a general election is to the date on which an ordinary general election is held under section 3 of the Government of Wales Act 2006 (c.32) (or would be apart from section 5(5) of that Act).

13 Annual reports by the Welsh Ministers

(1) The Welsh Ministers must –

20 (a) publish, in respect of each financial year, a report of the progress they have made towards meeting their well-being objectives, and

(b) lay a copy of the report before the National Assembly.

(2) In preparing a report under this section, the Welsh Ministers must review their well-being objectives.

25 (3) If, on a review under subsection (2), the Welsh Ministers determine that one or more of their well-being objectives are no longer appropriate, they must revise the objective or objectives concerned and publish the revised objective or objectives as soon as practicable.

(4) Where the Welsh Ministers revise one or more of their objectives under subsection (3), the report must include an explanation of the revision and the reasons for making it.

30 (5) A report under this section must be published and laid before the National Assembly as soon as reasonably practicable following the end of the financial year to which the report relates.

14 Annual reports by other public bodies

35 (1) Schedule 1 makes provision requiring each public body other than the Welsh Ministers to publish annual reports of the progress it has made in meeting its well-being objectives.

(2) In preparing a report under Schedule 1, or under a provision amended by that Schedule, a public body must review its well-being objectives.

- (3) If, on a review under subsection (2), a public body determines that one or more of its well-being objectives are no longer appropriate, it must revise the objective or objectives concerned and publish the revised objective or objectives as soon as practicable.
- (4) Where a public body revises one or more of its objectives under subsection (3), the report must include an explanation of the revision and the reasons for making it.

Guidance

15 Guidance

- (1) The Welsh Ministers must issue guidance to other public bodies about the exercise of functions under this Part.
- (2) In exercising a function under this Part, a public body must take such guidance into account.

PART 3

THE FUTURE GENERATIONS COMMISSIONER FOR WALES

The Commissioner

16 Future Generations Commissioner for Wales

- (1) There is to be a Future Generations Commissioner for Wales (referred to in this Act as the “Commissioner”).
- (2) The Commissioner is to be an individual appointed by the Welsh Ministers.
- (3) Schedule 2 makes further provision about the Commissioner.

17 Commissioner’s general duty

The general duty of the Commissioner is –

- (a) to promote the sustainable development principle, in particular to –
- (i) seek to safeguard the ability of future generations to meet their needs, and
 - (ii) encourage public bodies to take greater account of the long-term impact of the things that they do, and
- (b) for that purpose to monitor and assess the extent to which well-being objectives set by public bodies are being met.

The Commissioner’s functions

18 Commissioner’s functions

- (1) The Commissioner may, in carrying out the Commissioner’s general duty –
- (a) provide advice or assistance to a public body (which includes providing advice to the Welsh Ministers on climate change);

- (b) provide advice to the Auditor General for Wales on the sustainable development principle;
- (c) provide advice or assistance to a public services board in relation to the preparation of its local well-being plan (see section 41);
- 5 (d) provide advice or assistance to any other person who the Commissioner considers is taking (or wishes to take) steps that may contribute to the achievement of the well-being goals;
- (e) encourage best practice amongst public bodies in taking steps to meet their well-being objectives in accordance with the sustainable development principle;
- 10 (f) promote awareness amongst public bodies of the need to take steps to meet their well-being objectives in accordance with the sustainable development principle;
- (g) encourage public bodies to work with each other and with other persons if this could assist them to meet their well-being objectives;
- (h) seek the advice of an advisory panel (see section 24) in relation to the exercise of
- 15 any of the Commissioner's functions.
- (2) The Commissioner may undertake research or other study into –
- (a) the extent to which the well-being goals and national indicators are consistent with the sustainable development principle,
- (b) the extent to which the sustainable development principle is taken into account in
- 20 the national indicators,
- (c) the sustainable development principle itself (including how it is applied to setting and meeting objectives), and
- (d) anything related to any of those things that impacts upon the economic, social and environmental well-being of Wales (or any part of Wales).
- 25 (3) References in this section to providing assistance to a public body do not include providing financial assistance.

19 Recommendations made by the Commissioner

- (1) In providing advice or assistance to the Welsh Ministers, the Commissioner may also make recommendations to the Ministers about the well-being goals or the national
- 30 indicators.
- (2) In providing advice or assistance to public bodies, the Commissioner may also make recommendations to a public body on how steps can be taken to meet well-being objectives in accordance with the sustainable development principle.
- (3) If the Commissioner makes recommendations under this section, the Commissioner must
- 35 publish those recommendations and send a copy of them to the Welsh Ministers.
- (4) In providing advice or assistance to a public body, the Commissioner may require a public body to provide such information as the Commissioner considers relevant to assist in making recommendations.

- (5) But a public body is not required to provide information to the Commissioner if the body is prohibited from providing it by virtue of an enactment or any other rule of law.

20 Duty to follow recommendations

- (1) A public body must take all reasonable steps to follow the course of action set out in a recommendation made to it by the Commissioner in accordance with section 19 unless –
- (a) the public body is satisfied that there is good reason for it not to follow the recommendation in particular categories of case or at all, or
 - (b) it decides on an alternative course of action in respect of the subject matter of the recommendation.
- (2) The Welsh Ministers may issue guidance to other public bodies about how to respond to a recommendation made by the Commissioner.
- (3) In deciding how to respond to such a recommendation, a public body must take such guidance into account.
- (4) A public body must publish its response to a recommendation made by the Commissioner.

21 Future Generations report

- (1) The Commissioner must prepare and publish, before the end of each reporting period, a report containing the Commissioner's assessment of the improvements public bodies should make in order to set and meet well-being objectives in accordance with the sustainable development principle.
- (2) The Commissioner's report must include, in particular, an assessment of how public bodies should –
- (a) better safeguard the ability of future generations to meet their needs, and
 - (b) take greater account of the long-term impact of the things that they do.
- (3) In this section and section 22, the "reporting period" is the period –
- (a) beginning with the day after that on which a future trends report under section 12 is published, and
 - (b) ending on the day before the date falling one year before the date on which the poll is to be held at the next general election under section 3 of the Government of Wales Act 2006 (c.32).
- (4) In addition to the assessment mentioned in subsection (1), a report under this section must also include –
- (a) a summary of the evidence gathered and activities undertaken by the Commissioner during the reporting period (see section 22);
 - (b) a summary of any other action taken by the Commissioner during the reporting period in the exercise of the Commissioner's functions.
- (5) A report under this section may include –
- (a) an account of any research or other study undertaken under section 18(2);

(b) any other information the Commissioner considers appropriate.

(6) The Commissioner must send the Welsh Ministers a copy of a report published under this section.

(7) The Welsh Ministers must lay a copy of a report sent to them under subsection (6) before the National Assembly.

(8) The Welsh Ministers may by regulations amend the reporting period.

22 Future Generations report: activity during the reporting period

(1) During a reporting period (but before the report under section 21 is published) the Commissioner must consult—

(a) the advisory panel (see section 24);

(b) each public body;

(c) representatives of voluntary organisations in Wales;

(d) any other person who the Commissioner considers is taking steps (or wishes to take steps) that may contribute to the achievement of the well-being goals;

(e) representatives of persons resident in each local authority area in Wales;

(f) representatives of persons carrying on business in Wales;

(g) trade unions representing workers in Wales;

(h) any other person the Commissioner considers appropriate.

(2) In preparing a report under section 21 the Commissioner must (in addition to taking into account representations made by the persons consulted under subsection (1)) take into account—

(a) each annual well-being report under section 11(8) published during the reporting period;

(b) the future trends report published under section 12 on the day before the beginning of the reporting period;

(c) relevant reports of the Auditor General for Wales.

Joint working

23 Joint working

(1) This section applies if the Commissioner intends to provide advice or assistance to a body and it appears to the Commissioner that such advice or assistance relates to a matter that is the same as, or substantially similar to, the subject matter of—

(a) a review under section 72B of the Care Standards Act 2000 (c.14) by the Children's Commissioner for Wales;

(b) a review under section 3 of the Commissioner for Older People (Wales) Act 2006 (c.30) by the Commissioner for Older People in Wales;

(c) an inquiry under section 7 of the Welsh Language (Wales) Measure 2011 (nawm 1) by the Welsh Language Commissioner.

(2) The Commissioner may –

(a) inform the other Commissioner about the intention to provide such advice or assistance, and

(b) consult the other Commissioner about the intended advice or assistance.

(3) The Commissioners may –

(a) co-operate with each other in relation to the advice or assistance and the review or inquiry;

(b) jointly prepare and publish a document that is to be treated as both –

(i) advice and assistance provided under section 18(1), and

(ii) a report of the review or inquiry referred to in subsection (1) of this section.

Advisory panel to the Commissioner

24 Advisory panel

(1) There is to be a panel of advisers (the “advisory panel”) for the purpose of providing advice to the Commissioner on the exercise of the Commissioner’s functions.

(2) The members of the advisory panel are –

(a) the Children’s Commissioner for Wales;

(b) the Welsh Language Commissioner;

(c) the Commissioner for Older People in Wales;

(d) the member of staff of the Welsh Government designated by the Welsh Ministers as the Chief Medical Officer for Wales;

(e) the chairperson of the Natural Resources Body for Wales or another non-executive member of that body selected by the chairperson;

(f) such other person as the Welsh Ministers may appoint.

25 Appointed members

(1) Before appointing a member under section 24(2)(f), the Welsh Ministers must consult the Commissioner.

(2) An appointed member holds office for a period of no less than 3 years and no more than 5 years as the Welsh Ministers may determine.

(3) An appointed member may be reappointed once for a further period of no less than 3 years and no more than 5 years (whether or not this period runs consecutively from the member’s first appointment).

(4) The Welsh Ministers may pay remuneration to appointed members.

- (5) An appointed member may resign from the panel by giving the Welsh Ministers not less than 3 months' notice in writing of the member's intention to do so.
- (6) The Welsh Ministers may dismiss an appointed member if satisfied that the member –
- (a) is unfit to continue as a panel member, or
 - (b) is unable or unwilling to act as a member.

26 **Payment of panel members' expenses**

The Welsh Ministers may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the advisory panel.

PART 4

PUBLIC SERVICES BOARDS

CHAPTER 1

ESTABLISHMENT, PARTICIPATION AND SCRUTINY

27 **Public services boards**

- (1) There is to be a public services board for each local authority area in Wales.
- (2) The members of each board are –
- (a) the local authority;
 - (b) the Local Health Board for an area any part of which falls within the local authority area;
 - (c) the Welsh fire and rescue authority for an area any part of which falls within the local authority area;
 - (d) the Natural Resources Body for Wales.
- (3) In this Part, a reference to a "public services board" (or "board") is a reference to the members of that board acting jointly; accordingly, a function expressed as a function of a public services board is a function of each member of the board that may only be exercised jointly with the other members.

28 **Invitations to participate**

- (1) A public services board for a local authority area must invite the following persons to participate in the activity of the board –
- (a) the Welsh Ministers;
 - (b) the chief constable of the police force for a police area any part of which falls within the local authority area;
 - (c) the police and crime commissioner for a police area any part of which falls within the local authority area;

(d) a person required by arrangements under section 3(2) of the Offender Management Act 2007 (c.21) to provide probation services in relation to the local authority area;

(e) a body representing voluntary organisations in the area (whether or not the body is known as a County Voluntary Council).

(2) Each board may invite any other person who exercises functions of a public nature to participate in the activity of the board, even if that person also exercises other functions.

(3) In this section and section 29, a reference to participating in the activity of a public services board is a reference to working jointly with the board, any member of it or any other person who accepts an invitation to participate under this section, to pursue the aim of the board (as to which see section 34).

(4) In subsection (3), “working jointly” includes –

(a) making representations to the board about the content of –

(i) an assessment under section 35, or

(ii) a local well-being plan, a draft plan or proposed amendments to a plan (see sections 42(1) and 43(4)),

(b) taking part in meetings of the board (which includes, upon the invitation of the members of the board and subject to paragraphs 2(1) and 3(1) of Schedule 3, charring meetings), and

(c) providing other advice and assistance to the board.

(5) A person who accepts an invitation to participate in the activity of a public services board –

(a) is referred to in this Part as an “invited participant”; but

(b) does not become a member of the board by virtue of accepting the invitation.

(6) The reference in subsection (4)(c) to providing assistance does not include providing financial assistance.

29 Invitations to participate: issue, response and duration of participation

(1) An invitation under section 28(1) must be issued as soon as is reasonably practicable following –

(a) the first meeting of a public services board (see paragraph 2(1) of Schedule 3), and

(b) each meeting held under paragraph 3(1) of that Schedule.

(2) An invitation under section 28(1) or (2) –

(a) may be in such form as the board determines; but

(b) must specify the person to whom a response is to be sent.

(3) An invited participant may participate in the activity of a board in the period –

(a) beginning with the date on which the response accepting the invitation is received by the person to whom it is to be sent, and

- (b) ending on the date on which the next ordinary election is held under section 26 of the Local Government Act 1972 (c.70) (election of councillors).

30 Other partners

- (1) A public services board's other partners are –

- 5 (a) a community council for a community in an area which (or any part of which) falls within the local authority area (but see also section 39);
- (b) the Public Health Wales NHS trust;
- (c) a Community Health Council for an area which (or any part of which) falls within the local authority area;
- 10 (d) a National Park authority for a National Park in Wales any part of which falls within the local authority area;
- (e) the Higher Education Funding Council for Wales;
- (f) an institution in the further education sector or the higher education sector situated in whole or in part within the local authority area;
- 15 (g) the Arts Council of Wales;
- (h) the Sports Council for Wales;
- (i) the National Library of Wales;
- (j) the National Museum of Wales.

- (2) In exercising its functions, a board –

- 20 (a) must seek advice from its other partners, and
- (b) must otherwise involve them in such manner and to such extent as it considers appropriate.

- (3) In subsection (1)(f), “further education sector” and “higher education sector” have the same meaning as in the Further and Higher Education Act 1992 (c.13).

25 31 Changes in participation

- (1) The Welsh Ministers may, by regulations, amend section 27(2), 28(1) or 30(1) by –

- (a) adding a person,
- (b) removing a person, or
- (c) amending the description of a person.

- 30 (2) But the Welsh Ministers may amend section 27(2), 28(1) or 30(1) by adding a person only if that person exercises functions of a public nature.

- (3) If the Welsh Ministers amend section 27(2) so as to add a person who has functions of a public nature and other functions, this Part applies to that person only in relation to those of the person's functions that are of a public nature.

- (4) Before making regulations under subsection (1), the Welsh Ministers must consult –
- (a) the members of the public services board to which the proposed regulations relate, and
 - (b) if such regulations are to amend section 27(2), 28(1) or 30(1) so as to add a person, that person.

32 Meetings and terms of reference

Schedule 3 makes further provision about public services boards (including provision about their meetings and terms of reference).

33 Overview and scrutiny committee of local authority

- (1) Executive arrangements by a local authority under Part 2 of the Local Government Act 2000 (c. 22) must ensure that its overview and scrutiny committee has power –
- (a) to review or scrutinise decisions made, or other action taken, by its public services board in the exercise of its functions;
 - (b) to review or scrutinise the board’s governance arrangements;
 - (c) to make reports or recommendations to the board with respect to the board’s functions or governance arrangements;
 - (d) to consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;
 - (e) to carry out such other functions in relation to the board as are imposed on it by this Act.
- (2) An overview and scrutiny committee must send a copy of any report or recommendation made under subsection (1)(c) to –
- (a) the Welsh Ministers;
 - (b) the Commissioner;
 - (c) the Auditor General for Wales.
- (3) An overview and scrutiny committee may, for the purpose of exercising a power mentioned in subsection (1), require the public services board, or such one or more of its members of the board as the committee may specify, to attend a meeting of the committee and provide it with explanations of such matters as it may specify.
- (4) Where a local authority has more than one overview and scrutiny committee, the references in this Part to its overview and scrutiny committee are to the committee that the local authority designates for the purposes of this section.

CHAPTER 2**IMPROVING LOCAL WELL-BEING***Local aim***34 Aim of public services boards**

- 5 (1) The aim of each public services board is to improve the economic, social and environmental well-being of its area in accordance with the sustainable development principle (the “local aim”).
- 10 (2) Each public services board is to pursue the local aim, and thereby contribute to the pursuit of the common aim, by contributing within its area to the achievement of the well-being goals.
- (3) In contributing to the achievement of each of the well-being goals, a public services board must take into account each of the three aspects of well-being contained in the common aim.

*Local well-being assessments***35 Assessments of local well-being**

- 15 (1) A public services board must prepare and publish an assessment of the state of economic, social and environmental well-being in its area.
- (2) Each board must publish the assessment no later than one year before the date on which a local well-being plan is to be published under subsection (6) or (7) of section 37.
- 20 (3) An assessment must –
- (a) set out which communities comprise the area of the board;
 - (b) include an analysis of the state of well-being in each community and in the area as a whole;
 - 25 (c) include an analysis of the state of well-being of any category of persons in the area whom the board considers to be vulnerable or otherwise disadvantaged;
 - (d) include any further analysis that the board carries out by reference to criteria set and applied by it for the purpose of assessing economic, social and environmental well-being in the area or in any community situated in the area;
 - 30 (e) include predictions of likely future trends in the economic, social and environmental well-being of the area;
 - (f) include any other related analytical data and information that the board considers appropriate.
- (4) An analysis referred to in subsection (3) –
- (a) must refer to any national indicators published under section 11;
 - 35 (b) must refer to a future trends reports under section 12 to the extent that it is relevant to the assessment of well-being in the area.

- (5) The communities that comprise the area of a board are to be determined –
- (a) in accordance with regulations made by the Welsh Ministers, or
 - (b) if no such regulations have been made, by the board.
- (6) Each board must send a copy of its assessment to –
- (a) the Welsh Ministers;
 - (b) the Commissioner;
 - (c) the Auditor General for Wales;
 - (d) the local authority's overview and scrutiny committee.

36 Preparation of assessments

- (1) Before publishing its assessment under section 35, a public services board must consult –
- (a) the Commissioner;
 - (b) the board's invited participants;
 - (c) its other partners;
 - (d) such of the persons who received but did not accept an invitation from the board under section 28 as the board considers appropriate;
 - (e) the local authority's overview and scrutiny committee;
 - (f) any relevant voluntary organisation as the board considers appropriate;
 - (g) representatives of persons resident in its area;
 - (h) representatives of persons carrying on business in its area;
 - (i) trade unions representing workers in its area;
 - (j) any other persons who, in the opinion of the board, are interested in the improvement of the area's economic, social and environmental well-being.
- (2) As part of the consultation under subsection (1), each board must provide each consultee with a draft of its assessment.
- (3) In preparing its assessment, each board must take each of the following into account –
- (a) the most recent review of the sufficiency of nursery education provision for the local authority area carried out under section 119(5)(a) of the School Standards and Frameworks Act 1998 (c.31);
 - (b) the most recent assessment of the sufficiency of the provision of childcare in the local authority area carried out in accordance with regulations made under section 26(1) of the Childcare Act 2006 (c.21);
 - (c) the most recent assessment of the sufficiency of play opportunities in the local authority area carried out under section 11(1) of the Children and Families (Wales) Measure 2010 (nawm 1);

- (d) the most recent assessment carried out by the local authority in conjunction with a Local Health Board under section 14 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (assessment of needs for care and support, support for carers and preventative services);
- 5 (e) the most recent strategic assessment prepared in accordance with regulations under section 6 of the Crime and Disorder Act 1998 (c.37) relating to reducing crime and disorder in the local authority area;
- 10 (f) the most recent strategic assessment prepared in accordance with regulations under that section relating to combating substance misuse in the local authority area;
- (g) the most recent strategic assessment prepared in accordance with regulations under that section relating to the reduction of reoffending in the local authority area;
- 15 (h) such other review or assessment in relation to the local authority area as may be prescribed by the Welsh Ministers in regulations (or such other analysis as may be designated in such regulations as a review or assessment for the purposes of this section).

Local well-being plans

37 Local well-being plans

- 20 (1) A public services board must prepare and publish a plan (a “local well-being plan”) setting out how the board is to pursue the local aim.
- (2) A local well-being plan must include objectives that are designed to maximise the board’s contribution within its area to the achievement of the well-being goals.
- (3) The plan may include objectives –
- 25 (a) that are also well-being objectives published under Part 2 by a member of the board;
- (b) that are to be met by the taking of steps –
- (i) by one or more members of the board, invited participants or other partners acting individually, or
- 30 (ii) any combination of members, invited participants or other partners acting jointly.
- (4) Each board must –
- (a) set well-being objectives for inclusion in its local well-being plan in accordance with the sustainable development principle, and
- 35 (b) take all reasonable steps to meet those objectives in accordance with the sustainable development principle.
- (5) A local well-being plan must include a statement –
- (a) explaining why each board considers that meeting the objectives will contribute –
- (i) within the area to achieving the well-being goals, and

- (ii) in particular to addressing any matters mentioned in the most recent assessment of local well-being published under section 35;
- (b) specifying the periods of time within which the board expects to meet the objectives;
- 5 (c) explaining how the steps the board proposes to take to meet the objectives are to be taken in accordance with the sustainable development principle;
- (d) if the plan includes objectives referred to in subsection (3)(b), specifying the steps to be taken to meet those objectives and, in the case of steps to be taken by a combination of members of the board, invited participants or other partners, the
10 persons making up the combination;
- (e) if the plan is not the first plan published by the board, specifying the steps taken to meet the objectives set out in the board's previous plan and specifying the extent to which those objectives have been met;
- (f) providing such other information as the board considers appropriate.
- 15 (6) Each board must publish its first local well-being plan no later than one year after the date on which the next ordinary election under section 26 of the Local Government Act 1972 (c. 70) following the commencement of this section is held.
- (7) Subsequently, each board must publish a local well-being plan no later than one year after the date on which each subsequent ordinary election under that section is held.
- 20 (8) Each board must send a copy of its plan to—
 - (a) the Welsh Ministers;
 - (b) the Commissioner;
 - (c) the Auditor General for Wales;
 - (d) the local authority's overview and scrutiny committee.

25 **38 Local well-being plans: sustainable development principle**

Applying the sustainable development principle to setting objectives for inclusion in the local well-being plan and taking steps to meet them requires a public services board to take into account—

- 30 (a) the importance of balancing short-term needs with the need to safeguard the ability to meet long-term needs, especially where things done to meet short-term needs may have detrimental long-term effect;
- (b) the need to take an integrated approach, by considering—
 - (i) how an objective may impact upon each of the well-being goals and the three aspects of well-being contained in the common aim;
 - 35 (ii) how each board's objectives impact upon each other or upon the well-being objectives published under Part 2 by the members of the board individually, in particular where steps taken by the board may contribute to meeting one objective but may be detrimental to meeting another;

(iii) the importance of involving those with an interest in the objectives, by seeking their views and taking them into account;

(c) how acting in collaboration with its invited participants, other partners, other public service boards or other persons could assist in meeting the board's objectives or the well-being objectives of a member of the board or the well-being objectives of another public service board;

(d) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the board's objectives or the well-being objectives of a member of the board or the well-being objectives of another public service board.

39 Local well-being plans: role of community councils

(1) A community council must take all reasonable steps in its area towards meeting the objectives included in the local well-being plan that has effect in its area.

(2) But a community council is subject to the duty under subsection (1) only if, for each of the preceding three financial years prior to the local well-being plan for its area being published, either its gross income or its gross expenditure was at least £200,000.

(3) The Welsh Ministers may, by regulations, amend the criteria specified in subsection (2) for determining whether a community council is subject to the duty under subsection (1); and the regulations may reflect provision made about community councils in regulations under section 39 of the Public Audit (Wales) Act 2004 (c.23).

(4) Before making regulations under subsection (3), the Welsh Ministers must consult –

(a) the Commissioner;

(b) the community councils that would become subject to the duty under subsection (1) if the regulations were made;

(c) such other persons as the Welsh Ministers consider appropriate.

(5) A community council must publish, in respect of each financial year in which it was subject to the duty under subsection (1), a report of the progress it has made in its area in meeting the objectives included in the local well-being plan that has effect in its area.

(6) A report under subsection (5) must be published as soon as reasonably practicable following the end of the financial year to which the report relates.

(7) The Welsh Ministers must issue guidance to community councils that are subject to the duty under subsection (1) about the exercise of the duty.

(8) In carrying out the duty under subsection (1), a community council must take such guidance into account.

40 Preparation of local well-being plans: information about activities of others

(1) In preparing its local well-being plan (and before consulting under section 42), a public services board may require any person mentioned in subsection (2) to provide the board with information about any action it takes that may contribute to the pursuit of the local aim.

- (2) The persons are –
- (a) the persons invited to participate in the activities of the board, except the Welsh Ministers (see section 28);
 - (b) the board’s other partners (see section 30).
- 5 (3) But a person mentioned in subsection (2) is not required to provide information to a public services board –
- (a) if the person considers that doing so would –
 - 10 (i) be incompatible with the person’s duties, or
 - (ii) otherwise have an adverse effect on the exercise of the person’s functions, or
 - (b) if the person is prohibited from providing it by virtue of an enactment or any other rule of law.
- (4) Where a person mentioned in subsection (2) decides, in reliance on subsection (3)(a), that it is not required to provide information to a public services board, it must provide the board with written reasons for its decision.
- 15

41 Preparation of local well-being plans: Commissioner’s advice

- (1) In preparing its local well-being plan (and before consulting under section 42), a public services board must seek the advice of the Commissioner on how to take steps to meet the objectives to be included in the plan in accordance with the sustainable development principle.
- 20
- (2) The Commissioner must give the advice –
- (a) in writing, and
 - (b) no later than 14 weeks after it is sought.
- (3) Each board must publish the Commissioner’s advice at the same time as it publishes the local well-being plan.
- 25

42 Preparation of local well-being plans: further consultation and approval

- (1) Before publishing its local well-being plan, a public services board must consult –
- (a) its invited participants;
 - (b) its other partners;
 - 30 (c) such of the persons who received but did not accept an invitation from the board under section 28 as the board considers appropriate;
 - (d) the local authority’s overview and scrutiny committee;
 - (e) any relevant voluntary organisation as the board considers appropriate;
 - (f) representatives of persons resident in its area;
 - 35 (g) representatives of persons carrying on business in its area;
 - (h) trade unions representing workers in its area;
 - (i) any other persons who, in the opinion of the board, are interested in the improvement of the area’s economic, social and environmental well-being.

- (2) As part of the consultation under subsection (1), each board must provide each consultee with a draft local well-being plan.
- (3) The consultation under subsection (1) must not end until at least 12 weeks have passed since the day on which it began.
- 5 (4) If the local authority is operating executive arrangements under Part 2 of the Local Government Act 2000 (c.22), the function of approving the local well-being plan for publication may not be exercised by an executive of the authority under those arrangements; nor does section 101 of the Local Government Act 1972 (c. 70) (discharge of functions by committees etc.) apply to that function.
- 10 (5) In the case of each Local Health Board, each Welsh fire and rescue authority and the Natural Resources Body for Wales, the function of approving the local well-being plan for publication may only be exercised at a meeting of the body in question.

43 Review of local well-being plans

- (1) A public services board may review and amend its local well-being plan.
- 15 (2) Each board –
- (a) must review its local well-being plan if directed to do so by the Welsh Ministers, and
 - (b) may amend its plan in consequence of such a review.
- (3) When giving a direction under subsection (2)(a) the Welsh Ministers must publish a statement containing their reasons for giving it.
- 20 (4) Before making an amendment to its plan, each board must consult –
- (a) the Commissioner;
 - (b) the persons mentioned in section 42(1).
- (5) An amended plan must be published as soon as reasonably practicable.
- 25 (6) A board must send a copy of its amended plan to –
- (a) the Welsh Ministers;
 - (b) the Commissioner;
 - (c) the Auditor General for Wales;
 - (d) the local authority's overview and scrutiny committee.

30 44 Annual progress reports

- (1) A public services board must prepare and publish a report –
- (a) no later than one year after the publication of its local well-being plan, and
 - (b) subsequently no later than one year after the publication of each previous report under this section.
- 35 (2) But no report is required under subsection (1)(b) if a local well-being plan is to be published by virtue of section 37(7) (publication of new local well-being plan following election) no later than one year after the publication of the previous report under this section.

- (3) A report under this section must specify the steps taken since the publication of the board's most recent local well-being plan to meet the objectives set out in the plan.
- (4) A report under this section may contain such other information as the board considers appropriate.
- 5 (5) A board must send a copy of each report published under this section to –
- (a) the Welsh Ministers;
 - (b) the Commissioner;
 - (c) the Auditor General for Wales;
 - (d) the local authority's overview and scrutiny committee.

10 *Consequential modifications*

45 Modifications of enactments

Schedule 4 contains amendments and repeals in consequence of the provisions of this Part requiring the publication of local well-being assessments (under section 35) and local well-being plans (under section 37).

15 **CHAPTER 3**

MISCELLANEOUS

46 Merging public services boards

- (1) Two or more public services boards may agree to merge if they consider it would be beneficial to the local aim of each board.
- 20 (2) The Welsh Ministers may direct two or more public services boards to merge if the Welsh Ministers consider it would be beneficial to the local aim of each board.
- (3) But boards may merge only if –
- (a) the same Local Health Board is a member of each board seeking or being directed to merge, and
 - 25 (b) no other Local Health Board is a member of any of those boards.
- (4) If two or more boards merge –
- (a) references in this Part (other than in this section) to a public services board must be construed as references to the merged board, and
 - 30 (b) references in this Part to a local authority area must be construed as references to the combined areas of the local authorities that are members of the merged board.

47 Collaboration between public services boards

- (1) Two or more public services boards may agree to collaborate if they consider it would be beneficial to the local aim of each board.

(2) The Welsh Ministers may direct two or more public services boards to collaborate in whatever way the Welsh Ministers consider would be beneficial to the local aim of each board.

(3) For the purposes of this section, a board collaborates if it –

- (a) co-operates with another board,
- (b) facilitates the activities of another board,
- (c) co-ordinates its activities with another board,
- (d) exercises another board’s functions on its behalf, or
- (e) provides staff, goods, services or accommodation to another board.

48 Directions to merge or collaborate

(1) Before giving a direction under section 46(2) or 47(2) the Welsh Ministers must consult each member of the public services boards they intend to direct.

(2) When giving such a direction the Welsh Ministers must publish a statement containing their reasons for giving it.

49 Performance indicators and standards

(1) The Welsh Ministers may by regulations set indicators and standards by reference to which public services boards’ performance in exercising functions can be measured.

(2) Before making regulations under subsection (1), the Welsh Ministers must consult –

- (a) the members of the boards or persons appearing to the Welsh Ministers to represent those members;
- (b) any other persons the Welsh Ministers consider appropriate.

50 Guidance

(1) The Welsh Ministers may issue guidance to public services boards about the exercise of functions under this Part.

(2) In exercising a function under this Part, a public services board must take such guidance into account.

PART 5

FINAL PROVISIONS

51 Meaning of “public body”: further provision

(1) The Welsh Ministers may, by regulations, amend section 5(1) by –

- (a) adding a person,
- (b) removing a person, or
- (c) amending the description of a person.

- (2) But the regulations may amend section 5(1) by adding a person only if that person exercises functions of a public nature.
- (3) If the regulations amend section 5(1) so as to add a person who has functions of a public nature and other functions, Parts 1 to 3 apply to that person only in relation to those of the person's functions that are of a public nature.
- (4) Before making regulations that amend section 5(1), the Welsh Ministers must consult –
- (a) the Commissioner;
 - (b) such other persons as the Welsh Ministers consider appropriate;
 - (c) if the regulations amend section 5(1) so as to add a person, that person.

10 **52 Power to make consequential etc. provision**

- (1) The Welsh Ministers may by regulations make consequential, incidental, supplemental, transitional or saving provision for the purposes of, or in connection with, giving full effect to a provision of this Act.
- (2) The regulations may (among other things) amend, repeal or revoke an enactment contained in or in an instrument made under –
- (a) an Act of Parliament;
 - (b) a Measure or Act of the National Assembly (including this Act).
- (3) The reference in subsection (2) to an enactment includes a reference to an enactment passed or made after the passing of this Act.
- (4) The power conferred by this section is not restricted by any other provision of this Act.

20 **53 Regulations**

- (1) A power to make regulations under this Act includes –
- (a) power to make different provision for different purposes, cases or areas;
 - (b) power to make such incidental, consequential, transitional or supplemental provision as the Welsh Ministers consider appropriate.
- (2) Any power of the Welsh Ministers to make regulations under this Act is exercisable by statutory instrument.
- (3) A statutory instrument containing provision such as is mentioned in subsection (1)(b) may, in the case of regulations under section 6(3), 31(1), 39(3) or 51(1), contain provision amending an enactment contained in or an instrument made under –
- (a) an Act of Parliament;
 - (b) a Measure or Act of the National Assembly (including this Act).

- (4) A statutory instrument containing any of the following (whether alone or with any other provision) –
- (a) regulations under section 6(3), 39(3) or 51(1),
 - (b) regulations under section 31(1) that amend section 27(2) or 28(1), or
 - (c) regulations under section 52 that amend or repeal a provision of an Act of Parliament or of a Measure or Act of the National Assembly,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly.
- (5) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of the National Assembly.
- (6) The reference in subsection (3) to an enactment includes a reference to an enactment passed or made after the passing of this Act.

54 Interpretation

- (1) In this Act –

“the advisory panel” (“*y panel cynghori*”) means the panel of advisers established under section 24;

“the Commissioner” (“*y Comisiynydd*”) means the Future Generations Commissioner for Wales;

“common aim” (“*bwriad gyffredin*”) has the meaning given by section 2;

“financial year” (“*blwyddyn ariannol*”) means the period of 12 months ending with 31 March;

“future trends report” (“*adroddiad tueddiadau'r dyfodol*”) has the meaning given by section 12;

“invited participant” (“*cyfranogwr gwadd*”) has the meaning given by section 28(5);

“local aim” (“*bwriad lleol*”) has the meaning given by section 34;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council in Wales;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c.42);

“local well-being plan” (“*cynllun llesiant lleol*”) means a plan published under section 37 or amended and published as amended under section 43(5);

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“national indicators” (“*dangosyddion cenedlaethol*”) has the meaning given by section 11(1)(a);

“other partners” (“*partneriaid eraill*”), in relation to a public services board, means the bodies mentioned in section 30(1);

“overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu”*) is to be construed in accordance with section 33(4);

“police area” (*“ardal heddlu”*) means an area listed under the heading “Wales” in Schedule 1 to the Police Act 1996 (c.16) (police areas outside London);

5 “Public Accounts Committee of the National Assembly” (*“Pwyllgor Cyfrifon Cyhoeddus y Cynulliad Cenedlaethol”*) means the committee referred to as the “Audit Committee” in section 30 of the Government of Wales Act 2006 (c.32);

“public body” (*“corff cyhoeddus”*) has the meaning given by sections 5 and 51;

10 “public services board” (*“bwrdd gwasanaethau cyhoeddus”*) has the meaning given by sections 27 and 46(4)(a);

“sustainable development principle” (*“egwyddor datblygu cynaliadwy”*) has the meaning given by section 3;

“trade union” (*“undeb llafur”*) has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52);

15 “well-being goals” (*“nodau llesiant”*) means the goals specified in section 6(1);

“well-being objectives” (*“amcanion llesiant”*) means objectives published under section 7(1) or revised and published as revised under section 9 or 10;

20 “Welsh fire and rescue authority” (*“awdurdod tân ac achub”*) means the authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.

(2) In Part 4 of this Act a “relevant voluntary organisation” means a body (other than a body that exercises functions of a public nature) whose activities –

(a) are carried on otherwise than for profit, and

25 (b) directly or indirectly benefit the whole or any part of a public services board’s area.

(3) A registered social landlord (within the meaning of Part 1 of the Housing Act 1996) that provides housing in the local authority area is a relevant voluntary organisation for the purposes of Part 4 of this Act.

55 Commencement

30 (1) The following provisions of this Act come into force on the day after the day on which this Act receives Royal Assent –

(a) sections 52 to 54, this section and section 56;

35 (b) any other provision so far as is necessary for enabling the exercise after the day on which this Act receives Royal Assent of any power to make regulations under the Act.

(2) Section 50 comes into force two months after the day on which this Act receives Royal Assent.

(3) The other provisions of this Act come into force on such day as the Welsh Ministers may by order appoint.

- (4) An order under subsection (3) –
- (a) may appoint different days for different purposes or cases;
 - (b) may include transitional or saving provision.
- (5) The power of the Welsh Ministers to make an order under subsection (3) is exercisable by statutory instrument.

5

56 Short title

The short title of this Act is the Well-being of Future Generations (Wales) Act 2014.

SCHEDULE 1
(as introduced by section 14)

ANNUAL REPORTS BY OTHER PUBLIC BODIES

Public bodies: general

- 5 1 (1) A public body (other than the Welsh Ministers or one mentioned in sub-paragraph (3)) must publish, in respect of each financial year, a report of the progress it has made in meeting its well-being objectives.
- (2) A report under this paragraph must be published as soon as reasonably practicable following the end of the financial year to which the report relates.
- 10 (3) This paragraph does not apply to—
- (a) a Local Health Board or NHS trust (as to which, see paragraph 2);
 - (b) the Natural Resources Body for Wales (as to which, see paragraph 3).

Local Health Boards and NHS trusts

- 2 (1) A Local Health Board or NHS trust must publish, in respect of each accounting year, a
15 report of the progress it has made in meeting its well-being objectives.
- (2) A report published under this paragraph must be published as soon as reasonably practicable following the end of the accounting year to which the report relates.
- (3) In this paragraph, “accounting year” in relation to a Local Health Board or NHS trust has the meaning given by the order—
- 20 (a) made under section 11 of the National Health Service (Wales) Act 2006, establishing the Board, or
- (b) made under section 18 of that Act, establishing the trust.

The Natural Resources Body for Wales

- 3 (1) In the Schedule to the Natural Resources Body for Wales (Establishment) Order 2012
25 (S.I.2012/1903 (W. 230)), in paragraph 22(1)(a), after “year” insert “including a report of the progress made by the authority in meeting its well-being objectives published under Part 2 of the Well-being of Future Generations (Wales) Act 2014 (anaw 0)”.
- (2) The amendment made by sub-paragraph (1) does not affect the power of the Welsh
30 Ministers to make a further order under sections 13 and 15 of the Public Bodies Act 2011 (c. 24) amending or revoking provision made by that amendment.

SCHEDULE 2
(as introduced by section 16(3))

THE FUTURE GENERATIONS COMMISSIONER FOR WALES

Status

- 5 1 (1) The Commissioner is a corporation sole.
- (2) The Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (3) The Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.

10 *Validity of acts*

- 2 (1) The validity of an act of an individual as Commissioner is not affected by a defect in the appointment of—
- (a) that individual;
- (b) any member of the advisory panel.
- 15 (2) The validity of an act of a person exercising functions on behalf of the Commissioner is not affected by a defect in the appointment of—
- (a) that person;
- (b) the Commissioner;
- (c) any member of the advisory panel.

20 *Duration of appointment*

- 3 (1) An individual appointed as Commissioner holds office for a period of no less than 3 but no more than 5 years.
- (2) An individual who has been appointed as Commissioner may be reappointed once for a further period of no less than 3 but no more than 5 years (whether or not this period runs consecutively from the individual's first period holding the office).
- 25

Terms of appointment

- 4 The Commissioner holds office subject to—
- (a) the provisions of this Schedule, and
- (b) any additional terms of appointment as may be specified from time to time by the Welsh Ministers.
- 30

Remuneration, allowances and pensions

- 5 (1) The Welsh Ministers may pay remuneration to the Commissioner.
- (2) The Welsh Ministers may pay allowances (including travelling and subsistence allowances) and gratuities to the Commissioner.

- (3) The Welsh Ministers may pay –
- (a) pensions to, or in respect of, individuals who have been Commissioner, and
 - (b) amounts for or towards provision of pensions to, or in respect of, individuals who have been Commissioner.

5 *Disqualification*

- 6 (1) An individual cannot be appointed as Commissioner if the individual is disqualified on any of the grounds specified in sub-paragraph (3).
- (2) An individual ceases to be Commissioner if the individual is disqualified on any of the grounds specified in sub-paragraph (3).
- 10 (3) An individual is disqualified from being Commissioner if the individual is –
- (a) a Member of the National Assembly;
 - (b) a member of the advisory panel;
 - (c) the holder of any other office or position to which a person may be appointed, or recommended or nominated for appointment, by or on behalf of –
 - 15 (i) the Crown,
 - (ii) the National Assembly, or
 - (iii) the National Assembly for Wales Commission;
 - (d) a Member of the House of Commons or House of Lords;
 - (e) a Member of the Scottish Parliament;

20 (f) a Member of the Northern Ireland Assembly;

 - (g) a Member of the European Parliament;
 - (h) a member of a county council, a county borough council or a community council in Wales;
 - (i) a member of the Commissioner’s staff.

25 *End of appointment (other than through disqualification)*

- 7 (1) The Commissioner may resign from office by giving the Welsh Ministers not less than 3 months’ notice in writing of the Commissioner’s intention to do so.
- (2) The Welsh Ministers may dismiss the Commissioner if satisfied that the Commissioner –
- (a) is unfit to continue as Commissioner, or

30 (b) is unable or unwilling to exercise the Commissioner’s functions.

Powers

- 8 (1) The Commissioner may do anything the Commissioner considers appropriate in connection with the Commissioner’s functions, including –
- (a) charging for the provision of advice or other services;

35 (b) paying third parties for the provision of advice or other services;

(c) accepting gifts of money or other property.

(2) The Commissioner must not –

(a) provide financial assistance to any person;

(b) acquire or dispose of any interest in land without the approval of the Welsh Ministers.

(3) The Commissioner's power to charge for the provision of advice or another service is limited to charging such amounts as the Commissioner thinks appropriate to recover the actual or estimated costs to the Commissioner of providing that advice or service.

Staff

(1) The Commissioner may appoint such staff as the Commissioner considers appropriate in connection with the exercise of the Commissioner's functions.

(2) The Commissioner may pay remuneration to the members of the Commissioner's staff.

(3) The Commissioner may pay allowances (including travelling and subsistence allowances) and gratuities to the members of the Commissioner's staff.

(4) The Commissioner may pay –

(a) pensions to, or in respect of, persons who have been members of the Commissioner's staff, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Commissioner's staff.

(5) The Commissioner must obtain the approval of the Welsh Ministers for –

(a) the number of staff that may be appointed;

(b) the terms and conditions of service of the staff;

(c) any payments that may be made under sub-paragraphs (2) to (4).

Delegation

A function of the Commissioner may be discharged on the Commissioner's behalf by any person including any member of the Commissioner's staff, but only to the extent authorised by the Commissioner.

Complaints procedure

(1) The Commissioner must establish a procedure for the investigation of complaints about the exercise of the Commissioner's functions ("the complaints procedure").

(2) The complaints procedure must include provision about –

(a) how a complaint may be made;

(b) the person to whom a complaint may be made;

(c) the period within which consideration of a complaint must begin and be concluded;

(d) the action that the Commissioner must consider taking in response to a complaint.

(3) The Commissioner may amend the complaints procedure, but this is subject to the requirement to include provisions in accordance with sub-paragraph (2).

(4) The Commissioner must –

(a) make a copy of the complaints procedure available for inspection at the Commissioner’s office, and

(b) ensure that copies of the complaints procedure are made available at such other places and by such other means as the Commissioner considers appropriate.

(5) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the complaints procedure are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the procedure.

Register of interests

(1) The Commissioner must create and maintain a register containing all of the Commissioner’s registrable interests.

(2) For the purposes of this paragraph and paragraphs 13 and 14 –

(a) “registrable interests” means any interests specified as such by the Welsh Ministers in regulations (and this may include interests of persons with whom the Commissioner has a connection whether familial, financial or of any other kind);

(b) “interest” means an interest of any kind (including gifts, hospitality, donations received, other financial interests, and all activities and occupations).

(3) The Commissioner must keep the register of interests up to date.

(1) The Commissioner must –

(a) make a copy of the register of interests available for inspection at the Commissioner’s office, and

(b) ensure that copies of the register are made available at such other places and by such other means as the Commissioner considers appropriate.

(2) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the register of interests are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the register.

Conflicts of interest

(1) The Commissioner must not exercise a function if the Commissioner has a registrable interest that relates to the exercise of the function.

- (2) If that prevents the Commissioner from exercising a function, the Commissioner must delegate that function (so far as necessary to enable it to be exercised) to a member of the Commissioner's staff.

Payments by the Welsh Ministers

- 5 15 The Welsh Ministers may pay the Commissioner such amounts, at such times and on such conditions (if any), as they think appropriate in respect of expenditure incurred in carrying out the functions of Commissioner.

Annual reports

- 10 16 (1) The Commissioner must produce a report in relation to each financial year (an "annual report").
- (2) The Commissioner's first financial year is the period beginning on the day the first appointment to the office of Commissioner is made under section 16 and ending on the following 31 March.
- (3) An annual report must include—
- 15 (a) a summary of the action taken in that financial year in the exercise of the Commissioner's functions;
- (b) a summary of the Commissioner's work programme for that financial year;
- (c) the Commissioner's proposals for a work programme for the following financial year;
- 20 (d) a summary of the complaints made in accordance with the procedure established under paragraph 11.
- (4) An annual report may include—
- (a) the Commissioner's assessment of the improvements that public bodies should make in order to meet their well-being objectives in accordance with the sustainable development principle;
- 25 (b) any other information the Commissioner considers appropriate.
- (5) In preparing an annual report, the Commissioner must consult—
- (a) the advisory panel, and
- (b) any other person the Commissioner considers appropriate.
- 30 (6) The Commissioner must publish the annual report no later than 31 August in the following financial year.
- (7) The Commissioner must send a copy of each annual report to the Welsh Ministers.
- (8) The Welsh Ministers must lay a copy of each annual report sent to them before the National Assembly.

Estimates

- 17 (1) For each financial year other than the first, the Commissioner must prepare an estimate of the income and expenses of the Commissioner and the Commissioner's staff.

- (2) The Commissioner must submit the estimate to the Welsh Ministers at least five months before the beginning of the financial year to which it relates.
- (3) The Welsh Ministers must examine an estimate submitted to them in accordance with this paragraph and must then lay the estimate before the National Assembly with any modifications they think appropriate.

Audit

- 18 (1) The Commissioner must submit the accounts prepared for a financial year to the Auditor General for Wales no later than 31 August in the following financial year.
- (2) The Auditor General must—
- 10 (a) examine, certify and report on accounts submitted under this paragraph, and
- (b) no later than four months after the accounts are submitted, lay a copy of the certified accounts and the report on them before the National Assembly.
- (3) In examining accounts submitted under this paragraph, the Auditor General must not certify the accounts unless satisfied that the expenditure to which the accounts relate has
- 15 been incurred lawfully and in accordance with the authority that governs it.

Examinations into the use of resources

- 19 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in discharging the Commissioner's functions.
- 20 (2) But the Auditor General is not entitled to question the merits of the policy objectives of the Commissioner.
- (3) Before carrying out an examination under this paragraph, the Auditor General must—
- (a) consult the Public Accounts Committee of the National Assembly, and
- (b) take into account the views of the Committee as to whether or not an examination
- 25 should be carried out.
- (4) The Auditor General must—
- (a) as soon as is reasonably practicable, publish a report of the results of an examination carried out under this paragraph, and
- (b) lay a copy of the report before the National Assembly.

30 *Seal and validity of documents*

- 20 (1) The Commissioner may have a seal.

(2) A document purporting to be—

- (a) duly executed under the seal of the Commissioner, or
- (b) signed by or on behalf of the Commissioner,

is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

5

SCHEDULE 3
(as introduced by section 32)

PUBLIC SERVICES BOARDS: FURTHER PROVISION

Quorum

5 1 The quorum of a public services board meeting is all of its members.

First meeting

2 (1) A public services board must hold a meeting no later than 60 days after the date on which the board is established.

(2) The local authority must chair the first meeting of a board.

10 *Mandatory meetings*

3 (1) A public services board must hold a meeting no later than 60 days after the date of each ordinary election held under section 26 of the Local Government Act 1972 (c.70) (election of councillors).

(2) The local authority must chair a meeting held under sub-paragraph (1).

15 *Terms of reference*

4 (1) At the first meeting, a public services board must agree its terms of reference.

(2) The terms of reference must include –

(a) the procedure to be followed at subsequent meetings insofar as not specified in this Act;

20 (b) the proposed schedule of subsequent meetings;

(c) the procedure for inviting persons to participate under section 28 insofar as not specified in this Act;

(d) proposals relating to the manner in which the board intends to involve invited participants and its other partners;

25 (e) proposals for the establishment of one or more sub-groups including details of the functions to be exercised by any sub-group on behalf of the board (but see paragraph 6);

(f) the procedure for resolving a disagreement between members relating to the exercise of the board's functions;

30 (g) any other terms relating to the operation of the board that the members consider appropriate.

(3) A public services board –

(a) must review its terms of reference at each meeting held under paragraph 3(1), and

(b) may review them at any other meeting.

- (4) Following a review, a public services board may amend its terms of reference.

Administrative support

5 The local authority must make administrative support available to the public services board.

5 *Sub-groups and delegation*

6 (1) A sub-group of a public services board –

- (a) must include at least one member of the board, and
- (b) may include any invited participant or other partner.

10 (2) A sub-group may exercise such of a board's functions as the board authorises in its terms of reference.

(3) But those terms of reference may not authorise a sub-group –

- (a) to invite persons to participate under section 28;
- (b) to prepare or publish an assessment of well-being under section 35;
- 15 (c) to consult under section 36 or to prepare a draft of an assessment under section 35 for the purposes of consulting;
- (d) to prepare or publish a local well-being plan;
- (e) to consult under section 42 or to prepare a draft of a local well-being plan for the purposes of consulting;
- 20 (f) to review or amend a local well-being plan or to publish an amended local well-being plan;
- (g) to consult under section 43.

Representation at meetings

7 (1) Each member of a public services board must be represented at a meeting by –

- 25 (a) the individual specified in relation to that member in the following Table, or
- (b) such other individual as the individual referred to in paragraph (a) designates.

TABLE 2

Member	Representative
Local authority	The elected mayor of the authority or the councillor elected as executive leader of the authority, and the head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989 (c.42).

5 Local Health Board	Whichever of the following the board designates – (a) the chairman; (b) the chief officer; (c) both.
10 Welsh fire and rescue authority	Whichever of the following the authority designates – (a) the chairman; (b) the chief officer; (c) both.
The Natural Resources Body for Wales	The chief executive

- (2) “Elected mayor” and “executive leader” each have the same meaning as in Part 2 of the Local Government Act 2000 (c.22).
- (3) An invited participant is to be represented at a meeting of a public services board by the individual designated by the participant.
- (4) A public services board may invite any of its other partners to attend a meeting of the board (or any part of such meeting).
- (5) Such other partner is to be represented at the meeting by the individual specified by the public services board in the invitation to the meeting.

SCHEDULE 4
(as introduced by section 45)

PUBLIC SERVICES BOARDS: CONSEQUENTIAL AMENDMENTS AND REPEALS

Education Act 1997 (c.44)

- 5 1 In section 38(2A)(b) of the Education Act 1997, for the words “sections 25 and 26” substitute “section 25”.

Local Government Act 2000 (c.22)

- 2 The Local Government Act 2000 is amended as follows.
- 3 In section 2 (promotion of well-being), in subsection (3B), for the words from
10 “community strategy” to the end of the subsection substitute “local well-being plan for
its area published under section 37 or 43(5) of the Well-being of Future Generations
(Wales) Act 2014 (anaw 0).”
- 4 For subsection (3C) of that section substitute –
- 15 “(3C) The local well-being plan for the area of a community council is the
plan referred to in subsection (3B) that is published by the public
services board that includes as a member the county council or county
borough council in whose area lies the community or communities for
which the community council is established.”.
- 5 In section 21 (overview and scrutiny committees), in subsection (4), at the end insert “or
20 Part 4 of the Well-being of Future Generations (Wales) Act 2014 (anaw 0)”.
- 6 In section 21B of that Act (duty of authority to respond to overview and scrutiny
committee), after subsection (1) insert –
- 25 “(1A) A report or recommendation to a public services board by virtue of
section 33(1)(c) of the Well-being of Future Generations (Wales) Act
2014 (anaw 0) is not to be regarded for the purposes of this section as a
report or recommendation to the local authority that is a member of
the board.”.

Education Act 2002 (c.32)

- 7 In section 21(9) of the Education Act 2002 (general responsibility for conduct of school:
30 definition of “relevant children and young person’s plan”), for paragraph (b) substitute –
- “(b) in relation to a school in Wales, a local well-being plan
published under section 37 or 43(5) of the Well-being of Future
Generations (Wales) Act 2014 (anaw 0) by a public services
board of which the local authority is a member.”.

35 *Planning and Compulsory Purchase Act 2004 (c.5)*

- 8 Section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan)
is amended as follows.

9 In subsection (5)(d), for “community strategy” substitute “local well-being plan”.

10 For subsection (7) substitute –

5 “(7) A local well-being plan is relevant if it has been published under section 37 or 43(5) of the Well-being of Future Generations (Wales) Act 2014 (anaw 0) by –

(a) in the case of an authority which is a county council or county borough council, the public services board of which that authority is a member;

10 (b) in the case of an authority which is a National Park Authority, the public services board for an area that includes any part of that authority’s area.”.

Children Act 2004 (c.31)

11 The Children Act 2004 is amended as follows.

12 In section 25 (co-operation to improve well-being: Wales), after subsection (9) insert –

15 “(9A) Information about the arrangements a local authority in Wales makes under this section may be included in the local well-being plan published under section 37 or 43(5) of the Well-being of Future Generations (Wales) Act 2014 (anaw 0) by the public services board of which the local authority is a member.”.

20 13 Section 26 (children and young people’s plans: Wales) is repealed.

14 In section 27 –

(a) in subsection (1)(a), for the words “sections 25 and 26” substitute “section 25”;

(b) in subsection (1)(b), for “those sections” substitute “that section”;

(c) the section heading becomes “Responsibility for functions under section 25”.

25 15 In section 30(2)(a) (inspection of functions under Part 3), the words “or 26” are repealed.

16 In section 50A(2)(c) (intervention - Wales), the words “, 26” are repealed.

17 Section 66(7) (procedure for regulations under section 26) is repealed.

Government of Wales Act 2006 (c.32)

30 18 In paragraph 35(4) of Schedule 11 to the Government of Wales Act 2006 (procedures relating to certain pre-commencement powers to make subordinate legislation), in Table 2 the entries relating to sections 26(2)(f) and (4) of the Children Act 2004 are repealed.

National Health Service (Wales) Act 2006 (c.42)

19 Section 40 of the National Health Service (Wales) Act 2006 (health and well-being strategies in Wales) is repealed.

Local Government (Wales) Measure 2009 (nawm 2)

20 The Local Government (Wales) Measure 2009 is amended as follows.

21 Part 2 (Community strategies and planning) is repealed.

22 Sections 48(2)(b), 50(5)(c) and 51(3) are repealed.

5 23 Schedule 3 is repealed.

Children and Families (Wales) Measure 2010 (nawm 1)

24 The Children and Families (Wales) Measure 2010 is amended as follows.

25 In section 2(8), the words “and section 26 of the Children Act 2004 (c. 31)” are repealed.

26 In section 4 (strategies prepared by local authorities) –

10 (a) in subsection (1), for the words “by the authority of a plan under section 26 of the Children Act 2004 (c. 31)” substitute “of a local well-being plan under section 37 or 43(5) of the Well-being of Future Generations (Wales) Act 2014 (anaw 0) by the public services board of which the authority is a member, but only if the authority’s strategy is an integral part of that plan”; and

15 (b) subsections (2) and (3) are repealed.

27 In section 5 (strategies prepared by other Welsh authorities) –

(a) subsection (4) is repealed; and

20 (b) in subsection (5), for the words from “plan” to the end of the subsection substitute “local well-being plan published under section 37 or 43(5) of the Well-being of Future Generations (Wales) Act 2014 (anaw 0) by each public services board for a local authority area in which the Welsh authority exercises functions.”.

Mental Health (Wales) Measure 2010 (nawm 7)

28 The Mental Health (Wales) Measure 2010 is amended as follows.

29 In section 2 (joint schemes for the provision of local primary mental health support services), after subsection (2) insert –

“(2A) A scheme may be recorded by including it within a local well-being plan published under section 37 or 43(5) of the Well-being of Future Generations (Wales) Act 2014 (anaw 0) by a public services board of which each of the partners is a member.”.

30 30 Section 11 (amendment of the Children Act 2004) is repealed.

Local Government (Wales) Measure 2011 (nawm 4)

31 Section 128 of the Local Government Wales Measure 2011 (transitional provision relating to community councils’ powers to promote well-being) is repealed.

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 32 In section 14 of the Social Services and Well-being (Wales) Act 2014 (assessment of needs for care and support, support for carers and preventative services) subsections (3) and (4) are repealed.