



Llywodraeth Cymru
Welsh Government

By email:

Ein Cyf/Our ref: ATISN 15436
Eich Cyf/Your ref:
Dyddiad/Date: 3 September 2021

Dear

ATISN 15436 Changes to the Planning Inspectorate

Thank you for your request which I received on 18 August 2021. You asked for information relating to the transfer of functions from Planning Inspectorate Wales to the Welsh Government, as follows:

1. What consultations took place with users of the service and their representative bodies (primarily Planning agents/consultants and solicitors, I guess) prior to or as part of the review of the business case?
2. What were the results of that (if any) consultation?
3. Has a Service level Agreement been struck with PINS and if so, what are the terms?
4. If no SLA has been agreed, what arrangements have been/will be put in place and at what cost?
5. You set out the cost of the transfer of functions in your letter. It may be that cost is baked into the costs set out in the business case, though I find it difficult to identify them. Were those costs taken into account or are they partly or entirely 'marginal' (albeit one-off)?
6. Have all PINS staff affected by the transfer of functions agreed to transfer under the COSOP arrangements?
7. If that is not the case how will Welsh Government cover the immediate impact of the change?
8. Notwithstanding the numbers of staff involved in transferring to Welsh Government, will the costs associated with those transferring increase, decrease or remain the same as is the case by way of their employment with PINS?
9. In the business case it is assumed that Finance, HR and Governance staff costs will be nil as those functions can be absorbed by existing Welsh Government capability. Why and to what extent is Welsh Government carrying spare capacity in these functions such as they can assume additional work and responsibility with additional resource?

It's important to note that The Freedom of Information Act (FOIA) gives individuals a right of access to recorded information held by a public authority at the time the request was received. It does not require an authority such as the Welsh Government to provide views or opinions where those views are not already recorded. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information':

"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."

Following a search of our paper and electronic records, I can confirm that the Welsh Government does not hold recorded information of the type described with the exception of information in relation to item 5 above. This information is exempt under section 21/information accessible to applicant by other means of the FOIA as it is available here:

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgov.wales%2Fatisn15338&data=04%7C01%7CNicholas.lles%40gov.wales%7Cf6b0b33a71a84f93b28c08d96eb3c45e%7Ca2cc36c592804ae78887d06dab89216b%7C0%7C0%7C637662540626677699%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjojV2luMzliLCJBTil6Ikl1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=4fLUUogGlevY%2BYN0uOHbmxNaYSEGjmcjTQLu39nEcwl%3D&reserved=0>

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or Email:

[Freedom.ofinformation@gov.wales.](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Further to the above, and although the purpose of the Freedom of Information Act 2000 is to enable access to official recorded information, I can confirm that as the

project to transfer staff and functions is ongoing, there is no formal record of the current (or final) position on items 3-8 listed above. However I am able to provide the latest position in relation to each of your queries.

1. No consultation took place prior to or during the development of the business case.
2. See 1 above.
3. No SLA has been agreed with PINS – a Memorandum of Understanding for future working with PINS post transfer of functions is in the process of being drafted
4. See 3 above.
5. All costs taken into account in the business case were explicitly set out in the business case.
6. As of 02 September 2021, 39 of 41 staff have so far set out their intent to transfer to WG.
7. Vacancies arising from staff choosing not to transfer may be subject to recruitment, depending on the nature of the vacancy, the business need and the Welsh Government's strategic policies for recruitment at the time any vacancy arises.
8. Staff transferring under COSOP arrangements have the choice to either retain their current terms and conditions, including pay, or to transfer to Welsh Government terms and conditions, including pay. Until all staff have selected their terms and conditions, it is not possible to answer this question.
9. PINS Wales currently manages and administers its own finance, governance and HR functions within the scope of PINS procedures and policies in those areas. The staff transferring will continue to do so. Welsh Government procedures and policies for finance and HR are well established and a governance framework for the new service is also in the process of being drafted and adopted, alongside the Memorandum of Understanding with PINS post-transfer (as set out in 3 above). As the total complement of staff transferring constitutes less than 0.8% of the Welsh Government staff headcount, the residual impact on other central services (such as pay and estate) were deemed negligible for the purposes of the business case.

Yours sincerely