

Report to	Standards Committee
Date of meeting	5 th March 2021
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Local Government and Elections (Wales) Act 2021

1. What is the report about?

1.1. This report is about the provisions contained within the Local Government and Elections (Wales) Act 2021, (the Act) insofar as they relate to the functions of the Committee

2. What is the reason for making this report?

2.1. To inform the Committee of the provisions contained within the Act that impact upon the work of the Committee.

3. What are the Recommendations?

3.1. That the Committee notes the contents of the report

4. Report details

4.1. The Act was first introduced as a bill into the Senedd in November 2019 and was finally passed on 18th November 2020. The Act received Royal Assent in January 2021. The Bill is a substantial piece of legislation containing 176 sections and 14 Schedules, covering a broad range of topics including electoral reform, public participation, governance and performance and regional working. There are many reforms within the Bill, however, in summary the Bill introduces:

Reforms to electoral arrangements for local government, including:

- extending the voting franchise to 16 and 17 year olds and foreign citizens legally resident in Wales,

- enabling councils to choose between ‘first past the post’ or the ‘single transferable vote’ voting systems
- Change of electoral cycle for principal councils from four years to five years
- Allowing non-politically restricted council staff to stand for election in their own authority (but who should resign if elected)
- Removal of Returning Officers’ Fees for local elections

Introduction of a general power of competence;

- A “qualifying local authority” which includes principal councils and “eligible community councils” will have a general power of competence.
- Limitations - An authority cannot do anything under the general power that it is currently expressly prohibited from doing, nor anything which may be expressly prohibited in future legislation.
- Local Government Act 2000 ‘well-being power’ repealed.

Reforms to public participation in local government;

- Duty to encourage local people to participate in local government (and to produce a strategy to that effect);
- Duty to make a petition scheme (and repeal of community polls);
- Duty to broadcast certain meetings;
- Greater flexibility around remote attendance of members.
- Duty to produce a guide to the Council’s Constitution in ordinary language.

Reforms around democratic governance and leadership, including:

- Creation of a statutory role of ‘Chief Executive’ (rather than a head of paid service) with specific duties;
- appointment of assistants to cabinets and allowing job-sharing leaders or cabinet members;
- introduction of job-sharing for non-executive roles such as committee chairs.
- updating family absence provisions in line with those available to employees (via regulations);
- requiring leaders of political groups to promote and maintain high standards of conduct by members of their groups.
- Power for Welsh Ministers to introduce statutory guidance on equality and diversity to which Council Leaders must have regard.

Collaborative Working:

- Powers for councils to initiate the establishment of Corporate Joint Committees (CJCs) covering any functions;
- Powers for Ministers to establish CJCs covering the four functions of economic wellbeing, transport, strategic planning and school improvement.
- Power for Welsh Ministers to issue statutory guidance on collaborative working to which councils must have regard.

Reforms of the performance and governance regime:

- Duty to keep under review the ‘performance requirements’
- Annual stakeholder survey
- Repeal of the 2009 Measure duties, replacing audit and reporting duties with self-assessment and panel assessment (peer review);
- Reforms to Audit Committees, renaming as Governance and Audit Committees and prescribing membership and chair.

- Auditor General powers to undertake 'special inspections'

Mergers and restructuring of principal council areas.

- Voluntary mergers of principal areas may be implemented by regulations
- Abolition requests may be made by principal councils
- Power for Welsh Ministers to make 'restructuring regulations' in certain circumstances

4.2 The 'Coming into Force' provisions of the Bill are complex, with some provisions coming into force within days of Royal Assent, others within two months and the majority via Ministerial statutory instrument. Some provisions will not be commenced until after the local government elections in May 2022.

4.3 The provisions that relate directly to the work of the Committee will come into force on a date to be appointed by Welsh Ministers which is as yet unknown.

4.4 The Act provides that a leader of a political group consisting of members of a county council or county borough council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group and must co-operate with the council's standards committee in the exercise of the standards committee's functions.

4.5 A leader of a political group must have regard to any guidance on this duty issued by the Welsh Ministers.

4.6 A standards committee of a county council or county borough council in Wales will have the specific functions of monitoring compliance by leaders of political groups on the council with their duties in this regard and advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

4.7 The Act further provides that a standards committee of a relevant authority must make an annual report to the authority as soon as practicable after the end of each financial year. The annual report must describe how the committee's functions have been discharged during the financial year.

4.8 In particular, the report must include a summary of what has been done to discharge the general and specific functions of the committee and must include an assessment of the extent to which leaders of political groups on the council have complied with their duties to promote and maintain high standards of conduct by the members of their group. The council must consider each annual report made by its standards committee within three months of the day on which it receives the report.

5. How does the decision contribute to the Corporate Priorities?

5.1. The report has no direct impact on the corporate priorities

6. What will it cost and how will it affect other services?

6.1. There are no costs currently directly associated with this report. The guidance to be issued by Welsh Ministers will provide a clearer picture of the extent to which political group leaders will require training and whether this will incur any additional costs.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. This report does not require an impact assessment.

8. What consultations have been carried out with Scrutiny and others?

8.1. Members have been consulted in respect of the provisions of the Act during the course of its passage through the legislative process.

9. Chief Finance Officer Statement

9.1 Although there are no direct financial implications of this report, there may be a modest impact on training budgets going forward. This will need to be monitored closely by the service with their finance contacts.

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no risks arising directly out of this report.

11. Power to make the decision

11.1 There is no decision required.