

Report to	Democratic Services Committee
Date of meeting	13 September 2024
Lead Member	Councillor Julie Matthews, Deputy Leader and Lead Member for Corporate Strategy, Policy and Equalities
Head of Service	Catrin Roberts, Head of Corporate Support Services: People
Report author	Steve Price, Democratic Services Manager
Title	A Briefing on Local Democratic Governance and Electoral Legislative Developments

1. What is the report about?

1.1. The committee included in its forward work plan a report about the provisions of the Local Government and Elections (Wales) Act 2021. An overview of the 2021 Act has been included but this report also contains information on other current Welsh and UK legislation affecting the council's democratic governance arrangements.

2. What is the reason for making this report?

2.1. To brief the committee on the contents of recent and proposed legislative changes.

3. What are the Recommendations?

3.1. That the committee considers the legislative changes and proposals summarised in this report.

4. Report details

The Local Government and Elections (Wales) Act 2021

4.1. The 2021 Act received Royal Assent on the 20 January 2021. Amongst a wide ranging set of provisions for county and community councils, the first parts of the Act dealt with voter registration, electoral cycles confirming local government elections

would be held every 5 years and the voting systems a principal council like Denbighshire can use i.e. a simple majority system or a single transferrable vote system. The 2021 Act promotes public participation in decision-making by local councils, including through the use of a public participation strategy and a petition scheme. It also confirmed the temporary Covid changes that brought in remote attendance requirements at meetings.

- 4.2. The Act places a duty on the leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members of their groups and to co-operate with the Standards Committee in the exercise of the Standards committee's functions. The Act requires the Standards Committee to make an annual report to the authority. The Act renamed the audit committee and required the committee to undertake additional functions relating to the handling of complaints.

The Elections Act 2022

- 4.3. The 2022 Act is UK legislation for 'reserved' elections in Wales; namely those for the UK Parliament and to elect a police and crime commissioner both which were held earlier this year. The Act introduced the requirement for voters to show photographic ID when voting in a polling station, restricted the handling of postal votes, enabled online postal vote applications and required postal voters to reapply every 3 years, scrapped the 'fifteen-year rule' for voting in Parliamentary elections for British citizens living overseas and changed voting and candidacy arrangements for EU voters.

2023 UK Parliamentary Boundary Review

- 4.4. The Parliamentary Constituencies Act 1986 fixes the number of parliamentary constituencies at 650 for the whole of the UK. The Act also provides a mathematical formula to determine how many constituencies should be allocated to each of the four nations. In accordance with that formula, the number of constituencies allocated to Wales reduced from 40 to 32 for July's General Election. The new constituencies for Denbighshire were Clwyd North, Clwyd East, Bangor Aberconwy and Dwyfor Meirionnydd.

The Senedd Cymru (Members and Elections) Act 2024

- 4.5. This Welsh legislation is part of the Senedd's programme of electoral reform aimed at supporting more inclusive elections and a more representative Senedd. The Act

gained Royal Assent on the 24 June 2024. Key changes to be implemented in time for the 2026 Senedd elections include:

- 96 Members of the Senedd will be returned in May 2026, elected using a fully proportional, closed list system, with all candidates named on ballot papers.
- All candidates to, and Members of, the Senedd will need to be resident in Wales.
- Senedd elections will be held every four years from 2026 onwards.
- The Local Democracy and Boundary Commission for Wales has been renamed and repurposed as the Democracy and Boundary Commission Cymru with the functions necessary to undertake reviews of Senedd constituency boundaries.
- The 32 UK Parliament constituencies in Wales will be paired to create 16 Senedd constituencies for the 2026 Senedd election, with a full boundary review after that election.
- Each of the 16 new constituencies will elect six Members of the Senedd using the d'Hondt formula.
- The maximum number of Welsh Ministers will rise from 12 to 17 (plus the First Minister and the Counsel General), with an option to increase this to 18 or 19 subject to a Senedd vote requiring a two-thirds majority. The maximum number of Deputy Presiding Officers will be increased from one to two.

Elections and Elected Bodies (Wales) Act 2024

4.6. The Elections and Elected Bodies (Wales) Bill is due to receive Royal Assent this month. The Bill makes provision about:

- Electoral registration, to enable voter registration without application (automatic voter registration).
- The establishment of a statutory Electoral Management Board, hosted by the Democracy and Boundary Commission Cymru.
- The process for piloting of changes to the electoral system – with no further pilots planned other than voter registration without application.
- Accessibility and diversity, placing a duty on Welsh Ministers to put schemes in place to support people from underrepresented groups to stand for election, including financial assistance for disabled voters.

- Campaign finance, to reflect changes made in the Elections Act 2022 for notional expenditure, third party campaigning and Electoral Commission Codes of practice.
- The system for monitoring and reviewing local government electoral arrangements.
- The disqualification of community councillors from membership of the Senedd.
- The application of the corrupt practice of undue influence to Senedd elections and local government elections.
- The transfer of functions of the Independent Remuneration Panel for Wales to the Democracy and Boundary Commission Cymru.

4.9 The Elections and Elected Bodies (Wales) Bill introduces a new duty for the Welsh Ministers to issue guidance for political parties to encourage them to publish diversity information on Senedd candidates and diversity and inclusion strategies for all Welsh elections. The draft guidance is currently under development and will be subject to public consultation later this year.

The Senedd Cymru (Electoral Candidate Lists) Bill

4.7. The Bill was introduced to the Senedd on the 11 March 2024 which accepted the General Principles of the Bill on 16 July and it is now progressing through Senedd scrutiny. The changes being introduced by the Bill are intended to be implemented for the 2030 Senedd elections, including:

- Political parties putting forward more than one candidate in a constituency at a Senedd election would need to ensure women make up at least half of their candidate list.
- Political parties would also need to place women at the top of at least half of their constituency candidate lists.

4.10 The Senedd reports that Women are currently an under-represented majority in the Senedd. While they make up 51% of the population of Wales, in the 2021 Senedd election less than a third (31%) of the 470 candidates put forward by political parties in Wales were women, and 26 (43%) of the 60 seats in the Senedd are held by women.

Consultation on Proposals for 16 new Senedd Constituencies

4.11 The Democracy and Boundary Commission Cymru (DBCC) has opened a four-week consultation on its initial proposals for the 16 new Senedd constituencies, closing on the 30 September. To be paired, the constituencies must be contiguous, and the following factors may also be considered:

- local government boundaries;
- special geographical considerations; and
- local ties (including those connected to the use of the Welsh language).

4.12 Following consideration of initial consultation responses, the DBCC is expected to publish a second report detailing any revised proposals in December, which will be subject to another four-week consultation. Once it has made its final decisions, the DBCC will publish a final report in March 2025 detailing the boundaries of the 16 new Senedd constituencies. Neither the Welsh Government or the Senedd can make any changes to these decisions and Welsh Ministers must implement them, in law, within 14 weeks.

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

5.1. There is no decision required but the legislative changes outlined in this report are notable as they affect the council's political and democratic governance structures.

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

6.1. The ongoing UK and Welsh electoral reform programmes in particular necessitate regular monitoring in respect of the resources the Council has available to implement them.

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

7.1. This report relates to national legislative changes which do not require a Denbighshire Well-being Impact Assessment.

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

8.1. The Democratic Services Committee is the appropriate forum for this briefing report.

9. Chief Finance Officer Statement

9.1. A Statement is not required for this report.

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

10.1. All local authorities are required to ensure that they are able to support the implementation of these statutory provisions. The Council has recently restructured its Electoral Services to adapt to the legislative changes.

11. Power to make the decision

11.1. No decision is required by the relevant legislation is cited throughout this report.