

MONMOUTHSHIRE COUNTY COUNCIL REPORT

<p>SUBJECT: Local Government and Elections (Wales) Bill - Overview MEETING: Democratic Services Committee DATE: 18th January 2021 DIVISION/WARDS AFFECTED: N/A</p>

1. PURPOSE:

To provide members with an overview of the provisions contained within the Local Government and Elections (Wales) Bill soon to be enacted into law.

2. KEY ISSUES:

The Local Government and Elections (Wales) Bill was passed by the Senedd on the 18th November 2020. It is anticipated the Bill will receive Royal Assent in early 2021.

The Bill is the culmination of a number of years of policy consultation and research starting back in 2015 with the Draft Local Government (Wales) Bill.

The Bill is a substantial piece of legislation which covers electoral reform, public participation, governance and performance and regional collaboration. The main headlines of the Bill are highlighted below:

Reforming 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)

Introduction of a general power of competence;

Reforming 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 petition scheme (and repeal of community polls);
- Duty to broadcast certain meetings;
- Greater flexibility around remote attendance of members.

Reforms around democratic governance and leadership, including:

- Appointment of Chief executives (rather than a head of paid service) with specific duties;

- appointment of assistants to cabinets and allowing job-sharing leaders or cabinet members;
- 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.

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.

Reform of the performance and governance regime:

- 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.

Powers to facilitate voluntary mergers of principal councils

During the Bills passage through the Senedd, some detailed amendments were made to provide clarity on certain aspects of the Bill and built upon standard practices developed during the pandemic including:

- A new duty on Welsh Ministers to consult before making any rules relating to local government elections in Wales.
- Removal of proposed duty on councils to promote access/public participation in 'connected authorities' e.g. fire and rescue authorities, community councils.
- Extension of the 'job sharing' provisions relating to executive members to non-executive officer holding members, such as committee chairs
- Removal of section 'requiring a principal council to make arrangements for the performance management of the chief executive'.
- extension of family absence provisions in line with those provided to workers
- changes to the section on broadcasting of council meetings, where the Bill states that *only* the full council meeting should be broadcast and other meetings may be covered in regulations
- more flexible arrangements regarding remote attendance and electronic publication of documents building on councils' experiences during the pandemic.

Given the wide scope of the Bill, the effective date of implementation for the various aspects of the bill vary with some aspects expected following the bills enactment and others taking effect at/following the

2022 local elections. It is expected that the following timetable will be followed for implementation:

- CJC regulations will be introduced in the Senedd during February-April 2021, for commencement in the summer (and first meeting of CJs planned by end of September 2021);
- Remote attendance and related matters will be commenced from April 2021 (when the current emergency coronavirus meeting regulations end);
- Performance and governance arrangements will be commenced from April 2021 (with the final performance report from the 2009 Measure published by 31st October 2021);
- Most of the electoral reforms will be introduced in time for implementation at the 2022 local elections; and
- The power of general competence, public participation duties, broadcasting of meetings and new councillor duties will apply from the 2022 local elections.

Member seminars have been held for certain aspects of the bill where there has been a need to understand the content in more detail or where there has been a need to respond to the various stages of consultation for the bill as a whole or for certain aspects of it.

3. RESOURCE IMPLICATIONS:

Detailed cost implications of the implementation of the Bill are still to be finalised and will vary significantly depending on the aspect of the bill that it falls within. Funding arrangements for all aspects of the bill are still to be finalised but claims will be made against the various funds made available to local authorities to offset expenditure including the digital democracy fund.

4. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

Many aspects of the bill extend the democratic process to those previously excluded or encourage local authorities to ensure greater participation in the decision making process. The bill also aims to offer greater flexibility to elected representatives in how they undertake their duties as a councillor.

6. BACKGROUND PAPERS

[Local Government and Elections \(Wales\) Bill \(as amended at Stage 3\) Revised Explanatory Memorandum](#)

7. AUTHOR:

John Pearson, Local Democracy Manager
Email: johnpearson@monmouthshire.gov.uk