

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 27 September 2022
Report Subject	Local Government and Elections (Wales) Act 2021
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Local Government and Election (Wales) Bill was passed by the Senedd on 18 November 2020, and following it receiving Royal Assent, became an Act in January 2021.

Previous reports to Council have demonstrated that the Act is a significant piece of legislation that encompasses a wide range of issues. There are 170 sections, and 14 schedules included in the Act.

An officer working group was established to ensure the Act was implemented in full which reported from time-to-time to the Constitution and Democratic Services Committee, and to Council.

Through the officer working group, the Council has undertaken work to implement the Act, with the final remaining aspects being applied to correspond with the Local Government Elections in May 2022.

RECOMMENDATIONS

1	That Council receives and is assured by this briefing report.
2	That Council notes the constitutional and other implications of the Act.
3	That Council agrees to 'stand down' the Officer Working Group until and unless any powers not yet exercised require implementation.
4	That the Constitutional and Democratic Services Committee, supported by the Chief Officer (Governance) see the final aspects of the implementation of the Act to conclusion.

REPORT DETAILS

1.00	EXPLAINING THE IMPLEMENTATION OF THE LOCAL GOVERNMENT & ELECTIONS (WALES) ACT 2021
1.01	The Local Government and Elections (Wales) Act received Royal Assent and became an Act in January 2021. Members have been kept informed about the implementation of the legislation through reports to Council, Constitution & Democratic Services Committee, and Governance & Audit Committee as appropriate.
1.02	<p>The Act has been implemented in stages that brought the legislation into force between April 2021 and May 2022.</p> <p>An updated list of statutory duties that apply to Councils is included at Appendix 1.</p>
1.03	<p>Ahead of May 2022, certain elements of the Act had already been implemented:</p> <ul style="list-style-type: none"> • The 2021 elections were administered in accordance with legislative changes, such as extending the right to vote to 16 and 17 year olds. • The Audit committee has been renamed Governance and Audit Committee, with the terms of reference amended accordingly. • The Chief Executive is now employed with the statutory role of 'chief executive' rather than 'head of paid service'. • Councillors have an 'official address' published. • Meetings have been held remotely since 2020. • Meeting notices and agendas have also been published electronically since 2020. <p>An interim multi-location meetings policy was considered and agreed by the Constitution & Democratic Services Committee in November 2021, which temporarily fulfils the requirement to produce a public participation strategy. The actual policy will be determined by Council in the autumn 2022.</p>
1.04	<p>There are several aspects of the Act which are still to be considered by the relevant Committee, identified as Amber in Appendix A.</p> <p>The principal areas of work outstanding are</p> <ul style="list-style-type: none"> • To consult with councillors on the timing and format of meetings to shape the permanent public participation strategy • To introduce a plain language guide to the constitution – a working group has been set up by the Constitution and Democratic Services Committee to update the Constitution and then produce the plain language guide based on the updated document
1.05	Given that the majority of the work has been completed in implementing the Act, it is suggested that the working group of officers undertaking the work is no longer required and should be 'stood down' until and unless and

	changes are proposed to the Act that impact significantly on the Council. The Constitution and Democratic Services Committee, supported by the Chief Officer (Governance) will see the final aspects of the implementation of the Act to conclusion.
1.06	<p>Implementation of the Act has been co-ordinated by a team of officers made up of:</p> <ul style="list-style-type: none"> • Chief Officer (Governance) • Corporate Manager Human Resources & Organisational Development • Democratic Services Manager • Internal Audit, Performance and Risk Manager • Legal Services Manager • • Strategic Performance Advisor. <p>Should Welsh Government exercise its powers to make regulations, that have not yet been utilised, as indicated in Appendix A, then :</p> <ul style="list-style-type: none"> • the same working group of officers would meet ; and • a further report will be taken to the Constitution and Democratic Services Committee. <p>.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	None.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	This is an information report and thus not for consultation.

5.00	APPENDICES
5.01	Appendix A – Local Government & Elections (Wales) Act 2021 – Update

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Quick guide to the Local Government and Elections (Wales) Act 2021

	<p>Report of the Chief Executive and Chief Officer (Governance) on the Local Government & Elections (Wales) Bill. Council, 28th January 2020 and resultant minute.</p> <p>Report of the Chief Executive and Chief Officer (Governance) on the local government & Elections (Wales) Bill. Council 26th January 2021 and resultant minute.</p> <p>Report of the Chief Officer (Governance) to Council 1st April 2021 and resultant minute.</p> <p>Report of the Chief Officer (Governance) to Council 25th January 2022 and resultant minute.</p>
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7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Steven Goodrum, Democratic Services Manager Telephone: 01352 702320 E-mail: steven.goodrum@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
8.01	None