

CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 24 th March 2021
Report Subject	Local Government and Elections (Wales) Act 2021 Implementation update
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Local Government and Elections (Wales) Bill was passed by the Senedd on 18th November 2020. It received Royal Assent, and became an act at the end of January 2021.

As previously explained, the Act is a significant piece of legislation which encompasses a number of issues. Implementation of the Act is phased, with some sections in force immediately and others being brought in at a later date.

The Minister for Housing & Local Government, Julie James MS, has written to Council Leaders, confirming that she has now made the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.

Details of the commencement orders are shown in the report.

Further updates on the implementation of this legislation will be submitted to Council and the Constitution & Democratic Services Committee from time to time.

Separate reports have been submitted on the changes to the Audit Committee and the Amendment to Adoption leave for Members, both of which are on the agenda for this meeting.

RECOMMENDATIONS

1	Council notes the implementation timetable and acknowledges that further reports will be brought in due course
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REPORT DETAILS

1.00	EXPLAINING THE IMPLEMENTATION OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021
1.01	<p>Provisions of the Local Government and Elections (Wales) Act 2021 will be brought into force by three commencement orders accompanied by other relevant subordinate legislation, during March 2021.</p> <p>These orders will bring the relevant provisions into force on a series of dates between March 2021 and 5 May 2022. In light of the pandemic, the timetable for the scrutiny of the Act by the Senedd was extended. As a consequence the commencement of a number of the Act's provisions has been postponed to 5 May 2022 to correspond with the date of the next Local Government Elections.</p> <p>The Welsh Government consider this approach to be more appropriate and less disruptive to local authorities, especially in light of the ongoing pandemic, rather than subjecting the sector to a number of new requirements within the year preceding the elections .</p>
1.02	<p>The Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021 was made on 4th March and is detailed in paragraph 1. 03, below.</p> <ul style="list-style-type: none">• The Local Government and Elections (Wales) Act 2021 (Commencement No. 2 and Saving Provisions) Order 2021 is due to be made by 12th March. <p>This is subject to the Senedd approving the Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 which need to be brought into force in line with this commencement order.</p> <p>The second Commencement Order provides for the bringing into force of Part 6 of the 2021 Act, which provides, amongst other things, for a new performance and governance regime for principal Councils and gives the Welsh Ministers new support and intervention powers, the restructuring provisions within Part 7 of the Act, the information sharing provisions in section 159 and the disapplication of the Local Government (Wales) Measure 2009 (“the 2009 Measure”) to principal Councils and National Park Authorities.</p> <ul style="list-style-type: none">• The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021 is due to be made by 18th March. <p>This is subject to the Senedd approving the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 which need to be brought into force in line with this commencement order.</p> <p>The third commencement order brings into force provisions in respect of attendance, including remote attendance, at Local Authority meetings and</p>

	<p>provisions in relation to the arrangements for Local Authority meetings and documents, including requiring electronic publication of certain meeting documents.</p>
1.03	<p>First commencement Order on 4 March 2021:</p> <ul style="list-style-type: none"> • All regulation making powers within Parts 2 (General Power of competence), 3 (Promoting access to Local Government) and 4 (Local Authority Executives, Members, Officers and committees) of the Act. • Duty on principal Councils to have regard to guidance issued by the Welsh Minister in respect of the allocation of resources to the officers designated Head of Democratic Services (section 161(1)) (Amendment to the Local Government(Wales) Measure 2011) • Content of, and duty to have regard to, guidance under section 38 of the Local Government Act 2000 (section 59) <p>1 April 2021</p> <ul style="list-style-type: none"> • Appointment by Local Democracy & Boundary Commission for Wales of its chief executive (section 163) • Directions under section 48 of the 2013 Act (section 164) <p>1 November 2021</p> <ul style="list-style-type: none"> • The general power of competence for principal Councils. <p>1 April 2022</p> <ul style="list-style-type: none"> • Annual reports by Community Councils (section 52) <p>5 May 2022 Principal Councils</p> <ul style="list-style-type: none"> • Public participation duty including duty to prepare a public participation strategy (sections 39 – 41) • Duty to establish a petitions scheme (section 42) • Duty to publish official addresses (section 43) • Duty to have regard to any guidance issued by the Welsh Ministers under Chapter 2 of Part 3 (section 44) • Duty to publish a constitution and constitution guide (section 45) • Duty to make arrangements to enable the electronic broadcasting of meetings (section 46) • Appointment of a Chief Executive (section 54) • Reconsideration of remuneration following direction by the Welsh Ministers (section 56) • Appointment of assistants to executive (section 57) • Job sharing (section 58) • Duty of political Group Leaders in relation to standards of conduct (section 62) • Duty of Standards Committee to make annual report (section 63) • Making information available to Overview and Scrutiny Committees (section 65) • Power to require authorities to appoint joint overview and scrutiny committees (section 66)

	<ul style="list-style-type: none"> • Removal of the restriction on monitoring officers also being designated Head of Democratic Services (section 161) • Abolition of polls consequent on a Community meeting (section 162)
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2.00	RESOURCE IMPLICATIONS
2.01	There are no resource implications from this update report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Not applicable.

4.00	RISK MANAGEMENT
4.01	Not applicable.

5.00	APPENDICES
5.01	Appendix 1: Letter from Julie James MS, Minister for Housing & Local Government, to Council Leaders dated 4 th March 2021

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Report to Council on 26th January 2021: Local Government & Elections (Wales) Bill 2021.</p> <p>Contact Officer: Robert Robins, Head of Democratic Services Telephone: 01352 702320 Email: robert.robins@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	None.