

CEREDIGION COUNTY COUNCIL

Report to: Democratic Services Committee

Date: 21st May 2021

Title: The Local Government and Elections (Wales) Act 2021 – matters relevant to the Democratic Services Committee

Purpose of report: To highlight aspects of the Local Government and Elections (Wales) Act 2021 relevant to the Democratic Services Committee.

Background

The Local Government and Elections (Wales) Act was passed in the Senedd on 18 November 2020 and received Royal Assent on 20 January 2021. The Act will be implemented by means of 3 Commencement Orders, bringing into force various aspects of the Act by means of a phased approach.

The Bill is extensive and has the potential to impact on numerous administrative and decision making processes of the Council, effecting most if not all Committees. Aspects which are resource intensive, relating specifically to the Democratic Services Committee have been highlighted below. However it is recommended that Members review the Bill in its entirety in relation to recommendations / proposals which will impact Members directly.

Duty to encourage local people to participate in decision-making by principal councils

Sections 39-41, Chapter 4 of the Local Government and Elections (Wales) Bill stipulates that a principal council must prepare and publish a public participation strategy, including promoting awareness of the council's functions, how to become a member, what membership entails, ways of facilitating access to information about decisions made, or to be made, making representations, bringing the views of the public to the attention of overview and scrutiny committees and promoting awareness among members of the benefits of using social media to communicate with local people.

The participation strategy will need to be published, following consultation with local people, and reviewed following each ordinary election of councillors. Consideration will also need to be given to internal processes and training.

This provision will come into force on 5 May 2022.

Duty to make a petitions scheme

Section 42, Chapter 4 of the Local Government and Elections (Wales) Bill relates to a requirement to set out a petition scheme, including electronic petitions.

The conditions will need to be drawn up and included in the Constitution, in addition to the development of an e-petition scheme.

This provision will come into force on 5 May 2022.

Duty to publish official addresses

Section 43, Chapter 4 of the Local Government and Elections (Wales) Bill requires that a principal council must publish an electronic and postal address for each member of the council, to which correspondence for the member may be sent.

This provision will come into force on 5 May 2022.

Electronic broadcasts of meetings

Sections 46-51, Chapter 4 of the Local Government and Elections (Wales) Bill proposes that principal councils make and publish arrangements to ensure the broadcasting of proceedings at a meeting are available so that members of the public not in attendance can see and hear the proceedings, and made available for a specified time following the meeting. This will apply to meetings which are open to the public, including the executive of a principal council, a committee or sub-committee of an executive of a principal council, a committee or sub-committee or a principal council, a joint committee, or a sub-committee of a joint committee, of two or more principal councils.

From 1 May 2021, the 3rd Commencement Order of the Act came into force, which provides for attendance, including remote attendance at local authority meetings. The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 provided flexibility to enable local authorities to operate safely, effectively and lawfully, whilst retaining the principles of openness and accountability to the public. The 2020 Regulations related to meetings held before 1 May 2021, therefore the Local Government and Elections (Wales) Act enables authorities to transition from the 2020 Regulations to the permanent provisions of the Act, as set out in the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021.

The Welsh Minister may by regulation make further provisions in connection with the broadcast of proceedings at a meeting. This will come into force from 5 May 2022. The Welsh Government will also make guidance available to support local authorities in implementing these provisions.

Ceredigion County Council has successfully applied for funding from the Welsh Government Digital Democracy Fund to cover the cost of purchase for the installation of hardware, which will support software for which will support hybrid meetings, with translation in addition to broadcasting.

Following a tender process it is aimed to install the hardware by September 2021.

Enabling job sharing for Leader and Cabinet Member positions

Sections 58-59, Chapter 4 of the Local Government and Elections (Wales) Bill requires local authorities to include in their executive arrangements provision enabling two or more councillors to share office on an executive, including the office of executive leader, and a provision for voting and quorum where members of an executive share office.

The conditions will need to be drawn up and included in the Constitution, and consideration will also need to be given to internal processes such as Cabinet approval of reports, implications as a consequence of the senior salary cap. The regulations also note that the guidance may include provision designed to encourage good practice in relation to equality and diversity.

This provision will come into force on 5 May 2022.

Enabling job sharing of non-executive offices in principal councils.

Section 60, Chapter 4 of the Local Government and Elections (Wales) Bill notes that the Welsh Minister may be regulations make provisions for the purpose of facilitating or enabling the sharing of a principal council office, to include a Chair, Vice-Chair, presiding member, deputy presiding member and cabinet executive.

The conditions will need to be drawn up and included in the Constitution.

Family absence for Members

Section 61, Chapter 4 of the Local Government and Elections (Wales) Bill relates to maternity, new-born, adoption and parental absences. The Regulations provide for amendments to the Family Absence for Members of Local Authorities (Wales) Regulations 2013, increasing adopter's absence entitlement for member of principal councils from 2 weeks to 26 weeks. It will also result in the same periods of maternity and adopter's absence being available to members of principal councils and provide for similar arrangements for adopter's absence as are already in place for maternity absence.

The Regulations were brought into force on 1 April 2021, and are reflected within the Schedule of Member Remuneration, and guidance will be provided to current and potential candidates for future Local Government elections following discussions with the Independent Remuneration Panel for Wales.

This provision was included in the Members' Schedule of Remuneration for 2021/22, approved by Council in March 2021.

Duties of leaders of political groups in relation to standards of conduct

Section 62, Chapter 4 of the Local Government and Elections (Wales) Bill relates to a requirement for Political Group leaders to take reasonable steps to promote and maintain high standards of conduct by members of the group in cooperation with the Ethics and Standards Committee, giving regard to guidance about the functions issued by the Welsh Ministers, following consultation.

The conditions will need to be drawn up and included in the Constitution, with appropriate training and briefings provided to Group Leaders. The terms and reference of the Ethics and Standards Committee will also need to be amended.

This provision will come into force on 5 May 2022.

Making information available to Overview and Scrutiny Committees

Section 65, Chapter 4 of the Local Government and Elections (Wales) Bill relates to information being made available about decisions, to include an overview and scrutiny committee of the authority or a sub-committee of such a committee.

This amendment will not impact upon current practice with Ceredigion County Council as all Members currently have access as required, however this will need to be reflected within the Constitution. This provision will come into force on 5 May 2022.

Next steps:

Work will be undertaken over the next year to ensure that the Council meets the statutory requirements of the Act. An Action Plan is currently being developed to ensure the timetable is met.

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| Recommendations: | That the Committee notes the aspects of the draft Local Government and Elections (Wales) Bill specific to the Democratic Services Committee. |
| Appendices: | None |
| Background documents: | The Local Government and Elections (Wales) Act 2021: http://senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=26688 |

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| Date: | 10.05.2021 |