

CEREDIGION COUNTY COUNCIL

Report to: Democratic Services Committee

Date: 7th March 2022

Title: Update on the report presented to the Democratic Services Committee upon the Local Government and Elections (Wales) Act 2021

Purpose of report: To update the committee as to 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.

Welsh Government are in the process of drafting Statutory Guidance on the various aspects of the legislation including:

- Conducting a survey relating to the timing of meetings, with an aim to promote and support Membership of Local authorities;
- Securing the provision of reasonable training and development opportunities for Members, and opportunities to conduct an annual review of training and development needs;
- Public Participation and Engagement;
- A Petition scheme;
- The Council's Constitution, and a Guide to the Council's Constitution;
- Making provision for enabling job sharing for Executive Leaders and Executive Members;
- Ensuring effective scrutiny arrangements;
- Joint Overview and Scrutiny Committee arrangements;
- Functions of the Democratic Services Committee;
- Functions of the Governance and Audit Committees.

Whilst the majority of the above are already in place, the Statutory Guidance will aim to interpret the legislation, clarifying the processes and arrangements and bring together all previous guidance into one document

e.g. Members are currently surveyed on the timings of meetings, however the guidance will clarify issues to be taken into account in conducting a survey such as

- whether daytime or evening meetings are preferred
- whether meetings are to be multi-location
- the preferred meeting length
- whether particular times cause difficulties for councillors with particular characteristics, such as age, gender, religion, having caring responsibilities or being in employment.

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 draft engagement policy was presented to Cabinet on 2 November 2021 followed by a public consultation with residents of Ceredigion. The policy will be reviewed on receipt of the Final Statutory Guidance from Welsh Government, prior to presenting to Council during the next Administration.

This provision will come into force on 5 May 2022, but the final statutory guidance is not expected until September 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.

An online petition system will be available via the Modern.gov Meeting Management System, and an interim scheme drafted. On receipt of the Statutory Guidance from Welsh Government, the scheme will be presented to Council for approval, and parameters set out for the e-petition system.

This provision will come into force on 5 May 2022, but the final statutory guidance is not expected until September 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.

Electronic and postal addresses for the majority of Ceredigion County Council Members are currently published on our website. This provision will come into force on 5 May 2022, and details of electronic address for all Members will be added to the Council's website following the elections in May 2022. Postal addresses do not have to be the Councillor's home address.

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.

The legislation stipulates that the Welsh Minister may by regulation make further provisions in connection with the broadcast of proceedings at a meeting. We are currently awaiting Statutory Guidance clarifying which meetings will need to be broadcasted, however it is anticipated that the minimum requirement will be to broadcast the Council and Cabinet meetings as is the present arrangement.

Following a successful application for funding last year to cover the cost of purchasing and installing hardware to upgrade the Council Chamber in order to meet the requirements of the legislation to support hybrid meetings, the system is currently being installed, however challenges in procuring parts such as microchips has delayed the installation process.

In accordance with the legislation, protocols have been drafted for multi-location meetings which will be reviewed on receipt of the Final Statutory Guidance from Welsh Government, prior to presenting to Council during the next Administration.

There is no clear date for the statutory guidance from Welsh Government currently.

Next steps

On receipt of the Final Statutory Guidance from Welsh Government, all policies, procedures and draft protocols will be reviewed, prior to presenting to Council for consideration. Due to the delay in receiving the Guidance, and due to the imminent commencement of the pre-election period, reports will be presented to Council during the next Administration.

Recommendations:	That the Committee notes the update to the report relating to the 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?Ild=26688
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