

Report

Democratic Services Committee

Item:

Date: 29th April 2021

Item: 6

Subject **Local Government & Elections (Wales) Act 2021 – implementation Timetable**

Purpose To advise Committee about the timetable for implementation of the Local Government & Elections (Wales) Act 2021 and to identify those areas of work that will require further input and direction from the Committee as part of the forward work programme.

Author Head of Law & Regulation

Ward General

Summary The Local Government & Elections (Wales) Act 2021 (“the Act”) received Royal Assent on 20th January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders. The implementation schedule attached to this report sets out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.

The Act contains a number of measures that will require changes to the Council’s governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee.

Proposal **To note the report and identify those areas of work within the implementation timetable for the new legislation that need to be included within the forward work programme for Democratic Services Committee**

Action by Head of Law & Regulation

Timetable In line with the implementation timetable and forward work programme

This report was prepared after consultation with:

- Chief Executive
- Head of Finance
- Head of People & Business Change

Background

1. The Local Government & Elections (Wales) Act 2021 (“the Act”) received Royal Assent on 20th January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders, with secondary legislation and guidance provided by Welsh Government.
2. The implementation schedule attached to this report sets out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.
3. An officer working group has been established, under the management and direction of the Head of Law and Regulation and the Head of People and Business Change, to deliver the implementation programme. The individual tasks will be allocated to specific sub-groups and progress will be monitored against the delivery dates. Progress reports will be submitted on a regular basis to the Senior Responsible Officers and, where the work impacts on the Council’s internal governance arrangements, updates will be provided to Democratic Services Committee. For example, a sub-group has already been established to take forward the IT project for the implementation of the remote meetings provisions in the Act, utilising the £52k grant funding awarded by Welsh Government.
4. The Act contains a number of measures that will require changes to the Council’s governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The following provisions are of particular relevance to the Committee:-
 - (a) Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39);
 - (b) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
 - (c) Duty to make and publish a petition scheme and review the scheme from time to time (Section 42);
 - (d) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
 - (e) Electronic broadcasts of meetings open to the public (Section 46);
 - (f) Remote Attendance at local authority meetings (Section 47)
 - (g) The new self-assessment performance management framework, which will require an annual self-assessment report, with a peer review by an external independent panel (section 89-94).
5. The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme would also have to enable public petitions to be submitted electronically and provide a mechanism for responding. The new self-assessment performance management framework will have an impact of the Council’s approach to performance management and the role of Scrutiny and Audit Committees.
6. There may also be other provisions within the legislation that the Committee would wish to review and consider.

Financial Summary

- 7 There are no financial implications but the implementation of some of the legislative changes may require additional funding, if they cannot be accommodated within existing budgets.

Risks

8. Failure to implement the legislation in line with statutory timescales would undermine the legality and propriety of the Council's corporate governance processes.

Links to Council Policies and Priorities

9. The principles of open and transparent governance are consistent with the Council's Strategic Recovery aims and support the Council's Corporate Plan 2017-22. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Options Available

10. The Committee is asked to note the report and identify those areas of work within the implementation timetable that they would wish to consider, and how they would wish to deal with those matters.

Comments of Chief Financial Officer

There are no current financial implications but the implementation of some of the legislative changes may require additional funding, if they cannot be accommodated within existing budgets.

Comments of Monitoring Officer

Set out in the report.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing or HR implications. The principles of open and transparent governance are consistent with the Council's Strategic Recovery aims and support the Council's Corporate Plan 2017-22. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act

Background Papers

Local Government & Elections (Wales) Act 2021 and associated guidance

Dated: 23rd April 2021.