

ISLE OF ANGLESEY COUNTY COUNCIL	
Meeting:	Standards Committee
Date:	11 March 2020
Title of report:	Local Government and Elections (Wales) Bill
Purpose of report:	To provide members with an overview of the proposals contained within the Local Government and Elections (Wales) Bill and ensure they are informed of proposed legislative changes to the local government framework
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1.0 BACKGROUND

1.1 On the 18th November 2019, Welsh Government published a draft version of the Local Government and Elections (Wales) Bill which proposes a number of changes to the way in which Local Government operates and elections are administered in Wales. The Bill is a significant and substantial piece of legislation and full details of it are available on the following link.

<http://senedd.assembly.wales/mglIssueHistoryHome.aspx?Ild=26688>

1.2 Amongst other proposals, the Bill includes provisions for

- Reforming electoral arrangements which include allowing 16 and 17 year-olds and foreign citizens legally resident in Wales to vote in local elections; improving voter registration; enabling councils to choose a voting system;
- A general power of competence for principal councils and community councils;
- Encouraging public participation in local democracy and improving transparency;
- Reforming leadership arrangements with the appointment of a statutory Chief Executive and encouraging greater diversity and opportunity within the executive arrangements;
- Job-sharing possibility in Executive;
- Changes to Family Absence rules prescribed in the Local Government Measure 2011;
- Abolition of Community Polls and strengthening of Council petition schemes
- Proposals for statutory regional collaboration and establishing Corporate Joint Committees (CJC);
- Stronger self-assessment process for council performance and support / intervention powers for Welsh Ministers;
- Powers to facilitate voluntary mergers of principal councils and restructuring a principal area;

- Performance role for group leaders in relation to the members of the groups; and
- Provisions relating to local government finance including non-domestic rating and council tax.

1.3 It is anticipated that the Bill will receive Royal Assent by the end of summer 2020. Some of the provisions within the Bill, such as family absence changes, will commence immediately due to the need to keep pace with current legislation. Other sections of the Bill are likely to commence in 2022, at the commencement of the new term of office, subject to the discretion of Ministers in passing Statutory Instruments.

2.0 THE CONTENTS OF THE BILL

2.1 Given the Bill is very detailed and not all aspects of the Bill necessarily sit within the remit of the Standards Committee, a broad overview of the provisions is attached at **Appendix A**. This information is general. I have highlighted matters which are of particular interest to the Standards Committee. There are three areas:

2.1.1 Duty on group leaders to high standards of conduct

2.1.1.1 Under this proposal, political group leaders must take reasonable steps to promote and maintain high standards of conduct by their group members and co-operate with the standards committee. The standards committee will be required to ensure that group leaders have access to advice and training to support these duties and the standards committee must monitor group leaders' compliance with their duty under this provision.

2.1.1.2 The standards committee will need to work with group leaders to ensure they are aware of the requirement upon them in relation to the standards of conduct of their group members.

2.1.1.3 The standards committee's terms of reference will also need to be updated.

2.1.2 Standards Committee's annual report to Council

2.1.2.1 Under this proposal the standards committee will be required to make an annual report to the authority describing the discharge of its functions during the financial year and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations made by the standards committee within 3 months of receipt.

2.1.2.2 The standards committee will need to update its terms of reference.

2.1.2.3 Submitting an annual report to council is already an established practice in this Council. However, there will need to be provision in place to ensure future standards committee annual reports include the matters as listed in the new legislation.

2.1.3 Community council training plans

2.1.3.1 The Bill includes a requirement for community councils to develop training plans. Whilst this will not be a requirement for the county council, it may be of interest to members in relation to their roles as community councillors.

2.1.3.2 The relevance of the provision is different for the standards committee as they have been promoting this, with no little resistance, from some community councils over the last 5-6 years.

2.1.3.3 This matter has also been discussed by the standards committee when conducting the reviews of the registers of interests and other documentation in the town and community councils.

3.0 RECOMMENDATION

- 3.1 The Committee is asked to note the report and the contents of **Appendix A** and consider what further action it requires (if any), including whether it wishes any further work to be conducted on any of the areas highlighted within the proposed legislation and which are of relevance to the remit of the Standards Committee.

APPENDIX A

Local Government and Elections (Wales) Bill

→Part 1 – Elections

Right to vote

16 & 17 year olds being able to vote in Local Government Elections. This will follow on from the extension of the franchise for Welsh Assembly elections allowing 16 & 17 year olds to vote at the 2021 elections. This will extend to elections that use the local government franchise (e.g. referendums) but it will not be applicable to elections outside the control of its devolved powers.

Nationality Extension

The local government franchise currently allows UK, EU and Commonwealth citizens to register and vote in local government. The Bill will extend the franchise to allow any citizens lawfully resident in Wales to register and to vote in local government elections regardless of their nationality.

Changing the voting system for council elections

All local elections in Wales currently use the first past the post electoral system. The Bill allows each council to choose between a First Past The Post (FPTP) electoral system or Single Transferable Vote (STV). The Bill includes specific criteria which must be met before any change can take place such as two-thirds majority decision, electoral review and increase in multimember wards, and being unable to revert back to FPTP for a set period.

Electoral Cycle

Confirmation of the change of the election cycle from four years to five years.

Electoral Registration Database

The Bill proposes that data sharing be utilised to enable an Electoral Registration Officer to add an individual to the electoral register without the need for them to apply, subject to further legislation and specific criteria to be followed.

Right to Stand

In line with the changes to eligibility to vote, an extension will be made to the right to stand for election irrespective of nationality.

The Bill will allow Council employees to stand for election to their employing council except for employees who hold politically restricted posts. They will need to resign their employment only if they are elected.

The Bill extends the disqualification provisions to include anyone subject to notification requirements of, or an order under, the Sexual Offences Act 2003.

Electoral Pilots

Ministers can instruct councils to conduct pilots in relation to different voting methods at local government elections. Previously councils needed to apply.

→Part 2 – General Power of Competence

The general power will allow qualifying local authorities to act in their communities' best interests, generate efficiencies and secure value for money outcomes. They will also be able to raise money by charging for discretionary services and to trade in line with existing powers. The Bill allows councils to assume they have a power unless there is a statutory restriction preventing such action.

→Part 3 –Promoting Access to Local Government

Duty to encourage public participation

Councils will be required to encourage participation in local democracy. They will also be required to prepare, consult on and review a public participation strategy with the aim of making it easier for people to understand how the council works, makes decisions and how they can get involved.

Petition scheme

In order to promote greater and more effective use of petitions within the local government sector, the Bill includes provisions which require a principal council to make a petition scheme setting out how it will handle and deal with petitions, including e-petitions. The Bill will repeal the rules with regard to community polls and intend for the petition schemes to replace this.

Councillor Information

Councils will need to publish an email and postal address on the website for every councillor so that members of the public can contact them. It does not have to be personal details though and councillors could use the council address.

Constitution Guide

Councils will be required to publish a simple, easy to read guide on their constitutions.

Webcasting

The Bill will require all meetings that are open to the public to be live streamed with people being able to see and hear the participants and proceedings. The unavailability of a broadcast either during or after the meeting does not affect the validity of the proceedings.

Remote Attendance at Meetings

The Bill amends the prescriptive provisions contained within the 2011 local government measure to make remote attendance at meetings more accessible and practical.

→Part 4 – Local Authority Executives, Members, Officers and Committees

Chief Executive appointment and performance

Appointments will be made to Chief Executives of local authorities rather than head of paid service with specific duties and specified performance management arrangements.

Appointment of assistant to Executive Members

Executive members can appoint assistants/deputies from among the other members of the Authority to assist with casework and understand the portfolio as well as gain experience and understanding of the role of an executive member. Assistants/Deputies would not form part of the executive, have a vote nor be remunerated for that post.

Job-sharing in Executive

The Bill will allow for Executive members to job share posts. The job share will not increase the number of senior remuneration salaries as set by the IRPW and remuneration would need to be split between members. Exact arrangements could depend on the type of job share members want to undertake. There would only be one vote in Executive per executive position and the job share would not create an additional vote.

Absence entitlement for family reasons

Update of provisions to bring family absence rules in line with employees of the Council.

Duty on group leaders to high standards of conduct

Political group leaders must take reasonable steps to promote and maintain high standards of conduct by members of their group. In doing so they must co-operate with the council's standards committee in exercising its functions.

Standards Committee's annual report to Council

Standards committees will be required (after the end of each financial year) to make an annual report to the authority describing how the committee's functions have been discharged during the financial year and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations made by the standards committee within 3 months of receipt.

Community council training plans

The Bill includes a requirement for community councils to develop training plans. Whilst this will not be a requirement for the county council, it may be of interest to members in relation to their roles as community councillors.

→ Part 5 – Collaborative Working by principal councils

Power to require LAs to establish corporate joint committees

The Bill provides for local authorities and ministers to establish a Corporate Joint Committee (CJC) to encourage regional collaboration and improvements on specific topics as set by legislation including School Improvement, Economic Development, Strategic Planning and Transport.

Full details on functions, boundaries and governance arrangements will be made in regulations by the Welsh Minister.

CJCs will sit as a separate entity to that of the principal council with authorities contributing to the operation of the CJC and each authority's executive leader being a member.

→ Part 6 – Performance and Governance of principal councils

Duty to keep performance under review

Local authorities will be required to undertake an annual self-assessment of performance and a periodic review to provide an external, expert perspective on performance. There is a duty to consult local people and report its findings.

The Bill supports existing arrangements that are in place in terms of the Welsh Audit Office's ability to carry out assessments and the power for Welsh Ministers to intervene where performance is not seen as satisfactory.

Audit Committees

Audit Committees to be renamed Governance and Audit Committees and prescribing that one third of members must be lay members and the chair should also be a lay member.

→**Part 7 – Mergers and Restructuring of principal areas**

Provisions allow for local authorities that wish to merge to be able to do so and sets out the process that would be followed in dissolving and establishing new councils.

→**Part 8 – Local Government Finance**

The Bill provides provision in relation to local government finance including non-domestic rating and council tax.

→**Part 9 – Miscellaneous**

Head of Democratic Services

The Bill allows for the Head of Democratic Services role to be undertaken by the Monitoring Officer and treated as a Chief Officer previously not allowed by the 2011 Measure.