

## CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

<b>MEETING:</b>	Isle of Anglesey County Council
<b>DATE:</b>	9 March 2021
<b>REPORT TITLE:</b>	Local Government and Elections (Wales) Act 2021 - an update
<b>PURPOSE OF THE REPORT:</b>	To provide Council with an update on the Local Government and Elections (Wales) Act 2021 and agree action plan
<b>REPORT BY:</b>	Lynn Ball, Director of Function (Council Business) / Monitoring Officer

### 1. Background

- 1.1 The Local Government and Elections (Wales) Bill [the Bill] was passed by the Senedd on 18th November 2020, exactly a year after it was introduced in 2019. The Bill received Royal Assent on 20 January 2021.
- 1.2 The Bill was one of only two Bills in the Welsh Government's legislative programme to continue during COVID 19. The Bill was prioritised given the timescales required to introduce planned electoral reforms in time for the 2022 local elections.
- 1.3 Links to the relevant documents are available here:
  - [Local Government and Elections \(Wales\) Bill as passed at Stage 4 \(November 2020\)](#)
  - [Revised Explanatory Memorandum \(November 2020\)](#)
  - [Statement of Policy Intent \(November 2019\)](#)
- 1.4 The Local Government and Elections (Wales) Act 2021 [the Act] has been the culmination of several years of policy consultation, including:
  - Draft Local Government (Wales) Bill – November 2015
  - Consultation on Electoral Reform – October 2017
  - Reforming Local Government: Resilient and Renewed White Paper - January 2017
  - Consultation on Powers and Flexibilities – January 2018
  - Strengthening Local Government: Delivering for People Welsh Government Green Paper - June 2018
- 1.5 The Act is substantial and covers a range of topics from electoral reform, public participation, governance and performance through to regional working. In summary the Act introduces:
  - 1.5.1 Reforming electoral arrangements for local government, including;**
    - extending the voting franchise to 16 and 17 year olds and foreign citizens legally resident in Wales,
    - enabling councils to choose between 'first past the post' or the 'single transferable vote' voting systems,
    - Change of electoral cycle for principal councils from four years to five years,

- Allowing non-politically restricted council staff to stand for election in their own authority (but who should resign if elected),
- Removal of Returning Officers' Fees for local elections, where relevant.

**1.5.2 Introduction of a general power of competence (Councils may do anything in furtherance of their agenda provided the actions are not legally prohibited);**

**1.5.3 Reforming public participation in local government;**

- Duty to encourage local people to participate in local government (and to produce a strategy to that effect);
- Duty to make petition scheme (and repeal of community polls);
- Duty to broadcast certain meetings;
- Greater flexibility around remote attendance of members.

**1.5.4 Reforms around democratic governance and leadership, including;**

- Appointment of Chief Executives (rather than a head of paid service) with specific duties;
- Appointment of assistants to executives (other members) and allowing job-sharing leaders or executive members;
- Updating family absence provisions in line with those available to employees (via regulations);
- Requiring leaders of political groups to promote and maintain high standards of conduct by members of their groups.

**1.5.5 Collaborative Working;**

- Powers for councils to initiate the establishment of Corporate Joint Committees (CJCs) covering any functions;
- Powers for Ministers to establish CJCs covering the four functions of economic wellbeing, transport, strategic planning and school improvement. This is a matter which has been subject to a previous briefing session for Members on 4<sup>th</sup> February 2021.

**1.5.6 Reform of the performance and governance regime;**

- Repeal of the 2009 Measure duties, replacing audit and reporting duties with self-assessment and panel assessment (independent peer review);
- Reforms to Audit Committees, renaming as Governance and Audit Committees and prescribing membership and chair. One third of members must be independent cooptees and one of whom must chair.

**1.5.7 Powers to facilitate voluntary mergers of principal councils.**

1.6 Members have previously received an "Action Point Summary" by way of emailed correspondence (on 8<sup>th</sup> January 2021). This was a working document that summarised the main changes affecting this Council arising from the legislation; it also included information on what would be required to ensure the effective implementation of these matters.

**2. Key Issues for Consideration**

- 2.1 The Bill received Royal Assent on 20 January 2021. It is known as the Local Government and Elections (Wales) Act 2021.
- 2.2 The 'Coming into Force' provisions of the Act are complex, with some provisions coming into force within days of Royal Assent, others within two months and the majority via Ministerial statutory instruments; the dates of which are not all yet known.
- 2.3 An updated and more detailed timeline will be shared when available, but in general it is anticipated that:
- 2.3.1 CJC regulations will be introduced in the Senedd during February-April 2021, for commencement in the summer (and first meeting of CJsCs planned by end of September 2021), subject to further consideration by the Minister given the ongoing consultation on this issue. The Council's Modernisation Panel approved our consultation response and it was circulated to all members on 24<sup>th</sup> December 2020.
  - 2.3.2 Remote attendance and related matters will be commenced in March 2021;
  - 2.3.3 Performance and governance arrangements will be commenced from April 2021 (with the final performance report from the 2009 Measure published by 31st October 2021). Subject to a decision by the Council the first peer review may take place soon after the local government election in May 2022.
  - 2.3.4 Most of the electoral reforms will be introduced in time for implementation at the 2022 local elections;
  - 2.3.5 The power of general competence will commence in November 2021; and
  - 2.3.6 The public participation duties, broadcasting of meetings and new councillor duties will apply from the 2022 local elections.
- 2.4 As stated above, the Welsh Government is already consulting on the draft Regulations to Establish CJsCs and will soon consult on Regulations of General Application and statutory CJC guidance. The Welsh Government is currently also consulting on draft statutory guidance on the 'performance and governance of principal councils'. This is a matter which has been subject to a previous briefing session for Members on 4<sup>th</sup> March 2021.
- 2.5 In addition to the statutory guidance on CJsCs and performance and governance, it is anticipated that several sets of statutory instruments will be laid and a further 5 statutory guidance notes will be produced during the next 12 months (covering public participation, executive members' duties on equality and diversity, collaboration, mergers as well as updated scrutiny guidance (based on the 2011 Measure).

### 3. Effect on this Council

- 3.1 In terms of our Council, **Appendix A** sets out an Action Plan. This is a document which has been developed on the basis of the Action Point Summary (referred to in 1.6 above). The Action Plan outlines the various provisions of the Act and the work undertaken to date / what needs to be done to ensure this Council is prepared for the

introduction of various elements of the Act in due course. Council is requested to consider and agree the contents of **Appendix A**.

#### **4. Recommendations**

- 4.1 That Council considers the contents of this report and approves the appended Action Plan (**Appendix A**)
- 4.2 That further reports detailing progress against the Action Plan be monitored by the Senior Leadership Team

**Local Government and Elections (Wales) Bill 2020: Action Plan – v1**

This is a live document and it is anticipated that it will be updated as required.

WG confirmation as to the commencement of each section of the Bill is awaited. This Action Plan will be updated to include any further details received.

Provisions	Actions	Responsible Officer	Progress Update	Coming into force as per section 175 of the Bill
<b>Part 1 Elections</b>				
Extending the right to vote to 16-17 year olds and qualifying foreign citizens (section 2)	<ul style="list-style-type: none"> <li>Addressed via canvass: raising awareness campaigns and change to Electoral Services software.</li> <li>Electoral Services to work with the Equality Team to support this piece of work</li> </ul>	JHJ	<p>Ongoing – registration changes in place as part of Annual Canvass 2020 and updated register published on 1/12/20 Website updated</p> <p>Action plan prepared to raise awareness. Task supported by temporary post (grant funded-</p>	Entitlement to be registered as a Local Government Elector – 2 months after Royal Assent. [March 2021] Other provisions come into force 2 months after Royal Assent but do not take effect until 5 May 2022 and thereafter in respect of Local Government Elections and Local Referendum.

			since January 2021	
Promote awareness of registration of relevant young people and provide assistance (section 4)	<ul style="list-style-type: none"> <li>• Draw up a strategy for promoting awareness.</li> <li>• Ensuring that awareness raising work programme aligns with Electoral Commission's campaign.</li> </ul>	JHJ	Ongoing see above	2 months after Royal Assent [March 2021]
Two voting systems. Simple majority system and Single Transferable Voting system. (Sections 5–12)	<ul style="list-style-type: none"> <li>• Simple majority system to apply unless and until the Council changes the voting system for the first time.</li> <li>• Constitution to be updated to address procedure to be followed regarding a proposal to change the Council's voting system, in part reflecting that a resolution would be required before 15 November of the year that is 3 years before the year in which the next ordinary election of the Council is due to be held, and consultation requirements. Council decision (not part of Executive's remit) with minimum numbers present etc. (section 9 in particular)</li> <li>• Multi-members wards are set up by WG/Boundary Commission, though decision for IOACC on whether it wishes to adopt the Single Transferrable Voting system within the boundaries set. Without a decision, the default position is the current Simple majority system (i.e. single vote).</li> <li>• Clarification required on the restrictions at Section 12 on number of Councillors if Single Transferrable Voting system applies to the election of Councillors for a Principal Council, the number of Councillors for each Electoral Ward is to be no less than 3 but no more than 6.</li> </ul>	LB/JHJ	Review following 2022 Local Government Elections	6 May 2022
Change of electoral cycle for Principal and Community Councils, together with Elected Mayors from four years to five years and extension of power to Welsh Ministers to change election day in Wales (Sections	<ul style="list-style-type: none"> <li>• Amendments to Council website</li> <li>• Amend reference in Constitution</li> <li>• Advise Members</li> </ul>	LB/JHJ		2 months after Royal Assent [March 2021]

14–17)				
Registration of Local Government Electors without application (Section 18)	<ul style="list-style-type: none"> <li>Systems to be established to ensure appropriate notification and record keeping are in place</li> </ul>	JHJ	Ongoing	Dates to be appointed by Welsh Ministers
Qualification and Disqualification for Election and being a member of a Local Authority (Sections 19-21)	<ul style="list-style-type: none"> <li>Update any forms/guidance for candidates. Include in Elections Candidate Pack.</li> <li>To be addressed through Electoral Commission Guidance and the Returning Officer briefing sessions for potential candidates</li> </ul>	JHJ	Awaiting guidance from Electoral Comm (EC)	Dates to be appointed by Welsh Ministers
Translations etc of documents at Elections in Wales (Section 22)	<ul style="list-style-type: none"> <li>Need to ensure documents are produced to comply with the requirements in the Bill e.g. Braille / translations etc.</li> <li>Appropriate arrangements to be programmed for and beyond the May 2022 elections.</li> </ul>	JHJ/AWO	Ongoing awaiting further information from WG/EC	2 months after Royal Assent [March 2021] subject to Section 3 which in part refers to this Section taking effect in Local Government Elections on 5 May 2022 and all elections/referendums thereafter.
<b>Part 2 Chapter 1 General power of competence for Local Authorities</b>				
Defines the power, defines qualifying local authority as a Principal Council and an 'eligible community council, including limits on charging in exercise of general power, limits on doing things for commercial purposes in exercise of general power, powers to make supplementary provisions by Welsh Ministers (Sections 24-29)	<ul style="list-style-type: none"> <li>SLT to embed in business as usual</li> <li>Training/guidance for officers so they are aware and know how to make use of it</li> </ul>	SLT/MJ/LB		1 November 2021

<p><b>Chapter 2 eligible Community Councils to qualify for the general power of competence</b> (Sections 30-37)</p>	<p><b><u>Matter for Town and Community Councils:</u></b></p> <ul style="list-style-type: none"> <li>• Raise awareness at Forum meetings</li> </ul>	<p>JHJ/Town and Community Councils</p>	<p>Need to schedule for future meeting of Forum</p>	<p>5 May 2022</p>
<p><b>Part 3 Promoting Access to Local Government</b></p>				
<p>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)</p>	<ul style="list-style-type: none"> <li>• Further develop existing guidance</li> <li>• Opportunity to look at extending current process e.g. public speaking and public questions at all Committees?</li> <li>• Consider ICT matters/accessibility with such duty</li> </ul>	<p>JHJ/MH</p>	<p>Bid submitted to WG (Wales Digital Fund) to fund digital engagement officer post to support preparation of engagement plan / business processes and key digital elements of Part 3</p>	<p>5 May 2022</p>
<p>Prepare and Publish a Strategy on encouraging people to participate (as above) and review the strategy following every local government election (Sections 40–41)</p>	<ul style="list-style-type: none"> <li>• Develop a Public Participation Strategy on how the Council proposes to comply with this duty – (6 headings) promoting awareness of its functions, how to become a member and what membership entails; ways of promoting and facilitating processes by which local people may made representation about a decision before and after it is made, bringing the public’s views to the attention of Scrutiny Committee and promoting awareness of the benefits of social media as a means to communicate.</li> <li>• Need to ensure consultation with others when developing the Strategy.</li> <li>• Public participation and strategy to be reviewed as soon</li> </ul>	<p>SLT/JHJ/GM/AD/LB</p>	<p>As soon as reasonably practicable after Section 40 comes into force</p>	<p>5 May 2022</p>



	<p>as practicable following each ordinary election, again include consultation with third parties.</p> <ul style="list-style-type: none"> <li>• Need to add to Constitution as a Council decision?</li> </ul>			
Duty to make and publish a petition scheme and review the scheme from time to time (Section 42)	<ul style="list-style-type: none"> <li>• Develop Petition Scheme (to include specific headings in 42(2)(a)-(e)) including electronic petitions and guidance</li> <li>• Look at best practice within local government regarding existing schemes</li> <li>• Ensure there is a process for reviewing this Scheme occasionally when deemed necessary</li> </ul>	JHJ/MH		5 May 2022
Duty on Principal Councils to publish official addresses for each member – electronic and postal (Section 43)	<ul style="list-style-type: none"> <li>• Ensure electronic and postal address published for every member.</li> <li>• This information is already available on the Council's website.</li> <li>• Members not wishing to make their home address public (provided they satisfy the requirements of the Members' Code of Conduct) may utilise IOACC address.</li> </ul>	JHJ/MH	Currently compliant	5 May 2022.
Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45)	<ul style="list-style-type: none"> <li>• Guide to be developed and published electronically</li> <li>• Constitution to be amended to provide delegated authority to officer set charge for hard copies of the Constitution and Guide to the Constitution.</li> </ul>	LB/JHJ/MH	Constitution currently available on the Council's website	5 May 2022
Electronic broadcasts of meetings open to the public (Section 46)	<ul style="list-style-type: none"> <li>• Make and publish arrangements to ensure: <ul style="list-style-type: none"> <li>• The broadcasting of meetings open to the public as they take place (subject to exceptions) and make available for a specified time following the meeting.</li> <li>• Bill states Council meetings only – other meetings may be covered in further Regulations.</li> </ul> </li> <li>• Develop programme / action plan</li> <li>• Webcasting contract may need to be reviewed to extend additional broadcasting requirements. Current contract in place until March 2022</li> <li>• Consider any ICT support required here. <b>[WG funding available before end January 2021].</b></li> </ul>	JHJ/MH/LB		5 May 2022

Attendance at local authority meetings (remote attendance) (Section 47)	<ul style="list-style-type: none"> <li>• Make and publish arrangements ensuring relevant meetings are able to be held remotely and meet the conditions of Section 47.</li> <li>• Where meetings are of a Joint Committee, the relevant Local Authorities to publish arrangements jointly</li> <li>• As a result of COVID remote meetings procedures in place for all Committees. Procedures to be revisited in light of Section 47 and Welsh Ministers guidance which may be issued pursuant to this section.</li> <li>• Potential amendments required to the Constitution to reflect the conditions for a member to attend remotely.</li> <li>• As a result of COVID - measures in place to allow meetings to be held remotely via a virtual meeting solution.</li> <li>• WG to publish guidance</li> </ul>	JHJ/LB/MH		18 March 2021
Participation at meetings of Community Councils (Section 48)	<ul style="list-style-type: none"> <li>• Awareness raising report to be taken to Town and Community Councils Forum.</li> <li>• Liaise with Un Llais Cymru to see what support they are offering to Town and Community Councils</li> <li>• <b><u>Matter for Town and Community Councils</u></b> – providing members of the public in attendance with a reasonable opportunity to make representations about any business to be transacted at meetings unless the person presiding over the meeting considers that it would prejudice the conduct of the meeting.</li> </ul>	JHJ/LB		5 May 2022
Giving of notices and access to documents to meetings (Section 49)	<ul style="list-style-type: none"> <li>• Existing practices to be reviewed in light of Section 49 and Schedule 3, it being noted that IOACC already publish notices of meetings, agendas, minutes and reports electronically on the Council's website, and make arrangements for the public to have sight of agendas and the opportunity to obtain the same for a copying charge. Limited copies of Agendas are also available at Council meetings that are open to the public.</li> </ul>	LB/JHJ/MH		18 March 2021

Regulations about conduct of local authority meetings, documents relating to meetings and publication of information (Section 50)	<ul style="list-style-type: none"> <li>This section enables Welsh Ministers to make associated regulations.</li> <li>Review regulations when available.</li> </ul>	LB/JHJ/MH		Day after Royal Assent [21 January 2021] These are to be made in March 2021. Effective dates noted for each section separately.
Regulations about community meetings (Section 51).	This section enables Ministers to make regulations <b>This is a matter relevant for Town and Community Councils.</b>			Day after Royal Assent [21 January 2021]
Annual Reports by Town and Community Councils; to give opportunity for the public to speak at meetings Publish an annual report about their priorities etc Publish a training plan. (Section 52)	<b>This is a matter for Town and Community Councils:</b> <ul style="list-style-type: none"> <li>Annual Report to be prepared and published as soon as reasonably practicable after the end of each financial year</li> <li>Raise awareness of the need to report on priorities, activities and achievements during the previous financial year.</li> <li>Awareness raising report to be taken to Town and Community Councils Forum.</li> <li>Liaise with Un Llais Cymru to see what support they are offering to Town and Community Councils</li> </ul>	JHJ/LB		1 April 2022
<b>Part 4 Local Authority Executives, Members, Officers and Committees</b>				
<ul style="list-style-type: none"> <li>Appointment of Chief Executive rather than a Head of Paid service</li> <li>Matters to be kept under review by Chief Executive</li> <li>Reconsideration of remuneration if direction given by Welsh Ministers (Sections 54 –56)</li> </ul>	<ul style="list-style-type: none"> <li>Change job designation to Chief Executive (already named as such in IOACC)</li> <li>Pay Policy potential implications subject to direction from Welsh Ministers (IRPW)</li> <li>Amend Constitution, if required, to ensure inclusion of defined roles and duties under Part 4</li> <li>Amend Reserved Matters under the Constitution to include the Chief Executive report to Council in relation to the matters noted in section 54* and that Council must meet within 3 months of report being prepared.</li> <li>*Section 54 report contents (all or some): <ul style="list-style-type: none"> <li>the exercise by the council of it's different functions is co-ordinated;</li> <li>council's arrangements in relation to financial</li> </ul> </li> </ul>	LB/AM/DW		2 months after Royal Assent (Section 55, which amends reference from salary to remuneration) [March 2021] s54 and s56 – 5 May 2022

	<ul style="list-style-type: none"> <li>- planning, asset management and risk management;</li> <li>- number and grades of staff required by the council for the exercise of its functions;</li> <li>- organisation of council staff</li> <li>- appointment of council staff</li> <li>- arrangements for the management of the council's staff (including arrangements for training and development).</li> </ul>			
<p>Appointments of assistants to Executive Members (unremunerated) to be appointed by the Leader to include details of their terms of office, responsibilities and the number of assistants (assistants are other members but cannot be Chairman or Vice Chairman of Council nor an Executive Member) (Section 57)</p>	<ul style="list-style-type: none"> <li>• Councils' Constitution (Executive Arrangements) to be amended to permit the appointment of assistants to the Executive and can include details on (A) the number of appointments; (b) term of office and (c) their responsibilities..</li> <li>• Constitution to include the right for appointments to be determined by the Leader</li> </ul>	Leader/LB/JHJ		5 May 2022
<p>Enabling job sharing for Leader and Executive Member positions (Sections 58-59)</p>	<ul style="list-style-type: none"> <li>• Conditions to be drawn up and included in the Constitution.</li> <li>• Amend internal processes – e.g. Executive PH clearance of report etc.</li> <li>• Implications as a consequence of senior salary cap / senior salary split?</li> <li>• Have regard to implications</li> <li>• Appointments to be determined by the Leader</li> <li>• Council's Constitution to be amended to incorporate in the Executive Arrangements provision to enable 2 or more councillors to share office on an executive, including the office of Executive Leader; changing the maximum number of Members of an executive when sharing office; and addressing voting and quorum where Members of an executive share office.</li> </ul>	Leader /Executive Members /JHJ/LB		s59 – 6 March 2021 s58 - 5 May 2022
<p>Job-sharing: non-executive offices in Principal Councils.</p>	<ul style="list-style-type: none"> <li>• The introduction of regulations to be monitored and reported to Council when in force.</li> </ul>	JHJ		2 months after Royal Assent [March 2021]

Welsh Ministers enabled to make regulations. (Section 60)	<ul style="list-style-type: none"> <li>Principal council offices for the purpose of this section relate to: <ul style="list-style-type: none"> <li>- Chair of a Principal Council</li> <li>- Vice Chair of a Principal Council</li> <li>- Chair of a Committee or sub Committee of a Principal Council</li> <li>- Vice Chair or Deputy Chair of a Committee or sub Committee of a Principal Council</li> <li>-</li> </ul> </li> </ul>			
Changes in family absence provisions (Section 61)	<ul style="list-style-type: none"> <li>Develop procedure for Elected Members and thereafter apprise all Members and potential candidates for future Local Government elections.</li> <li>Any consequential changes required to Constitution</li> </ul>	JHJ/LB		1 April 2021
Members Conduct – Political Group Leaders to promote and maintain high standards of conduct Standards Committee – to monitor compliance with the above and provide training (Sections 62)	<ul style="list-style-type: none"> <li>Amend Constitution</li> <li>Monitoring Officer briefing for Group Leaders</li> <li>Standards Committee – Terms of Reference to be amended</li> <li>Consider Local Resolution Protocol</li> <li>Implications on the Code of Conduct / Guidance by PSOW? – Consider when receive update.</li> </ul>	Group Leaders / LB/Standards Committee		5 May 2022
Standards Committee at end of Financial year to prepare an annual report to the Council (Section 63)	<ul style="list-style-type: none"> <li>Already done in IOACC.</li> <li>Review constitution (Council and Standards Committee itself) to ensure compliant re. the matters listed in 63(1) and that the report must be considered within 3 months of receipt.</li> <li>First report under this requirement will be for period 2022-2023</li> </ul>	LB	As soon as reasonably practicable after the end of each financial year	May 2022
Certain investigations by PSOW amendments to schedule 8 (Section 64)	<ul style="list-style-type: none"> <li>Standards Committee to be apprised</li> <li>Ascertain any Guidance from PSOW office</li> </ul>	LB		Date to be appointed by the Welsh Ministers
Making information available to Overview and Scrutiny Committees (Section 65)	<ul style="list-style-type: none"> <li>To review current arrangements in line with power to require information to be made available about decisions.</li> <li>Review constitution (Scrutiny Committee Terms of Reference) to ensure compliant.</li> </ul>	JHJ/AD		5 May 2022
Power for WM to require LAs to appoint	<ul style="list-style-type: none"> <li>May require constitutional changes etc. subject to further information from WG</li> </ul>	JHJ/AD		5 May 2022

Joint Overview and Scrutiny Committees (Section 66)				
Community Council Training Plans (Section 67)	<p><b>This is a matter for Town and Community Councils:</b></p> <ul style="list-style-type: none"> <li>• Raise awareness of the need to report on priorities, activities and achievements during the previous financial year.</li> <li>• Awareness raising report to be taken to Town and Community Council Forum.</li> <li>• Awareness raising by Standards Committee when conducting bi-annual reviews of the TCC Register of Interests (during 2021)</li> <li>• Liaise with Un Llais Cymru to see what support they are offering to Town and Community Councils</li> <li>• Share information with Town and Community Councils</li> <li>• First training plan to be made no later than 6 months after Section 67 comes into force.</li> <li>• With new training plans no later than 3 months after each ordinary election and review from time to time.</li> </ul>	LB/JHJ/ Standards Committees/ Town and Community Councils		5 May 2022
<b>Part 5 Collaborative Working by Principal Councils</b>				
Guidance about Collaborative working (Section 69)	<ul style="list-style-type: none"> <li>• To consider guidance issued by Welsh Ministers</li> </ul>	AM		Day after Royal Assent [21 January 2021]
Power for Local Authorities to apply to Welsh Ministers to establish Corporate Joint Committees (“CJCs”) Consultation to be undertaken prior to application (Section 70 and 71) Welsh Ministers may by regulations establish CJCs (Section 72) Conditions prior to a	<ul style="list-style-type: none"> <li>• Sections 70 – 73 deals with establishing CJCs where request has been made by Principal Councils</li> <li>• Sections 74 – 88 deal with CJCs being established where no request has been made by the Principal Council, these CJCs are subject to Regulations with a consultation closing date set by Welsh Government on 4 January 2021; to which IOACC has responded. This was subject to a separate briefing to Council on the 4<sup>th</sup> February 2021. .</li> </ul>	AM		Day after Royal Assent [21 January 2021]

<p>Section 72 request (Section 73)  Establishing CJC when no request has been made (Section 74)  Provisions relating to CJsCs and Joint Committee Regulations (Section 76-88).</p>				
<p><b>Part 6 Performance and Governance of Principal Councils and Duty of Principal Council to keep its performance under review</b></p>				
<p>Local Authorities to develop a new streamlined performance framework and report on its performance and consult at least once a year.  Local Authorities to review their performance in respect of</p> <p>a) exercising its functions effectively  b) using its resources economically, efficiently and effectively,  c) governance is effective for securing the matters set out in paragraphs a) and b)</p>	<p>Annual Report format provides the foundation for this, focusing on Corporate Plan outcomes and well-being objectives but will require consideration of:</p> <ul style="list-style-type: none"> <li>• more information on use of resources (propose inclusion of information pertaining to the seven core areas of activity</li> <li>• Corporate planning</li> <li>• Financial planning</li> <li>• Workforceplanning (people)</li> <li>• Procurement</li> <li>• Assets</li> <li>• Risk management</li> <li>• Performance management will be required</li> <li>• Consideration of interface with Annual Governance Statement – to identify crossovers and points of a complementary nature.</li> </ul>	<p>AM</p>		<p>1 April 2021</p>

(Section 89)				
Duty on local authority to consult local people on performance (section 90)	IOACC must consult parties listed in s90 (local people, other persons carrying out a business in the Council's area, staff and recognised trade unions) at least once in each financial year about the extent it is meeting the performance requirements.	GM		1 April 2021
Undertake an Annual self – assessment. Publish a draft report of the assessment report it to the Governance and Audit Committee and publish the final report. (Section 91)	<ul style="list-style-type: none"> <li>• Self-assessment report to be published as soon as practicable after the end of a financial year.</li> <li>• Draft report to be presented to the Governance &amp; Audit Committee prior to approval/publication.</li> <li>• Within 4 weeks of the Council approving this self-assessment report it is to be published, reported to the Governance and Audit Committee and sent to Auditor General for Wales, Chief Inspector of Education and Training in Wales and Welsh Ministers.</li> <li>• The Bill accepts that a self-assessment report for this purpose may be the same document as the IOACC's report on meeting its well-being objectives under the Future Generations Act. Ensure compliant with both requirements.</li> <li>• Continue to report under the 2009 Measure for 2020-2021 financial year. New performance regime applies in relation to 2021-2022, First self-assessment and report under the new regime required early in 2022-23.</li> <li>• WG will publish guidance on performance and governance requirements in March 2021</li> </ul>	AM		1 April 2021
Council to make arrangements to appoint a panel to assess the extent to which performance requirements are being met.(Section 92)	<ul style="list-style-type: none"> <li>• Panel performance assessment to be carried out once during the period between two consecutive ordinary elections (consideration to be given to the timing of the same, with consideration given to the panel assessment being in the year prior to a new corporate plan [CSYM current plan runs 2017-2022] as part of the direction setting).</li> <li>• Consultation to be undertaken in line with Section 92 following assessment, panel report to be compiled.</li> <li>• To be reported to Governance and Audit Committee and published and sent to the parties as noted under s92 requirements.</li> </ul>	AM		5 May 2022



	<ul style="list-style-type: none"> <li>• Develop a proposed skeleton Terms of Reference and panel composition in readiness.</li> </ul>			
Local Authority to respond to the panel's performance assessment (Section 93)	<ul style="list-style-type: none"> <li>• To be reported to Executive and Council. Section 93 addresses contents of report/response.</li> <li>• Draft response to be reported to Governance and Audit Committee, with the Committee having the opportunity to make recommendations for changes to the draft response.</li> <li>• Council to provide reason if Governance and Audit's Committees comments are not accepted.</li> <li>• Council to publish response as soon as reasonably practicable after finalising response.</li> <li>• Update terms of reference of the G&amp;A Committee to include above</li> </ul>	AM		5 May 2022
Welsh Ministers may introduce regulations regarding panel performance assessments (Section 94)	<ul style="list-style-type: none"> <li>• Regulations to be kept under review.</li> </ul>	LB/JHJ		5 May 2022
Power of Auditor General to carry out a special inspection and publish a report and duty for Principal Council to respond to Auditor General's recommendations if considered Principal Council has failed to meet its performance requirements. Duty of Principal Council to respond to Auditor General's recommendations and Welsh Ministers (Section 95)	For noting	Auditor General		April 2021

Powers of inspection by Auditor General and fees. (Section 98 - 101)	For noting	Auditor General		April 2021
Support and assistance by the Welsh Ministers with improving performance and powers to intervene (Section 102 - 112)	For noting			April 2021
Disapplication of the 2009 measure in relation to Principal Councils and repeal of provisions about coordination of audit. (Section 113)	For noting			April 2021
Amendment of the Well-being of Future Generations (Wales) Act 2015. (Section 114)	<ul style="list-style-type: none"> <li>• Consideration to be given to amalgamating the self-assessment performance report with the report in line with the 2015 Act.</li> </ul>	GM		April 2021
Governance and Audit Committee ('G&A') (Sections 115–118)	<ul style="list-style-type: none"> <li>• Advertise and undertake a recruitment and selection exercise for lay members. Training thereafter.</li> <li>• Amend the Council's Constitution: <ul style="list-style-type: none"> <li>• Rename the Audit and Governance Committee to Governance and Audit Committee</li> <li>• Broaden the Committee's terms of reference</li> </ul> </li> <li>• Chair of G&amp;A must be a lay member</li> <li>• One third of Members to be lay persons</li> <li>• Deputy Chair (rather than Vice Chair) must not be a member of the Local Authority's executive or an assistant to its executive.</li> <li>• Requirement for the Committee to review and assess the authority's ability to handle complaints effectively, and make reports and recommendations in relation to the same.</li> </ul>	MJ/MP/LB/AM		<p>Section 115 [name, functions regarding complaints and governance regime] = 1 April 2021</p> <p>Sections 116-118 [membership and chair/deputy status] = May 2022</p>
Coordination between Regulators (Sections 119-120)	For noting	Auditor General for Wales and relevant		Date to be appointed by Welsh Ministers

		Regulators		
<b>Part 7- Mergers and Restructuring of Principal Areas</b>				
Voluntary mergers, local discretion and conditions associated with Welsh Minister making restructuring regulations and remuneration arrangements for new Principal Councils (Sections 121-150)	<ul style="list-style-type: none"> <li>• For noting</li> <li>• Change Constitution to include as a matter reserved to full Council</li> </ul>	AM/LB		Mainly day after Royal Assent [21 January 2021] with a number of provisions on dates appointed by Welsh Ministers – 1 April 2021
<b>Part 8 - Local Government Finance</b>				
<ul style="list-style-type: none"> <li>• Powers to require information relating to hereditaments, information relevant to determining liability for non-domestic rates, powers to inspect property, amendment to multipliers, amendments to the Local Government Finance Act 1988, granting Welsh Ministers powers to make regulations on joint and several liability to pay Council tax.</li> <li>• Removal of Power to provide for</li> </ul>	<ul style="list-style-type: none"> <li>• Review of internal working procedures of the Finance Service.</li> <li>• Review of Constitution including officers' delegated powers.</li> <li>• Review Financial Regulations in the Constitution</li> </ul>	MJ/LB		2 months after Royal Assent (Sections 152, 154-156 and 158) [March 2021] 1 April 2021 (Sections 151, 153 and 157)

Imprisonment of Council Tax Debtors (Sections 151 - 158)				
<b>Part 9 - miscellaneous</b>				
Information Sharing between Regulators (Section 159)	For noting	HPP		Mainly on the day after Royal Assent, and to the extent not done so, on 1 April 2021
Head of Democratic Services (Section 161)	<ul style="list-style-type: none"> <li>Amend Pay Policy, Chief Officer to include Head of Democratic Services</li> </ul>	CE		5 May 2022 (s161(1) – 6 March 2021)
Abolition of polls consequent on a community meeting (Section 162)	<p><b>This is a matter in the Town and Community Councils:</b></p> <ul style="list-style-type: none"> <li>Awareness raising report to be taken to Town and Community Council Forum meetings.</li> <li>Share information with Town and Community Councils</li> <li>Liaise with Un Llais Cymru to see what support they are offering to Town and Community Councils</li> </ul>	JHJ		5 May 2022
Implications of merging and de-merging Public Services Boards under the Well-being and Future Generations (Wales) Act 2015 (Section 165)	For noting	AM		2 months after Royal Assent [March 2021]

## Part 10 Schedules

Schedule 1	Initial reviews of electoral arrangements etc
Schedule 2	Minor and consequential amendments relating to elections
Schedule 3	Amendments relating to general power of competence relating to Principal Councils and Town and Community Councils.
Schedule 4	Notice of Local Authority meetings, access to documents and attendance at meetings.
Schedule 5	Consequential amendments relating to Chief Executives
Schedule 6	Consequential amendments etc relating to assistance to Local Authority Executives
Schedule 7	Job-sharing by Executive Leaders and Executive Members
Schedule 8	Conduct of Local Government Members: investigations by the Public Services Ombudsman for Wales
Schedule 9	Amendments related to CJsCs including creation of strategic planning functions for certain corporate joint committees and repeal of powers to establish strategic planning panels and repeal of power to establish joint transport authorities
Schedule 10	Consequential amendments relating to renaming of Principal Council for the Committees.
Schedule 11	Transition Committees of merging Councils and restructuring Councils.
Schedule 12	Restraints on transactions and recruitment etc by merging Councils and restructuring Councils
Schedule 13	Abolition of polls consequent of community meetings under the Local Government Act 1972
Schedule 14	Consequential amendments relating to merger and de-merger of Public Services Board

## Key

LB	Lynn Ball
AD	Anwen Davies
CE	Carys Edwards
MH	Mathew Henshaw
JHJ	Huw Jones
MJ	Marc Jones
AM	Annwen Morgan
GM	Gethin Morgan
AWO	Arwel Wyn Owen
HPP	Huw Pierce Pritchard
MP	Marion Pryor
DW	Dylan Williams
SLT	Strategic Leadership Team