

ISLE OF ANGLESEY COUNTY COUNCIL	
Adroddiad i: Report to:	Governance and Audit Committee
Dyddiad: Date:	20 April 2021
Pwnc: Subject:	Constitutional changes affecting the Governance and Audit Committee
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Natur a Rheswm dros Adrodd / Nature and Reason for Reporting: To provide members of the Governance and Audit Committee with details of constitutional changes affecting it due to the resignation of a lay member and the Local Government and Elections (Wales) Act 2021.	

Introduction

1. Following the resignation of a lay member of the Governance and Audit Committee, the Committee made a request to amend the Council's Constitution accordingly.
2. At its meeting of 9 March 2021, Council resolved to amend the Council's Constitution to reduce the number of lay members required on the Governance and Audit Committee from two lay members to one, until the provisions of new legislation come into effect.
3. The new legislation referred to was the Local Government and Elections (Wales) Act 2021. The Senedd passed the Local Government and Elections (Wales) Bill on 18 November 2020, exactly a year after it was introduced in 2019. The Bill received Royal Assent on 20 January 2021 and the final agreed wording is available at:
<https://business.senedd.wales/mglIssueHistoryHome.aspx?Ild=26688>
4. The Act is substantial and covers a range of topics from electoral reform, public participation, governance and performance through to regional working.
5. 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.

6. In general, it is anticipated that performance and governance arrangements will commence from April 2021 (with the final performance report from the 2009 Measure published by 31 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.
7. The Director of Function (Council Business) / Monitoring Officer provided the Council with an update on 9 March 2021, which can be accessed at:

<http://democracy.anglesey.gov.uk/documents/s16895/Local%20Government%20and%20Elections%20Wales%20Act%202021.pdf?LLL=0>

Specific changes affecting this Committee as a result of the Act

8. In terms of the reforms affecting the Governance and Audit Committee, the Act introduces reforms of the performance and governance regime, including a repeal of the 2009 Measure duties, and other reforms detailed below:

Change of name (section 115)

9. The Act changes the name of the Committee to 'Governance and Audit Committee'. The change of name came into force by statutory instrument.

Complaints (section 115)

10. The Act introduces a requirement for the Committee to review and assess the Council's ability to handle complaints effectively, and make reports and recommendations in relation to the same.

Committee membership composition and proceedings (sections 116-118)

11. The Act requires that:

- one-third of the Committee members are lay persons and two-thirds are members of the Council
- a member of the Committee is to be appointed by the Committee as its Chair (and must be a lay person); and
- a member of the Committee is to be appointed by the Committee as its Deputy Chair (and must not be a member of the local authority's executive or an assistant to its executive).

12. A 'lay person' is defined by section 117 of the Act as a person who is:

- not a member or an officer of any local authority

- has not at any time in the period of twelve months ending with the date of that person’s appointment been a member or an officer of any local authority; and
- not the spouse or civil partner of a member or an officer of any local authority.

Appointment of Chair and Deputy Chair (sections 116 and 118)

13. The Committee will have a duty to appoint its own Chair and Deputy Chair. In the absence of the Chair, the Deputy Chair shall chair any Committee meeting and, in the absence of both the Chair and Deputy Chair, only non-members of the executive can chair meetings. Again, these sections of the Act shall come into force by statutory instrument (the anticipated commencement date is May 2022).

Principal Council Performance (sections 91-93)

14. A principal council must compile a self-assessment report for each financial year, which must be made available to the Governance and Audit Committee as a draft document. The Committee must review the draft self-assessment report and may make recommendations for changes.

15. If the Council does not make the requested changes, the reasons must be set out in the report. Within four weeks of finalising the report, the Council must:

- publish the report;
- make the report available to the Council’s Governance and Audit Committee; and
- send the report to the Auditor General for Wales, Her Majesty’s Chief Inspector of Education and Training in Wales, and Welsh Ministers.

16. The Council must arrange a panel performance assessment at least once during each electoral cycle. The panel must consult with local people, businesses, staff and trade unions on whether the council is meeting the performance requirements. A panel performance assessment must report:

- its conclusions as to whether the Council is meeting the performance requirements; and
- recommend actions required to improve performance.

17. This report and the Council’s response (the principal council has a duty to provide a response to the report of the panel performance assessment) needs to be published and shared with the Governance and Audit Committee for comment.

Recommendation

18. That the Governance and Audit Committee notes the changes to the Council's Constitution following its request, and the reforms introduced by the Local Government and Elections (Wales) Act 2021.