

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO STANDARDS COMMITTEE

18 FEBRUARY 2021

REPORT OF THE MONITORING OFFICER

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

1. Purpose of report

- 1.1 To provide the Committee with an overview of the Local Government and Elections (Wales) Act 2021 in so far as it directly impacts on the functions of the Committee.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.
- 2.1 Standards are an implicit requirement to the successful achievement of the Council's corporate priorities.

3. Background

- 3.1 The Local Government and Elections (Wales) Bill was passed by the Senedd on 18th November 2020 and received Royal Assent on 20th January 2021. It is a substantial piece of legislation covering electoral reform, public participation, governance and performance and regional working.
- 3.2 The new approach, as set out in the Act, is designed to be a more streamlined, flexible, sector-led approach to performance, good governance and improvement. The intention is for councils to be proactive in considering how internal processes and procedures should change to enable more effective planning, delivery and decision making in order to drive better outcomes.
- 3.3 In summary the Act introduces:

Reforming Electoral Arrangements for local government

- 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.

General Power of Competence

- There was wide spread support for a general power of competence. This is now included in the Act.

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 council meetings;
- Flexibility around remote attendance of Members.

Reforms around democratic governance and leadership

- Appointment of Chief Executives (rather than Head of Paid Service) with specific duties;
- Appointment of assistants to Cabinets and allowing job-sharing Leaders or Cabinet Members;
- Updating family absence provisions in line with those available to employees;
- Requiring Leaders of political groups to promote and maintain high standards of conduct by Members of their groups.

Reform of the performance and governance regime

- Repeal of the 2009 Measure duties, replacing audit and reporting duties with self-assessment and panel assessment (peer review);
- Reforms to Audit Committees, renaming as Governance and Audit Committees and prescribing membership and chair.

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 development, transport, strategic planning and school improvement.

Voluntary Mergers of principal councils

- Compulsory mergers are no longer Government policy;
- Powers to facilitate voluntary mergers of principal councils and restructuring a principal area.

4. Current situation / proposal

- 4.1 The 'Coming into Force' provisions of the Act are complex with some provisions coming into force within days of Royal Assent (20th January 2021), others within months, and the majority via Ministerial Statutory Instrument. Welsh Government will be developing a clear outline timetable for implementation for local authorities.
- 4.2 Sections 62-64 of Part 4 of the Act refer specifically to areas that will directly impact on the work of the Standards Committee as follows:
- 4.2.1 Duties of leaders of political groups in relation to standards of conduct – take reasonable steps to promote and maintain high standards of conduct by the members of the group, and must co-operate with the Committee in the exercise of the Committee's functions. Monitoring compliance by leaders with their duties under this section, and advising, training or arranging to train leaders about matters relating to those duties.
- 4.2.2 Duty of standards committee to make annual report – describe how the Committee's functions have been discharged during the financial year.
- 4.2.3 Certain investigations by the Public Services Ombudsman for Wales – Schedule 8 of the Bill makes amendments to the Local Government Act 2000 and other Acts, about investigations by the Ombudsman concerning failures to comply with a code of conduct.
- 4.3 The Committee will be provided with further updates on the transition of the Act as appropriate.
- 5. Effect upon policy framework & procedure rules**
- 5.1 None directly applicable to this report.
- 6. Equality Impact Assessment**
- 6.1 There are no equality implications arising from this report.
- 7. Wellbeing of Future Generations (Wales) Act 2015 implications**
- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. As the report is for information only it is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report. Elements of the Act will however have a positive impact on the five ways of working under the Wellbeing of Future Generations (Wales) Act 2015.
- 8. Financial implications**
- 8.1 None directly applicable to this report but individual elements of the legislation will have future cost implications.
- 9. Recommendations**
- 9.1 The Committee is recommended to note the report.

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Monitoring Officer.
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Background documents: None