

# LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

Policy Review and Performance Scrutiny Committee

15 January 2020

# The Road to Reform

- 2013:** Williams Commission on Public Service Governance and Delivery
- 2014:** 'Reforming Local Government' White Paper  
'Public Services Staff Commission' White Paper
- 2015:** 'Reforming Local Government: Power to Local People' White Paper  
Draft Local Government (Wales) Bill
- 2017:** 'Reforming Local Government: Resilient and Renewed' White Paper  
'Electoral Reform in Local Government in Wales' Consultation
- 2018:** 'Strengthening Local Government: Delivering for People' Green Paper
- 2019:** Local Government and Elections (Wales) Bill

# Part 1. Elections

- **Extending the franchise:**
  - Votes for 16 and 17 year olds in local government elections
  - EU citizens and citizens of other countries
- **The voting system: First Past the Post or Single Transferable Vote**
- **Electoral cycles: Councils to be 5 years**
- **Electoral registration**
  - Provides for a power for EROs to add an individual to the electoral register without the need for them to apply.
  - Provides a power for the Welsh Ministers, by regulations, to establish and maintain an all-Wales database of electoral registration.

# Part 1. Elections

- **Candidates:**

- Allows a citizen of any country to stand for election.
- Provides that council officers and employees, other than those holding politically restricted posts, will be entitled to stand for election to their own council

- **Electoral Pilots:**

- Enable the Welsh Ministers to direct a Returning Officer, ERO or local authority (where appropriate) to conduct a specific electoral pilot at a local government election.

## Part 2. General Power of Competence

- Move away from a position where Councils have to identify a specific power in order to undertake a particular activity, to one in which it is assumed they can do something unless there is a statutory restriction preventing it.
- Promote innovation, raise funding etc.

## Part 3. Promoting Access

- Councils will be required to **prepare, consult on, publish and review a ‘public participation strategy’**
- Includes provisions to require a principal council to make a **petition scheme** setting out how it will handle and deal with petitions, including e-petitions.
- A duty will be placed on principal councils to **publish an electronic and postal address for each member** of the council on its website to support this objective.
- A requirement to publish a **‘layman’s guide’ to the Council’s constitution**
- Require principal councils to **broadcast those meetings which are open to the public electronically as they take place**, and to make the broadcast available electronically for a reasonable period after the meeting.
- Provisions to make **remote attendance at Council meetings easier**

# Part 4. Local Authority Executives, Members, Officers and Committees

- **Chief Executives:**

- Clarification of role
- Requirement for all Council's to have one
- Performance management: Leader to conduct Performance Review & prepare report for Council on CEX delivery of Executive's Agenda

- **Executives of principal councils:**

- May appoint "Assistants to Executive"
- Leader must have regard to equality and diversity when selecting members of the executive.
- Cabinet may exceed max size to accommodate job share

- **Family Absence:**

- Extend to councillors similar family absence entitlements available to officers of those authorities

# Part 4. Local Authority Executives, Members, Officers and Committees

## • **Conduct of Members**

- Leaders of groups must take reasonable steps to promote and maintain high standards of conduct by their group
- Supported by Standards Committee who must report significant matters they have dealt with and any trends in Annual Report to Council
- Council must respond to recommendations within 3 months

## • **Overview and Scrutiny Committees**

- Requires prior notice of 'key decisions' i.e. those with significant financial implication or a significant effect on local communities
- Regulations so that Councils may be required to establish a joint scrutiny committee

# Part 5. Collaborative Working by Principal Councils

- The Bill will enable the creation of **corporate joint committees** by regulations.
- Local authorities will be able to request they are established in relation to any of their functions.
- Welsh Ministers will be able to establish them transport, economic development, strategic planning for the development and use of land and improving education.
- Specific functions established through regulation.
- Concurrent service delivery accepted
- Must be made up of 'senior executive members'
- Ministers cannot add functions without consent of Councils
- 'Planning and Transport immediately'

# Part 6: Performance and Governance of Principal Councils

- **Increased focus on self-assessment and peer review**
  - Requirement to undertake and consult upon an annual performance assessment
  - External peer review required once per administration
- **Governance and Audit Committee**
  - New name and new functions to strengthen internal governance
  - Amended rules relating to the membership and proceedings of the committee
- **Co-ordination between regulators**
  - Auditor General for Wales and the relevant regulators (Estyn and Care Inspectorate Wales) have regard to the need for co-ordination when exercising their functions.

# Part 7. Mergers and Restructuring

- Makes provision for the **voluntary merger of principal councils**.
- A power which enables a principal council to submit a request for it to be abolished.
- **Clearer powers for WG to restructure/merge failing Councils** (even if no request has been made) subject to WAO special inspection recommendations

# Part 8. Local Government Finance

- **Council Tax**

- Provision to ensure that any re-instatement of the power to imprison people who have failed to pay Council Tax requires secondary legislation.

- **NNDR**

- A number of provisions aimed at reducing opportunities for avoidance behaviour relating to non-domestic rates
- Provides Billing Authorities with powers to request information from ratepayers and third parties and to inspect properties for the purposes of exercising their functions in relation to non-domestic rates billing and collection.
- Use of CPI rather than RPI in setting NNDR

# Part 9. Miscellaneous

- **Head of Democratic Services:**

- The Bill amends the 2011 Measure and the Localism Act so that the head of democratic services is treated as a chief officer and afforded appropriate statutory protection.
- It also removes the statutory bar on a local authority's monitoring officer also being the head of democratic services.

- Provides for the **abolition of community polls**, and implementation of a system of petitions in their place

## Next steps

- Bill introduced into National Assembly for Wales (NAW) on 18 November 2019
- Stage 1 consideration of Bill by NAW Equality, Local Government and Communities Committee and other NAW Committees
- Bill expected to be passed by NAW in summer 2020
- Implementation ahead of next Council elections in May 2022