

CITY & COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE:

21 APRIL 2015

REPORT OF THE MONITORING OFFICER AGENDA ITEM: 6

**LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013
(COMMENCEMENT NO. 2) ORDER 2015**

Reason for this Report

1. To provide the Committee with information on new law coming into force on 1st May 2015.

Background

2. The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received Royal Assent on 30 July 2013. Its primary purpose was to reform the constitution and function of the Local Democracy and Boundary Commission for Wales (formerly the Local Government Boundary Commission for Wales). However, the 2013 Act also introduced various other provisions connected with local government. Sections of the 2013 Act came into force at different times in 2013 and 2014.
3. The Local Government (Democracy)(Wales) Act 2013 (Commencement No. 2) Order 2015 (‘the 2015 Commencement Order’) brings the remaining provisions (sections 55-58, 68 and 69) of the 2013 Act into force with effect from 1 May 2015.

Issues

4. The new law brought into effect by the 2015 Commencement Order from 1st May 2015 is as follows:

Community Council websites

5. Community and Town Councils are to be required to publish certain information electronically (i.e. on a website). This includes information and contact details for the council’s clerk and members; minutes, agendas and reports for council meetings; any audited statement of the council’s accounts; and public notices. The requirement to publish information electronically is in addition to existing publication requirements. Statutory guidance is to be published by the Welsh Government to assist Community and Town Councils in fulfilling their duties.

Register of Members' Interests

6. The Register of Members' Interests, which is held by the Monitoring Officer (pursuant to s.81(1) of the Local Government Act 2000), will be required to be published electronically, ie. on the Council's website (in addition to the current requirement for the Register to be made available for public inspection at Council offices). Members will be aware that Cardiff County Councillors' Declarations of Interests are already published electronically on the Council's website. The same requirement for electronic publication is also apply to the Register of Interests for Community Councillors, and responsibility for establishing and maintaining this Register is transferred to the 'Proper Officer' (the designated officer) for the Community Council, usually its Clerk. The Welsh Government will make corresponding amendments to the Model Code of Conduct, along with various other unrelated proposed amendments, which will be subject to consultation in due course.

Standards Committees – Joint / Other Authority's

7. New provision is made to allow the Welsh Ministers to make regulations enabling:
 - i. Two or more authorities to establish a joint standards committee; and
 - ii. A Monitoring Officer or a Standards Committee of one authority to refer misconduct investigations and dispensation applications (for Members' prejudicial interests) to another authority's Standards Committee.

The Welsh Government intends to consult on amended regulations giving effect to these provisions later this year.

ADVICE

This report has been prepared by the Monitoring Officer. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the advice contained in this section.

Legal Implications

The Local Government (Democracy)(Wales) Act 2013 (Commencement No. 2) Order 2015 brings into force sections 55 to 58 and 68 to 69 of the Local Government (Democracy)(Wales) Act 2013, with effect from 1st May 2015. The effect of the new provision is set out in the body of the report.

Financial Implications

There are no direct financial implications arising from the recommendations of this report.

RECOMMENDATION

The Committee is recommended to note the information set out in this report.

Marie Rosenthal
County Clerk and Monitoring Officer
14 April 2015

Background Papers

Email communication, 'Local Government (Democracy)(Wales) Act 2013 (Commencement No. 2)
Order 2015 – Coming into force' from Caerwyn Williams, Democracy, Diversity and Remuneration
Team, Welsh Government, dated 10/04/15