
REPORT OF THE HEAD OF DEMOCRATIC SERVICES

CONSULTATION – LOCAL GOVERNMENT: GUIDANCE FOR PRINCIPAL COUNCILS

Reason for this Report

1. The Democratic Services Committee is requested to consider the Welsh Government consultation document on the Local Government: Guidance for Principal Councils within the remit of the committee and the response provided by officers to meet the deadline of 22 July 2022 and circulated to Committee members by email, and to provide any additional feedback to be submitted as part of this ongoing consultation.

Background

2. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act') contains several provisions to promote diversity, involvement and participation in county and county borough (principal) councils. These include:
 - Duty to encourage local people to participate in decision making
 - Strategy on decision making
 - Duty to make a petition scheme and the abolition of certain community polls
 - Duty on principal councils to publish an official address for members
 - Duty to publish a constitution guide
 - Electronic broadcasting of meetings
 - Provision for multi-location meetings
 - Appointment of assistants to the executive
 - Job sharing for executive leaders and members of the executive
 - Provision to issue guidance to the executive in relation to equality and diversity of its membership
 - Amendments to the family absence provisions for elected members
 - Making information available to overview and scrutiny committees
 - Power to require authorities to appoint joint overview and scrutiny committees
The renaming of audit committees to governance and audit committees and changes to their membership and remit
 - Removal of the bar on councils designating the same officer head of democratic services and monitoring officer

3. The 2021 Act creates standalone provision for some of these measures but also amends, sometimes extensively, previous legislation in the Local Government Act 2000 (the 2000 Act) and the Local Government (Wales) Measure 2011 (the 2011 Measure).
4. Statutory guidance issued under these Acts on matters such as executive arrangements, constitutions, scrutiny, training and development for elected members and the timing of meetings was issued several years ago and now not only does not reflect the legislative changes in the 2021 Act, it also does not recognise wider legislative change such as the Equality Act 2010 and the Well-being of Future Generations (Wales) Act 2015 or other changes in the 2021 Act itself (such as the creation of corporate joint committees and the duty placed on a principal council to keep its performance under review through the use of and reporting on self and panel assessments).
5. To this end Welsh Government is proposing to revoke earlier guidance issued to principal councils and replace it with a refreshed set of statutory guidance which reflects not only the legislative changes but also changes in the ways in which people can engage with their elected members and councils and the changes in technology which enable councils to conduct their business in different ways.
6. It should be noted that revised statutory guidance has already been issued on changes to the family absence provision for elected members in the 2021 Act and holding multi-location meetings. Separate consultation has been undertaken by the Welsh Government on guidance relating to changes introduced to the ethical standards framework of the 2021 Act, the duty on political group leaders in relation to standards of conduct in their political group and the duty of standards committees to make an annual report.
7. The intention of the Welsh Government is to publish the statutory guidance and constitution direction following this extended consultation in the autumn of 2022. The aim is to incorporate this guidance and other relevant existing guidance into a much larger 'guide' which has to date been described as the 'Democracy Handbook'.

Issues

8. A copy of the consultation document 'Local Government: Guidance for Principal Councils' issued by the Welsh Government is attached at **Appendix A**, with the closing date for responses being 22 July 2022. Given the closing date is before this Committee meets, an initial response was considered informally by the committee and the initial response was submitted on 22nd July as set out in **Appendix B**. It was identified when providing the submission that the response is subject to the agreement or amendment by the Committee at its next meeting.
9. Many of the topics and questions included as part of the consultation are not within the remit of the Democratic Services Committee and other elements of the Authority who have relevant responsibility have been requested to consider providing their own responses to the consultation questions. These include Standards and Ethics Committee, Governance and Audit Committee and the Constitution Committee.

10. It is also considered that much of the guidance particularly within the remit of the Democratic Services Committee has already been implemented as part of the evolving legislation or is the process of development and implementation.
11. A draft of the possible responses of the Democratic Services Committee is attached at **Appendix B**. However, it should be noted that Question 39 has not been fully completed and Members are requested to identify if they have any related issues which we have not been specifically addressed as part of the consultation response.
12. The Democratic Services Committee is requested to consider the consultation document at **Appendix A** and the draft response at **Appendix B** and determine if any amendments within the remit of the Democratic Services Committee are required following the submission of the initial response to the Welsh Government.

Financial Implications

13. There are no direct financial implications from this report. However, should this statutory guidance be implemented following the consultation period there may be further financial and resourcing impacts which may have to be identified.

Legal Implications

14. Relevant legal implications are set out in the body of the report and the draft consultation document attached as **Appendix A**.
15. This report provides Members with an opportunity to comment on the Welsh Government's draft statutory guidance. Once the statutory guidance is issued, the Committee must have regard to it when exercising its functions.

RECOMMENDATION

The Democratic Services Committee is recommended to:

14. Note the provisions of the consultation document: Local Government: Guidance For Principal Councils, set out in **Appendix A**
15. Consider the draft response at **Appendix B** and provide comments as appropriate; and
16. Delegate authority to the Head of Democratic Services, in consultation with the Chair, to prepare and submit a revised response to the Welsh Government behalf of the Committee as necessary.

Gary Jones
Head of Democratic Services
05 August 2022

Appendix A - Welsh Government Consultation Document - Local Government: Guidance

For Principal Councils
Appendix B – Draft Response - WG Consultation: Local Government: Guidance For
Principal Councils

Background papers:

- [Local Government and Elections \(Wales\) Act 2021](#)