
Local Government & Elections (Wales) Bill

Reason for the Report

1. To advise the Committee of the Local Government and Elections (Wales) Bill introduced to the National Assembly for Wales on 18 November 2019, and to highlight the implications of content relevant to this Committee's Terms of Reference.

Background

2. The Welsh Government has considered and consulted extensively on options for local government reform in Wales following publication of the report of the Williams Commission on Public Service Governance and Delivery in 2014.
3. Consultation on a draft Local Government (Wales) Bill, based on the proposals set out in the White Papers 'Reforming Local Government: Power to Local People', and 'Public Services Staff Commission', was carried out between November 2015 and February 2016. That showed support for the broad principles of many of the draft Bill's provisions, including those relating to public participation in local government and a general power of competence.
4. Subsequent consultations, by the current Welsh Government, on the White Paper 'Reforming Local Government: Resilient and Renewed' (January 2017), 'Electoral Reform in Local Government in Wales' (July 2017) and the Green Paper 'Strengthening Local Government: Delivering for People' (March 2018) have also informed the Bill now

introduced. Extensive engagement with stakeholders, in particular principal councils, both individually and through the Working Group on Local Government, has taken place on the proposals in the Bill.¹

5. The Bill contains provisions to reform and strengthen the governance framework for local government and improve electoral arrangements. Introduced on 18 November 2019, the Bill is currently at Stage 1 of 4 and an open call for evidence will be considered by the Equality, Local Government and Communities Committee between November 2019 and January 2020.
6. If passed the Bill will become law in summer 2020 and its contents implemented ahead of Council elections 2022.

Issues

7. In summary the Bill proposes:
 - Reforms to improve electoral arrangements for local government, including extending the franchise to 16 and 17 year-olds and foreign citizens legally resident in Wales; improving voter registration; and enabling a principal council to choose between the ‘first past the post’ or the ‘single transferable vote’ voting systems.
 - A general power of competence for principal councils and eligible community councils.
 - Reforms to increase public participation in local democracy, and improve transparency.
 - Provision relating to the leadership of principal councils, including encouraging greater diversity amongst executive members and establishing a statutory position of chief executive.
 - The development of a framework and powers to facilitate more consistent and coherent regional working mechanisms.

¹ Source: Local Government and Elections (Wales) Bill, Explanatory Memorandum, November 2019.

- A new system for improving performance and governance based on self-assessment and peer review, including the consolidation of the Welsh Ministers' support and intervention powers.
- Powers to facilitate voluntary mergers of principal councils and restructuring a principal area.
- Provisions relating to local government finance including nondomestic rating and council tax.
- Miscellaneous provisions relating to information sharing between regulators, community polls, fire and rescue authorities, the Local Democracy and Boundary Commission for Wales and Public Service Boards.

8. Its purpose is to support a new phase in the relationship between Welsh Government and local government, and between local government and its citizens. There is a strong focus on ensuring institutions are governed effectively, with more openness and transparency. It recognises that local government is essential to the effective delivery of good quality public services.

9. Of particular relevance to the Committee's Terms of Reference are the Bill's proposals aimed at reforming and strengthening local government accountability and performance moving councils further towards openness and increased transparency. Members of the public will be able to understand more about how councils function, how decisions are made and how they can get more involved in these processes.

10. It introduces a new performance and governance regime intended to promote a culture where principal councils are open to and embrace challenge, whether presented from within the council or externally. A new streamlined performance framework for local government would repeal the Wales Programme for Improvement and performance provisions of the Local Government (Wales) Measure 2009.

11. Specifically, the Bill will introduce a new duty for the council to keep its performance under review to the extent to which:

- (a) it is exercising its functions effectively,
- (b) it is using its resources economically, efficiently and effectively, and
- (c) governance arrangements are effective for securing (a) and (b).

12. The Council will be required to conduct an annual self-assessment of the above duty, publishing a report of its assessment. It must also commission an independent panel assessment of its performance once per municipal term.

13. The overarching context for the Bill is that it creates *the basis for a new relationship between Welsh Government, local government and citizens that, by working together, will ensure the sustainability of services into the future.*²

Scope of the Scrutiny

14. The Committee will receive a briefing in the form of the presentation attached at **Appendix 1**.

15. The Leader of the Council, Councillor Huw Thomas; the Chief Executive, Paul Orders; Head of Performance and Partnerships, Gareth Newell and Head of the Cabinet Office, Dylan Owen, will attend to brief Members and answer Members' questions.

16. Members may wish to consider whether there are comments and observations they would like the Leader to pass on to the WLGA, to incorporate in its evidence to Welsh Government.

Legal Implications

17. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to

² Source: Local Government and Elections (Wales) Bill, Explanatory Memorandum, November 2019.

Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

19. To note the implications for the Council's future Performance and Improvement arrangements contained within the Local Government & Elections (Wales) Bill 2019, and consider whether there are comments and observations they wish the Leader to pass on as a part of the Council's response.

DAVINA FIORE

Director of Governance and Legal Services

9 January 2020

Background papers:

[Local Government & Elections \(Wales\) Bill](#)