

Meeting of:	Community Liaison Committee
Date of Meeting:	Tuesday, 27 April 2021
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Local Government and Elections (Wales) ACT - An Update
Purpose of Report:	To provide Committee with an update on the current position with the Local Government and Elections (Wales) Act 2021
Report Owner:	Debbie Marles, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	Karen Bowen Principal Democratic Services Officer
Elected Member and Officer Consultation:	As this is a matter relating to the business of the organisation, no specific ward member consultation is necessary.
Policy Framework:	This is a matter for Executive Decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> The report provides the Committee with an overview for information of the provisions within the Local Government and Elections (Wales) Act which relate to the Vale of Glamorgan Council and to bring to the attention of the Committee the relevant parts which relate to Town and Community Councils (TCCs). The report attaches (at Appendix A) an Action Plan which provides an update on the provisions of the Act and when they come into force with the specific sections that relate to TCCs highlighted in bold under Matter for Town and Community Councils. 	

Recommendation

1. That the Committee considers and notes the contents of the report and the appended Action Plan.

Reason for Recommendation

1. To consider the current position with the Local Government and Elections (Wales) Bill and the action taken by the Vale Council in preparation for the same and to highlight the specific elements that relate to Town and Community Councils.

1. Background

- 1.1 The Local Government and Elections (Wales) Bill [the Bill] was passed by the Senedd on 18th November 2020, precisely a year after it was introduced in 2019 and was received Royal Assent on 20th January 2021.
- 1.2 The Bill was one of only two Bills in the Welsh Government's legislative programme to continue during COVID 19. The Bill was prioritised given the timescales required to introduce planned electoral reforms in time for the 2022 local elections.
- 1.3 Links to the relevant documents are available here:

The link to the Act can be found here

<https://www.legislation.gov.uk/asc/2021/1/contents/enacted>

- 1.4 The Act has been the culmination of several years of policy consultation, including:
 - Draft Local Government (Wales) Bill – November 2015
 - Consultation on Electoral Reform – October 2017
 - Reforming Local Government: Resilient and Renewed White Paper - January 2017
 - Consultation on Powers and Flexibilities – January 2018
 - Strengthening Local Government: Delivering for People Welsh Government Green Paper - June 2018.
- 1.5 The Act is substantial and covers a range of topics from electoral reform, public participation, governance and performance through to regional working. In summary the Act introduces:

Reforming electoral arrangements for local government, including;

- 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 or local elections.

Introduction of a general power of competence;

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 meetings;
- Greater flexibility around remote attendance of Members.

Reforms around democratic governance and leadership, including;

- Appointment of Chief Executives (rather than a 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 (via regulations);

Requiring leaders of political groups to promote and maintain high standards of conduct by members of their groups.

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 wellbeing, transport, strategic planning and school improvement. These are matters that are considered in a separate report on this agenda.

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.

1.6 Powers to facilitate voluntary mergers of principal Councils.

1.7 The Council's Cabinet has responded previously to the various policy documents referenced in paragraph 1.4 and those responses are not repeated here.

1.8 Both the Council's Cabinet and Corporate Performance and Resources Scrutiny Committee have considered and been apprised of the report and the action in December 2020 and January 2021 respectively.

1.9 The report and the up to date action Plan at Appendix A are therefore presented to the Committee to provide an update on the work undertaken to date and to highlight the relevant sections that have specific regard to the role of TCCs.

2. Key Issues for Consideration

2.1 The 'Coming into Force' provisions of the Act are complex, with some provisions having come into force within days of Royal Assent, others within two months and the majority via Ministerial statutory instruments.

2.2 Remote attendance and related matters will be commenced from April 2021 (when the current emergency coronavirus meeting regulations end);

Performance and governance arrangements will be commenced from April 2021 (with the final performance report from the 2009 Measure published by 31st October 2021). This is also subject of ongoing consultation and a separate report to this Cabinet, deals with this consultation;

Most of the electoral reforms will be introduced in time for implementation at the 2022 local elections; and

The power of general competence, public participation duties, broadcasting of meetings and new councillor duties will apply from the 2022 local elections.

2.3 As stated above, the Welsh Government is already consulting on the draft Regulations to Establish CJs and will soon consult on Regulations of General Application and statutory CJC guidance. The Welsh Government is currently also consulting on draft statutory guidance on the 'performance and governance of principal councils'.

- 2.4** In addition to the statutory guidance on CJs and performance and governance, it is anticipated that several sets of statutory instruments will be laid and a further 5 statutory guidance notes will be produced during the next 12 months (covering public participation, executive members' duties on equality and diversity, collaboration, mergers as well as updated scrutiny guidance (based on the 2011 Measure).
- 2.5** In terms of the Vale of Glamorgan Council, Appendix A sets out an Action Plan which details the various provisions of the Act, the work undertaken to date and as a consequence, the Vale of Glamorgan Council's preparedness for these various provisions.
- 2.6** The specific parts of the Act that relate to the role of TCCs can be found at
- 2.7** The Committee is requested to note the progress to date and consider the aspects that relate to the role of TCCs. TCCs within the Vale of Glamorgan may have already commenced work themselves in relation to the legislation, however the report and its Appendix is being presented to highlight a number of aspects for the Committee's consideration. The sections relating to TCCs are highlighted in bold under Matter for Town and Community Councils.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** As this is a report which simply seeks to update on progress on the Act there are no direct links to the Five Ways of Working. Elements of the Act will however have a positive impact on many of those ways of working, whether this be through promoting involvement and engagement or promoting collaboration through CJs.

4. Resources and Legal Considerations

Financial

- 4.1** None directly applicable to this report. The Action Plan has been drawn up from existing budgets and individual elements will have future cost implications. Where these relate to CJs and new performance measures, they are picked up separately within the relevant reports.

Employment

- 4.2** None directly applicable to this report given the report seeks to update Committee on progress with the Act. Any specific employment or workforce issues arising from the proposed CJs and new performance measures are addressed as necessary in those reports and responses to consultation.

Legal (Including Equalities)

4.3 As indicated in the main body of the report.

5. Background Papers

Draft Local Government (Wales) Bill – November 2015

Consultation on Electoral Reform – October 2017

Reforming Local Government: Resilient and Renewed White Paper - January 2017

Consultation on Powers and Flexibilities – January 2018

Strengthening Local Government: Delivering for People Welsh Government Green Paper - June 2018

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Local Government and Elections (Wales) Act 2021 : Action Plan

During September 2020, the Welsh Government (WG) tabled 155 amendments (most are technical) and opposition Members of the Senedd have tabled a further 142 amendments to the Bill.

1. Stage 2 Plenary Committee consideration of amendments taken on 2 and 9 October.
2. The Stage 3 Plenary debate on amendments was held on 10 November 2020.
3. The Bill as amended was passed at Stage 4 on 18 November 2020.
4. The Bill received Royal Assent on 20 January 2021.

5. Dates for Implementation colour coded – Other dates highlighted in bold March/ May 2021 **May 2022** **Other**

6. Dates for Implementation Mar / May 2021 April/ May 2022 Provisions	Actions	Responsible Officer	Progress Update	Coming into force as per section 175 of the Bill	Timescale
Part 1 Elections					
Extending the right to vote to 16-17year olds and qualifying foreign citizens (section 2)	<ul style="list-style-type: none"> • Addressed via canvass: raising awareness campaigns and change to Electoral Services software. • Electoral Services working with the Equality Team to support this piece of work 	GF/DM	Arrangements established and actions ongoing	Entitlement to be registered as a Local Government Elector – 2 months after Royal Assent. Other provisions come into force 2 months after Royal Assent but do not take effect until 5 May 2022 and thereafter in respect of Local Government Elections and Local Referendum.	20 March 21- Section 2(1) and (3) subject to section 3. Section 2(2) 5 May 2021
Promote awareness of registration of relevant young people and provide assistance (section 4)	<ul style="list-style-type: none"> • Ensuring that awareness raising work programmes align with Electoral Commission's campaign. 	GF/DM	Ongoing Considerable work being undertaken in the elections unit	2 months after Royal Assent 20 th March 2021	20th March 2021

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<p>Two voting systems. Simple majority system and Single Transferable Voting system. (Sections 5–12)</p>	<ul style="list-style-type: none"> • Simple majority system to apply unless and until the Council changes the voting system for the first time. • Constitution to be updated to address procedure to be followed regarding a proposal to change the Council's voting system, in part reflecting that a resolution would be required before 15 November of the year that is 3 years before the year in which the next ordinary election of the Council is due to be held. • Clarification required on the restrictions at Section 12 on number of Councillors if Single Transferrable Voting system applies to the election of Councillors for a Principal Council, the number of Councillors for each Electoral Ward is to be no less than 3 but no more than 6. • Review following Local Government Elections 2022 			6 May 2022	6 May 2022
<p>Change of electoral cycle for Principal and Community Councils, together with Elected Mayors from four years to five years and extension of power to Welsh Ministers to change election day in Wales (Sections 14–17)</p>	<ul style="list-style-type: none"> • Amendments to Council website • Amend reference in Constitution • Advise Members 	DM/GF		20 th March 2021 and Section 13	20 th March 2021 and Section 13
<p>Registration of Local Government Electors without application (Section 18)</p>	<ul style="list-style-type: none"> • Systems being established to ensure appropriate notification and record keeping are in place 	DM/GF	Ongoing	By Order made under SI – which may make transitional, transitory, or saving provisions; may appoint different days for different purposes or areas.	Awaiting SI
<p>Qualification and Disqualification for Election and being a member of a Local Authority (Sections 19-21)</p>	<ul style="list-style-type: none"> • Include in Elections Candidate Pack. • To be addressed through Electoral Commission Guidance and the Returning Officer briefing sessions for potential candidates 	DM/GF		By Order made under SI – which may make transitional, transitory, or saving provision: may appoint different days for different purposes or areas.	Awaiting SI

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<p>Translations etc of documents at Elections in Wales (Section 22)</p>	<ul style="list-style-type: none"> • Appropriate arrangements are being programmed for and beyond the May 2022 elections. 	<p>GF/DM</p>	<p>Ongoing</p>	<p>2 months after Royal Assent subject to Section 3 which in part refers to this Section taking effect in Local Government Elections or Local Referendum on or after 5 May 2022</p> <p>20th March 2021</p>	<p>20th March 2021</p>
<p>Part 2 Chapter 1 General power of competence for Local Authorities</p>					
<p>Defines the power, defines qualifying local authority as a Principal Council and an 'eligible community council, including limits on charging in exercise of general power, limits on doing things for commercial purposes in exercise of general power, powers to make supplementary provisions by Welsh Ministers</p>	<ul style="list-style-type: none"> • Briefing paper to be submitted to SLT • SLT to embed in business as usual 	<p>SLT/CL</p>		<p>Commencement Order No.1 - 4 March brings into force provisions in Part 2 which are not yet in force – this is necessary to facilitate the drafting, consulting upon and making the necessary subordinate legislation to support the implementation of the Act.</p> <p>The provisions relating to the GPC will come into force on 1 November 2021 and the General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021 will require Councils to prepare business cases before using the general power to do anything for a commercial purpose – the draft regulations will be introduced during March 2021.</p>	<p>Autumn 2021 See also column coming into force timescale</p>

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<p>Chapter 2 eligible Community Councils to qualify for the general power of competence</p>	<p>Matter for Town and Community Councils:</p> <ul style="list-style-type: none"> • Raise awareness at Community Liaison Committee and Monitoring Officer meetings with Clerks • Share Action Plan with Town and Community Councils 	<p>DM/KB/Town and Community Councils</p>	<p>Action Plan shared with TCC's and specific areas highlighted on 21st Jan 2021</p>	<p>Commencement Order No.1 brings into force the GPC for TCC's on 5 May 2022 at which point the well-being power under section 2 of the LGA 2000 will be repealed.</p>	<p>5th May 2022</p>
<p>Part 3 Promoting Access to Local Government,</p>					
<p>Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39)</p>	<ul style="list-style-type: none"> • Further develop existing guidance • Opportunity to look at extending current process e.g. public speaking and public questions at all Committees 	<p>JR/KB/RJ</p>	<p>options discussed with SCVG in Dec 20 and Feb 21</p>	<p>The Local Government and Elections (Wales) Act 2021 (Commencement No.1 Saving Provision) Order 2021 – to be made on the 4 March 2021 – brings into force provisions across Parts 3,4 and 9 of the Act.</p> <p>Commencement Order No.1 - 4 March 2021 brings into force provisions in Part 3 which are not yet in force – this is necessary to facilitate the drafting consulting upon and making the necessary subordinate legislation to support the implementation of the Act.</p>	<p>5th May 2022</p>
<p>Prepare and Publish a Strategy on encouraging people to participate (as above) and review the strategy following every local government election (Sections 40–41)</p>	<ul style="list-style-type: none"> • Develop a Public Participation Strategy on how the Council proposes to comply with this duty – promoting awareness of its functions, how to become a member and what membership entails; ways of promoting and facilitating processes by which local people may made representation about a decision before and after it is made, bringing the public's views to the attention of Scrutiny Committee and promoting awareness of the benefits of social media as a means to communicate. • Public participation and strategy to be reviewed as soon as 	<p>TB/RJ/SLT</p>	<p>As soon as reasonably practicable after Section 40 comes into force</p>	<p>Commencement Order No.1 brings into force on 5 May 2022 sections 39-41</p>	<p>5th May 2022</p>

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	practicable following each ordinary election.				
Duty to make and publish a petition scheme and review the scheme from time to time (Section 42)	<ul style="list-style-type: none"> Develop Petition Scheme including electronic petitions and guidance Look at best practice within local government regarding existing schemes 	JR/KB	Currently in process of developing a draft petition scheme March 21	Commencement Order No.1 brings into force on 5 May 2022 section 42	5 th May 2022
Duty on Principal Councils to publish official addresses for each member – electronic and postal (Section 43)	<ul style="list-style-type: none"> This information is already available on the Council's websites. Members not wishing to make their home address public (provided they satisfy the requirements of the Members' Code of Conduct) utilise the Vale Council's address. 	KB	Currently compliant	Commencement Order No.1 brings into force on 5 May 2022 section 43.	5 th May 2022
Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45)	<ul style="list-style-type: none"> Guide to be developed and published electronically Constitution to be amended to provide delegated authority to officer set charge for hard copies of the Constitution and Guide to the Constitution. 	DM/JR/KB	Constitution currently available on the Council's website WLGA/ Monitoring Officer group looking to develop all Wales model of a guide	Commencement Order No.1 brings into force on 5 May 2022 section 45.	5 th May 2022
Electronic broadcasts of meetings open to the public (Section 46)	<ul style="list-style-type: none"> Make and publish arrangements to ensure: <ul style="list-style-type: none"> The broadcasting of meetings open to the public as they take place (subject to exceptions) and make available for a specified time following the meeting. Develop programme / action plan Webcasting contract may need to be reviewed to extend additional broadcasting requirements Simultaneous Translation 	JR/KB/NW		Partially in force - Commencement Order No.1 brings into force on 5 May 2022 section 46.	5 th May 2022

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<p>Attendance at local authority meetings (remote attendance) (Section 47)</p> <p>Matters for Town and Community Council</p> <p>47 - 52</p>	<ul style="list-style-type: none"> • Make and publish arrangements ensuring relevant meetings are able to be held remotely and meet the conditions of Section 47. • Where meetings are of a Joint Committee, the relevant Local Authorities to publish arrangements jointly. This will be the subject of a report to the Shared Regulatory Services Joint Committee. • As a result of COVID remote meetings procedures in place for all Committees. Procedures to be revisited in light of Section 47 and Welsh Ministers guidance which may be issues pursuant to this section. • Potential amendments required to the Constitution to reflect the conditions for a member to attend remotely. • As a result of COVID - measures in place to allow meetings to be held remotely via a virtual meeting solution. 	<p>JR/KB</p>	<p>Survey of members suggested to be undertaken by March 2021 Leader has been consulted</p> <p>Live Streaming available via OBS.</p> <p>Paper prepared for SLT 25th March 21 re options, simultaneous translation, resources, competing requirements of legislation and style of minutes.</p>	<p>Partially in force. The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 which need to be brought into line with the Commencement Order No.3 - relating to attendance, including remote attendance, at local authority meetings and provisions in relation to the arrangements for local authority meetings and documents, including electronic publication of certain meetings and documents, including electronic publication of certain meeting documents.</p> <p>Commencement Order No.3 will come into force on 1 May 2021, providing attendance including remote attendance at local authority meetings.</p>	<p>May 2021</p>
<p>Participation at meetings of Community Councils (Section 48)</p>	<p>This is a matter for Town and Community Councils' Awareness raising report to be taken to Community Liaison Committee.</p> <ul style="list-style-type: none"> • To raise awareness in Monitoring Officer and Clerks meetings. • Copy of Action Plan to be provided to all Town and Community Councils. • Matter for Town and Community Councils – providing members of the public in attendance with a reasonable opportunity to make representations about any business to be transacted at meetings unless the person presiding over the meeting considers that it would prejudice the conduct of the meeting. 	<p>DM/KB</p>	<p>Report and Action plan sent to all TCC's 21st Jan 21</p>	<p>Commencement Order No.1 brings into force section 48 on 5 May 2022.</p>	<p>5th May 2022</p>

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<p>Giving of notices and access to documents to meetings (Section 49)</p>	<ul style="list-style-type: none"> Existing practices to be reviewed in light of Section 49 and Schedule 3, it being noted that the Vale already publish notices of meetings on the Council's public notice board and electronically publish agendas, minutes and reports on the Council's website, and make arrangements for the public to have sight of agendas and the opportunity to purchase the same. Limited copies of Agendas are also available at Council meetings that are open to the public. 	<p>JR/KB</p>	<p>Mostly compliant -</p>	<p>Partially in force with amendments pending.</p> <p>Commencement Order No.3 will bring into force Schedule 4 so far as these provisions are not already in force. Part 1 of Schedule 4 amends existing legislation – Part 5A of Schedule 12 to the LGA 1972 and the Public Bodies (Admission to Meetings) Act 1960 to make provision for the arrangements for local authority meetings and documents including requiring electronic publication of certain meeting documents. Part 2 of Schedule 4 makes certain consequential amendments as a result of section 47. These Regulations apply to principal and TCC's, NP and F&R Authorities and were inserted at Stage 3 for the purpose of making permanent arrangements in respect of certain provisions of the LA (CV) (Meetings) (Wales) Regulations 2020 which end on 1 May 2021 which will see a transition from the 2020 meeting regs to the new provisions under the Act.</p> <p>Because of the amendments to the 1972 Act a number of consequential amendments will be necessary and these will be introduced in the Consequential Amendments</p>	<p>May 2021</p>
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				Regulations currently being debated before the Senedd. These will include provisions requiring documents published electronically to be accessible for 6 years from the date of the meeting. Documents published electronically under the 2020 meeting Regs will need to be held indefinitely as there is no date specified in the 2020 Meeting Regs.	
Regulations about conduct of local authority meetings, documents relating to meetings and publication of information Section 50)	<ul style="list-style-type: none"> This section enables Welsh Ministers to make associated regulations. Review regulations when available. 	DM/JR/KB	Mostly compliant	Day after Royal Assent	21st January 2021
Regulations about community meetings (Section 51).	This section enables Ministers to make regulations			Day after Royal Assent	21st January 2021
Annual Reports by Town and Community Councils; to give opportunity for the public to speak at meetings Publish an annual report about their priorities etc Publish a training plan. (Section 52)	<p>This is a matter for Town and Community Councils:</p> <ul style="list-style-type: none"> Annual Report to be prepared and published as soon as reasonably practicable after the end of each financial year Raise awareness of the need to report on priorities, activities and achievements during the previous financial year. Awareness raising report to be taken to Community Liaison Committee. To raise awareness in Monitoring Officer and Clerks meetings. Copy of Action Plan to be provided to all Town and Community Councils. 	KB/DM/ Town and Community Councils	Report and Action plan sent to all TCC's 21 st January 2021	Commencement Order No.1 will bring into force section 52 which requires TCC's to prepare and publish a report about the Council's priorities, activities and achievements, with a first report to be published relating to 2021/2022 fy as soon as reasonably practicable after the end of the fy.	1 st April 2022

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<p>Part 4 Local Authority Executives, Members, Officers and Committees</p>					
<ul style="list-style-type: none"> • Appointment of Chief Executive rather than a Head of Paid service • Matters to be kept under review by Chief Executive • Reconsideration of remuneration if direction given by Welsh Ministers (Sections 54 –56) 	<ul style="list-style-type: none"> • Change job designation from Managing Director to Chief Executive • Pay Policy potential implications subject to direction from Welsh Ministers • Amend Constitution accordingly 	<p>DM/TD</p>		<p>Date to be appointed by the Welsh Ministers (Sections 54 and 56) 2 months after Royal Assent (Section 55, which amends reference from salary to remuneration).</p> <p>The Local Government and Elections (Wales) Act 2021 (Commencement No.1 Saving Provision) Order 2021 to be made on 4 March 2021 and will bring into force provisions across Parts 3.4 and 9 of the Act and provisions in Part 4 not yet in force necessary to facilitate the drafting, consulting upon, and making the necessary subordinate legislation to support the implementation of the Act.</p> <p>Commencement Order No.1 brings into force on 5 May 2022 section 54 and 56.</p>	<p>Section 54 and 56 5th May 2022 Section 55 on 20 March 2021</p>
<p>Appointments of assistants to Cabinet Members to be appointed by the Leader to include details of their terms of office, responsibilities and the number of assistants (assistants cannot be Chairman or Vice Chairman of Council nor a Cabinet Member) (Section 57)</p>	<ul style="list-style-type: none"> • Councils' Constitution (Executive Arrangements) to be amended to permit the appointment of assistance to the Executive. • Appointments to be determined by the Leader 	<p>Leader/DM /JR/KB</p>	<p>To be discussed with the Leader as appropriate</p>	<p>Section 57 brought into force on 5 May 2022 under Commencement Order No.1.</p>	<p>5th May 2022</p>

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<p>Enabling job sharing for Leader and Cabinet Member positions (Sections 58-59)</p>	<ul style="list-style-type: none"> • Conditions to be drawn up and included in the Constitution. • Amend internal processes – e.g. Cabinet clearance of reports • Implications as a consequence of senior salary cap • Have regard to implications • Appointments to be determined by the Leader • Council's Constitution to be amended to incorporate in the Executive Arrangements provision to enable 2 or more councillors to share office on an executive, including the office of Executive Leader; changing the maximum number of Members of an executive when sharing office; and addressing voting and quorum where Members of an executive share office. 	<p>Leader /Cabinet Members /JR/ KB</p>	<p>To be discussed with the Leader as appropriate</p>	<p>Section 58 brought into force on 5 May 2022 under Commencement Order No.1.</p> <p>Section 59 comes into force under Commencement Order No.1 on 4 March 2021 – relating to provision in respect of, and duty to have regard to, guidance under section 38 of the LGA 2000.</p>	<p>Section 58 5th May 2022</p> <p>Section 59 5th March 2021</p>
<p>Job-sharing: non-executive offices in Principal Councils. Welsh Ministers enabled to make regulations. (Section 60)</p>	<ul style="list-style-type: none"> • The introduction of regulations to be monitored and reported to Council when in force. • Principal council offices for the purpose of this section relate to: <ul style="list-style-type: none"> - Chair of a Principal Council - Vice Chair of a Principal Council - Presiding Member of a Principal Council - Deputy Presiding Member of a Principal Council - Chair of a Committee or sub Committee of a Principal Council - Vice Chair or Deputy Chair of a Committee or sub Committee of a Principal Council - Deputy Mayor in a Mayor and Cabinet Executive 	<p>JR/KB</p>	<p>To be discussed following receipt of regulations</p>	<p>20th March 2021</p>	<p>20th March 2021</p>
<p>Changes in family absence provisions (Section 61)</p>	<ul style="list-style-type: none"> • HODS responded to WG consultation in December, 2020 broadly supporting the proposals to bring Elected Members entitlement in line with public sector employees. • Report to be submitted to Democratic Services Committee • Constitution to be amended if necessary in relation to the procedure for Elected Members. Thereafter apprise all Members and potential candidates for future Local Government elections. 	<p>JR/TD/DM</p>		<p>Draft Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021 were debated in the Senedd on 2 March 2021 – and will amend the 2013 Regulations to increase adopter's absence entitlement from 2 to 26 weeks in line with maternity absence – subject to Senedd approving in force on 1 April 2021.</p>	<p>1st April 2021</p>

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Members Conduct – Political Group Leaders to promote and maintain high standards of conduct Standards Committee – to monitor compliance with the above and provide training (Sections 62)	<ul style="list-style-type: none"> Amend Constitution Monitoring Officer briefing for Group Leaders Standards Committee – Terms of Reference to be amended 	Group Leaders / DM/Standards Committee	Report and Action Plan presented to Standards Committee January 20	Commencement Order No.1 - in force 5 May 2022.	5 th May 2022
Standards Committee at end of Financial year to prepare an annual report to the Council (Section 63)	<ul style="list-style-type: none"> Constitution to be amended in respect of role of Standards Committee 	DM	Report and Action Plan presented to Standards Committee January 20. Report to be prepared as reasonably practicable after the end of each financial year	Commencement Order No.2 will bring into force section 63 which inserts a new section 56B into the LGA 2000 with the first report due as soon as reasonably practicable after the end of the 2022/23 fy and relate to how Committee's functions have been discharged during that fy.	5 th May 2022
Certain investigations by PSOW amendments to schedule 8 (Section 64)	<ul style="list-style-type: none"> Standards Committee to be apprised 	DM	Report and Action Plan presented to Standards Committee January 20	Date to be appointed by the Welsh Ministers	Date to be appointed by Welsh Ministers
Making information available to Overview and Scrutiny Committees (Section 65)	To review current arrangements in line with power to require information to be made available about decisions.	JR/KB		Commencement Order No.1 in force on 5 May 2022.	5 th May 2022
Requiring LAs to appoint Joint Overview and Scrutiny Committees (Section 66)	Review existing overview and scrutiny arrangements with partner Principal Councils and present a joint report to respective Councils.	JR/KB		As above 5 May 2022.	5 th May 2022
Community Council Training Plans (Section 67)	<p>This is a matter for Town and Community Councils:</p> <ul style="list-style-type: none"> Raise awareness of the need to report on priorities, activities and 	DM/KB/Town and Community	Report and Action plan sent to all	As above 5 May 2022.	5 th May 2022

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	<p>achievements during the previous financial year.</p> <ul style="list-style-type: none"> • Awareness raising report to be taken to Community Liaison Committee. • To raise awareness in Monitoring Officer and Clerks meetings. • Share information with Town and Community Councils • First training plan to be made no later than 6 months after Section 67 comes into force. • With new training plans no later than 3 months after each ordinary election and review from time to time. 	Councils	TCC's 21 st January 2021	
Part 5 Collaborative Working by Principal Councils				
Guidance about Collaborative working (Section 69)	<ul style="list-style-type: none"> • To consider guidance issued by Welsh Ministers 	RT/TB/JR/KB		21st January 2021
<p>Power for Local Authorities to apply to Welsh Ministers to establish Corporate Joint Committees ("CJCs")</p> <p>Consultation to be undertaken prior to application (Section 70 and 71)</p> <p>Welsh Ministers may by regulations establish CJCs (Section 72)</p> <p>Conditions prior to a Section 72 request (Section 73)</p> <p>Establishing CJC when no request has been made (Section 74)</p> <p>Provisions relating to CJCs and Joint Committee Regulations (Section 76-88).</p>	<ul style="list-style-type: none"> • Sections 70 – 73 deals with establishing CJCs where request has been made by Principal Councils • Sections 74 – 88 deal with CJCs being established where no request has been made by the Principal Council, these CJCs are subject to Regulations with a consultation closing date set by Welsh Government on 4 January 2021. This is the subject of a separate report to Cabinet. 	RT		21st January 2021 and The LG&EW Act 2021 Consequential Amendments Regulations 2021 published 9 February 2021 which make consequential amendments to primary and secondary legislation re the disapplication of the 2009 Measure and in preparation of these provisions coming into force.

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<p>Part 6 Performance and Governance of Principal Councils and Duty of Principal Council to keep its performance under review</p>					
<p>Local Authorities to develop a new streamlined performance framework and report on its performance and consult at least once a year Local Authorities to review their performance in respect of</p> <ol style="list-style-type: none"> a) exercising its functions effectively b) using its resources economically, efficiently and effectively, c) governance is effective for securing the matters set out in paragraphs a) and b) (Section 89) 	<p>Annual Report format provides the foundation for this, focusing on Corporate Plan outcomes and well-being objectives but will require consideration of:</p> <ul style="list-style-type: none"> • more information on use of resources (propose inclusion of information pertaining to the seven core areas of activity) • Corporate planning • Financial planning • Workforceplanning (people) • Procurement • Assets • Risk management • Performance management will be required • Consideration of interface with Annual Governance Statement – to identify crossovers and points of a complementary nature. 	<p>RT/TB</p>	<p>Presentation given to CPR and Audit Committee on requirements. Meeting with HoP and WLGA to discuss approaches. SOLACE meeting in March to discuss more widely. Consideration being given to approach to the first report and new ADP considers these requirements.</p>	<p>Commencement Order No.2 12th March now in force – performance and governance regime for principal councils – new support and intervention powers to WG – NOTE – subject to Senedd approving the LG & E (W) Act 2021 (Consequential Amendments) Regulations 2021 – which has come into force in line with this Commencement Order.</p> <p>In force:</p> <p>Chapter 1 other than section 92 and 93 and Chapter 3</p> <p>Note Commencement Order No.2 which disapplies the 2009 Measure contains saving provisions to ensure exercise of certain functions, and other things done under the Measure continue to have effect following disapplication of the Measure.</p>	<p>See column when coming into force</p>
<p>Undertake an Annual self – assessment. Publish a draft report of the assessment report it to the Governance and Audit Committee and publish the final report. (Section 91)</p>	<ul style="list-style-type: none"> • Self-assessment report to be published as soon as practicable after the end of a financial year (it is proposed to report in July/September in line with current performance reporting programmes). • report draft assessment to the G&A Committee prior to approval • Within 4 weeks of the Council approving this self-assessment report it is to be published, reported to the Governance and Audit Committee and sent to 	<p>RT/TB</p>	<p>The first Annual Self-Assessment will be published in 2022. Consideration as to the structure and content is</p>	<p>Date to be appointed by Welsh Ministers</p>	<p>Date tbc</p>

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	Auditor General for Wales, Chief Inspector of Education and Training in Wales and Welsh Ministers.		currently being given.		
Council to make arrangements to appoint a panel to assess the extent to which performance requirements are being met. (Section 92)	<ul style="list-style-type: none"> Panel performance assessment to be carried out once during the period between two consecutive ordinary elections (consideration to be given to the timing of the same, with consideration given to the panel assessment being in the year prior to a new corporate plan as part of the direction setting). Consultation to be undertaken in line with Section 92 following assessment, panel report to be compiled. To be reported to Governance and Audit Committee and published. Develop a proposed skeleton Terms of Reference and panel composition in readiness. 	RT/TB	Subject to discussion with WLGA regarding the composition and appointment process for panels as well a standard ToR.	Commencement Order No.2 - 5 May 2022	April 21 NB- Excluding Panel Performance Assessment May 2022
Local Authority to respond to the panel's performance assessment (Section 93)	<ul style="list-style-type: none"> To be reported to Cabinet and Council. Section 93 addresses contents of report/response. Draft response to be reported to Governance and Audit Committee, with the Committee having the opportunity to make recommendations for changes to the draft response. Council to provide reason if Governance and Audit's Committees comments are not accepted. Council to publish response as soon as reasonably practicable after finalising response. 	RT/TB	Not yet required.	Commencement Order No.2 5 May 2022.	April 21 NB – Excluding Panel Performance assessment May 2022
Welsh Ministers may introduce regulations regarding panel performance assessments (Section 94)	<ul style="list-style-type: none"> Regulations to be kept under review. 	DM/TB/JR		5 May 2022 – align with LGE's May 2022 permitting one cycle of self-assessment to be completed before a panel assessment is required to be completed.	20 March 2021

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Power of Auditor General to carry out a special inspection and publish a report and duty for Principal Council to respond to Auditor General's recommendations if considered Principal Council has failed to meet its performance requirements. Duty of Principal Council to respond to Auditor General's recommendations and Welsh Ministers (Section 95)	For noting	Auditor General		2 months after Royal Assent	20 th March 2021
Powers of inspection by Auditor General and fees. (Section 98 - 101)	For noting	Auditor General		Date to be appointed by Welsh Ministers	Date tbc
Support and assistance by the Welsh Ministers with improving performance and powers to intervene (Section 102 - 112)	For noting			Date to be appointed by Welsh Ministers	Date tbc
Disapplication of the 2009 measure in relation to Principal Councils and repeal of provisions about coordination of audit. (Section 113)	For noting			Date to be appointed by Welsh Ministers	Date tbc
Amendment of the Well-being of Future Generations (Wales) Act 2015. (Section 114)	<ul style="list-style-type: none"> Consideration to be given to amalgamating the self-assessment performance report with the report in line with the 2015 Act. 	TB/RT	This is incorporated within the actions above.	Date to be appointed by Welsh Ministers	Date tbc

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<p>Governance and Audit Committee ('G&A') (Sections 115–118)</p>	<ul style="list-style-type: none"> • Advertise and undertake a recruitment and selection exercise for lay members • Amend the Council's Constitution: Rename the Audit Committee to Governance and Audit Committee and broaden its terms of reference • Chair of G&A must be a lay member • One third of Members to be lay persons • Deputy Chair must not be a member of the Local Authority's executive or an assistant to its executive. 	<p>DM/JR/KB/MT</p>	<p>Request made to WLGA for consistent approach across Wales to be adopted.</p> <p>Research currently being undertaken to amend future TOR and a robust recruitment process for lay members.</p> <p>Audit Committee received an overview of the Act within its remit on 1st March 21. Chief Auditor's meeting on 5th March agreed to consider joint approach re application process training, qualifications and experience of lay members. Daniel Hurford leading on this.</p>	<p>Commencement Order No.2 - section 115 on 1 April 2021 – renaming of audit committee and following functions:</p> <ul style="list-style-type: none"> - Review and assess the authority's ability to handle complaints effectively; - Make reports and recommendations in relation to the authority's ability to handle complaints effectively <p>Commencement Order No.2 5 May 2022 chapter 2 of Part 6 G&A Committee membership and proceedings.</p>	<p>Section 115 1st April 21</p> <p>Sections 116 and 118 May 2022</p>
<p>Coordination between Regulators (Sections 119-120)</p>	<p>For noting</p>	<p>Auditor General for Wales and relevant Regulators</p>		<p>Date to be appointed by Welsh Ministers</p>	<p>Date tbc</p>

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<p>Part 7- Mergers and Restructuring of Principal Areas</p>					
<p>Voluntary mergers, local discretion and conditions associated with Welsh Minister making restructuring regulations and remuneration arrangements for new Principal Councils (Sections 121-150)</p>	<p>For noting</p>	<p>RT</p>		<p>Commencement Order No.2 - 12th March 2021 now in force and disapplies the Measure –</p> <p>Sections 121-128 now in force. Section 136-137 in force, sections 138-143 partially in force. Section 144 and 146 in force.</p> <p>In force - Chapter 2 and Chapter 3, to the extent not already commenced Section 145(7)(b) Section 148 Section 149 Section 150(1)(a) and (b)(ii), (iv) and (v) and (2)(b) and (c)</p>	

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<p>Part 8 - Local Government Finance</p>					
<ul style="list-style-type: none"> • Powers to require information relating to hereditaments, information relevant to determining liability for non-domestic rate, powers to inspect property, amendment to multipliers, amendments to the Local Government Finance Act 1988, granting Welsh Ministers powers to make regulations on joint and several liability to pay Council tax. • Removal of Power to provide for Imprisonment of Council Tax Debtors (Sections 151 - 158) 	<ul style="list-style-type: none"> • Review of internal working procedures of the Finance Department. • Review of Constitution including officer's delegated powers. 	DM/CL		<p>2 months after Royal Assent (Sections 152, 154-156 and 158) 1 April 2021 (Sections 151, 153 and 157)</p> <p>Section 152 in force, and section 154-156 and section 158.</p>	<p>Sections 152, 154-156 and 158 20th March 2021</p> <p>1 April 2021 (Sections 151, 153 and 157)</p>
<p>Part 9 - miscellaneous</p>					
<p>Information Sharing between Regulators (Section 159)</p>	<p>For noting</p>	TC/CL		<p>Mainly on the day after Royal Assent</p> <p>21 January 2021 except ss 4(b) and © in table 2 in ss (5), the entry relating to the AG for Wales functions under Chapter 1 of Part 6 and in that table, in relating to the entry ' WM's functions under the Act, the words from 'Chapter 1 to areas'</p> <p>Commencement Order No.1 - 5 March 2021 – Parts 3,4 and 9 of the Act.</p> <p>Commencement Order No.2 - 12th March 2021 information sharing provisions – subject to</p>	<p>See column coming in to force</p>

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				Senedd approval of consequential amendments Regs. Section 159 now in force.	
Head of Democratic Services (Section 161)	<ul style="list-style-type: none"> Amend Pay Policy, Chief Officer to include Head of Democratic Services Removal of the restriction on monitoring officers also being designated head of democratic services 	TD		<p>Commencement Order No.1 4th March 2021 section 161 to facilitate consultation and making the Regs re allocation of resources to the HoDS. Section 161 partially in force.</p> <p>Commencement Order No.2 - brings section 161 fully in force on 5 May 2022.</p>	5 th May 2022
Abolition of polls consequent on a community meeting (Section 162)	<ul style="list-style-type: none"> Awareness raising report to be taken to Community Liaison Committee. To raise awareness in Monitoring Officer and Clerks meetings. Share information with Town and Community Councils 	DM/KB	Report and Action Plan shared with Clerks of TCC's 21 st January 2021	Commencement Order No.1 in force on 5 May 2022.	5 th May 2022
Merging and de-merging Public Services Boards under the Well-being and Future Generations (Wales) Act 2015. (Section 165)	For noting	RT/TB		2 months after Royal Assent And schedule 14 on 20 March 2021 Section 165 in force.	20 th March 21

Part 10 Schedules

Schedule 1 – Initial reviews of electoral arrangements etc

Schedule 2 – Minor and consequential amendments relating to elections

Schedule 3 – Amendments relating to general power of competence relating to Principal Councils and Town and Community Councils.

Schedule 4 – Notice of Local Authority meetings, access to documents and attendance at meetings. **May 2021**

Schedule 5 – Consequential amendments relating to Chief Executives

Schedule 6 - Consequential amendments etc relating to assistance to Local Authority Executives

Schedule 7 – Job-sharing by Executive Leaders and Executive Members

Schedule 8 – Conduct of Local Government Members: investigations by the Public Services Ombudsman for Wales

Schedule 9 – Amendments related to CJsCs including creation of strategic planning functions for certain corporate joint committees and repeal of powers to establish strategic planning panels and repeal of power to establish joint transport authorities

Schedule 10 – Consequential amendments relating to renaming of Principal Council for the Committees.

Schedule 11 – Transition Committees of merging Councils and restructuring Councils.

Schedule 12 – Restraints on transactions and recruitment etc by merging Councils and restructuring Councils

Schedule 13 – Abolition of polls consequent of community meetings under the Local Government Act 1972

Schedule 14 – Consequential amendments relating to merger and de-merger of Public Services Board

Key

KB – Karen Bowen (Principal Democratic and Scrutiny Services Officer)

TB – Tom Bowring (Head of Policy and Business Transformation)

TC – Tim Cousins (Information Manager Lawyer)

TD – Tracy Dickinson (Head of Human Resources and Organisational Development)

GF – Gareth Fuller (Electoral Registration Manager)

CL – Carys Lord (Section 151 Officer and Head of Finance)

DM – Debbie Marles (Monitoring Officer/Head of Legal and Democratic Services)

JR – Jeff Rees (Operational manager Democratic Services)

SLT – Strategic Leadership Team

MT – Mark Thomas (Head of Regional Audit Services)

RT – Rob Thomas (Managing Director)

NW – Nick Wheeler (Operational Managing ICT)