

Appendix 1

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

PART 1 - ELECTIONS

In force for the 2022 election.

- Extend the franchise to those aged 16 upwards and qualifying foreign citizens.
- The right for council officers to stand in an election without requiring them to resign if they are unsuccessful (with the exception of officers in politically restricted posts).
- The power of a Council to choose between the 'First Past the Post' and the 'single transferable vote' voting systems. **This power will come into force after the 2022 elections.**

PART 2 - GENERAL POWER OF COMPETENCE FOR LOCAL AUTHORITIES

Anticipated to be in force by October 2021

- Grants a general power of competence to Principal Councils and Eligible Town and Community Councils. A council is dependent on holding the statutory power to undertake any function and this provision provides a general power to act which is not confined to a particular function.
- However, it reflects a similar power which has been in for in England for some years. The experience in England suggests that the power does not provide such a change as might be implied by the description. Although the power gives the Councils additional flexibility it will be overridden by any statutory limits already in force or that will come into force and is accordingly constrained.

PART 3 - PROMOTING ACCESS TO LOCAL GOVERNMENT

Anticipated to be in force by May 2022

Duty to encourage public participation in matters such as decision making

- Requirement to adopt a Participation Strategy
- Requirement to adopt a Petitions Scheme
- Requirement to publish Guidelines to the Constitution
- Statutory requirement to web-cast a range of meetings.
- Provide remote attendance for members on a statutory basis - **This will be in force for May 2021.**
- Incorporate changes in matters such as publishing meeting agendas and dealing with matters such as decision notices.

PART 4 - LOCAL AUTHORITY EXECUTIVES, MEMBERS, OFFICERS AND COMMITTEES

Anticipated to be in force by May 2022

- Establish a post under the specific description of "Chief Executive" on a statutory footing with specific responsibilities.
- Allow job-sharing for Cabinet members
- Allow appointing members as Cabinet Members' assistants
- Allow job-sharing for Chairs and Vice-chairs
- Group Leaders to have statutory responsibility for the conduct of their members
- Give the Annual Standards Committee report to the Council a statutory footing.

PART 5 - COLLABORATIVE WORKING BY PRINCIPAL COUNCILS

This part is in force and draft regulations have been subject to consultation. At present, it appears that the consultation has highlighted a range of matters that are being addressed further.

- Ministerial power to establish Corporate Joint Committees. These are a new type of local government body. They will be bodies in their own right with their own legal status.
- The core membership will consist of Council Leaders
- Power to mandate - Strategic Planning, Transportation, Economic Welfare and School Improvement. The draft regulations have identified the north Wales region as the Joint-committee area.
- Two or more councils have the right to request to establish through a statutory instrument .

PART 6 - PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS

Will come into force April 2021 with some exceptions - below

- Establish the concept of statutory annual performance reports and consultation as part of the process
- Appoint a "Panel" for assessing Council performance - **Will come into effect in May 2022**
- The need to set Improvement Objectives (Best Value) is being removed
- Require that 1/3 of the members of the Audit and Governance Committee are lay members to include the Chair - **Will come into effect in May 2022**
- Establishing and naming an Audit and Governance Committee is now statutory
- Audit Committee to adopt the function of complaints procedure overview

PART 7 - MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

In force with a few technical exceptions

- Establish a framework for a process of merging councils should such plans come forward

PART 8 - LOCAL GOVERNMENT FINANCE

In force two months following Royal Assent

- Power to require information relating to hereditaments, relevant information in determining whether a person is liable to pay non-domestic rates.
- Removal of power to provide for the Imprisonment of Council Tax Debtors which places into the Act a provision which is already in effect through Regulations.

PART 9 - MISCELLANIOUS

Anticipated to be in force by May 2022

Afford the Head of Democratic Services post statutory chief officer protection status.

- Removal of the restriction that prevents the Monitoring Officer from being the Head of Democratic Services.
- Provisions relating to merging and demerging Public Services Boards.