

MEETING	Audit and Governance Committee
DATE	18 November 2021
TITLE	Local Government and Elections (Wales) Act 2021
PURPOSE OF THE REPORT	To update the Committee on the progress of the Work Programme and changes to the Constitution of the Committee
RECOMMENDATION	To accept the report and agree on a recommendation as to the future size of the Committee.
AUTHOR	Iwan Evans – Monitoring Officer

1. Introduction

1.1 The Committee will recall that I reported on the proposed work programme for implementation of the Local Government and Elections (Wales) Act 2021. There were a number of actions stemming from the provisions of the Act. From its initial Royal Assent the provision will continue to come into force into mid-2022. Some provisions may be implemented at a later date where regulations are required.

2. The Act

2.1 The Act received Royal Assent on 20 January 2021. It has nine main parts that relate to Principal Councils Town and Community Councils and other Authorities.

PART 1 - ELECTIONS

PART 2 - GENERAL POWER OF COMPETENCE FOR LOCAL AUTHORITIES

PART 3 - PROMOTING ACCESS TO LOCAL GOVERNMENT

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

PART 5 - COLLABORATIVE WORKING BY PRINCIPAL COUNCILS

PART 6 - PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS

PART 7 - MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

PART 8 - LOCAL GOVERNMENT FINANCE

PART 9 - MISCELLANIOUS

3. Work Programme

The Act has already been placed in the Corporate Risk Register because of its significance. The Work Programme - Appendix 1 involves a range of tasks which primarily involve Corporate Support and Legal Services. The Programme gives an overview and assurance on the implementation behind which there is ongoing detailed work which is required to bring these provisions into effect.

4. Constitutional Changes

There are specific changes to the Audit and Governance Committee's functions and make up in the Act:

- The name of the Committee changes to the Governance and Audit Committee
- It assumes a role in relation to the complaints systems
- It is given specific functions in relation to the new performance management arrangements in Part 6 of the Act.
- The membership of the Committee will need to change for May 2022 so that 1/3 of the membership will be independent members.
- The chair of the Committee must be appointed from the lay membership

The highlighted changes are all statutory and take effect on the dates stated in the Work Plan. Appendix 2 sets out the main changes to the Constitution which I propose to make under paragraph 2.6.3. of the Constitution

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

The requirement for the lay members and the chair (which come into force in May 2022) will need to be incorporated into the Constitution to come into force at the appropriate time. This gives rise to the issue of the appropriate size of the Committee. Currently there are 18 elected members of the Committee together with a single independent member. On this basis there would be 6 lay members and 12 elected members of the committee from May 2022.

The recruitment process for the lay members of the Committee is already in train. This involves participation in a WLGA programme of advertising. The process for appointing was established by the Council in 2017. However, before the process can be completed there needs to be a decision as to the future overall size of the Committee.

There are a number of options of course. However, and having regard to the size of the Scrutiny Committees 18 would appear to be an appropriate figure to continue. Notwithstanding the reduction in the overall membership of the Council this would allow for 12 elected members. However, the Committees views are sought.

DECISION SOUGHT

- 1. To approve the progress on Work Programme and request a further up-date for the February meeting .**
- 2. To recommend the proposed number of members for the Governance and Audit Committee to the Council to take effect from 5 May 2022.**
- 3. To note the proposed amendments to the Constitution to be made by the Monitoring Officer.**

Appendix 1

(Council = Full Council, Cab=Cabinet, AGC=Audit and Governance Committee, DSC=Democratic Services Committee SC=Standards Committee)

Provisions	Leading Department / Service	Preparatory Steps / Resources	Principal Meetings
Part 1 Elections	Legal Services	Matter for nominations for elections. And administrating electoral registration Awareness raising	Blends with the DSC's work to promote democratic involvement
Part 2 Chapter 1 General Power of competence for Local Authorities	Legal Services	Briefing note on the powers explaining their nature etc. <u>Departmental Briefing Note -</u> Brief the Council and Cabinet as part of awareness of the Act.	
Part 3 Promoting Access to Local Government,	Corporate Support	Legal Services to lead on reviewing the Constitution	Council, DSC AGC
Part 4 - Local Authority Executives, Members, Officers and Committees	Corporate Support Service	Legal Services to lead on reviewing the Constitution and Code of Conduct issues, The Democratic and Language Service to lead on matter relating to remote attendance and publication of agendas etc.	Report to AGC, DC and Council
Part 5 Collaborative Working by Principal Councils	Leadership Team	Brief Council and Cabinet as part of awareness of the Act. Report on the implications of establishing regulations to Cabinet and Scrutiny Committees	Cabinet and Scrutiny
part 6 - Performance and Governance of Principal Councils and the Duty of a Principal Council to Continuously Review its Performance	Leadership Team and Finance Service in terms of Audit Committee arrangements	Brief Council and Cabinet as part of awareness of the Act. AGC to lead	AGC and Council
Part 7 - Mergers and Restructuring of Principal Areas	Leadership Team	Brief Councillors and Cabinet as part of awareness for information	
Part 8 - Local Government Finance	Finance Service		
Part 9 - Miscellaneous	Corporate Support Service		Report to the Appointments Committee and the Council as appropriate