



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

SPECIAL OVERVIEW & SCRUTINY COMMITTEE

13 JANUARY 2020

LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

**JOINT REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC SERVICES
AND COMMUNICATIONS AND THE DIRECTOR, LEGAL SERVICES**

1. PURPOSE OF THE REPORT

1. To provide Members with a summary of the initial Local Government and Elections (Wales) Bill and to provide Members with the opportunity to respond to the WLGA's evidence gathering on the Bill by submitting a response to the Equality, Local Government and Communities Committee by the 23rd January 2020.

2. RECOMMENDATIONS

It is recommended that:-

- 2.1 Members acknowledge the detailed summary provided by the WLGA Council on the "[Local Government and Elections \(Wales\) Bill](#)" (Attached at Appendix 1);
- 2.2 Members acknowledge the initial response formulated by the Chair of the Council's Overview & Scrutiny and submitted on the 3rd January 2020 (attached as Appendix 3);
- 2.3 Members submit written evidence to the [National Assembly's Equality, Local Government and Communities Committee](#) which will form the basis of the Council's response by the 23rd January 2020 by using the response form (attached as Appendix 2); and
- 2.4 Request that the Service Director, Democratic Services and Communications provides a verbal update to Full Council at its meeting on the 15th January 2020 in respect of the Overview & Scrutiny Committee response.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The need to advise Members of the initial Local Government and Elections (Wales) Bill, which was presented to the WLGA Council on the 29th November 2019 and of the initial response submitted by the Chair of the Overview & Scrutiny Committee by the 3rd January 2020.
- 3.2 The need to formulate a formal response of Council to the proposals contained within the bill.

4. BACKGROUND

- 4.1 The Local Government and Elections (Wales) Bill was published on 18th November 2019 (the briefing paper attached at Appendix 1 was also considered by Full Council on the 27th November 2019).
- 4.2 The Bill is a significant and substantial piece of legislation at 176 pages and 683 pages of accompanying documents, including an Explanatory Memorandum and Regulatory Impact Assessment which can be found at [Local Government Elections \(Wales\) Bill](#).
- 4.3 The WLGA has been invited to provide 'Stage 1 - consideration of general principles' evidence to both the Assembly's Finance Committee on 11th December 2019 and the Equality, Local Government and Communities Committee on 23rd January 2020.
- 4.4 It is anticipated that, subject to successful passage through the Assembly, the Bill would receive Royal Assent by the end of the Summer of 2020, with some provisions being commenced immediately and others being introduced for the start of the 2022 municipal term.

5. DEVELOPMENT OF THE BILL

- 5.1 The Bill is 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
- 5.2 Reform of local government including collaboration, governance arrangements, improvement and structural reform have been the subject of discussions between the Minister for Housing and Local Government and local government leaders during the past 18 months initially through the Local Government Working Group chaired by Derek Vaughan and subsequently via the Local Government Sub-Group of Partnership Council.

- 5.3 Through these groups, the Minister has sought to engage constructively with local government, sharing proposals and seeking views to ensure the Bill addressed local government's concerns and requirements where possible.
- 5.4 Under the auspices of these groups, work has also progressed at an official level to consider the implications of some anticipated reforms and what future statutory guidance might need to include. There is ongoing engagement around the implications of the proposed reforms on the performance regime, electoral reform, democratic services and Corporate Joint Committees.
- 5.5 All such engagement has been non-committal and on the understanding that dialogue did not necessarily indicate local government endorsement of or commitment to any proposals prior to them being published in full through the Bill.
- 5.6 The Welsh Government's policy intentions and proposals have evolved significantly in the four years since the Draft Local Government (Wales) Bill was published and several of the more controversial proposals for reforms have not been included, including prescribed mergers of local government, performance duties for councillors (e.g. response times for correspondence) and petitions to recall councillors. Some proposals have also been redrafted in light of local government views during consultation, for example, the proposal reforms to the performance regime have been streamlined significantly in the final Bill.

6. DEVELOPING A COUNCIL RESPONSE

- 6.1 In line with the approach previously adopted for developing formal responses for consideration and adoption by Council, it is proposed that this matter be considered by the Council's Overview & Scrutiny Committee, by receiving a detailed report outlining the proposals contained and the ability of the Council to effectively respond to these proposals.
- 6.2 As supported by Full Council, it is proposed that the Overview & Scrutiny Committee, develop a view on the detail contained within the Bill, based on the information provided by the appropriate Officers and that this response is subsequently presented for endorsement and adoption by Full Council at a future meeting.
- 6.3 An initial response has been formulated by the Chair of the Overview & Scrutiny Committee which met the deadline of submission by the 3rd January 2020 (attached as Appendix 3). In his letter the Chair expressed his disappointment at the short timescales for submission over the Christmas and New Year period which meant that the Overview & Scrutiny Committee was unable to meet. However, the proposal gave a clear indication that the Overview & Scrutiny Committee would provide its evidence to the Equality, Local Government and Communities Committee by the 23rd January 2020.

6.4 A response form is attached at Appendix 2 which will assist Members to formulate their submission, which should focus on the terms of reference (as set out in the response form) as well as consideration of the following:-

- any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them,
- the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).
- whether there are any unintended consequences arising from the Bill, and the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum).

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 Equality and diversity implications will be considered as part of the WLGA's recommendations and any subsequent implementation arrangements

8. CONSULTATION

8.1 The WLGA has been invited to provide 'Stage 1 - consideration of general principles' evidence to both the Assembly's Finance Committee on 11th December 2019 and the Equality, Local Government and Communities Committee on 23rd January 2020.

8.2 The Welsh Assembly's Business Committee has remitted the Bill to the [Equality, Local Government and Communities Committee](#) which is undertaking the public consultation. In addition to the call for evidence from local authorities to the Equality, Local Government and Communities Committee on 23rd January 2020, it is also anticipated that a number of other organisations such as SOLACE and the Association of Electoral Administrators will also submit evidence.

9. FINANCIAL IMPLICATIONS

9.1 There are no financial implications aligned to this report.

10. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES

10.1 The Local Government Elections (Wales) Bill links with the three priorities within the Corporate plan of People, Economy and Place, as it will help People and Communities by encouraging a more diverse range of members of the public to engage with local democracy, encourage public participation in council decision-making and support openness and transparency.

10.2 The revised Bill reflects the seven well-being goals and the five ways of

working, from within the Wellbeing of Future Generations Act, with particular reference to:

- A Wales of cohesive communities
- A resilient Wales
- And all of the 5 ways of working - collaboration, involvement, long term, integration, prevention.

11. CONCLUSION

11.1 The WLGA has already been invited to give evidence to two separate Assembly Committees scrutinising the Bill on 11th December 2019. It is anticipated that, subject to successful passage through the Assembly, the Bill would receive Royal Assent by the end of the Summer of 2020, with some provisions being commenced immediately and others being introduced for the start of the 2022 municipal term.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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