



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

13 March 2020

Matter for Decision

Wards Affected: All Wards

Local Government and Elections (Wales) Bill

Purpose of the Report:

1. To provide Members with an overview of The Local Government and Elections (Wales) Bill was presented in November to the National Assembly for Wales.

Executive Summary:

2. The report provides an overview to Members of the Standards Committee on The Local Government and Elections (Wales) Bill that was presented in November 2019 to the National Assembly for Wales. It will reform and strengthen local government and improve electoral arrangements.

Background:

3. The Bill has the potential to impact on numerous administrative and decision making processes of the Council. Aspects relating specifically to the Standards Committee have been highlighted below. The Bill is presently in draft form and is presently being considered by the National Assembly of Wales. A commencement date is not yet known.
4. For the purpose of this report an overview has been provided on some of the key provisions:

(a) Local Government Electoral Arrangements

The voting age for local government elections will be lowered from 18 to 16 and the right to stand and vote in local government elections will be extended to qualifying foreign citizens residents in Wales.

Local authorities and community councils will be put on a permanent five year electoral cycle, powers will be given to the Welsh Government to establish an all Wales digital electoral register and pilots of new ways to hold local elections will be allowed (i.e all postal voting, new voting hours, electronic voting, electronic counting).

(b) Disqualification criteria to stand as a councillor

People who have been declared bankrupt, are registered sex offenders, have served a prison (suspended or not) sentence of 3 months or more will be disqualified.

Council staff will be allowed to stand in elections to their employer local authority but will be required to resign if elected.

(c) Governance Arrangements

The Bill will introduce a general power of competence for local authorities and eligible community councils, giving the power to act in their respective community's best interests, generate efficiencies and secure value for money.

Local authorities will still need to appoint a Chief Executive but must publish arrangements for managing their performance.

The Bill introduces job sharing for Cabinet level positions and places a requirement on councils to have provision for maternity leave for councillors.

(d) Conduct of Members

S67(2) of the Bill imposes specific duties on political leaders to promote and maintain standards of conduct within members of their group, and to cooperate with the Standards Committee in the exercise of its functions. This requires leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups.

S67(3) imposes an additional function on the Standards committee to monitor political leaders' compliance, and to advise, train or arrange to train leaders of political groups about matters relating to the above duties.

Training of all members on the Code of Conduct is currently undertaken periodically.

S68(4) requires production of an annual report of the Standards Committee' which will include an assessment of political leaders' compliance, reporting significant matters they have dealt with and recommendations made

to the committee. In turn, the Council will be obliged to consider the report within 3 months.

(e) Mergers

There will be provision for regional working by more than one local authority through corporate joint committees. It also gives the Welsh Government the power to intervene or order one local authority to assist another one if it is believed a council isn't meeting performance requirements (based on self-assessment and peer review).

Any mergers will be wholly voluntary. Two or more local authorities can apply to Welsh Government with a merger application. The Bill sets out the formal public consultation process and regulations required to create a merged local authority.

Councils can also request to be abolished.

(f) Public engagement

Local authorities will be required to publish a public participation strategy. There will also be a duty placed on local authorities to encourage local people to participate in local government.

Local authorities will need to introduce public petition schemes, webcast all public meetings (subject to regulations) and make arrangements for remote attendance by councillors. These provisions will not apply to community councils.

Community Councils will be required to allow members of the public to make representations during meetings and publish annual reports at the end of each financial year.

Financial Impacts:

5. No implications.

Integrated Impact Assessment:

6. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

7. No implications

Workforce Impacts:

8. No implications

Legal Impacts:

9. The obligations are set out in the draft Local Government and Elections (Wales) Bill which presently being considered by the National Assembly of Wales

Consultation:

10. There is no requirement for external consultation on this item

Recommendations:

11. That Members note the content of the content of the draft Local Government and Elections (Wales) Bill.

Appendices:

12. None

List of Background Papers:

13. None

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