



Report of the Chief Legal Officer

Audit Committee – 9 March 2021

Local Government and Elections (Wales) Act 2021

Purpose:	The report presents an update to the Committee around legislative changes to the terms of reference, membership and name of the Audit Committee.
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For Information

1. Background

1.1 The Local Government and Elections (Wales) Act 2021 became law in January 2021. It is an extensive piece of complex legislation of 189 pages, 10 Parts and 170 sections. In addition there are complex commencement provisions which means that some parts of the legislation came into force immediately, others 2 months following Royal Assent and some in May 2022.

2. Local Government and Elections (Wales) Act 2021

2.1 The Act is divided into 10 Parts. Those parts which will have the most impact on the authority are summarised below:

Part 1 – Elections.

- Extension of the franchise to 16 year olds and foreign citizens.
- Changing council electoral cycles from the current 4 years to 5 years.
- Allows council employees not in politically restricted posts to stand for election to their own council.
- Discretionary power for Councils to change the voting system to single transferrable vote for their own elections.

Part 3 – Promoting Access to Local Government.

- Requirement to produce a public participation strategy.
- Duty to make a petition scheme.
- Duty to publish the constitution and a constitution guide.
- Duty to broadcast certain meetings.
- Various provisions around conduct of local authority meetings and documents.

Part 6 – Performance and Governance.

- Duty to report on performance and prepare a self-assessment report.
- Duty to arrange a panel performance assessment.
- Duty to respond to panel assessment report.
- Powers of Auditor General.
- New name and functions of Audit Committee.

3. Governance and Audit Committee

- 3.1 The Committee will recall that Welsh Government recently consulted on draft statutory guidance – Performance and Governance of principal councils. It is anticipated that final statutory guidance will be issued around the commencement dates and will be reported to the Governance and Audit Committee at a future date.
- 3.2 Welsh Government have clarified that the name and remit of the Committee will change from 1 April 2021 but that the other changes around membership are due to come into effect from May 2022.
- 3.3 The amended terms of reference including the change to the name of the Committee are attached at **Appendix 1**. As these updates reflect legislative changes the Monitoring Officer will make the necessary changes to the Constitution under her powers set out in Article 15 of the Constitution. The changes will be reported to Council for information.
- 3.4 Further changes will be made in due course to reflect the legislative changes to membership of the Committee. At present there are 2 lay members of the Committee and 13 Councillor members.
- 3.5 The Local Government and Elections (Wales) Act requires that one-third of the membership of the Governance and Audit Committee are lay persons. A lay person is a person who is not a member or an officer of any local authority, has not at any time in the period of 12 months ending with the date of the person's appointment been a member or an officer of any local authority and is not a spouse or civil partner of a member or an officer of any local authority.

- 3.6 As the one-third requirement is not coming into force until May 2022 then the Committee will need to start looking at recruitment from September / October to ensure compliance. However to achieve the one-third membership a further 3 lay persons will need to be appointed or the size of the Committee reconsidered.
- 3.7 The Act also provides that a lay person must be appointed as Chair of the Committee and the deputy Chair must not be a member of the Cabinet.

4. Equality and Engagement Implications

- 4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

An EIA Screening Form has been completed with the agreed outcome that a full EIA report is not required as this is a For Information report around legislative changes which have to be complied with.

5. Legal Implications

- 5.1 There are no other legal implications associated with this report.

6. Financial Implications

- 6.1 There are no financial implications.

For Information

Background papers: *None*

Appendices:

Appendix 1 – Terms of Reference – Governance and Audit Committee