

# LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

---

## EXPLANATORY NOTES

### GENERAL OVERVIEW OF THE ACT

#### **Part 1 – Elections**

6. **Part 1** of the Act (including Schedules 1 and 2, though note that Schedule 1 also relates to Part 7 of the Act) contains provisions for the extension of the franchise for local government elections, provides for two voting systems for elections to principal councils; changes the electoral cycle for local government elections; provides for an alternative method to register local government electors; the qualification for, and disqualification from, membership of a local authority; returning officers' expenditure; and accessibility of election documents.

#### **Part 2 – General Power of Competence**

7. **Part 2** (including Schedule 3) contains provisions establishing a general power of competence. Chapter 1 of this Part provides principal councils and “eligible community councils” with a general power of competence, sets out the boundaries of the power and the limits on charging and use of the power for commercial purposes.
8. The conditions which community councils must meet, together with the procedure they must follow, in order to become an “eligible community council” are set out in Chapter 2 of this Part.

#### **Part 3 – Promoting Access to Local Government**

9. **Chapter 2** of this Part contains provisions requiring principal councils to encourage local people to participate in local government; requirements for petition schemes; and the publication of official addresses for members of principal councils.
10. **Chapter 3** requires principal councils to publish their constitution and a constitution guide.
11. **Chapter 4** makes provision about improving public access to local authority meetings; attendance of members at meetings; public participation at community council meetings; and, in Schedule 4, provision for notices of local authority meetings and venues for community council meetings.
12. **Chapter 5** requires community councils to publish an annual report.

#### **Part 4 – Local Authority Executives, Members, Officers and Committees**

13. The provisions within Part 4 of the Act (including Schedules 5 to 7) require a principal council to appoint a chief executive and makes provision about their role. They enable the appointment of members of principal councils as assistants to the executive,

facilitate job-sharing by executive members and provide for the making of regulations to facilitate the sharing of specific principal council offices.

14. [Part 4](#) also makes provision about the entitlement of members of principal councils to family absence; places a duty on leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by the members of the group; and makes provision for the publication and consideration of annual reports by standards committees.
15. [Schedule 8](#) makes provision about investigations by the Public Services Ombudsman for Wales into alleged failures to comply with a local government member code of conduct.
16. Provision is also made within Part 4 about overview and scrutiny committees and the training of members and staff of community councils.

### **Part 5 – Collaborative Working by Principal Councils**

17. The provisions within Part 5 of the Act (including Schedule 9) provide a framework for regional collaboration by principal councils. Chapter 2 of this Part requires principal councils to have regard to guidance about exercising their functions collaboratively.
18. [Chapters 3 and 4](#) make provision for the establishment, through regulations, of corporate joint committees at the request of principal councils, or where no such request has been made.
19. [Chapter 5](#) makes further provision in regard to joint committee regulations including providing for the amendment and revocation of joint committee regulations and providing Welsh Ministers with powers to make supplementary etc. regulations in relation to corporate joint committees.

### **Part 6 – Performance and Governance of Principal Councils**

20. [Part 6](#) of the Act sets out arrangements for reviewing the performance of principal councils. Chapter 1 places a duty on principal councils to review and report on their performance. It also makes provision for panel performance assessments; special inspections by the Auditor General for Wales (“the Auditor General”); and support and intervention by the Welsh Ministers.
21. [Chapter 2](#), including Schedule 10, makes provision for the membership and proceedings of governance and audit committees.
22. [Chapter 3](#) provides for co-ordination between regulators.

### **Part 7 – Mergers and Restructuring of Principal Areas**

23. [Part 7](#) of the Act (including Schedules 1 (mentioned above in relation to Part 1), 11 and 12) contains provisions for the merger and restructuring of principal councils. Chapter 1 makes provision for the voluntary merger of principal areas, including applications for voluntary merger, consultation requirements, powers for the Welsh Ministers to give effect to mergers, arrangements for shadow councils and executives, the voting system and elections and a duty on merging councils to co-operate.
24. [Chapter 2](#) makes provision for restructuring principal areas, including conditions to be met, abolition requests, powers for the Welsh Ministers to give effect to restructuring proposals and a duty on restructuring councils to co-operate.
25. [Chapter 3](#), including Schedules 11 and 12, makes provision for transition committees, restraints on transactions and recruitment, reviews of electoral arrangements, executive arrangements and the provision of information by councils.

26. **Chapter 4** makes provision for remuneration arrangements for shadow councils and new principal councils established under Part 7, including provision about functions of the Independent Remuneration Panel for Wales, and pay policy statements.

### **Part 8 – Local Government Finance**

27. Provision is made in Part 8 relating to local government finance, including measures to tackle non-domestic rates avoidance, the removal of the power to provide for imprisonment of council tax debtors and the provision of a power to make regulations regarding joint and several liability for council tax.

### **Part 9 - Miscellaneous**

28. Provision is made in Part 9 about information sharing by regulators; heads of democratic services; abolition of community polls (Schedule 13); appointment of the chief executive and the powers of the Welsh Ministers to give directions to the Local Democracy and Boundary Commission (“the Boundary Commission”).
29. **Part 9** also makes provision about the merger and demerger of Public Service Boards (Schedule 14); when public inquiries in relation to combined fire and rescue Authorities must be held; the performance and governance of fire and rescue authorities, including in terms of the application of the Local Government (Wales) Measure 2009 (“the 2009 Measure”) in relation to those authorities; the disapplication of that Measure in relation to National Park authorities; and the final repeal of that Measure in the light of its disapplication in relation to principal councils (see Part 6), fire and rescue authorities and National Park authorities.

### **Part 10 – General**

30. **Part 10** contains general provisions regarding interpretation; directions given and regulations and orders made under the Act; power to make consequential etc. provision in regulations; the coming into force of the Act; and the short title of the Act.