

Local Government (Democracy) (Wales) Bill: Summary of changes made at Stage 2

Introduction

This document sets out the main changes made to the **Local Government (Democracy) (Wales) Bill** (“the Bill”) during Stage 2 proceedings.

Background

The Bill was introduced by Carl Sargeant AM, Minister for Local Government and Communities, on **26 November 2012**, and was remitted by the Business Committee to the **Communities, Equality and Local Government Committee** (“the committee”) for Stage 1 scrutiny. Following a change in ministerial portfolios in **March 2013**, Lesley Griffiths AM became Minister for Local Government and Government Business, and she took over as the Member in charge of the Bill from 18 March 2013.

The committee published its Stage 1 report in **March 2013**. The Constitutional and Legislative Affairs Committee also published a **report** on the Bill’s subordinate legislation provisions in the same month.

The Bill was approved unanimously at Stage 1 by the Assembly following a debate on its general principles in Plenary on **16 April 2013**.

Stage 2 commenced on 17 April. A total of 75 amendments were tabled, 51 by the Welsh Government. The committee met to consider and dispose of the amendments on **9 May 2013**.

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

Amendments passed at Stage 2

All the Welsh Government’s amendments were agreed except for two. These were amendment 48 relating to the electronic publication by certain public bodies of their registers of members’ interests, and amendment 66 relating to remote attendance at meetings of principal councils. They were defeated by the Chair’s casting vote in the negative, as required by **Standing Order** No. 17.37. None of the 26 non-Government amendments tabled was agreed: 17 were not agreed, seven were not moved, and a further two fell.

The most significant changes made to the Bill are summarised below:

Promoting and opposing private Bills

- **Amendments 60 and 64** made provisions giving local authorities the power to promote and oppose private Bills in the National Assembly, as well as at Westminster, as is currently the case.

Remote attendance at council meetings

- **Amendment 73** removed the exclusion of co-opted members from the existing provisions on remote attendance contained in the Local Government (Wales) Measure 2011, to give them greater flexibility to attend meetings remotely.

Standards of conduct committees

- **Amendment 68** made provision allowing an authority to refer a standards issue, such as alleged breaches of the code of conduct, to another authority’s standards committee. This followed recommendation 19 made by the committee in its Stage 1 report.

Reviews of communities and electoral arrangements

- **Amendment 23** required principal councils to have regard to the timetable of the Local Democracy and Boundary Commission for Wales (‘the commission’) for its electoral reviews of principal areas, so that principal councils’ reviews of community areas can be conducted before electoral reviews begin.
- **Amendment 24** made provision bringing together the two cycles of community area reviews and electoral arrangements reviews, so that each principal area will have its communities and electoral arrangements reviewed every 10 years.
- **Amendment 50** placed a duty on principal councils to provide reasonable information to the commission to help it when conducting an electoral review.
- **Amendments 51, 52 and 53** were in response to recommendation 2 of the committee’s Stage 1 report, which identified that the Bill did not allow anyone other than the Welsh Ministers to make an Order to change the electoral wards of principal areas following a community review. The amendments were agreed, meaning that a principal council or the commission may make proposals relating to the electoral wards of principal areas following such a review.
- **Amendments 26 to 33** related to the review of electoral arrangements for principal areas, and incorporated recommendations 5 and 6 of the committee’s Stage 1 report. They amended section 29 so that the commission can commence its work as soon as the Bill receives Royal Assent (rather than wait six months).

Implementation following a review

- **Amendments 54 to 58** followed recommendations 2 and 3 made by the committee in its Stage 1 report, enabling principal councils or the commission to implement changes to the electoral wards of principal areas as a consequence of a community boundary review.
- **Amendment 39** addressed a concern raised by the Constitutional and Legislative Affairs Committee in its report on the Bill. It has clarified that any Orders made under sections 37, 38 or 39 of the Bill revoking or varying previous Orders must be made by the same body that made the original Order, with the exception of Orders made by councils no longer in existence, in which case the successor body has the power to vary or revoke.

Procedure for local government reviews

- **Amendments 34, 36 and 37** make it a requirement for the commission to be a mandatory consultee in reviews conducted by principal councils.
- **Amendment 35** gives the commission the power to take over a community review where it rejects the proposals of a principal council, and to submit amended proposals to the Welsh Ministers. In such circumstances, there will be no need for the commission to carry out a consultation anew, and it will still have to publish and circulate its report, with the mandatory six-week period before an Order can be made.

Proposed changes to police area boundaries

- **Amendment 59** reinstates the minimum six-week period between the final proposals being made and the making of an Order in relation to reviews of police areas, which can be changed only by the Home Secretary. This reinstates the existing provision under the Local Government Act 1972.

Technical and commencement amendments

- **Amendments 40 and 42 to 45** were technical in nature, updating cross-references and definitions in the Bill, and deleting text that was no longer required.
- **Amendment 41** was in response to an issue identified by the Constitutional and Legislative Affairs Committee in its report, about the need to clarify that an Order made by the Home Secretary to effect a change in police area boundaries would be subject to parliamentary procedure rather than a procedure in the Assembly.
- **Amendments 69 to 71** changed the commencement provisions for various parts of the Bill, to allow community councils sufficient time to prepare for the requirements of the Bill and to provide information electronically on their websites. The Minister stated that they also allowed time for the consideration of the existing subordinate legislation provisions to be reviewed in advance of implementing provisions relating to the publication of registers, establishing joint standards committees and referring matters from one subject committee to another.

Commitment made by the Minister

During Stage 2 proceedings, the Minister made a commitment to consider and discuss issues raised by the following amendments ahead of the Stage 3 debate. The details are as follows:

Terminology

- Rhodri Glyn Thomas AM tabled amendments 10, 11 and 12 with the support of Peter Black AM to replace the word “area” with the word “division” in each of the definitions in section 29(10): “electoral area”, “multiple member area”, and “single member area”. The Minister asked the Member not to move the three amendments, stating that it was her intention for the Government to table amendments at Stage 3 to replace the words “electoral area” with the more commonly used and understood “electoral ward” throughout the Bill, and not simply in section 29.

Next steps

An **amended version of the Bill** has been prepared by the Legislation Office.

Stage 3 began on 10 May 2013 (the day after Stage 2 proceedings were completed). Members have until 6pm on Tuesday, 11 June 2013 to table further amendments through the Legislation Office (legislationoffice@wales.gov.uk). Stage 3 proceedings will take place in Plenary on 18 June 2013.

Further information

For further information on the Bill, please contact the Legislation Clerk, Bethan Davies (bethan.davies@wales.gov.uk).