

# Local Government and Elections (Wales) Bill: Bill Summary (Stage 2)

November 2020



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# **Local Government and Elections (Wales) Bill**

## Bill Summary (Stage 2)

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## 1. Introduction

The current local government structure in Wales, consisting of 22 county and county borough councils (“principal councils”) was established in 1996 by the **Local Government (Wales) Act 1994**. The debate around the sustainability of the structure, and effectiveness of the framework for local decision making has continued ever since. Welsh Governments, past and present, have commissioned numerous reports, commissions and white paper consultations, with the aim of reforming local government, strengthening democratic accountability and increasing diversity of representation.

On 18 November 2019, the Welsh Government introduced the **Local Government and Elections (Wales) Bill** (“the Bill”) (PDF 1MB) along with the Explanatory Memorandum (“EM”) (5MB). The EM also incorporates the Regulatory Impact Assessment (“RIA”) and Explanatory Notes (“EN”).

The Minister for Housing and Local Government, Julie James AM, on introducing the Bill in **Plenary on 19 November 2019**, stated that the Welsh Government is “changing the governance framework for local government to better enable innovation, transparency and local ownership for driving up service delivery outcomes and standards across Wales”.

The Local Government and Elections (Wales) Bill proposes to reform the legislative framework for local government electoral arrangements, democracy, performance and governance. The **explanatory memorandum** (as introduced) states that the Bill seeks to provide local government with “new ways to support and serve their communities”, and to “reinvigorate local democracy in Wales.”

Among the most significant provisions in the Bill are those that extend the franchise for local government elections to **16 and 17 year-olds** and foreign citizens legally resident in Wales. There are also provisions to increase public participation in local democracy, which the Welsh Ministers hope will **encourage greater diversity** in local government that better reflects communities served.

The Bill will give Principal Councils and eligible Community Councils the **general power of competence**. The provisions enable qualifying councils to “act in their communities’ best interests” without the need to identify specific powers to undertake a particular activity. Such a power has been in applied in England since 2012.

The Bill also aims to reform and strengthen local government accountability, performance and transparency in order to “deliver modern accessible, high quality public services”. In addition, there are provisions that will facilitate **greater collaboration** between principal councils to ensure “more consistent and coherent regional working mechanisms”. These include a framework to facilitate **voluntary mergers**, or the restructuring of principal councils.

Details regarding all 9 Parts of the Local Government and Elections (Wales) Bill and the various provision within them can be found in the **Bill Summary** for Stage 1 scrutiny.

## 2. Stage 1 scrutiny of the Bill

### 2.1. Scrutiny of the Bill by the Equality, Local Government and Communities Committee

The Business Committee agreed to refer the Bill to the Equality, Local Government and Communities Committee (ELGC) for Stage 1 scrutiny to consider and report on the general principles.

The Committee undertook **15 evidence sessions with stakeholders**, which included two scrutiny sessions with the Minister for Housing and Local Government, Julie James MS. The Committee also undertook a public consultation and a survey with members of the public regarding Part 3 of the Bill which makes provisions for promoting access to local government.

The **Committee's Stage 1 Report on the Bill was published on 13 March 2020** (PDF 2MB), and makes 32 recommendations for the Welsh Government on a wide range of matters in relation to the Bill.

The Committee recommended that the general principles of the Bill are **agreed by the Senedd**.

### 2.2. Scrutiny of the Bill by other Senedd Committees

The Senedd's **Finance Committee** and the **Legislation, Justice and Constitution Committee** also undertook scrutiny of the Bill, with both holding evidence sessions with the Minister on their respective areas.

Both the **Finance Committee** (PDF 1MB) and the **Legislation, Justice and Constitution Committee** (PDF 1MB) also published their reports on the 13 March 2020. Both committees expressed concern regarding the number of enabling powers for the Welsh Ministers that may be brought forward through subordinate legislation. The Finance Committee was concerned with the lack of cost estimates included for such powers, noting that in a previous committee report on subordinate legislation:

The Committee raised on a number of occasions that the Welsh Government should include a best estimate of the costs associated with subordinate legislation alongside the relevant primary legislation.

The Legislation, Justice and Constitution Committee noted in its report that there are regulation making powers in the Bill for policy areas that are not yet fully developed. It stated that:

We do not consider it appropriate to take powers to deliver policy that has not yet been fully developed or foreseen. We consider this to be poor legislative practice. This approach provides too much power to the executive at the expense of the legislature.

The Financial Resolution in relation to the Bill was agreed in ***Plenary on 8 April 2020.***

### 3. Stage 2 amendments

Stage 2 began on 9 April 2020, concluding on 9 October 2020. The Equality, Local Government and Communities Committee met to consider and dispose of the Stage 2 amendments on **2 October** and **9 October 2020**.

A total of 294 amendments were put forward at Stage 2, with a significant proportion brought forward by the Minister in Charge of the Bill, Julie James MS.

Significant Welsh Government amendments related to:

- Removal of all provisions relating to a *database of electoral registration information*
- *Removal of references to election pilot schemes*
- *To amend the Bill definition of a “relevant young person” in section 4. This extends the duties on principal councils to promote awareness among and provide assistance to “relevant young people” about registering as local government electors for:*
  - *those “relevant young people” **not resident** in the area of the principal council; and*
  - *for **care leavers** for whom the council has responsibilities under section 109 of the Social Services and Well-being (Wales) Act 2014.*
- *To include a requirement on Welsh Ministers to consult before making any rules relating to the conduct of local government elections in Wales.*
- Removal of all provisions in the Bill that relate to the creation of a power allowing Welsh Ministers to direct an election pilot scheme be undertaken, whereby they would be able to compel a local authority to undertake a specific electoral pilot.
- Removal of duties placed on principal councils to encourage local people to participate in the making of decisions by authorities connected with the council; i.e. National Parks Authorities or Community Councils.
- *To remove barriers and enable job-sharing for non-executive roles in a principal council, including chairs of committees and sub-committees and presiding members among others.*
- *There were also a number of amendments relating to Corporate Joint Committees (CJC), including a new section which enables a CJC to do anything which it considers will promote or improve the economic well-being of its area.*

- *The Minister for Housing and Local Government also gave specific commitment to bring forward amendments at Stage 3 proceedings in relation to:*
  - *Remote attendance; and the*
  - *Broadcast of meetings electronically.*

On possible amendments at Stage 3, the Minister said:

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 enable the wider local government family to continue to conduct business legally and safely, including meeting remotely. I receive many representations from all parts of the local government family for key parts of the emergency regulations to be preserved into the future. We are therefore **preparing Government amendments for Stage 3, with a view to replacing section 54**. We're all too aware of the recent actions that have had to be taken within areas where there has been an increase in COVID-19. The amendment I intend to bring forward will help futureproof local government meeting arrangements to deal with these circumstances, taking into account collective learning from recent months.

Amendments were **grouped together** to facilitate debate. There were 25 Groups in total:

**Group 1 amendments** related to the **eligibility to vote in Local Government elections**. Member amendments brought forward by Caroline Jones MS and Mark Isherwood MS within this group sought to remove the current provision that extends the right to vote at local government elections to foreign citizens and for 16 and 17 year olds.

The Minister for Housing and Local Government ("the Minister") did not support the amendments, stating that:

the Welsh Government believes that anyone contributing to the social or economic life of Wales should have the right to vote in local elections on issues that affect their daily lives.

[...]The Welsh Government has made it very clear over the last four years that we believe the franchise for devolved elections should include those aged 16 and 17 years and those legally resident in Wales.

The Minister brought forward an amendment to enable all young people from Wales in secure accommodation in the UK to register as local government electors using a declaration of local connection. The Minister said of the amendment:

Enabling all young persons from Wales in secure accommodation to register using a declaration of local connection is an irrefutable statement that young persons in such accommodation are entitled to register to vote, and in the area they come from. And I urge the committee to support this amendment.

The Minister's amendments were agreed. Member amendments were not agreed.

**Group 2 amendments** related to the voting system for Local Government elections. 29 amendments were brought forward. The lead amendment was in the name of Delyth Jewell MS and sought to provide for Single Transferrable Vote as the voting system for local government elections.

The Minister stated that:

The Welsh Government's policy as provided for in this Bill is to offer principal councils a choice between the two voting systems. Each council election is a separate event; voters will be focused on the election for their council, not on the council next door. I consider that introducing the local choice supports the principle of decisions being made at a more local level, and allows a council to reflect the different needs and demographics across parts of Wales. As such, I'm sorry that I cannot support any of the amendments tabled in this group from Delyth Jewell. Amendments 257 to 263 have the effect of mandating STV for all principal council elections, and remove the choice introduced by the provisions in the Bill.

The Minister did not support the Member amendments on voting systems, and none were agreed. Amendment 7, 8, 92 and 93 in the name of the Minister were agreed. Speaking of amendments 92 and 93, the Minister stated:

Amendments 92 and 93, which also relate to section 13 of the Bill, as currently drafted, rules in respect of the conduct of elections may apply with or without modifications to the parliamentary election rules. These amendments **expand this existing power** to modify so as to enable the rules to amend, modify, repeal or revoke any enactment. Similar powers were provided to the Secretary of State when the supplementary vote system was introduced for PCC elections.

**Group 3** contained miscellaneous amendments relating to electoral arrangements. Amendment 9 in the name of the Minister was the lead amendment. The amendment ensured that Welsh Ministers are required to consult 'before making any rules relating to the conduct of local government elections under the new section 36A of the Representation of the People Act 1983'.

The Minister did not support Member amendments in this group, including amendment 225 in the name of Caroline Jones MS which sought to leave out

‘electoral registration and electoral administration;’ from the long title of the Bill.

The Minister stated that:

One of the main purposes of this Bill is to bring about reforms to local government elections in Wales and to implement necessary administrative reforms, for example the simplification of the disqualification regime around local government elections. I wholeheartedly do not support an amendment that would look to remove an entire suite of reforms the Welsh Government feel are highly desirable and necessary to make our electoral system fit for the twenty-first century.

**Group 4 amendments** related to the registration to vote in Local Government election. The lead amendment in the group was amendment 11 in the name of the Minister, and would remove section 18 which enables the Welsh Ministers to make regulations providing for a **database of electoral registration information** from the Bill. The Minister stated:

In the light of the evidence provided by stakeholders and the comments of committee during the Stage 1 consideration of the Bill, there are some points of detail that need to be further considered to ensure these provisions are appropriately robust. Due to the extensive work that has been created as a consequence of the pandemic, it has not been possible to appropriately address these matters ahead of Stage 2, so I’ve taken the decision to remove these provisions from the Bill.

Other amendments remove sections 19, 20 and 21 from the Bill which are provisions relating to the establishment of the database.

Member amendments were not supported by the Minister, including amendment 256 and 264 which sought to restrict owners of property that are occupied periodically and multiple home owners to register to vote in the local government elections for any area in which they do not have their sole or main residence.

**Group 5 amendments** related to the eligibility to stand at Local Government elections. The lead amendment in the group was amendment 173 in the name of Mark Isherwood MS, noting that the amendment sought to ‘remove the current provision that extends the right to stand in local government elections to all foreign citizens, regardless of citizenship’. Other amendments included provisions that ensure ‘minimum periods of residency’ for foreign citizens (amendment 174) and expanding the definition of a ‘politically restricted post’ in the context of standing for local election (amendment 175).

The Minister did not support the Member amendments noting that:

the Welsh Government believes that the extension of the franchise to qualifying foreign citizens should extend to those eligible citizens being able to stand for office'. She also noted that there are 'no other UK residency requirements placed on any other category of candidate for local elections in Wales.

The Minister's amendments, which she noted as being minor or technical in nature, were agreed. All Member amendments were rejected.

**Group 6 amendments** relate to the establishment of Corporate Joint Committees and their functions. The lead amendment in the group was amendment 94 in the name of the Minister. She stated that:

the amendments I've tabled in this group refine and clarify the processes Part 5 puts in place to enable the establishment and amending of corporate joint committees or CJsCs. There **are no substantive changes** to the rationale and policy intent proposed.

Three sections of Part 5 of the Bill as introduced are replaced in full, while a number of other changes have been made throughout this Part of the Bill in order to 'ensure that the refinements that have been made are of a cohesive nature'. There are also amendments to provide CJsCs with an economic well-being function. The Minister states:

Amendment 112 provides a broadly equivalent or similar function to the well-being power under section 2 of the Local Government Act 2000 that principal councils are currently able to exercise but which will be repealed by the Bill in relation to principal councils and replaced by a general power of competence. It will enable a CJC that has been granted the function to do anything that it considers is likely to promote or improve the economic well-being of its area.

Some of the other amendments in this group seek to ensure that CJsCs do not 'stray into or override functions of a national park authority', and that NPA's are 'members of a corporate joint committee for the purposes of exercising the strategic planning function'.

Member amendments included the removal of provisions that could mandate the forming of a CJC, and provision for local people and community-based organisations to be 'involved with the decision-making processes of corporate joint committees'.

All amendments in the name of the Minister were accepted. No Member amendments were agreed.

**Group 7 amendments** related to election pilots. The lead amendment in the group was amendment 17 in the name of the Minister.

Amendment 17 removes section 26 – Welsh Ministers’ discretion to introduce election pilot schemes from the Bill. The Minister noted during Stage 2 that following careful thought, it is not considered:

an appropriate time to pursue a programme of pilots. This is because of the considerable pressure upon electoral management teams implementing other electoral changes such as canvass reform, and also because, as a Government, we have not been able to make the preparations we would have done to implement these provisions because of the pandemic

Amendment 18 removes section 27 - Guidance about election pilot schemes, and amendment 2 removes references to the pilots in the overview. All amendments were agreed.

**Group 8 amendments** were about returning officers. Two Member amendments were moved.

Amendment 236 in the name of Caroline Jones MS sought to remove section 28 – Meeting expenditure of returning officers from the Bill. The Minister did not support the amendment noting that;

The purpose of these provisions is to clarify the law around the payment of personal fees to returning officers for the holding of local government elections. There is no legal basis upon which these payments are made, and these provisions clarify this and explicitly state that personal fees are not to be paid. It is not publicly acceptable that this practice still takes place, particularly in the times when ordinary council workers are subject to such restraint.

Amendment 265 in the name of Delyth Jewell MS sought to ensure that returning officers are required to comply with Welsh language standards. This, the Member noted was a result of concerns expressed by the Welsh Language Commissioner that the ‘standards may be weakened. We therefore tabled amendments to ensure that that doesn’t happen’.

The Minister said the Welsh Government fully supported the principle behind the amendment, and that ‘it is our intention to address the concerns that lie behind it’. She went on to state:

I would like to continue discussions with the returning officers and the electoral community as to how we can collectively ensure that the candidate and voter experience of devolved elections is the same in

Welsh as it is in English. Part of ensuring this may well be that returning officers are made subject to a number of Welsh language standards. Therefore, I support the principle of considering this issue in future legislation on electoral administration, but not its inclusion in this Bill, because I believe it is part of a wider piece of work that needs to be undertaken.

Neither amendments were agreed.

**Group 9 amendments** were about documents relating to Local Government elections. The main thrust of these amendments were about **transparency and regulations** for online ‘paid-for’ political advertisement. Mark Isherwood MS stated that the purpose of his amendment (176) was to ‘bring the online rules in line with offline regulation’. The Member notes that ‘digital imprints will help regulators better identify and monitor who is producing election material and enforce the spending rules.’ The Member went on to state:

We are advised that such imprints have recently become Westminster Government policy, and the Cabinet Office at UK level have circulated a document that summarises their policy proposals for review. We’ve also confirmed with Senedd lawyers that this amendment does fall within the scope of this Bill.

The Minister noted she had sympathy for the principles behind amendment 176, but could not support it, noting that the ‘most efficient way to tackle this is on a pan-UK basis’.

Member amendments in this group were not agreed.

**Group 10 amendments** relate to the General Power of Competence (GPC). The lead amendment in the group was amendment 266, in the name of Delyth Jewell MS. The Member noted that the amendment sought to make it ‘explicitly clear on the face of the Bill that the general power of competence can be used to promote the Welsh language’.

The Minister confirmed that the GPC ‘will permit principal councils and eligible community councils to do anything that an individual can do’. The Minister went on to state:

As long as a council has taken the relevant legal matters into consideration, then exercising the general power for the purposes of promoting the Welsh language is a sound proposition and it is something a council would be able to do.

The Minister did not support the Member amendment however, and it was not agreed following a vote.

**Group 11** relates to eligible community councils. The lead amendment was amendment 177, in the name of Mark Isherwood MS. Along with amendment 178 and 179, the amendments had been tabled by the Member to:

reflect the concerns of the Auditor General for Wales during Stage 1 proceedings, when representatives of the Auditor General for Wales highlighted concerns regarding the use of the unqualified accounts criteria as part of the criteria for an eligible community council to exercise a general power of competence.

Mark Isherwood MS explained that amendment 178 would provide a 'solution to this by requiring eligible community councils to prepare a strategy for the proper exercise of the power'.

The Minister was content with the conditions in the Bill which in the Minister's view provided 'objective and proportionate measures of eligibility'. The Minister did not agree with the amendments as a result, and they were not agreed during the vote.

**Group 12** contained a total of 40 amendments relating to public participation. The lead amendment was amendment 180 in the name of Mark Isherwood MS. The Member stated that 'amendments in this group are to embed the principles of co-production and asset-based community development' in the design and delivery of public services.

The Member went on to explain that among proposed amendments included placing duties on principal councils to take account of ways of 'facilitating the co-production of service', a duty to 'promote the use of participatory budgeting to involve local people' and to 'rename the public participation strategy a *'public involvement strategy'* to reflect the embedding of the principles of co-production within the Bill'.

The Member also sought to amend provisions around petitions schemes to make it a requirement for principal councils to 'actively promote their petitions scheme'.

The Minister agreed with the 'sentiment' of amendment 180, and that it should be as 'simple as possible for people to participate in local democracy', she would not be supporting the amendments. However, the Minister did state that her:

officials are currently working with local government on developing the guidance necessary to support the implementation of this part of the Act, and I will ensure the **guidance includes the emphasis** the Member is trying to convey.

Amendment 206 proposed by Mark Isherwood MS sought to include 'an element

of reasonable practicability into the provision requiring principal councils to **broadcast meetings**'. The Member highlighted concerns expressed by Lawyers in Local Government around unintended consequences of the provision and the risk of limiting accessibility to members of the public. The Minister spoke of this amendment and others noting;

I understand the purpose behind these amendments and the difficult position principal councils feel they would face if the Bill is passed with this provision in it. During Stage 1 of the Bill, many concerns were raised about a default position in the Bill that meetings or any part of a meeting of a principal council that are open to the public must be broadcast. I've been clear that I want to find a practical solution, and while the current provision provides for Ministers to exclude specified meetings from a requirement to broadcast proceedings live, **I consider the provision could be improved**. That's why I am considering the options for bringing forward an **amendment to section 53 at Stage 3** of the Bill. My intention is that the amendment will look to provide a more **incremental and flexible approach** to the broadcast of meetings, and on this basis, I do not support these amendments at this point in time.

No Member amendments were agreed. Amendments brought forward by the Minister were agreed, including amendments that remove duties on principal councils to encourage local people to participate in the making of decisions by **'connected authorities'**.

**Group 13** relates to equality and diversity, job-sharing and family absence. The lead amendment was 272, in the name of Delyth Jewell MS. This was a probing amendment due to perceived 'frustration felt by some councillors that sometimes council business is organised without consideration of other responsibilities'. This amendment was withdrawn following the debate. Amendments 273 and 274 from the Member sought to 'prohibit all-male executives' being formed at principal councils.

The Minister noted that she was 'committed to increasing diversity across all aspects of public life, and this includes tackling the barriers that prevent individuals' active participation in local democracy'. The Minister went on to note that:

I think these amendments are very well intentioned but don't sufficiently address the complexities of the issues. There is scope for unintended consequences. For example, a male member with disabilities may find himself excluded from serving on an executive despite the fact that his experience of living with disability could be invaluable.

The lead Member amendments was withdrawn. The Minister did bring forward a number of amendments in this group. Amendment 36 inserted a new section in to Bill which will enable the Welsh Ministers to:

make regulations about job sharing within certain non-executive offices within principal councils, namely a chair or vice-chair, a presiding or deputy presiding member, a chair, vice-chair or deputy chair of a committee or sub-committee, or a deputy mayor.

**Group 14** were all drafting corrections.

**Group 15** amendments related to meetings, proceedings and access to information. The lead amendment was amendment 270 in the name of Delyth Jewel MS, and was in relation to ‘frustration’ with some voting practices in principal councils with votes often not ‘recorded or votes being allowed on the nod, or passed with a show of hands’.

Further probing amendments from the Member were associated with procedures for obtaining information from the council and information being withheld from scrutiny committees by council officials. Similarly, amendment 280 sought to provide backbench members of principal councils with scrutiny support akin to the Research Service at the Senedd.

Amendment 209 in the name of Mark Isherwood MS sought to ‘place a duty on principal councils to prepare and publish a procedure to enable members in remote attendance to vote in the event that facilities enabling remote attendance fail’.

The Minister had ‘sympathy’ with many of the amendments proposed, but did not think it was ‘necessary or desirable’ to set out requirements in primary legislation. She also noted that provision for advice and support ‘already exists for members of principal councils’ which was introduced by the **Local Government Measure (Wales) 2011**. However, the Minister did state that she:

will consider bringing forward an **amendment at Stage 3** to provide for a **guidance power** relating to the functions of the head of democratic services. We could then work with local government and the WLGA to issue specific guidance following the Measure in this area.

The Minister did not support amendment 209, stating that the amendment only covers principal councils, but that the ‘**Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020** enable the wider local government family to continue to conduct business legally and safely, including meeting remotely’.

Amendment 206 was not agreed, while all other Member amendments were withdrawn or not moved.

**Group 16** relates to the performance management of Chief executives. The lead amendment in the group was amendment 96 in the name of the Minister, who stated that the amendment removes section 60 of the Bill:

This removes the duty on principal councils to make and publish arrangements for managing the performance of the chief executive of the council. This amendment should not be mistaken as abandoning the principle that underpins these provisions. I listened carefully to the evidence provided to and by this committee during Stage 1, especially the contributions and views expressed by stakeholders and the concerns members of the committee expressed about the level of prescription within the provision.

Concerns were raised in Stage 1 scrutiny around the potential for individual performance management to be, as the Minister stated, 'played out in public', which was 'not the intention of the provision'. Performance of chief executives would still be conducted as part of the panel and peer review process set out in section 91 of the Bill as introduced.

Amendments 210, 211 and 212 brought forward by Mark Isherwood MS were not supported by the Minister. While the Minister stated that she understood the 'intention behind the amendments', these appeared a 'step further into the territory that caused concern previously'.

The Minister's amendments were agreed. All member amendments were not agreed or not moved.

Group 17 were technical amendments related to procedures for making regulations under this legislation. Some amendments were brought forward by the Minister in response to stage 1 scrutiny of the Bill by the Legislation, Justice and Constitution Committee. The **LJC Committee Stage 1 Report can be found here.**

The Minister did not support amendment 244 brought forward by Caroline Jones MS, which sought to remove Schedule 1 from the Bill, which the Minister stated would 'prevent key elements of the Bill from being implemented'.

All the Minister's amendments were agreed, and the single Member amendment not agreed.

**Group 18 and 19** amendments were miscellaneous matters relating to the Corporate Joint Committees and regulations.

A number of the amendments were of a technical nature, which the Minister stated were meant to ‘clarify what supplementary provision can be made for the purposes of giving effect to joint committee regulations, or regulations amending or revoking them or as a consequence of them’.

Mark Isherwood MS stated that for amendments 125, 128 and 136, that he would abstain, noting that:

‘we have concerns regarding how Ministers will use these powers and what, if any, role the Welsh Parliament will play in scrutinising any provisions made under these powers.’

The Minister’s amendments were agreed.

**Group 20 amendments** related to Part 6 - Performance and governance of principal councils. The lead amendment was amendment 288, in the name of Delyth Jewell MS, who also brought forward amendment 289. The amendments sought clarity over performance targets of local authorities, and the potential unintended consequences to the scrutiny process, as well as ensuring officers engage with all political groups in the principal council.

Mark Isherwood MS stated that he would be supporting all the amendments in this group, as well as moving amendment 215 which sought to introduce a new provision to ‘allow local town and community councils to be invited to be party to panel performance assessments—in other words, to be involved’.

The Minister noted that she had sympathy with the principle of some of the Member amendments, but that Part 6 of the Bill was ‘not about setting targets or indicators’. However, the Minister stated that the Welsh Government was ‘committed to keeping under review any performance measures’ for principal councils in order to ‘support and promote good decision making’.

On the Minister’s amendments, most were technical in nature, although amendment 40 was a response to **the Committee’s recommendation (no.26) in its Stage 1 report**. The Minister stated:

I’m happy to accept the committee’s recommendation, but I don’t think it’s appropriate to specify a deadline for when the self-assessment report should be made. The amendment, therefore, specifies that the self-assessment report should be prepared as **soon as reasonably practical following the end of the financial year** to which the report relates.

All the Minister’s amendments were agreed. Member amendment 288 was

withdrawn, and amendment 289 was not moved. Amendment 215 was not agreed.

**Group 21 and 22** were amendments in relation to Parts 7 – Mergers and restructuring of principal councils and Part 8 – Local Government Finance of the Bill.

Member amendment 216, brought forward by Mark Isherwood MS sought to:

remove the power for local authorities or Welsh Ministers to decide on what voting system is to be used in the first ordinary election of councillors to the principal council for a **new principal area**.

Other amendments sought to mandate STV as the electoral process for all new councils created by merger or restructuring, and remove sections of the Bill that allow the Welsh Ministers to:

direct the Local Democracy and Boundary Commission for Wales to undertake a review of authorities that are the subject of a merger application, or where Ministers have given notice that they propose to make restructuring regulations. If a new authority is being created by a merger or restructuring, there would have to be new electoral wards for the new area and they should be the subject of an initial review by the boundary commission. If, on creating a new authority, by either voluntary merger or restructuring, Ministers are unable to direct the boundary commission to undertake the initial review, the only other option would be **for Ministers themselves to do the review**, and I'm sure the committee would agree that that's not the best solution to that problem.

The Minister's amendments consolidate provisions relating to guidance within Part 7 and technical amendments.

The most significant amendment for Part 8 related to care leavers' liability for the payment of Council Tax. The Welsh Government made subordinate legislation in 2019 to disregard care leavers for this liability. However, if the liable person for the Council Tax payment fails to pay, the care leaver could be considered 'jointly and severally liable'. Amendment 58, the Minister noted:

addresses this unacceptable anomaly by enabling the Welsh Ministers to specify in regulations that classes of persons disregarded for the purpose of council tax are also not to be held jointly or severally liable for that tax.

The Minister's amendments were agreed. Member amendments were either not agreed or not moved.

**Group 23** related to Combined fire and rescue authorities: inquiries. The lead and only amendment in the group was amendment 217 in the name of Mark Isherwood MS.

The amendment sought to remove section 162 from the Bill. The amendment was in response to the evidence of the three Welsh Fire and Rescue Authorities and Mid and West Wales Fire and Rescue Service to the provision in the Bill. The Member noted that during Stage 1 evidence, South Wales Fire and Rescue Authority noted its 'grave concerns' about the provision, and that the Authority stated that the 'change is an extremely concerning step as it could result in unsuitable or ill thought through changes being made to some of the key areas noted above without sufficient inquiry, debate, scrutiny or challenge.'

The Member continued by noting:

Thus, as this committee's Stage 1 report states, as supported by this committee's members, south Wales and mid and west Wales fire and rescue authorities were clear in requesting that the provision in section 162 be removed from the Bill. I will be moving this amendment accordingly.

The Minister did not support the amendment, noting the Welsh Government had held 'discussions with the FRAs for a number of years regarding reform of their governance and finance arrangements'. The Minister went on to state:

Removing this additional and unnecessary requirement will simplify an overcomplicated and expensive process. No other public body has the power to consent to changes in their own governance arrangements or to force an inquiry if they do not, and I'm afraid I'm not convinced that FRAs should be a special case.

The amendment was subsequently not agreed.

**Group 24** related to compensation for principal councils. The lead and only amendment in the group is amendment 218 in the name of Mark Isherwood MS. The Member noted that:

Amendment 218 seeks to establish a duty on the Welsh Government to compensate local authorities for any costs incurred as a result of provisions contained within the Bill. The regulatory impact assessment states the total cost of the Bill will be around £17.17 million, including transitional costs for local government of approximately £2.95 million. Given pressures on local government finances, and particularly in light of the COVID-19 crisis, the Welsh Government must ensure that it provides the resources necessary to enact the Bill and ensure that the Bill ultimately achieves its aims.

As such, our amendment reflects comments made by stakeholders during Stage 1 proceedings, including by the Welsh Local Government Association, who stated that ‘the Welsh Government should fully fund any new national initiatives or the implications of any legislation on local authorities.’

The Minister did not support the amendment, noting:

There is already an arrangement that is agreed, tried and tested with local government, which considers all three of these aspects of principal council funding in the round. This includes identifying and considering new burdens placed on principal councils, such as those that arise from legislation. The finance sub-group of the partnership council and its distribution sub-group ensure appropriate consideration is given to these matters. I therefore cannot support this amendment.

The amendment was not agreed.

**Group 25** was the final group of amendments for Part 10 of the Bill – Coming into force. The Minister’s amendments in this group were technical in nature.

Member amendments in this group were not supported by the Minister, noting that:

Each of these amendments are consequential to amendments that the committee did not agree last week. If these amendments were agreed, they would remove the coming into force arrangements for provisions that do remain in the Bill.

The Minister’s amendments were agreed, with Member amendments not agreed.

## 4. Next steps

Stage 3 of the Local Government and Elections (Wales) Bill commenced on 12 October 2020. During this stage, Members of the Senedd (including the Minister) have the opportunity to **submit amendments to the Bill as amended at Stage 2**.

The whole of the Senedd will dispose of the amendments tabled at Stage 3 in Plenary on Tuesday 10 November 2020. Following Stage 3, it is anticipated that the Senedd will be asked to vote on whether to pass the Bill at Stage 4. No date has yet been set for Stage 4. More information on the **Senedd's Legislative Process can be found on its website**.