# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

|  |  |
| --- | --- |
| **TITLE**  | **Implementation of the Local Government and Elections (Wales) Act 2021 (3 March 2021)** |
| **DATE**  | **3 March 2021** |
| **BY** | **Julie James MS, Minister for Housing and Local Government** |

I am pleased to inform members that I have today made the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021. These Regulations will come into force on 1 April 2021.

These Regulations amend the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to increase adopter’s absence entitlement for members of a local authority from 2 weeks to 26 weeks.

Family absence is a fundamental lever in increasing the diversity of those participating in local democracy by enabling individuals to balance the requirements of their role as a member of the local authority with the needs of their family. The changes made by these Regulations will result in the same periods of maternity and adopter’s absence being available to members of principal councils and provide for similar arrangements for adopter’s absence, as are already in place for maternity absence.

I have also made the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021, the first commencement order in respect of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”).

As the first of three Commencement Orders I intend to make during March, this Order brings into force a number of key provisions of the 2021 Act on a series of dates up to 5 May 2022. This will provide local authorities with certainty as to what legislative changes are being implemented when, and ensure the required preparations can be made.

On the 1st April 2021 section 163, which provides for the appointment, by the Local Democracy and Boundary Commission, of its chief executive, and section 164, which enables the Welsh Ministers to give directions to the Commission and to principal councils, relating to the exercise of their functions under Part 3 of the Local Government (Democracy) (Wales) Act 2013, will be brought into force.

The general power of competence will come into force for principal councils on 1 November 2021 and eligible community councils on 5 May 2022. Commencing these provisions on these dates will allow the necessary subordinate legislation to be made and guidance issued to support the implementation of these provisions.

From 1 April 2022 community and town councils will be required to prepare and publish a report about the council’s priorities, activities and achievements during each financial year. Councils will be required to publish their first report, which will relate to the 2021-22 financial year, as soon as practicable after the end of that financial year.

In light of the pandemic, the timetable for the scrutiny of the Act by the Senedd was extended. As a consequence I’ve chosen to postpone the commencement of a number of the Act’s provisions to 5 May 2022 to correspond with the date of the next local government ordinary elections.

I consider this approach to be more appropriate and less disruptive to local authorities, especially in light of the ongoing pandemic, rather than subjecting the sector to a number of new requirements within the year preceding the elections.

As such, the 5 May 2022 will see a number of provisions brought into force, including in respect of:

* Reforms to increase public participation in local democracy and improve transparency including:
1. requiring principal councils to:
* encourage local people to participate in local government through the preparation of the public participation strategy; establish a petition scheme and publish their constitution and a constitution guide;
* publish official addresses for members;
* make arrangements to broadcast meetings of their full council that are open to the public electronically and make the broadcast available electronically for a reasonable period after the meeting;
1. provisions enabling public participation at community and town council meetings.
	* + Provision relating to the leadership of councils, including facilitating greater diversity amongst members including:
2. establishing a statutory position of chief executive within principal councils;
3. appointment of assistants to the executives of principal councils;
4. job sharing - requiring principal councils to include in their executive arrangements provision enabling two or more members to share an office on an executive;
5. duty of political group leaders within principal councils to maintain high standards of conduct;
6. duty on community and town councils to prepare a training plan for members of the council.

In order to ensure local authorities have the necessary support and assistance when implementing these provisions I intend to publish guidance. Rather than create numerous pieces of separate guidance which have to be read together, a consolidated set of guidance will be prepared.

Looking forward the second Commencement Order, will bring into force various provisions across Parts 6, 7 and 9 of the Act, including the new performance and governance regime for principal councils and provisions in relation to the restructuring of principal areas. The third Commencement Order will then bring into force provisions in respect of attendance, including remote attendance, at local authority meetings and the arrangements for local authority meetings and documents, including requiring electronic publication of certain meeting documents.

The making of the second and third Commencement Orders are subject to the Senedd approving subordinate legislation which provides for the necessary consequential amendments to support the bringing into force of the relevant provisions. I will provide Members with further details as and when these Commencement Orders are made.