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Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

John Griffiths, AM
Chair
Equality, Local Government and Communities Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
CF99 1NA

2 March 2020

Dear John,

Local Government and Elections (Wales) Bill - Further information following the meeting held on 29 January 2020

Further to my attendance at committee on 29 January I have set out below some minor amendments I intend to bring forward following consideration of the evidence by stakeholders and the comments of the Committee.

Section 46 – 48: Duty to encourage participation

Having listened to the evidence provided to the Committee I have re-considered these provisions and agree that the duty on principal council to encourage participation in decision making should not extend to connected bodies. I agree these are independent and should remain responsible for their own matters.

I therefore intend to bring forward an amendment removing the references to connected authorities. I have carefully considered whether to subject the other authorities, including fire and rescue authorities, to this duty individually however I consider this would be disproportionate.

Section 56 and Schedule 4 – Notices of Meetings

Having considered the evidence provided by the South Wales and the Mid and West Wales Fire and Rescue Authorities I am considering bringing forward an amendment to apply the new provisions in respect of electronic notices of meetings to both Fire and Rescue Authorities and National Park Authorities. If an amendment is not brought forward I will look

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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to use the regulation making power under paragraph 6 of Schedule 4 of the Bill to apply the new requirements to fire and rescue authorities and national park authorities.

Whilst national park authorities did not query their exclusion I consider there to be no real merit in leaving one group of bodies subject to different requirement than others within the local government family.

Section 60 – Performance Management of Chief Executives

I will bring forward an amendment to remove the detail currently on the face of the Bill. The provision will be simplified so as only to prescribe that a principal council must make and publish arrangements for the performance management of their chief executive. This will be supported by appropriate, proportionate guidance. My officials have engaged and consulted with both SOLACE and ALACE during the development of this amendment.

Section 54 – Conditions for remote attendance

My officials are currently considering how provision could be made to address the matters raised by stakeholders in respect of the validity of proceedings and quorum should a meeting involving remote attendance incur technical difficulties. It is my intention, if necessary, to bring forward an amendment and work with local government to ensure these matters are addressed.

Section 90 – Duty of principal council to report on its performance

I intend to bring forward an amendment to include a provision in the Bill which clarifies the timing of a self-assessment report. It is intended to make similar provision to the one contained in the Well-being and Future Generations (Wales) Act 2015 in respect of a council's report of the progress it has made in meeting its well-being objectives. Following amendment a principal council will be required to make (but not "publish") a self-assessment report as soon as reasonably practicable following the end of the financial year to which the report relates

As I mentioned at Committee, I also intend to amend the Local Government (Model Code of Conduct) Wales Order 2008 to address the requirements which result in the publication of a councillor's home address. The most appropriate approach to securing this amendments is currently being considered; either through the Bill or via secondary legislation.

I also wished to clarify my position in respect of the duties of leaders of political groups in relation to standards of conduct, section 67 of the Bill, only applying to principal councils. In evidence given to the committee there was the suggestion this duty be extended to both Fire and Rescue Authorities and community councils.

Having considered this further I do not intend to bring forward amendments to extend the duty in this way. The reasons for this approach are set out below:

Fire and Rescue Authorities

All members of a Fire and Rescue Authority as also a member of a principal council. The duty on a political group leader within a principal council in relation to the conduct of the group's members will extend to taking steps to maintain conduct of members sitting on Fire and Rescue Authorities.

Town and community councils

The current legislative basis for political groups is the Local Government (Committees and Political Groups) Regulations 1990 (made under section 9(10) and Schedule 1 of Local Government and Housing Act 1989). These regulations do not extend to town and community councils.

Section 67 inserts a new power to make regulations in the Local Government Act 2000 to define a political group which could establish a legal basis for political groups within community councils. However, this would immediately subject the leaders of those groups to new duties. I would be reluctant to do so without ensuring sufficient time to fully consider any potential unintended consequences of such new provisions and undertaking appropriate consultation.

National Park Authorities

Although National Park Authorities have not been specifically mentioned, the issues outlined above are also relevant to them.

I look forward to receiving the report of the Committee following completion of your scrutiny.

Yours sincerely,



Julie James AC/AM

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