

## Local Government and Elections (Wales) Act 2021: Implementation Schedule

The Bill received Royal Assent on 20 January 2021.

| Provisions  | Coming into force as per section 175 of the Act   | Actions | Timescale |
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| <b>Part 1 Elections</b>   |   |         |           |
| Extending the right to vote to 16-17 year olds and qualifying foreign citizens (section 2)  | Entitlement to be registered as a Local Government Elector – 2 months after Royal Assent<br><br><b>20<sup>th</sup> March 2021</b><br><br>Other provisions come into force 2 months after Royal Assent but do not take effect until 5 May 2022 and thereafter in respect of Local Government Elections and Local Referendum.<br><br><b>5<sup>th</sup> May 2022</b> |         |           |
| Promote awareness of registration of relevant young people and provide assistance (section 4)   | 2 months after Royal Assent<br><br><b>20<sup>th</sup> March 2021</b>  |         |           |
| Two voting systems. Simple majority system and Single Transferable Voting system. (Sections 5–12)   | <b>6 May 2022</b>   |         |           |
| Change of electoral cycle for Principal and Community Councils, together with Elected Mayors from four years to five years and extension of power to Welsh Ministers to change election day in Wales (Sections 14–17) | <b>20<sup>th</sup> March 2021</b>   |         |           |
| Registration of Local Government Electors without application (Section 18)  | By Order made under SI – which may make transitional, transitory, or saving provisions; may appoint different days for different purposes or areas.<br><br><b>Awaiting SI</b>   |         |           |
| Qualification and Disqualification for Election and being a member of a Local Authority (Sections 19–21)  | By Order made under SI – which may make transitional, transitory, or saving provision: may appoint different days for   |         |           |

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|   | different purposes or areas.<br><b>Awaiting SI</b>  |  |  |
| Translations etc. of documents at Elections in Wales (Section 22)   | 2 months after Royal Assent subject to Section 3 which in part refers to this Section taking effect in Local Government Elections or Local Referendum on or after 5 May 2022<br><b>20<sup>th</sup> March 2021</b> |  |  |
| <b>Part 2<br/>Chapter 1 General power of competence for Local Authorities</b>   |   |  |  |
| Defines the power, defines qualifying local authority as a Principal Council and an 'eligible community council, including limits on charging in exercise of general power, limits on doing things for commercial purposes in exercise of general power, powers to make supplementary provisions by Welsh Ministers | By Order made under SI – which may make transitional, transitory, or saving provision; may appoint different days for different purposes or areas.<br><b>November 2021</b>  |  |  |
| <b>Chapter 2</b> eligible Community Councils to qualify for the general power of competence   | <b>5<sup>th</sup> May 2022</b>  |  |  |

| <b>Part 3 Promoting Access to Local Government,</b>  | <b>Coming into force as per section 175 of the Act</b>   | <b>Actions</b> | <b>Timescale</b> |
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| Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39) | The Local Government and Elections (Wales) Act 2021 (Commencement No.1 Saving Provision) Order 2021 –made on the <b>4<sup>th</sup> March 2021</b> – brings into force provisions across Parts 3, 4 and 9 of the Act.<br><br>Commencement Order No.1 - 4 March 2021 brings into force provisions in Part 3 which are not yet in force – this is necessary to facilitate the drafting consulting upon and making the necessary subordinate legislation to support the implementation of the Act. |                |                  |

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|   | <b>5<sup>th</sup> May 2022</b>  |  |  |
| Prepare and Publish a Strategy on encouraging people to participate (as above) and review the strategy following every local government election (Sections 40–41) | As soon as reasonably practicable after Section 40 comes into force<br><br>Commencement Order No.1 brings sections 39-41 into force on <b>5<sup>th</sup> May 2022</b> |  |  |
| Duty to make and publish a petition scheme and review the scheme from time to time (Section 42)   | Commencement Order No.1 brings section 42 into force on <b>5<sup>th</sup> May 2022</b>  |  |  |
| Duty on Principal Councils to publish official addresses for each member – electronic and postal (Section 43)   | Commencement Order No.1 brings section 43 into force on <b>5<sup>th</sup> May 2022</b>  |  |  |
| Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45)                                     | Commencement Order No.1 brings section 45 into force on <b>5<sup>th</sup> May 2022</b> .  |  |  |
| Electronic broadcasts of meetings open to the public (Section 46)   | Commencement Order No.1 brings section 46 into force on <b>5<sup>th</sup> May 2022</b> .  |  |  |
| Attendance at local authority meetings (remote attendance) (Section 47)   | The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021<br><br><b>1<sup>st</sup> May 2021</b>                  |  |  |
| Participation at meetings of Community Councils (Section 48)  | <b>5<sup>th</sup> May 2022</b>  |  |  |
| Giving of notices and access to documents to meetings (Section 49)  | The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021<br><br><b>1<sup>st</sup> May 2021</b>                  |  |  |

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| Regulations about conduct of local authority meetings, documents relating to meetings and publication of information Section 50)   | Power to make Regulations came into force on <b>21<sup>st</sup> January 20</b>   |  |  |
| Regulations about community meetings (Section 51).   | Power to make Regulations came into force on <b>21<sup>st</sup> January 2021</b> |  |  |
| Annual Reports by Town and Community Councils; to give opportunity for the public to speak at meetings Publish an annual report about their priorities etc Publish a training plan. (Section 52) | <b>1<sup>st</sup> April 2022</b>   |  |  |

| <b>Part 4 Local Authority Executives, Members, Officers and Committees</b>   | <b>Coming into force as per section 175 of the Act</b>   | <b>Actions</b> | <b>Timescale</b> |
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| <p>Appointment of Chief Executive rather than a Head of Paid service</p> <p>Matters to be kept under review by Chief Executive</p> <p>Replace reference to CX "salary" in LG Measure with "remuneration" (Section 55)</p> <p>Reconsideration of remuneration if direction given by Welsh Ministers (Sections 54 –56)</p> | <p>Section 54 and 56<br/><b>5<sup>th</sup> May 2022</b></p> <p>Section 55 on <b>20<sup>th</sup> March 2021</b></p> |                |                  |
| <p>Appointments of assistants to Cabinet Members to be appointed by the Leader to include details of their terms of office, responsibilities and the number of assistants (assistants cannot be Chairman or Vice Chairman of Council nor a Cabinet Member) (Section 57)</p>  | <b>5<sup>th</sup> May 2022</b>   |                |                  |
| <p>Enabling job sharing for Leader and Cabinet Member positions (Sections 58-59)</p>   | <p>Section 58<br/><b>5<sup>th</sup> May 2022</b></p>   |                |                  |

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|   | Section 59 – duty to have regard to guidance<br><b>20<sup>th</sup> March 2021</b> |  |  |
| Job-sharing: non-executive offices in Principal Councils. Welsh Ministers enabled to make regulations.<br>(Section 60)  | <b>20<sup>th</sup> March 2021</b>   |  |  |
| Changes in family absence provisions (Section 61)   | <b>1<sup>st</sup> April 2021</b>  |  |  |
| Members Conduct – Political Group Leaders to promote and maintain high standards of conduct<br><br>Standards Committee – to monitor compliance with the above and provide training<br>(Sections 62) | <b>5<sup>th</sup> May 2022</b>  |  |  |
| Standards Committee at end of Financial year to prepare an annual report to the Council<br>(Section 63)   | <b>5<sup>th</sup> May 2022</b>  |  |  |
| Certain investigations by PSOW amendments to schedule 8<br>(Section 64)   | Date to be appointed by Welsh Ministers   |  |  |
| Making information available to Overview and Scrutiny Committees<br>(Section 65)  | <b>5<sup>th</sup> May 2022</b>  |  |  |
| Requiring LAs to appoint Joint Overview and Scrutiny Committees<br>(Section 66)   | <b>5<sup>th</sup> May 2022</b>  |  |  |
| Community Council Training Plans<br>(Section 67)  | <b>5<sup>th</sup> May 2022</b>  |  |  |
| <b>Part 5 Collaborative Working by Principal Councils</b>   |   |  |  |
| Guidance about Collaborative working<br>(Section 69)  | Awaiting further guidance   |  |  |

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| <p>Power for Local Authorities to apply to Welsh Ministers to establish Corporate Joint Committees (“CJCs”) Consultation to be undertaken prior to application (Section 70 and 71)</p> <p>Welsh Ministers may by regulations establish CJCs (Section 72)</p> <p>Conditions prior to a Section 72 request (Section 73)</p> <p>Establishing CJC when no request has been made (Section 74)</p> <p>Provisions relating to CJCs and Joint Committee Regulations (Section 76-88).</p> | <p>Establishment Regulations published but further regulations and Guidance awaited on implementation timetable</p> |  |  |
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| <p><b>Part 6 Performance and Governance of Principal Councils and Duty of Principal Council to keep its performance under review</b></p>   | <p><b>Coming into force as per section 175 of the Act</b></p>   | <p><b>Actions</b></p> | <p><b>Timescale</b></p> |
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| <p>Local Authorities to develop a new streamlined performance framework and report on its performance and consult at least once a year<br/>Local Authorities to review their performance in respect of</p> <ul style="list-style-type: none"> <li>a) exercising its functions effectively</li> <li>b) using its resources economically, efficiently and effectively,</li> <li>c) governance is effective for securing the matters set out in paragraphs a) and b)</li> </ul> <p>(Section 89)</p> | <p>Commencement Order No.2<br/><b>12<sup>th</sup> March 2021</b><br/>(subject to Senedd approving the LG &amp; E (W) Act 2021 (Consequential Amendments) Regulations 2021 – which will be brought into force in line with this Commencement Order)</p> <p>The majority of chapters 1, 3 and 6 of Part 6 in force on <b>1<sup>st</sup> April 2021</b><br/>First self-assessment report to be compiled and reported early in 2022/23</p> <p>Commencement Order No.2 which disapplies the 2009 Measure contains saving provisions to ensure exercise of certain functions, and other things done under the Measure continue to have effect</p> |                       |                         |

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|   | <p>following disapplication of the Measure.</p> <p>Principal Councils to continue under the 2009 Measure to publish performance requirements by October 2021.</p> |  |  |
| <p>Undertake an Annual self – assessment. Publish a draft report of the assessment report it to the Governance and Audit Committee and publish the final report. (Section 91)</p>   | <p>Date to be appointed by Welsh Ministers</p>  |  |  |
| <p>Council to make arrangements to appoint a panel to assess the extent to which performance requirements are being met. (Section 92)</p>   | <p>Commencement Order No.2 – <b>5<sup>th</sup> May 2022</b></p>   |  |  |
| <p>Local Authority to respond to the panel's performance assessment (Section 93)</p>  | <p>Commencement Order No.2<br/><b>5<sup>th</sup> May 2022.</b></p>  |  |  |
| <p>Welsh Ministers may introduce regulations regarding panel performance assessments (Section 94)</p>   | <p><b>5<sup>th</sup> May 2022.</b></p>  |  |  |
| <p>Power of Auditor General to carry out a special inspection and publish a report and duty for Principal Council to respond to Auditor General's recommendations if considered Principal Council has failed to meet its performance requirements. Duty of Principal Council to respond to Auditor General's recommendations and Welsh Ministers (Section 95)</p> | <p><b>20<sup>th</sup> March 2021</b></p>  |  |  |
| <p>Powers of inspection by Auditor General and fees. (Section 98 - 101)</p>   | <p>Date to be appointed by Welsh Ministers</p>  |  |  |

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| Support and assistance by the Welsh Ministers with improving performance and powers to intervene (Section 102 - 112)                     | Date to be appointed by Welsh Ministers  |                |                  |
| Disapplication of the 2009 measure in relation to Principal Councils and repeal of provisions about coordination of audit. (Section 113) | Date to be appointed by Welsh Ministers  |                |                  |
| Amendment of the Well-being of Future Generations (Wales) Act 2015. (Section 114)  | Date to be appointed by Welsh Ministers  |                |                  |
| Governance and Audit Committee (Sections 115–118)  | <p>Commencement Order No.2 - section 115 on <b>1st April 2021</b> – renaming of Audit Committee and following functions:</p> <ul style="list-style-type: none"> <li>- Review and assess the authority's ability to handle complaints effectively;</li> <li>- Make reports and recommendations in relation to the authority's ability to handle complaints effectively</li> </ul> <p>Commencement Order No.2 <b>5th May 2022</b> chapter 2 of Part 6 G&amp;A Committee membership and proceedings.</p> <ul style="list-style-type: none"> <li>- Chair of G&amp;A must be a lay member</li> <li>- One third of Members to be lay persons</li> <li>- Deputy Chair must not be a member of the Local Authority's executive or an assistant to its executive</li> </ul> |                |                  |
| Coordination between Regulators (Sections 119-120)   | Date to be appointed by Welsh Ministers  |                |                  |
| <b>Part 7- Mergers and Restructuring of Principal Areas</b>  | <b>Coming into force as per section 175 of the Act</b>   | <b>Actions</b> | <b>Timescale</b> |
| Voluntary mergers, local discretion and conditions associated with Welsh Minister making restructuring regulations and                   | Commencement Order No.2 - <b>12th March 2021</b> and disapplication of the Measure – subject to approval by the Senedd of  |                |                  |



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| remuneration arrangements for new Principal Councils (Sections 121-150)  | the Consequential Amendments Act   |                |                  |
| <b>Part 8 - Local Government Finance</b>   | <b>Coming into force as per section 175 of the Act</b>   | <b>Actions</b> | <b>Timescale</b> |
| <p>Powers to require information relating to hereditaments, information relevant to determining liability for non-domestic rate, powers to inspect property, amendment to multipliers, amendments to the Local Government Finance Act 1988, granting Welsh Ministers powers to make regulations on joint and several liability to pay Council tax.</p> <p>Removal of Power to provide for Imprisonment of Council Tax Debtors (Sections 151 - 158)</p> | <p>2 months after Royal Assent – <b>20<sup>th</sup> March 2021</b><br/>(Sections 152, 154-156 and 158)<br/><b>1 April 2021</b><br/>(Sections 151, 153 and 157)</p>   |                |                  |
| <b>Part 9 - miscellaneous</b>  |  |                |                  |
| Information Sharing between Regulators (Section 159)   | <p><b>21 January 2021</b> except ss 4(b) and © in table 2 in ss (5), the entry relating to the AG for Wales functions under Chapter 1 of Part 6</p> <p>Commencement Order No.1 - <b>5 March 2021</b> – Parts 3,4 and 9 of the Act.</p> <p>Commencement Order No.2 - <b>12<sup>th</sup> March 2021</b> information sharing provisions – subject to Senedd approval of consequential amendments Regulations.</p> |                |                  |
| <p>Head of Democratic Services (Section 161)</p> <ul style="list-style-type: none"> <li>- Chief Officer Pay Policy to include Head of Democratic Services</li> <li>- Removal of the restriction on monitoring officers also being designated head of democratic services</li> </ul>  | <p>Commencement Order No.1 <b>4<sup>th</sup> March 2021</b> section 161 to facilitate consultation and making the Regulations re allocation of resources to the HoDS.</p> <p>Commencement Order No.2 - brings section 161 fully in force on <b>5 May 2022</b>.</p>   |                |                  |

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| Abolition of polls consequent on a community meeting (Section 162)  | Commencement Order No.1 in force on <b>5 May 2022</b>               |  |  |
| Merging and de-merging Public Services Boards under the Well-being and Future Generations (Wales) Act 2015. (Section 165) | 2 months after Royal Assent And schedule 14 on <b>20 March 2021</b> |  |  |

## Part 10 Schedules

Schedule 1 – Initial reviews of electoral arrangements etc

Schedule 2 – Minor and consequential amendments relating to elections

Schedule 3 – Amendments relating to general power of competence relating to Principal Councils and Town and Community Councils.

Schedule 4 – Notice of Local Authority meetings, access to documents and attendance at meetings. **1<sup>st</sup> May 2021**

Schedule 5 – Consequential amendments relating to Chief Executives

Schedule 6 - Consequential amendments etc relating to assistance to Local Authority Executives

Schedule 7 – Job-sharing by Executive Leaders and Executive Members

Schedule 8 – Conduct of Local Government Members: investigations by the Public Services Ombudsman for Wales

Schedule 9 – Amendments related to CJsCs including creation of strategic planning functions for certain corporate joint committees and repeal of powers to establish strategic planning panels and repeal of power to establish joint transport authorities

Schedule 10 – Consequential amendments relating to renaming of Principal Council for the Committees.

Schedule 11 – Transition Committees of merging Councils and restructuring Councils.

Schedule 12 – Restraints on transactions and recruitment etc by merging Councils and restructuring Councils

Schedule 13 – Abolition of polls consequent of community meetings under the Local Government Act 1972

Schedule 14 – Consequential amendments relating to merger and de-merger of Public Services Board