

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 25 April 2022</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	The Local Government and Elections Act (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 ("the Regulations")
Purpose of Report:	To inform Council of the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 ("the Regulations")
Report Owner:	Chief Executive
Responsible Officer:	Head of Human Resources and Organisation Development
Elected Member and Officer Consultation:	As a matter relating to the business organisation, no specific ward member consultation is necessary
Policy Framework:	This is a matter for determination by Council
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>To inform the Council of the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 ("the Regulations"), the full legal implications for which are as set out elsewhere in this report;</li> <li>On the coming into force, by Order, of Section 54 of the Local Government and Elections (Wales) Act 2021 ("the Act"), the Regulations take effect so as to replace the current requirement to designate an existing officer as Head of Paid Service and provides that the officer that is designated as the Head of the Authority's Paid Service under the Local Government and Housing Act 1989 immediately before 5 May 2022 be treated as the Chief Executive under section 54 of the Act</li> </ul>	

## **Recommendations**

1. That Council notes the introduction of the Local Government and Elections Act (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022.

## **Reasons for Recommendations**

1. To note the introduction of the Regulations with effect from 5 May 2022

### **1. Background**

- 1.1 The Vale of Glamorgan's Head of Paid Service is the Chief Executive having been designated and having taken up the position of Managing Director in May 2015.

### **2. Key Issues for Consideration**

- 2.1 Consequential amendments to primary legislation as a result of section 54 are included in the Act (Schedule 5), however, consequential amendments to secondary legislation are not included. Therefore, these consequential amendments and transitional provision relating to current Heads of Paid Service needed to be made by Regulations.
- 2.2 The 2022 Regulations, laid before the Senedd on 25 March, come into force on 5 May 2022 and replace the current requirement to designate an existing officer as Head of Paid Service and provides that the officer that is so designated under the Local Government and Housing Act 1989 immediately before 5 May 2022, be treated as the Chief Executive under section 54 of the 2021 Act.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The Regulations put in place an arrangement which has a long-term effect on the Well-being Objectives.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1 There are no financial implications as part of the redesignation.

## **Employment**

- 4.2** The Local Government and Elections Act (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 are for noting and require no further contractual steps to be taken by the Council.

## **Legal (Including Equalities)**

- 4.3** The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (“the Regulations”) - (<https://senedd.wales/media/cpnjrhk1/sub-ld15042-e.pdf>) were laid before the Senedd on the 25th March and come into force on the 5th May by virtue of the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.
- 4.4** The Regulations make the necessary consequential amendments to secondary legislation, transitional provision in relation to the existing heads of paid service for county councils and county borough councils and a revocation provision in relation to the Standing Order (Wales) Regulations 2006, as follows:
- The Local Authorities (Contracts) Regulations 1997
  - The 2006 Regulations
  - The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007
  - The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013
  - The Accounts and Audit (Wales) Regulations 2014
  - The Prevention of Social Housing Fraud (Detection of Fraud) (Wales) Regulations 2014
- 4.5** Regulation 9(1) sets out transitional provision, which provides that the officer that is designated as the head of the authority’s paid service under section 4 of the 1989 Act immediately before 5 May 2022 is to be treated as the chief executive under section 54 of the 2021 Act.
- 4.6** Regulation 9(2) provides that the appointment regime as set out in paragraphs 1 and 2 of Part 1 of Schedule 1 to the 2006 Regulations does not apply to the heads of paid service treated as chief executives under regulation 9(1).

## **5. Background Papers**

Cabinet Report 13th September 2021

Special Council Report 28th September 2021

Council Report 6th December 2021

Special Council Report 24th January 2022