



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 3

### PROMOTING ACCESS TO LOCAL GOVERNMENT

#### CHAPTER 1

##### OVERVIEW OF PART

### 38 Overview

In this Part—

- (a) Chapter 2 requires a principal council—
  - (i) to encourage local people to participate in decision-making by the council;
  - (ii) to prepare and publish a strategy setting out how it is to comply with its duty to encourage participation in decision-making;
  - (iii) to make a petition scheme;
  - (iv) to publish an electronic and postal address for each of its members;
- (b) Chapter 3 requires a principal council to publish a guide to accompany its constitution and make copies of the guide available on request;
- (c) Chapter 4 makes provision—
  - (i) for broadcasting proceedings at meetings of principal councils and other local authorities which are open to the public;
  - (ii) requiring local authorities to make arrangements enabling remote attendance at meetings;
  - (iii) giving members of the public the opportunity to speak at meetings of community councils open to the public;

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- (iv) about the giving of notices, and access to documents, relating to local authority meetings;
- (v) for regulations to be made about local authority meetings, publication of information and community meetings;
- (d) Chapter 5 requires community councils to publish an annual report about their priorities, activities and achievements.

VALID FROM 05/05/2022

## CHAPTER 2

### PUBLIC PARTICIPATION IN DECISION-MAKING BY PRINCIPAL COUNCILS

#### *Principal councils' duty to encourage participation in local government*

#### **39 Duty to encourage local people to participate in decision-making by principal councils**

- (1) A principal council must encourage local people to participate in the making of decisions by the council (including the making of decisions in partnership or in conjunction with any other person).
- (2) In subsection (1), a reference to the making of decisions includes a reference to the making of decisions by a person in relation to the exercise of a function delegated to that person by a principal council.

#### **40 Strategy on encouraging participation**

- (1) A principal council must prepare and publish a strategy (“a public participation strategy”) specifying how it proposes to comply with the duty in section 39.
- (2) A public participation strategy must, in particular, address—
  - (a) ways of promoting awareness among local people of the principal council's functions;
  - (b) ways of promoting awareness among local people of how to become a member of the principal council, and what membership entails;
  - (c) ways of facilitating access for local people to information about decisions made, or to be made, by the principal council;
  - (d) ways of promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made;
  - (e) arrangements made, or to be made, for the purpose of the council's duty in section 62 of the 2011 Measure (bringing views of the public to attention of overview and scrutiny committees);
  - (f) ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.
- (3) A public participation strategy may address how a principal council proposes to comply with a duty imposed by any enactment.

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#### **41 Public participation strategy: consultation and review**

- (1) A principal council's first public participation strategy must be published as soon as reasonably practicable after section 40 comes into force.
- (2) In preparing that strategy the council must consult—
  - (a) local people, and
  - (b) such other persons as it considers appropriate.
- (3) A principal council—
  - (a) must review its public participation strategy as soon as reasonably practicable following each ordinary election of councillors to the council, and
  - (b) may review its strategy at any other time.
- (4) In conducting a review of a public participation strategy under subsection (3)(a) a principal council must consult—
  - (a) local people, and
  - (b) such other persons as it considers appropriate.
- (5) Following a review under subsection (3) a principal council may revise its public participation strategy, or replace it with a new strategy.
- (6) But before revising or replacing its public participation strategy following a review under subsection (3)(b) a principal council must consult—
  - (a) local people, and
  - (b) such other persons as it considers appropriate.
- (7) If a principal council revises or replaces a public participation strategy, it must publish the revised or new strategy as soon as reasonably practicable.

#### *Principal council's petition scheme*

#### **42 Duty to make petition scheme**

- (1) A principal council must make and publish a scheme (a “petition scheme”) setting out how the council intends to handle and respond to petitions (including electronic petitions).
- (2) A petition scheme must, in particular, set out—
  - (a) how a petition may be submitted to the council;
  - (b) how and by when the council will acknowledge receipt of a petition;
  - (c) the steps the council may take in response to a petition received by it;
  - (d) the circumstances (if any) in which the council may take no further action in response to a petition;
  - (e) how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.
- (3) A principal council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme.
- (4) If a principal council revises or replaces a petition scheme, it must publish the revised or new scheme.

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*Addresses of members of principal councils*

**43 Duty on principal councils to publish official addresses**

A principal council must publish an electronic and postal address for each member of the council, to which correspondence for the member may be sent.

*Guidance*

**44 Guidance on exercise of functions under this Chapter**

A principal council must have regard to any guidance issued by the Welsh Ministers about the exercise of functions under this Chapter.

VALID FROM 05/05/2022

**CHAPTER 3**

CONSTITUTION GUIDES

**45 Principal councils' duty to publish constitution and constitution guide**

(1) Section 37 of the 2000 Act (local authority constitution) is amended as follows.

(2) After subsection (1) insert—

“(1A) A local authority must prepare and keep up to date a document (referred to in this section as their constitution guide) which explains, in ordinary language, the content of their constitution.”

(3) In subsection (2)—

(a) after “must” insert “—

(a) publish their constitution and their constitution guide electronically and in such other manner as they consider appropriate, and

(b)”;

(b) after “copies of their constitution” insert “ and their constitution guide ”.

(4) In subsection (3)—

(a) after “constitution” insert “ or, as the case may be, their constitution guide ”;

(b) for the words from “who requests” to the end of the subsection, substitute “ on request, either free of charge or at a charge representing no more than the cost of providing the copy ”.

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## CHAPTER 4

### LOCAL GOVERNMENT MEETINGS

#### 46 Electronic broadcasts of meetings of certain local authorities

- (1) A principal council must make and publish arrangements for the purpose of ensuring that—
  - (a) a broadcast of proceedings at a meeting to which subsection (2) applies is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings;
  - (b) the proceedings are broadcast as they take place, subject to any specified exceptions;
  - (c) the broadcast is available electronically for a specified period after the meeting.
- (2) This subsection applies to proceedings at a meeting, or any part of a meeting, which is open to the public of—
  - (a) a principal council;
  - (b) any of the following specified bodies—
    - (i) the executive of a principal council;
    - (ii) a committee or sub-committee of an executive of a principal council;
    - (iii) a committee or sub-committee of a principal council;
    - (iv) a joint committee, or a sub-committee of a joint committee, of two or more principal councils.
- (3) The Welsh Ministers may by regulations make further provision in connection with the broadcast of proceedings at a meeting to which subsection (2) applies.
- (4) In subsections (1) and (2), “specified” means specified in regulations made by the Welsh Ministers.
- (5) If a principal council revises or replaces arrangements made under subsection (1), it must publish the revised or new arrangements.
- (6) A principal council making arrangements required by subsection (1) must have regard to any guidance about the exercise of that function issued by the Welsh Ministers.
- (7) The validity of any proceedings to which subsection (2) applies is not affected by the availability or otherwise of a broadcast (whether as the proceedings take place or afterwards).
- (8) The Welsh Ministers may by regulations make provision for and in connection with ensuring that proceedings at a meeting of an authority listed in subsection (9), or at a meeting of a committee or sub-committee of such an authority, are broadcast electronically.
- (9) The authorities are—
  - (a) a fire and rescue authority for an area in Wales;
  - (b) a National Park authority for a National Park in Wales;
  - (c) a joint committee of one or more principal councils and one or more authorities described in paragraph (a) or (b);
  - (d) a joint board which—

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- (i) is constituted under any enactment as a body corporate, and
- (ii) discharges functions of two or more principal councils.

(10) Regulations under subsection (3) or (8) may include provision amending, modifying, repealing or revoking any enactment.

#### Commencement Information

- I1** S. 46(1)(b)(c)(2)(b) in force at 4.3.2021 for specified purposes by [S.I. 2021/231](#), [art. 2\(d\)](#)
- I2** S. 46(3)(4)(8)-(10) in force at 4.3.2021 by [S.I. 2021/231](#), [art. 2\(e\)](#)

## 47 Attendance at local authority meetings

- (1) A local authority must make and publish arrangements for the purpose of ensuring that local authority meetings are able to be held by means of any equipment or other facility which—
  - (a) enables persons who are not in the same place to attend the meetings, and
  - (b) satisfies the conditions in subsection (2).
- (2) The conditions are that the equipment or other facility enables persons—
  - (a) in the case of local authority meetings that do not fall within paragraph (b), to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other), and
  - (b) in the case of meetings of a principal council required to be broadcast under section 46 (electronic broadcasts), or any other local authority meetings required to be broadcast by regulations made under that section, to speak to and be heard by each other and to see and be seen by each other.
- (3) In the case of meetings of a joint committee of two or more local authorities, the authorities must make and publish arrangements under subsection (1) jointly.
- (4) If a local authority revises or replaces arrangements made under subsection (1), it must publish the revised or new arrangements.
- (5) A local authority making arrangements required by subsection (1) must have regard to any guidance about the exercise of that function issued by the Welsh Ministers.
- (6) In this section—
  - “local authority” (“*awdurdod lleol*”) means—
    - (a) a principal council;
    - (b) a community council;
    - (c) a fire and rescue authority for an area in Wales;
    - (d) a National Park authority for a National Park in Wales;
    - (e) a port health authority for a port health district in Wales constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22);
  - “local authority meeting” (“*cyfarfod awdurdod lleol*”) means a meeting of—
    - (a) a local authority;
    - (b) where the local authority is a principal council, its executive;
    - (c) a joint committee of two or more local authorities;
    - (d) a committee or sub-committee of anything within paragraphs (a) to (c),

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and, for the avoidance of doubt, includes a hearing held by a principal council's licensing committee established under section 6 of the Licensing Act 2003 (c. 17) or a sub-committee established by a licensing committee.

- (7) A reference in any enactment to—
- (a) the attendance, presence or appearance of a person at a local authority meeting includes, in relation to a meeting held by the means described in subsection (1), attendance, presence or appearance by use of those means;
  - (b) the place at which a local authority meeting is held is not to be read as limited to a single physical location.
- (8) The Welsh Ministers may by regulations amend this section so as to—
- (a) add to, amend or omit the conditions in subsection (2);
  - (b) add to the definition of “local authority” in subsection (6) a joint board which—
    - (i) is constituted under any enactment as a body corporate, and
    - (ii) discharges functions of two or more principal councils.
- (9) Part 2 of Schedule 4 makes consequential amendments.

#### Commencement Information

**I3** S. 47(1)-(7)(9) in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(a)**

**I4** S. 47(8) in force at 4.3.2021 by [S.I. 2021/231](#), **art. 2(f)**

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#### 48 Participation at meetings of community councils

In Part 4 of Schedule 12 to the 1972 Act (meetings and proceedings of community councils), after paragraph 27 insert—

- “27A (1) This paragraph applies in respect of a meeting or part of a meeting of a community council which is open to the public.
- (2) The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be transacted at the meeting, unless that person considers that doing so is likely to prejudice the effective conduct of the meeting.
  - (3) In complying with sub-paragraph (2), the person presiding over the meeting must have regard to any guidance issued by the Welsh Ministers about the function in that sub-paragraph.”

#### 49 Notices etc. of local authority meetings

[<sup>F1</sup>(1)] Part 1 of Schedule 4 makes amendments to the 1972 Act and other Acts, concerning notices and other documents relating to meetings of local authorities.

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[<sup>F2</sup>(2) Any notice or other document relating to a local authority meeting which is required under any enactment to be published electronically is, for the purposes of paragraph 5 of Schedule 1 to the Defamation Act 1996 (c. 31), to be treated as a document required by law to be open to public inspection.

(3) In subsection (2) “local authority meeting” has the same meaning as in section 50(5).]

#### Textual Amendments

- F1** S. 49 renumbered as s. 49(1) (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/356\)](#), regs. 1(2), **5(2)** (with regs. 10, 11)
- F2** S. 49(2)(3) inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/356\)](#), regs. 1(2), **5(3)** (with regs. 10, 11)

#### Commencement Information

- I5** S. 49 in force at 21.1.2021 for specified purposes, see s. 175(1)(c)(7)
- I6** S. 49 in force at 1.5.2021 in so far as not already in force by [S.I. 2021/354](#), **art. 2(b)**

## 50 Regulations about conduct of local authority meetings, documents relating to meetings and publication of information

- (1) The Welsh Ministers may by regulations make provision for and in connection with requirements concerning notices and other documents relating to local authority meetings and concerning the conduct of such meetings.
- (2) Regulations under subsection (1) may, in particular, include provision about—
- (a) the production of notices and other documents relating to local authority meetings;
  - (b) the publication and dissemination of such notices and documents;
  - (c) the content of such notices and documents;
  - (d) rights of access to such notices and documents;
  - (e) the keeping of documents relating to local authority meetings;
  - (f) arrangements relating to the holding of local authority meetings;
  - (g) the recording of decisions made at such meetings.
- (3) The Welsh Ministers may also by regulations make provision for and in connection with the publication by local authorities of, and rights of access to, information setting out details about—
- (a) members of the authority and its committees and sub-committees;
  - (b) rights to attend local authority meetings and to access documents;
  - (c) the exercise of powers of a local authority by its officers.
- (4) Regulations under this section may amend, modify, repeal or revoke any enactment.
- (5) In this section—
- “local authority” (“*awdurdod lleol*”) means—
- (a) a principal council;
  - (b) a community council;



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- (c) a fire and rescue authority for an area in Wales;
  - (d) a National Park authority for a National Park in Wales;
  - (e) a joint board which—
    - (i) is constituted under any enactment as a body corporate, and
    - (ii) discharges functions of two or more principal councils;
  - (f) a port health authority for a port health district in Wales constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22);
- “local authority meeting” (“*cyfarfod awdurdod lleol*”) means a meeting of—
- (a) a local authority;
  - (b) where the local authority is a principal council, its executive;
  - (c) a joint committee of two or more local authorities;
  - (d) a committee or sub-committee of anything within paragraphs (a) to (c).

## 51 Regulations about community meetings

In Part 5 of Schedule 12 to the 1972 Act (community meetings), after paragraph 36 insert—

- “36A (1) The Welsh Ministers may by regulations make provision for and in connection with requirements concerning notices and other documents relating to community meetings and concerning the holding of such meetings and their conduct.
- (2) Regulations under sub-paragraph (1) may, in particular, include provision about—
- (a) arrangements relating to the holding of community meetings attended by persons who are not in the same place;
  - (b) the convening of community meetings;
  - (c) the production, publication, dissemination and content of notices of community meetings;
  - (d) the recording of decisions made at community meetings;
  - (e) the functions of principal councils and community councils in relation to community meetings;
  - (f) eligibility to attend and to vote at community meetings.
- (3) Regulations under sub-paragraph (1) may include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act)).
- (4) A statutory instrument containing regulations under sub-paragraph (1) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.
- 36BA principal council and a community council exercising functions in relation to community meetings must have regard to any guidance about the exercise of those functions issued by the Welsh Ministers.”

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## CHAPTER 5

### ANNUAL REPORTS BY COMMUNITY COUNCILS

#### **52 Annual reports by community councils**

- (1) As soon as reasonably practicable after the end of each financial year, a community council must prepare and publish a report (an “annual report”) about the council's priorities, activities and achievements during that year.
- (2) A community council must have regard to any guidance about annual reports issued by the Welsh Ministers.
- (3) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to a community council's function of determining the content of an annual report.

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