



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION

Consultation on the Local Government and Elections (Wales) Act 2021: Community and Town Councils statutory guidance

We want your views on guidance that will support community and town councils to put in place the Local Government and Elections Act (Wales) 2021.

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Introduction

This consultation has been issued to seek your views on the draft statutory guidance for community and town councils on a number of provisions in the Local Government and Elections Act (“the 2021 Act”).

The 2021 Act was passed on 20 January 2021 and provides for the establishment of a new and reformed legislative framework for local government elections, democracy, governance and performance. The legislation affects the community and town council sector and the key changes are explained in this draft statutory guidance.

The 2021 Act gives qualifying local authorities, including eligible community councils, a general power of competence. This guidance supports community

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and town councils to consider the requirements should they wish to become eligible community councils.

This guidance also provides information to help all community councils discharge their new duties in relation to the following requirements:

- accessing meetings from multiple locations
- providing opportunity for public participation at public council meetings
- preparing and publishing an annual report
- preparing and publishing a training plan to support training for councillors and council staff
- other provisions which impact on community and town councils.

Overview of the provisions

There is support across the sector and from the public for increasing the visibility of the work of community councils. We want communities to take an interest in what their councils do and to have easy access to information on the council's work. The requirements in relation to annual reports, training plans, multi-location meetings and public participation are designed to support this intent.

Multi-location meetings

The 2021 Act requires that community councils must make and publish arrangements for its meetings enable people who are not in the same place to meet. Under the arrangements, councils will need to take reasonable steps to allow meetings to be held from multiple locations. The minimum requirement is that members are able to hear and be heard by others.

Public participation at full council meetings

The 2021 Act makes provision for public participation at full community council meetings or those part of meetings which are open to the public. The person

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presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be discussed at the meeting, unless doing so is likely to prejudice the effective conduct of the meeting.

Annual reports

The 2021 Act requires community councils, as soon as reasonably practicable after the end of each financial year, to prepare and publish an annual report about the council's priorities, activities and achievements over the previous year.

Training plans

The 2021 Act requires community councils to make and publish a plan about the training provision for its members and staff. The first training plan must be ready and published by 5 November 2022, six months after the duty comes into force. The training plan should reflect on, and address, whether the council collectively has the skills and knowledge it needs to deliver its plans effectively.

Eligibility to exercise the general power of competence

There is also support to empower community councils to be more innovative and ambitious when delivering for their community. The Act introduces a general power of competence for 'eligible community councils', which empowers those councils to do anything that an individual generally can do. It is a power of first resort which means that a qualifying authority does not need to rely on specific powers in legislation to do something, so long as what is intended to do is not otherwise prohibited.

The 2021 Act sets out the conditions community councils must meet to be an 'eligible community council' with access to the general power. The statutory guidance provides information on the qualifying conditions and on the application of the general power of competence.

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Other provisions in the Act

Information is provided to make community councils aware of changes to legislation regarding:

- Notices of meetings of community councils for example the time and place for giving notice of a council meetings.
- Proceedings of councils meetings for example a new requirement to publish key information within a week of council meetings.
- Community petitions, and where they replace community polls.
- The electoral cycle of community councils.

Important Dates

Provisions in the 2021 Act come into force on different dates, some linked to the financial year, others to the date of the local government elections. The coming into force dates are listed below:

- Duty on councils to publish annual reports: 1 April 2022
- Eligibility to be able to exercise the general power of competence for the community and town council sector: 5 May 2022
- Duty to make opportunity for public to participate in council meetings: 5 May 2022
- Duty to consider training for councillors and council staff: 1 April 2022, with first training plan to be published by November 2022.

Why we are introducing this guidance

This draft statutory guidance is intended to support community and town councils in implementing the 2021 Act. Councils will need to have due regard to this guidance when carrying out their activities. This consultation is intended to ensure that stakeholders are able to provide input and insight into the statutory guidance.

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We intend for the final statutory guidance to be published in advance of the local government elections in May 2022. This date is when the key provision for eligibility to exercise the general power of competence will come into force.

The guidance is set out as follows:

- Chapter 1: General Power of Competence and eligible community councils
- Chapter 2: Multi-location meetings
- Chapter 3: Public participation in meetings
- Chapter 4: Annual reports
- Chapter 5: Training plans
- Chapter 6: Other provisions impacting community and town councils

Consultation questions

Question 1

Generally, is the structure and coverage of the guidance presented clearly and in a way which is practical for community and town councils?

Question 2

Does Chapter 1 provide sufficient and appropriate guidance on the eligibility conditions for exercising the general power of competence? Is it clear on how the general power of competence should be applied? What additional information would be helpful?

Question 3

What additional information would be helpful to illustrate or clarify how the general power of competence could be applied to community councils? Do you have any case studies which could support this?

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Question 4

Do Chapters 2 and 3 provide sufficient and appropriate guidance on the requirements relating to multi-location meetings and on how the public may participate in council meetings?

Question 5

Does Chapter 4 provide sufficient and appropriate guidance on meeting the duty to prepare and publish annual reports? What additional specific information would be helpful?

Question 6

Does Chapter 5 provide sufficient and appropriate guidance on meeting the duty to prepare and publish training plans? What additional information would be helpful?

Question 7

We would like to know your views on the effects that this guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 8

Please also explain how you believe the proposed guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh

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language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 9

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

How to respond

Submit your response by midnight **17 March 2022** in any of the following ways:

- Complete our [online form](#)
- Download, complete our [online form](#) and email LGPartnerships@gov.wales
- Download, complete our [online form](#) and post to:

Local Government Performance and Partnerships Division
Local Government Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing

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- for (in certain circumstances) your data to be ‘erased’
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner’s Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

Information Commissioner’s Office

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

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UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Further information and related documents

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