

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Promoting Access to Local Government

Chapter 2: Public participation in decision-making by principal councils

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

223. [Section 39](#) of the Act places a duty on principal councils to encourage local people to participate in their decision making. This includes where the council is making decisions in partnership with another individual or body, such as another principal council or in conjunction with another individual or body, such as a local health board.
224. For the purposes of this section, a decision includes where a decision is delegated to an individual by a principal council.

Section 40 - Strategy on encouraging participation

225. [Section 40](#) of the Act places a duty on principal councils to prepare and publish a public participation strategy detailing how it will meet the duties imposed by section 39.
226. [Section 62](#) of the 2011 Measure imposes a duty on principal councils to make arrangements for anybody living or working in the local authority's area to bring their views on any matter under consideration by an overview and scrutiny committee to the attention of that committee. The public participation strategy must also address the arrangements made in line with the duty imposed by section 62 of the 2011 Measure.

Section 41 - Public participation strategy: consultation and review

227. This section places a duty on principal councils to consult local people (defined in section 171 as people who live, work or study in the council's area) and anyone else it thinks appropriate when preparing its public participation strategy. The first strategy must be published as soon as reasonably practicable after section 40 comes into force.
228. The council can review its public participation strategy at any point, but it must do so as soon as reasonably practicable after an ordinary election of councillors. Again, when reviewing the strategy, the council must consult local people and anyone else it thinks appropriate.
229. Following a review, a council can revise or replace its public participation strategy but must first consult local people and anyone else it thinks appropriate. If it revises or replaces a public participation strategy, it must publish the revised or new version as soon as it is reasonably practicable to do so.

Section 42 - Duty to make petition scheme

230. [Section 42](#) places a duty on principal councils to produce a petition scheme, stating how it will handle and respond to petitions, including electronic petitions.

Section 43 - Duty on principal councils to publish official addresses

231. [Section 43](#) places a duty on principal councils to publish an electronic and postal address for correspondence for each council member. This may be an official rather than a home address.

Section 44 – Guidance on exercise of functions under this Chapter

232. This section requires principal councils to have regard to guidance issued by the Welsh Ministers when exercising their functions under Chapter 2, including those of encouraging public participation in decision-making by principal councils, developing a strategy on encouraging participation and making and publishing a petition scheme.