

# LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Promoting Access to Local Government**

#### *Chapter 4: Access to Meetings of Local Authorities*

#### *Section 46 - Electronic broadcasts of meetings of certain local authorities*

238. [Section 46\(1\)](#) requires principal councils to make, and publish, arrangements that ensure that the proceedings of certain types of council meeting are broadcast electronically in a way that allows members of the public, not in attendance, to see and hear proceedings. The proceedings must be broadcast live (subject to any exceptions that may be specified in regulations) and they must be available electronically after the meeting for a period specified in regulations.
239. Subsection (2) specifies the types of council meeting to which the duty to make arrangements applies. It only applies to meetings, or parts of meetings that are open to the public. And the only type of meeting to which it applies by direct operation of the subsection is a meeting of a principal council, which means meetings of the full council (subsection (2)(a)).
240. The duty may be extended to meetings of bodies operating within the council by the Welsh Ministers specifying such bodies in regulations (subsection (2)(a) and subsection (4)).
241. The types of body that may be specified are :
- the executive of a principal council;
  - a committee or sub-committee of the executive of a principal council;
  - a committee or sub-committee of a principal council;
  - a joint committee or a sub-committee of a joint committee of two or more principal councils.
242. Subsection (3) enables the Welsh Ministers to make regulations including further provision in connection with the electronic broadcast of meetings of a principal council or a body specified in regulations under subsection (2).
243. Subsection (6) requires a principal council to have regard to guidance made by the Welsh Ministers about its duty to make and publish arrangements under subsection (1).
244. Subsection (8) gives the Welsh Ministers a wide power to require the electronic broadcast of the meetings of other specific bodies, including by way of amendment,

revocation or repeal of primary and secondary legislation. The power is exercisable by regulations.

245. The bodies that may be made subject to such requirements are:
- fire and rescue authorities for an area in Wales,
  - National Park authorities for a National Park in Wales,
  - a joint committee of one or more principal councils and one or more fire and rescue authorities or National Park authorities, or
  - a joint board which is constituted under any enactment as a body corporate and discharges functions of two or more principal councils.
246. All regulations under this section must be approved by Senedd Cymru before being made (see section 174(5)(d)).

### ***Section 47 - Attendance at local authority meetings***

247. [Section 47](#) requires local authorities to make arrangements that ensure their meetings can take place in a manner which enables persons who are not in the same place to attend the meeting. The authority must publish these arrangements, if the arrangements are revised or replaced the new arrangements must also be published.
248. Under the arrangements meetings will have to be capable of being held virtually. Section 47 does not however require meetings to be held in a certain format. Whether they are held fully virtually, partially virtually – whereby some participants are in the same physical location whilst others join the meeting virtually – or as physical meetings will be a matter for those responsible for arranging the meetings.
249. Authorities must, in making these arrangements, have regard to guidance issued by the Welsh Ministers.
250. The type of equipment or other facility to be used to facilitate virtual meetings is not specified but must, under subsection (2), enable all participants in the meeting to speak to each other and be heard by each other.
251. Section (2) further specifies that where the meeting is required to be broadcast under section 46 of the Act, all participants in the meeting must be able to see, and be seen, by each other in addition to being able to speak to each other and be heard by each other.
252. Subsection (6) specifies the bodies that, for the purpose of this section, fall within the definition of a “local authority” and also defines “local authority meetings”, which are the meetings to which the duty set out in subsection (1) applies.
253. Subsection (7) provides that where an enactment refers to the attendance, presence or appearance of a person at a local authority meeting (as defined in subsection (6)), it includes their participation via the arrangements put in place to satisfy the requirements of this section. This subsection also provides that a reference to “the place at which a local authority meeting is held” is not limited to a physical location.
254. Subsection (8) enables the Welsh Ministers, by regulations to make changes to the conditions set out in subsection (2), for example, to accommodate technological advances in how meetings can be held virtually and to add a joint board to the definition of local authority in subsection (6).

### ***Section 48 - Participation at meetings of community councils***

255. [Section 48](#) amends Part 4 of Schedule 12 to the 1972 Act, which sets out requirements with regard to meetings and proceedings of community councils.

256. An additional paragraph (27A) is added which provides that members of the public attending a community council meeting must be given reasonable opportunity to make representations about any item of business due to be discussed at the meeting.
257. As a matter of good practice a number of community and town councils already give the public an opportunity to make representations, without a statutory obligation to do so. However this practice is at the discretion of the council and is not currently applied universally.
258. The duty to give members of the public the opportunity to make a representation is qualified in 27A(2) to the extent that the person chairing the meeting has the ability to curtail that opportunity if they consider someone's use of it is likely to prejudice the effective conduct of the meeting.
259. The person chairing would have wide discretion to decide what amounts to a "reasonable opportunity" but would have to have regard to any guidance on this matter issued by the Welsh Ministers under 27A(3).

***Section 49 – Notices etc. of local authority meetings and Schedule 4 – Notice of local authority meetings, access to documents and attendance at meetings***

260. **Schedule 4**, introduced by section 49 of the Act, makes provision about arrangements for local authority meetings, documents for local authority meetings and attendance at such meetings
261. **Part 1** of Schedule 4 complements the changes introduced by section 47 in respect of attendance at local authority meetings (including remote attendance) and makes provision about the electronic publication of certain local authority meeting documents. **Part 2** of Schedule 4 makes amendments which are consequential upon section 47.