

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 of Schedule 4 – Attendance at local authority meetings: consequential amendments

298. Paragraph 23(1) substitutes a new paragraph 29(1) of Schedule 12 to the 1972 Act to provide that a community council may decide for itself the manner of voting at its meetings, rather than be required to vote by show of hands (as previously required in paragraph 29(1)), which is inconsistent with community council meetings being held by remote means.
299. Sub-paragraphs (2) and (3) respectively repeal section 4 of the 2011 Measure (remote attendance) and section 59 of the 2013 Act (remote attendance at meetings of principal councils) as a result of section 47 of the Act.
300. Sub-paragraph (4) has the effect that making and publishing arrangements for holding meetings of a principal council or its executive under section 47 of this Act is not a function of a local authority executive.

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

301. Section 50 enables the Welsh Ministers to make regulations about the conduct of local authority meetings, documents relating to such meetings and the publication of certain information.
302. Subsection (1) enables the Welsh Ministers to make regulations in relation to the conduct of local authority meetings and the requirements concerning notices and documents produced for such meetings including, but not limited to, the matters listed in subsection (2).
303. Subsection (3) enables the Welsh Ministers to make regulations concerning the publication by local authorities of, and rights of access to, information which sets out certain details as listed in the subsection.
304. Subsection (5) defines “local authority” and “local authority meeting” for the purposes of this section.
305. The regulation making powers in subsections (1) and (3) are subject to the affirmative procedure in the Senedd.

Section 51 - Regulations about community meetings

306. Section 51 inserts new paragraphs 36A and 36B into Schedule 12 to the 1972 Act:
- to enable the Welsh Ministers to make regulations about community meetings; and

- concerning the issue of guidance in relation to such meetings.
307. Paragraph 36A(1) enables the Welsh Ministers to make regulations in relation to the conduct and holding of community meetings and the requirements concerning notices and documents relating to such meetings, including, but not limited to, the matters listed in sub-paragraph (2). Regulations under the new paragraph 36A(1) are subject to the affirmative procedure in the Senedd.
308. The new paragraph 36B provides that a 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.

Section 52 – Annual reports by community councils

309. This section requires community councils to prepare and publish an annual report about the council's priorities, activities and achievements during the preceding financial year.
310. Subsection (3) dis-applies section 101 of the 1972 Act (by which a community council may make arrangements for any of its functions to be discharged by a committee, a sub-committee or an officer of the council or by certain other authorities) to the decision as to the final content of the annual report. This does not prevent, for example, an officer from preparing a draft of the report for the full community council to consider and decide upon.