



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 3 **E+W**

### PROMOTING ACCESS TO LOCAL GOVERNMENT

#### CHAPTER 2 **E+W**

#### 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** **E+W**

- (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.
- [<sup>F1</sup>(3) This section applies to a corporate joint committee as it applies to a principal council and references in subsections (1) and (2) to a principal council are to be construed accordingly.]

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#### Textual Amendments

- F1** S. 39(3) inserted (6.5.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(3)(d), 32

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, CHAPTER 2. (See end of Document for details)*

#### Commencement Information

**I1** S. 39 in force at 5.5.2022 by S.I. 2021/231, art. 6(d)

### 40 Strategy on encouraging participation **E+W**

- (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.

#### Commencement Information

**I2** S. 40 in force at 5.5.2022 by S.I. 2021/231, art. 6(d)

### 41 Public participation strategy: consultation and review **E+W**

- (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.

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*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, CHAPTER 2. (See end of Document for details)

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- (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.

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**Commencement Information**

**I3** S. 41 in force at 5.5.2022 by S.I. 2021/231, art. 6(d)

*Principal council's petition scheme*

**42 Duty to make petition scheme** **E+W**

- (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.
- [<sup>F2</sup>(5) This section applies to a corporate joint committee as it applies to a principal council and references in subsections (1) to (4) to a principal council are to be construed accordingly.]

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**Textual Amendments**

**F2** S. 42(5) inserted (6.5.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(3)(c), **31**

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**Commencement Information**

**I4** S. 42 in force at 5.5.2022 by S.I. 2021/231, art. 6(d)

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*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, CHAPTER 2. (See end of Document for details)

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*Addresses of members of principal councils*

**43 Duty on principal councils to publish official addresses** **E+W**

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.

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**Commencement Information**

**I5** [S. 43](#) in force at 5.5.2022 by [S.I. 2021/231](#), [art. 6\(d\)](#)

*Guidance*

**44 Guidance on exercise of functions under this Chapter** **E+W**

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

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**Commencement Information**

**I6** [S. 44](#) in force at 5.5.2022 by [S.I. 2021/231](#), [art. 6\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, CHAPTER 2.