



Llywodraeth Cymru  
Welsh Government

**WG47346**

Welsh Government

## Consultation – summary of responses

Summary of responses to the consultation on Statutory and non-statutory Guidance and Directions made under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021

May 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh  
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## **Overview**

This document provides a summary of the responses to Local Government: Guidance for Principal Councils, a consultation on Statutory Guidance and Directions made under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.

## **Action Required**

This document is for information only.

## **Further information and related documents**

Large print, Braille and alternative language versions of this document are available on request.

## **Contact Details**

For further information, please contact:

Local Government Policy Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Email: [LGPolicy.Correspondence@gov.wales](mailto:LGPolicy.Correspondence@gov.wales)

## **Additional copies**

This summary of responses and copies of consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: [Local Government: Guidance for Principal Councils Consultation document](#)

## Contents

Contents.....	3
Introduction .....	4
About the consultation process .....	4
About the responses .....	4
Summary of Responses .....	5

## **Introduction**

The Local Government and Elections (Wales) Act 2021 (the 2021 Act) contains provisions to promote diversity, involvement and participation in county and county borough (principal) councils. Guidance has been developed for principal councils in support of these new provisions. As part of the development of the guidance, it was clear that several associated pieces of existing guidance would need to be brought up to date to ensure consistency of approach, tone, and language.

The development of new guidance was therefore combined with earlier guidance being revoked and replaced with a refreshed set of consolidated statutory and non-statutory guidance.

The consultation therefore requested views on this consolidated guidance to support councils in the discharge of their functions under the 2021 Act, the Local Government Act 2000, and the Local Government (Wales) Measure 2011.

## **About the consultation process**

Extensive engagement took place with key stakeholders, including the Welsh Local Government Association (WLGA), and councils prior to the formal consultation. The draft guidance issued for consultation incorporated the thoughts and comments raised as part of the engagement which served to strengthen the guidance subsequently issued for formal consultation.

Views were invited as part of a formal 19-week consultation between 17 March and 22 July 2022. The consultation was extended due to the local government elections being held in May 2022. This approach enabled both outgoing and incoming councillors to contribute to responses. The consultation document was published on the Welsh Government's website and requested views on Statutory Guidance and Directions made under the Local Government Act 2000, the Local Government (Wales) Measure 2011, and the Local Government and Elections (Wales) Act 2021.

The consultation included links to existing guidance, information on proposed changes to existing guidance and the introduction of new areas of guidance. A full set of draft guidance was included.

The details of the consultation can be found [here](#).

## **About the responses**

A total of 15 responses were submitted either online or by e-mail. One of the online respondents did not submit any answers and two responses raised issues which were broader than the scope of the consultation questions.

The 15 respondents to the consultation can be grouped as follows:

- 7 principal councils

- 1 submitted with no answers
- 7 other

Seven responses were completed online and eight submitted via email. No responses were received in hard copy.

As part of the consultation process respondents were asked whether they were content for their details to be disclosed. One online respondent wished to remain anonymous and the other six online respondents did not answer the question. We have therefore not released details of any of the respondents' identities.

## **Summary of Responses**

This document is a summary of the responses received. The report does not aim to capture every point raised by respondents, instead it draws out key messages grouped into themes.

Most responses were supportive of the draft guidance, with some respondents providing helpful comments and insight into the effects of implementing the guidance.

The consultation asked 39 questions. A summary of the responses is set out below in themes.

## **Timing, length, and location of council meetings**

Respondents were asked:

**Q1** Is the revised guidance on the timing of council meetings sufficiently clear as to the purpose for regularly reviewing the timing, length, and frequency of all council meetings?

**Q2** Has the guidance on the timing of council meetings adequately addressed the context of multi-location meetings?

**Q3** Are there any other issues you would like the guidance on the timing of council meetings to address?

90% of respondents to Q1 agreed the guidance provides sufficient assistance to local authorities whilst encouraging flexibility around reviewing when and how meetings are held. 100% of respondents to Q2 agreed the guidance adequately addressed the timing of council meetings in the context of multi-location meetings. 75% of respondents offered thoughts around issues relating to the timing of council meetings in response to Q3. An overview of suggestions raised by respondents for the three questions are noted below.

Respondents emphasised the need for individual members' circumstances to be fully considered when deciding upon the arrangements for meetings. Respondents also considered any arrangements should be sufficiently flexible to respond to changing needs or availability ahead of scheduled meetings.

While acknowledging the benefits of having a flexible approach to meetings some respondents raised the importance of assessing the impact on resources, managing expectations around flexibility, and acknowledging that it may not be possible to accommodate everyone's preferences and that an element of compromise is likely to be required.

## **Training, development and support**

Respondents were asked:

**Q4** Has the revised guidance on training, development and support for elected members addressed all of the relevant changes in legislation?

**Q5** Are the sections on focused support and support for the well-being of members sufficient?

78% of respondents to Q4 agreed the revised guidance had addressed relevant changes in legislation and that the sections about support for members, including wellbeing support is sufficient.

Some respondents acknowledged that training may not be as far reaching as some lobby groups would support, suggesting the small number of providers used to deliver training, particularly in respect of sex, sexual orientation and gender reassignment was a limiting factor.

One respondent highlighted that mandatory training is prioritised within an ongoing programme of training which often focusses on members' legal responsibilities. These areas of training are held early in the programme and some members, who may be elected mid-term and/or managing other commitments, can struggle to benefit from all the training opportunities.

Respondents highlighted several areas of training they felt should be offered to all councillors, including:

- Training on safeguarding children and vulnerable adults
- How to challenge evidence
- Expected standards and Code of Conduct

60% of respondents to Q5 agreed the focused support and support for the well-being of members was sufficient in the guidance. Other respondents felt the guidance could go further and considered it would benefit from greater signposting on wellbeing matters and a requirement for councils to demonstrate they are complying with their duties regarding support and well-being.

In contrast a small number, 1% of respondents, did not find the guidance on wellbeing useful and highlighted individual examples where it was felt members had not met training requirements for specific committees, such as planning committees.

## **Publishing members' home addresses**

Respondents were asked:

**Q6** Do you have any comments on the view of the Welsh Government that whilst members must register their home as a beneficial interest under the Code of Conduct, there is no statutory requirement for the register of members' interests to be published including the home addresses of members?

All those who responded to Q6 agreed there should not be a requirement for members full addresses to be published as part of the register of interests, however there was general agreement that members should be required to declare their property as part of the internal processes of council business.

## **Further training, development, and support issues**

Respondents were asked:

**Q7** Are there any other issues you would like the revised guidance on training, development, and support for members to address?

Suggestions were raised by 60% of respondents to Q7 with a wide range of areas which could be included in ongoing training and support, such as how to carry out roles remotely and ICT support, safeguarding, safety and lone working, understanding evidence, and extensive training on standards and the Code of Conduct. Some respondents felt it important there is ongoing training in relation to standards and that members should be made aware of guidance which is available to them on training and support.

## **Research support and services for elected members**

Respondents were asked:

**Q8** Does the guidance on research support and services for elected members provide sufficient examples of the matters which should be taken into consideration by the Democratic Services Committee (DSC) when considering whether the Head of Democratic Services (HDS) has sufficient staff and resources to, in its opinion, discharge their functions?

**Q9** Does the guidance explain clearly that the intention is for capacity for research support to be built up over time and that the DSC and the HDS should have a strategy for this?

**Q10** Are there any other issues or comments you would like to make in relation to the guidance on research support and services for elected members?

11% of respondents to Q8 disagreed the guidance provided sufficient examples of the matters which should be taken into consideration by the DSC when considering whether the HDS has sufficient staff and resources to discharge their function. 44% felt that the guidance was sufficient, and the remaining respondents offered suggestions, highlighted below.

Comments were received about resources and capacity in general. Key themes focussed on availability and accessibility of information, flexibility, budget, and capacity restraints, understanding what is currently in place, and the development of protocols and processes.

While the majority of respondents to Q9, 75%, agreed the guidance seeks to manage expectations that capacity for research support for members will need to be built up over time, many took this opportunity to emphasise the difficulties in current levels of support for backbenchers in comparison to executive members. Some respondents, 25% felt the guidance would not help to manage expectations.

Further suggestions included baselining current provision on which both processes and strategy can be developed.

A variety of areas were raised by 67% of respondents to Q10, the remaining 33% did not raise issues or suggestions. Overarching concerns were raised about the potential for members to identify a very broad range of issues for which they would seek support, and the possibility that competing agendas would dilute the effectiveness of any support available.

Respondents felt it essential that resources are focussed on members having the right information on which to base informed decisions within their decision-making powers, and the ability to react flexibly to emerging and changing situations.

## **Public participation strategies**

Respondents were asked:

**Q11** Does the guidance in Section 1 of this consultation adequately address issues relating to equality and diversity, including the social model of disability?

**Q12** Is there anything further the guidance could suggest to strengthen the need to take account of equality and diversity, including the social model of disability when developing the public participation strategy?

**Q13** Is there anything further the guidance could suggest to strengthen the need to take account of the Welsh language when developing the public participation strategy?

**Q14** Is the guidance sufficiently clear that the public participation strategy is intended to work in harmony with existing statutory duties relating to public involvement and participation by in particular focusing on public participation in the democratic processes of the council as set out in section 40(2) of the 2021 Act?

**Q15** Are there any other matters you would like to see included in the guidance on public participation strategies?

44% of respondents to Q11 fully agreed the guidance adequately addressed issues relating to equality and diversity, including the social model of disability. Other



respondents suggested the guidance could go further and raised the suggestions highlighted below.

Respondents welcomed the Act's provisions to promote diversity, involvement and participation in principal councils including provision to issue guidance to the executive in relation to the equality and diversity of its membership. Key themes raised included expanding the guidance with references to principal councils' statutory duties under the Equality Act 2010 for example the duty to assess and the duty to engage.

Further suggestions included exploring and acting upon divergences of 'protected belief' and capacity to reflect diversity of opinion in the design and delivery of services or consultations.

89% of respondents to Q12 offered further ways to strengthen the guidance to take account of equality and diversity, including the social model of disability when developing the public participation strategy.

Respondents highlighted the potential to strengthen the guidance in relation to equality and diversity when developing the public participation strategy and ensuring there is a range of information accessible to the public. Suggestions on accessibility included encouraging and incorporating BSL, Braille and Easy Read.

The importance of recognising and addressing issues around gender identity and protected characteristics, and ensuring voices are not excluded when developing public participation strategies was raised.

The complaints procedure was identified as an area which could be strengthened to include raising awareness of, and facilitating access to information about complaints concerning the council and its elected members. Further suggestions included the potential to enable complaints to be investigated externally earlier in complaints proceedings, and the importance of data when committees are looking at performance and feedback on actions taken.

78% of respondents to Q13 said the guidance did not need to go further to take account of the Welsh language when developing the public participation strategy. Comments from the remaining respondents focussed on ensuring equality and diversity issues are met along with the Welsh Language Standards.

There was division amongst respondents to Q14 on whether the guidance is sufficiently clear that the public participation strategy is intended to work in harmony with existing statutory duties. 60% of respondents to Q14 felt that the guidance was sufficiently clear. Of the remaining 40% of respondents those who commented suggested there should be clarification and guidance specifically around decision making when those decisions are delegated decisions.

Further comments included ensuring impact assessments actively engage with communities affected by a policy to ensure impacts on diverse communities are fully recognised and addressed.

75% of respondents to Q15 had no further matters they wished to include in the guidance on public participation strategies. Matters raised by the remaining respondents included the suggestion that further signposting would help in the guidance, such as signposting to the National Principles for Public Engagement in Wales.

## **Petition schemes**

Respondents were asked:

**Q16** Is the balance in the guidance on petition schemes between guiding principles and local discretion helpful?

**Q17** Are there any other matters you would like to see included in the guidance on petition schemes?

75% of respondents to Q16 considered the guidance to be helpful in providing guiding principles. One respondent did not agree but did not offer any comments in support of their view. Some respondents suggested there could be greater clarification about the remit of the council to ensure the public understand what councils can and cannot do.

75% of respondents to Q17 had no further matters they felt should be included in the guidance on petition schemes. Of the remaining respondents matters raised included further consideration of petition thresholds and concerns around planning petitions.

## **Constitutions and the revised constitution direction**

Respondents were asked:

**Q18** Does the revised guidance on constitutions and the revised constitution direction contain references to all of the legislative changes you would expect to be included?

**Q19** Does the guidance on the constitution guide strike the right balance between guiding principles and local discretion?

**Q20** Do you have any other comments or suggestions in relation to the guidance on the constitution, the constitution guide or the constitution direction?

100% of respondents who commented on Q18 were content the guidance contains the relevant references to the legislative changes and strikes the right balance between guiding principles and local discretion. It was felt that observations raised prior to formal consultation had been incorporated.

100% of respondents to Q19 agreed the guidance on the constitution guide struck the right balance between guiding principles and local discretion.

57% of respondents to Q20 provided comments or suggestions in relation to the constitution guide or the constitution direction. These included comments about

amending constitutions, delegation of powers, appointing members to other bodies and also ensuring that operational matters are included in places such as terms of reference or by being published on the Council's website rather than being included in the constitution.

## **Exercise of functions**

Respondents were asked:

**Q21** Is there anything further that should be included in the guidance on the exercise of functions by councillors?

**Q22** Are there further references to legislation made since the guidance on the exercise of functions by councillors was issued which should be included?

**Q23** Is there anything further you would like to see included in the guidance on job sharing for executive members?

**Q24** Is there anything further you would like to see included in the guidance on assistants to the executive?

57% of respondents to Q21 did not have suggestions for inclusion in the guidance on the exercise of functions by councillors.

Of the remaining respondents one respondent focussed on the exercise of functions by councillors in the Local Development Plan. The other respondents highlighted where an authority operates single member wards, the proposed delegation of decision making to individual members, excluding Cabinet members, means that wards with Cabinet members will not benefit from the arrangement. Respondents felt that further consideration of this should be made due to a heightened risk of members being subject to personal and prejudicial interests and conflicts of interest when decision taking.

100% of respondents to Q22 agreed no further references are required about legislation made since the guidance on the exercise of functions by councillors was issued.

88% of respondents to Q23 felt that the guidance on job sharing for executive members was adequate.

Some respondents felt the guidance could benefit from greater clarification about: the number of members that could be part of a job-sharing arrangement, conflicts of interest, the impact on external organisations' procedures where the council is represented and voting arrangements.

75% of respondents to Q24 advised that there was nothing further they would like to see included in the guidance on assistants to the executive. Areas raised by other respondents included the impact of assistants on the calculation of allocation of Overview and Scrutiny Chairs.

## Overview and scrutiny

Respondents were asked:

**Q25** Is there anything further you would like to see included in the guidance to cabinets on effective overview and scrutiny?

**Q26** Does the revised set of guidance relating to overview and scrutiny reflect all of the legislative changes that are relevant to the context in which scrutiny operates?

**Q27** Are there any other issues that should be reflected in any of the guidance on scrutiny, for example, would further guidance in respect of corporate joint committees be helpful?

71% of respondents to Q25 considered the guidance to cabinets was sufficient, while 86% of respondents to Q26 considered the guidance reflected legislative changes relevant to the context in which scrutiny operates.

Comments received from the remainder of respondents suggested the guidance would benefit from additional cross referencing to guidance on Governance and Audit Committees to distinguish the difference in the roles between this committee and the Overview and Scrutiny Committee. In addition, specific reference should be made to the relationship between the Cabinet and scrutiny committees, including protocols on how this could work in practice to encourage closer working relationships.

One respondent commented that scrutiny should be an integral part of the council's self-assessment under Part 6 of the Local Government and Elections (Wales) Act 2021 and should also be considered when the council arranges its panel assessment.

Other suggestions included strengthened guidance to scrutiny planning and preparatory meetings.

The majority of respondents to Q27, 71%, provided further suggested issues they considered should be reflected in the guidance on scrutiny. A key focus for respondents was on Joint Overview and Scrutiny committees. The main areas raised included providing sufficient resource to enable the support of scrutiny from all local authority representatives, and ensuring the strategic purpose for the Corporate Joint Committee and the delivery responsibilities are understood.

It was also key to respondents that constructive relationships are developed at all levels to support scrutiny, and the guidance should specifically refer to relationships with the leader, cabinet members, chief executive, and senior officers. Further comments were made about scrutiny planning sessions discussing questioning strategies and the roles of co-opted members within scrutiny committees.

## **Democratic services committees**

Respondents were asked:

**Q28** Are there any further references to relevant legislation that should be included in the guidance on democratic services committees?

**Q29** Is there anything further you think should be included in the guidance on democratic services committees?

The majority of respondents felt the guidance was adequate in relation to the above points, 87% of respondents for Q28 and 71% of respondents for Q29. Suggestions received included cross-referencing with new guidance and the expectations on the Democratic Services Committee and Head of Democratic Services about councillor research support and services.

Respondents suggested the guidance would benefit from further clarification on the current statutory functions of the Head of Democratic Services. Another respondent commented that whilst political representation of the Chair of the Democratic Services Committee is included in the guidance, the political representation of vice-chair is not covered.

## **Governance and audit committees**

Respondents were asked:

**Q30** Does the revised guidance on governance and audit committees reflect all of the relevant legislative changes?

**Q31** Does the revised guidance reflect changes in the context in which governance and audit committees now operate?

**Q32** Is the advice on the guidance on the new duty on governance and audit committees relating to section 89 of the 2021 Act sufficient?

**Q33** Is the guidance on the new duty on governance and audit committees to review and assess the effectiveness of the arrangements for handling service and corporate complaints sufficient?

**Q34** Is there anything else you would like to see included in the guidance on governance and audit committees?

100% of respondents to Q30 felt the guidance on governance and audit committees appropriately reflected the changes in legislation.

100% of respondents to Q31 agreed the revised guidance reflects changes in the context in which governance and audit committees now operate. One respondent suggested that further examples, such as the example of the roles within Governance and Audit and Overview and Scrutiny, would be useful.

86% of respondents to Q32 agreed the advice on the guidance on the new duty on governance and audit committees relating to section 89 of the 2021 Act was

sufficient. A comment raised that potential for cross referencing to the guidance on performance and governance of principal councils should be included.

86% of respondents to Q33 agreed the new duty on governance and audit committees to review and assess the effectiveness of the arrangements for handling service and corporate complaints was sufficient.

63% of respondents to Q34 provided suggestions for inclusion in the guidance on governance and audit committees. These included greater clarity on the intent behind the policy of Vice-chair of the governance and audit committee not being required to be a lay member when the Chair is required to be.

In addition, it was suggested the guidance should include an expectation the committee feeds back its assessment of the authority's handling of complaints to the Public Services Ombudsman Wales and engage fully with the Ombudsman to positively drive improvements.

### **Political assistants**

Respondents were asked:

**Q35** Is the non-statutory guidance on political assistants helpful in highlighting the relevant legislation?

**Q36** Is there anything further that you would like to see included in the non-statutory guidance on political assistants?

100% of respondents to Q35 agreed the non-statutory guidance is helpful in highlighting the relevant legislation. 83% of respondents to Q36 stated that nothing further needed to be included in the guidance.

One respondent to Q36 suggested the guidance would benefit from further information about how the 'dual' performance reporting into a political group and a professional manager could be undertaken, and how any conflicting matters relating to performance or inappropriate political activity may be resolved. The same respondent suggested it would be appropriate to review and refresh the legislation for political assistants under the Local Government and Housing Act 1989.

### **The statutory and non-statutory guidance and the Welsh language**

Respondents were asked:

**Q37** We would like to know your views on the effects that the statutory and non-statutory 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?

**Q38** Please also explain how you believe the proposed policy the statutory and non-statutory 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 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.

50% of respondents to Q37 offered views about the effects the guidance would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than English. 50% of respondents to Q38 also offered their views on how the proposed guidance could be formulated or changed in respect of this matter.

There was general agreement the guidance is clear and that local authorities should have regard to their statutory duties in relation to the Welsh language. It was felt there is the opportunity to increase the positive effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language, if information detailing the requirements of the Welsh Language Standards adopted by Local Authorities is included in information, training, and support provided to members.

Respondents highlighted the importance of elected members being able to select and receive information in their language of choice.

### **Any related issues not specifically addressed**

Respondents were asked:

**Q39** 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.

86% of respondents provided suggestions in response to Q39.

It was suggested all references to remuneration and allowances refer to the Local Government (Wales) Measure 2011 and subsequent amendments, and for the powers of the Independent Remuneration Panel for Wales <https://gov.wales/independent-remuneration-panel-wales>.

One respondent raised concerns around the ability of the guidance to support the delivery of equality and diversity and that members of communities may be actively excluded.

Concern was raised by one respondent about the capability of local authorities to implement additional requirements contained in the guidance correctly due to resource pressures.

The consistency of language used in the guidance was raised, along with clarification about what is considered by the Welsh Government to be a 'specified' meeting in relation to broadcasting meetings.