



Llywodraeth Cymru  
Welsh Government

GUIDANCE

# Local democracy in Wales

Explains what local government is and how it works in Wales.

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## **Legislation and principal council governance**

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**The Local Authorities (Standing Orders) (Wales) Regulations 2006**

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**Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001**

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**Documents and Meetings) (Wales) (Amendment) Regulations 2021**

**The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002**

**The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001**

**The Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001**

**The Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006**

**The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007**

**Local Government (Wales) Measure 2011**

**The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013**

**Local Government and Elections (Wales) Act 2021**

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# Part 1: introduction to local government

## Introduction

This introduction to local government will help you understand how local decisions affecting the lives of people in Wales are made and who makes them. It will explain the importance of local people being involved in this decision making and how the decision making process in Wales fits in to the wider UK legal and political system.

## What is local government?

Local government is a term used to describe the part of government that controls and makes decisions for a local area, such as a town, city, county or county borough. It makes provision for a range of important and necessary services for the people who live in that area. There are 2 parts of local government. These are county or county borough councils, also known as principal councils and community and town councils.

## Principal councils

There are 22 of these councils. Each one is responsible for the provision of local government services within its area. The law says they are legally obliged to provide social care, housing, planning, refuse and recycling services to the people in its area.

## Community and town councils

There are 734 community and town councils in Wales. They are not required to provide any specific services by law, and some areas do not have a community

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or town council. Examples of services which might be provided include the provision and upkeep of village halls, playing fields and open spaces, seats, shelters, street lighting and footpaths.

All councils are made up of councillors. In Wales there are many councillors representing people across Wales. They are chosen as councillors through elections. When people stand for election they put themselves forward to represent the people in their area in the council. They are called candidates. In an election the public choose the candidate who they want to represent them. The public does this by voting for the candidate they think best represents them and their interests. Some candidates are members of political parties. Other candidates are independent and do not represent political parties. Some people are under-represented in government. This means there are not many people like them in elected roles and a key objective is to change this by encouraging **greater diversity within local democracy**.

Read further information about **[when and how councils are elected](#)**.

## What is the UK structure for making laws

Local government sits within an overall legal framework within the UK which includes the UK Parliament and the Welsh Parliament or Senedd.

The UK Parliament is made up of 3 parts:

- The Crown, which refers to the functions of government and those who are employed to work for the government. These employees are known as the civil service.
- The House of Commons is the first chamber of Parliament. It is made up of members elected by the UK public to represent their interests and concerns. They can propose new laws and raise issues about government proposals. They are known as members of parliament or MPs.
- The House of Lords is the second chamber in Parliament. Membership is

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granted by appointment by the government, inherited through family birth right or by position within society such as holders of specific church roles.

Parliament's main functions are to conduct debates, to make and change legislation (laws) and to keep under review the work of the government to ensure the laws passed are fair and necessary. The UK Parliament decides what laws and roles are given to the Senedd for implementation in Wales.

## The structure in Wales

In Wales, the Senedd is a group of 60 elected members from different parts of Wales. These are called members of the Senedd or MSs. There are 40 constituency members and 20 regional members. Senedd reform plans will mean changes to the number of members of the Senedd and the voting system. This section will be updated as changes are made. The Senedd:

- makes new laws for Wales in the areas it is responsible for
- members speak up for people in their part of Wales

Members are responsible for all the people of Wales and ensures its communities are treated fairly within the law it makes.

Laws made by the Senedd and Welsh Ministers are made specifically for Wales.

The Welsh Government consists of the First Minister, Welsh Ministers and the Counsel General. They are supported by civil servants who work across devolved areas that include key areas of public life such as health, education and the environment.

The framework for local government in Wales is the **Local Government Act 1972**. This Act has been substantially amended since its enactment including, significantly, by the **Local Government (Wales) Act 1994** which established the current system of principal and town and community councils.

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The Welsh Ministers have a general supervisory role in relation to local government in Wales and determine and fund the majority of the annual revenue and capital settlements for local government. Under the Government of Wales Act 2006 the Welsh Ministers must make a scheme setting out how they propose, in the exercise of their functions, to "sustain and promote local government in Wales".

## What does the term local government family mean?

The term local government family is a collective term used for the following:

- **principal councils**
- **community and town councils**
- **fire and rescue authorities**
- **national park authorities**
- **corporate joint committees**

## Fire and rescue authorities (FRAs)

There are 3 fire and rescue authorities in Wales:

- North Wales Fire Authority
- Mid and West Wales Fire Authority
- South Wales Fire Authority.

The powers and duties of fire and rescue authorities are set out in Part 2 of the Fire and Rescue Services Act 2004 (FRSA 2004). Their core functions are:

- promoting fire safety
- fire-fighting
- responding to road traffic accidents

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- dealing with other prescribed emergencies

## **National park authorities (NPAs)**

There are 3 national park authorities in Wales:

- Brecon Beacons
- Pembrokeshire Coast
- Snowdonia

NPAs have 2 purposes:

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks
- to promote opportunities for the understanding and enjoyment of the special qualities (of the parks) by the public

## **Corporate joint committees (CJCs)**

Exercise functions relating to strategic development planning and regional transport planning. They are also able to do things to promote the economic well-being of their areas. There are 4 CJCs:

- North Wales Corporate Joint Committee
- Mid Wales Corporate Joint Committee
- South East Wales Corporate Joint Committee
- South West Wales Corporate Joint Committee

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# What are strategic partnerships and what do they do?

There are a number of strategic partnerships with members from across public services, e.g. principal councils, local health boards, fire and rescue authorities, national park authorities and community and town councils.

Examples of partnerships include:

- Regional Partnership Board
- City Deals/Growth/Ambition Board
- Community Safety Partnership
- Adult's and Children's Safeguarding Partnerships
- Regional Housing Support Collaborative Groups
- Area Planning Boards (substance misuse)

In addition, the Well-being of Future Generations (Wales) Act 2015 established a statutory board, known as a public services board (PSB), in each local authority. PSBs improve joint working across all public services in each local authority area in Wales.

The 4 statutory members of each board are the local authority, the local health board, the fire and rescue authority for the area and Natural Resources Wales. The statutory invitees include the relevant Chief Constable, Police and Crime Commissioner, probation services and representative of the voluntary sector.

There are currently 15 PSBs: Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen have merged to form Gwent PSB, RCT and Merthyr Tydfil have merged to form Cwm Taf, and Conwy and Denbighshire are a merged PSB. Anglesey and Gwynedd formally collaborate on their well-being plans.

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# What is the Partnership Council for Wales?

The Partnership Council for Wales (statutory under section 72 of the Government of Wales Act 2006) encourages joint working between Welsh Government and local government. Its membership includes the First Minister and all Welsh Government Cabinet Members, local authority leaders (principal and town and community councils) and representatives of wider public services. Public service reform partners such as the Auditor General for Wales, and representatives from Wales TUC and Wales Council for Voluntary Action are observers at meetings.

Key responsibilities of the Partnership Council for Wales are to encourage dialogue and collaboration on matters affecting local government in Wales, and provide collective political accountability to improve outcomes for citizens.

## Are there any other bodies that contribute to how local government works?

### Independent Remuneration Panel for Wales (IRPW)

Often referred to as either the IRP or the Panel is responsible for deciding the level of remuneration to elected members of all types of councils, national park authorities and fire and rescue authorities in Wales.

### Local Democracy and Boundary Commission for Wales (LDBCW)

Often referred to as the Commission or LDBCW, is responsible for determining how many electoral wards each county or county borough in Wales is divided into and how many councillors are able to represent each electoral ward. The

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purpose behind regular reviews of electoral arrangements is to account for the impact of constant change in communities by ensuring each local councillor represents roughly the same number of people.

## How do I know if the council is performing and improving as it should?

The Local Government and Elections (Wales) Act 2021 provides for a new and reformed legislative framework for the performance and governance of local government.

The new approach as set out in the Act is designed to be a more streamlined, flexible, sector-led approach to performance, good governance and improvement. The intention is for councils to be proactive in considering how internal processes and procedures should change to enable more effective planning, delivery and decision-making to drive better outcomes.

The purpose of the performance and governance provisions in the Act is to build on and support a developing culture in which councils actively seek and embrace challenge, whether presented from within the council, for example through scrutiny procedures, or externally. The provisions are designed to provide a framework which supports councils, through an ongoing process of review, to think about their performance and effectiveness now and for the future; to encourage more inquisitive organisations willing to challenge themselves to do more; and to be more innovative and more ambitious in what they do.

The Act requires each council in Wales to keep under review the extent to which it is meeting the 'performance requirements', that is the extent to which:

- it is exercising its functions effectively
- it is using its resources economically, efficiently and effectively
- its governance is effective for securing the above

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The mechanism for a council to keep its performance under review is self-assessment, with a duty to publish a report setting out the conclusions of the self-assessment once in respect of every financial year. Self-assessment will be complemented by a panel performance assessment once in an electoral cycle, providing an opportunity to seek external insights (other than from auditors, regulators or inspectors) on how the council is meeting the performance requirements.

The Welsh Government has **published statutory guidance** setting out how principal councils should meet their duties contained in Part 6, Chapter 1, of the Act which relates to the performance and governance of principal councils.

Chapter 1 of the **statutory guidance for the performance and governance of principal councils** also sets out the wider context and environment in which the performance and governance regime operates including the role of external regulation and inspection.

It is expected that local government, Welsh Government, auditors, inspectors, regulators and commissioners will continue to work together to share intelligence, raise cases of possible concern and agree approaches to support improvement.

## **What is local democracy and why is it important?**

The principle at the heart of democracy is that every person is equal and should have an equal opportunity to influence change through the democratic system. This is fundamental to the politics and society in Wales. Local democracy ensures that local policies and services reflect the needs and preferences of local communities. Effective local democracy supports public participation, improves service delivery, strengthens communities, makes effective use of resources and reflects the diversity of the communities it serves.

Local democracy is based upon local people making decisions about the way

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they are governed, how law is interpreted and how the services they rely on daily are delivered. For local democracy to work effectively, it is important that all parts of society are represented so that the services and laws take into account the different backgrounds, customs, cultures and challenges faced by all people in the area.

It is important people have an opportunity to understand why decisions are required and how they are reached. That they have confidence the right things have been considered and that those taking the decisions have considered the impact on the lives and opportunities of the people they have been elected to represent.

Where people are not able to identify with those taking decisions about their future it is more difficult for them to understand why a particular course of action has been chosen. Councillors representing people in communities in Wales operate on the trust and goodwill of the people and have to exercise this carefully.

In Wales, a number of Welsh laws which include Senedd Measures and Acts, including most recently the Local Government and Elections (Wales) Act 2021, (the 2021 Act) have set out arrangements for strengthening local democracy.

The 2021 Act provides greater opportunities for people to get involved with local government and participate in local democracy. Young people aged 16 and 17 and foreign citizens legally resident in Wales have the right to vote. It will also be easier for a broader range of people to stand as a candidate in a local government election.

Public engagement and participation in local democracy is important. Principal councils in Wales are required to encourage local people to participate in local government decision-making and scrutiny procedures. In addition, councils are required to prepare, consult on, publish and review a 'public participation strategy', with the aim of making it easier for members of the public to understand how local government functions; how it makes decisions; and how local people can follow proceedings, input their views, and have them taken into

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account.

Further information about participation in local democracy is contained in Part 3.

## Why is diversity in democracy so important?

Society is made up of a range of people. Some of these people are not as well represented as others. This may result in services, laws and decisions about daily life being made without understanding the needs of some people. The Equality Act, which came into force on 1 October 2010, replaced previous anti-discrimination legislation such as the Race Relations Act of 1976 and the Disability Discrimination Act of 1995. The Act introduced 'protected characteristics' and seeks to ensure people within those categories are not at a disadvantage.

The characteristics that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Welsh Government has a series of plans to promote and support diversity in all aspects of life in Wales. These plans include:

- [Strategic Equality Plan](#)
- [Anti-racist Wales Action Plan](#)
- [Learning Disability Strategic Action Plan 2022 to 2026](#)
- [Advancing Gender Equality Plan Wales](#)

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- [Violence against women, domestic abuse and sexual violence: strategy 2022 to 2026](#)
- [Welsh Government workforce equality, diversity and inclusion strategy: 2021 to 2026](#)

## What is the Social Model of Disability?

Since 2002 the Welsh Government has followed the Social Model of Disability. The Social Model of Disability is a way of seeing the world. It says that people are disabled by barriers in society, not by their impairment. These barriers can include:

- negative attitudes like thinking disabled people cannot do things
- physical barriers like stairs

The Social Model of Disability helps us to recognise the barriers that make life harder for disabled people. The Welsh Government is committed to working with partners to remove these barriers in the way we work, and would expect that the principles of the Social Model of Disability are reflected in local government approaches. We also help other services and organisations to think like this. We want to make sure disabled people can do things that non-disabled people can do.

## What is the Well-being of Future Generations (Wales) Act?

The [Well-being of Future Generations \(Wales\) Act](#) (the Act) is about improving the social, economic, environmental and cultural well-being of Wales.

The Act gives a legally-binding common purpose, the 7 well-being goals for national government, local government, local health boards and other specified

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public bodies. It details the ways in which specified public bodies must work, and work together to improve the well-being of Wales.

It will make the public bodies listed in the Act think more about the long-term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. Principal councils are included in the Act.

This will help us to create a Wales that we all want to live in, now and in the future. To make sure we are all working towards the same vision, the Act puts in place 7 well-being goals.

The 7 well-being goals are:

- prosperous
- resilient
- healthier
- more equal
- globally responsible
- vibrant culture and thriving Welsh language
- cohesive communities

## Where can I find out more?

Read [further information on the Well-being of Future Generations Act](#).

## Part 2: introduction to the role of councillors

### Introduction

Information about what the law requires in relation to the role of a councillor in a county or county borough council and the way they are supported. To do this the

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following topics will be explained:

- what is a councillor
- what is the role of a councillor
- how do people become councillors
- who decides how many councillors there are for each area
- do councillors get paid for their work
- how are councillors expected to behave
- what support do councillors receive to help them in their role

## What is a councillor?

Councillors are people who put themselves forward to represent local people within a specific area in Wales. This would normally be the area they live in. The size of the area represented will depend on whether the councillor is elected to a county / county borough council or a community / town council. Councillors can be elected to both types of council, these councillors are often referred to as twin hatters. More information about the types of councils is contained within Part 1 of this handbook.

## Who decides how many councillors there are for each area?

Every year sees changes to the population, culture and socio-economic circumstances across communities in Wales. These changes are not the same everywhere, for example, some areas experience increases in population while others experience a reduction. The differences resulting from these changes over time have the potential to impact on how many councillors might be needed for a particular ward (for the purposes of an election council areas are divided into wards).

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The Local Democracy and Boundary Commission for Wales (the Commission) is the independent body responsible for deciding how many councillors there are for each county and county borough council in Wales. It does this through a statutory process called an electoral review. The latest programme of reviews was completed in 2021 in advance of the May 2022 local government elections.

The purpose behind regular reviews of electoral arrangements is to reduce the impact of constant change by ensuring each local councillor in a council represents, as far as possible, roughly the same number of people.

As part of the review process the Commission is required to consult with mandatory consultees and other interested parties on the procedure and method it intends to use for the review. In particular how it proposes to decide the appropriate numbers for the county council in the area under review.

At the end of the review the Commission submits a report including its recommendations to Welsh Ministers for consideration.

## What is the role of a councillor?

All councillors have a range of responsibilities, but fundamentally their role is, working with communities, to make the place they represent a better place to live and work. Councillors are the link between the public and the council they are a member of. This involves a range of responsibilities which may include:

- representing the best interests of all residents within the area or ward they are elected to
- promoting local issues and influencing decision making
- working towards a shared community vision with partner organisations
- resolving conflict between community organisations
- developing solutions to community problems
- balancing competing demands for resources
- contributing to debate and discussion about priorities for investment

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- scrutinise, or study specific decisions of the leadership of the council or existing policy and service delivery
- participating in council processes such as deciding on planning or licencing applications

Councillors carry out these responsibilities by:

- attending council and other meetings, listening to the different views of colleagues and others and voting as part of the decision making process
- representing and meeting with the people and interest groups within the area they represent and dealing with issues they raise. This may include visiting local community services and businesses

Holding surgeries to enable constituents to share their view, identify problems and seek help.

## Roles councillors undertake

There are a number of roles councillors can undertake these include:

### Leader of the council

Is elected by the full council and is responsible for the overall direction and objectives of the council and ensuring those objectives are achieved. The leader is the main political spokesperson for the council and has a key role in representing the council's views to the public and the organisations the council works with to deliver its objectives.

The leader is also responsible for appointing a group of people to support them, by having responsibility for a specific area of the council's business for example education, environment or social care. This is often referred to as a portfolio responsibility. Collectively this group of people is referred to as the Cabinet.

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More about the work of the cabinet can be found in Part 4.

## **Portfolio members of cabinet**

Are appointed by the Leader of the Council to be responsible for an area of council business. They work closely with the senior officers within the portfolio area taking responsibility for and participating in the decision making process on matters within that area. Their role includes presentation of reports to the Cabinet, attendance at appropriate committees of the council, representing the council and cabinet's position in meetings with external organisations, regular liaison with other group leads on portfolio issues and supporting the leader and management team in monitoring the performance of the council.

## **Committee chair**

A committee is made up of a small group of the members of the council. The law requires councils to establish certain committees. These include at least one scrutiny committee, a governance and audit committee, a licensing committee and a planning committee. Councils can establish other committees it considers necessary to support the work of the council.

The role of the Chair of a committee, whether statutory or non-statutory is to ensure the meeting is conducted appropriately and in line with the expected standards as outlined in the standing orders (the council's rule book for how it will conduct its business). The Chair is also responsible for agreeing the business and objectives of a meeting, ensuring any decisions taken are in line with the responsibilities of the committee and organise public participation at meetings in line with the council's agreed procedures.

## **Committee member**

Each member of a committee brings with them a range of knowledge and

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experience upon which to draw when discussing the items on the agenda. Members are expected to fully participate in the meeting, listen to what others have to say, contributing positively to the discussion and providing comments as necessary.

## Who can become a councillor?

Almost anyone can become a councillor. There are no requirements for councillors to have specific qualifications, or to have particular experience. The key to becoming a councillor is an interest in the community they live in and enthusiasm and commitment to learn about the issues that impact on local people.

Individuals are not able to be a councillor if they are bankrupt, have a criminal record that included a prison sentence of three months or more within a period of 5 years prior to seeking election, or hold a restricted post within their council or another council. A restricted post is a post such as the Chief Executive or a senior manager. Such posts are considered restricted because standing for election, without first resigning, would mean that person was in an advantaged position in comparison to other candidates and it could also result in difficulties in the conduct of council business.

## What skills does a councillor need?

A councillor does not need to have any specific qualifications; however the following skills/knowledge are beneficial for councillors to have or to develop. A councillor is not expected to have all these skills when first elected. Development and training support is provided to all councillors to assist them in undertaking their role.

Examples of useful skills or knowledge includes:

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- a commitment to public service and representing constituents
- the ability to focus on what best improves communities and the council area as a whole
- the ability to consider a wide range of information
- maintaining an objective and analytical mind
- being a decisive and quick thinker
- the ability to scrutinise information/data and to reach a reasoned decision or conclusion
- the ability to communicate with constituents of all ages and backgrounds in an equal, polite, fair and transparent manner
- being an effective communicator and presenter, and adopting appropriate style for different audiences
- the ability to negotiate and be diplomatic
- an understanding of the council's budgeting and financial systems
- an understanding of the role of the council and its governance arrangements
- the ability to work with others
- knowledge of IT systems such as email and Microsoft Office

## How do people become councillors?

To become a councillor for a ward in a principal council you must be 18 years old or over, registered to vote in the area or have lived, worked or owned property there for at least 12 months before an election and you must also be a British citizen or a qualifying foreign citizen (living in the UK legally). An individual needs to be nominated as a candidate at a council election. This is done by completing a nomination form, which needs to be signed and witnessed. You do not need to be a member of a political party.

Nominated candidates may appoint an election agent, but they don't have to and they can act as their own agent. An election agent is responsible for the proper management of a candidate's election, for example demonstrating that the candidate's campaign has not exceeded the financial limit set out in the law.

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Once all the nominations are confirmed, a notice of poll is published by the Returning Officer, who runs the election, confirming the details of every candidate standing for election in each ward.

## Are all councillors part of a political party?

Some candidates are members of political parties. Other candidates are independent and do not represent or belong to a particular political party.

## Do councillors get paid for their work?

The Independent Remuneration Panel for Wales, often referred to as the IRP or IRPW is responsible for deciding the amount and type of payment councillors receive.

County and county borough councillors are all entitled to a basic salary. The salary for individual county councillors depends on the number of people living within the county. There are 3 bands these are:

- Group A: for counties with a population over 200,000
- Group B: for counties with a population of 100,000 to 200,000
- Group C: for counties with a population of less than 100,000

In addition to the basic salary, the IRP has decided the councillors who make up the executive of the council (the executive consists of the Leader and the cabinet members) should receive an additional payment to reflect the wider responsibilities and increased time commitment of their role. There are a small number of additional roles, such as chairs of committee, which also attract an additional payment. These are known as senior salaries.

All councillors are able to claim payments for the costs of travel, meals and accommodation where these costs are a direct result of their official duties. The

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level of payment that may be claimed depends on a number of things including:

- the number of miles claimed for in 1 year
- the type of vehicle used to travel
- whether there were any passengers in the same vehicle
- the location of the accommodation
- whether the councillor was staying with family or friends

All councillors are able to claim a contribution towards costs of Care and Personal Assistance (CPA). The purpose of this payment is to make sure that people who want to become councillors are not put off standing for election because they require financial support to cover their additional personal support needs and additional costs of caring for others to carry out their duties effectively.

In particular monthly costs of care varies considerably. This can depend on the number of dependants, their ages and other factors. The arrangements for claiming costs of caring for others are as follows:

- formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced
- informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage at the time the costs are incurred

The care costs cannot be paid to someone who is a part of a member's household.

## **Can individuals be employed and also be a councillor?**

It is possible for councillors to be employed or self-employed and also be a councillor.

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## How much time do councillors have to commit?

This varies depending on the amount of council, constituency and political party business that is required in the particular role. All councillors are required to attend meetings of the full council and any committees they are members of, and must attend at least one council meeting over a 6 month period or they are automatically disqualified (unless the council has given them a dispensation, for example because they are having treatment for an illness or caring for a close relative).

## Do employers have to release employees to undertake council duties?

Employers are required under the Employment Rights Act 1996 to provide reasonable time off work for public duties, but you should discuss this with your employer. However, you should note that there is no legal requirement for an employer to pay a councillor for the time they take off to carry out their councillor role.

## Can councillors have time off to look after their families?

It is important that councillors are able to balance their career choices and family commitments while serving communities across Wales.

Councils must put in place arrangements in their constitution (the council rule book) for the temporary absence of councillors for personal reasons (“family absence”).

It is set out in the law that county councillors are able to take periods of absence

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for a range of family milestones including the birth of a baby, the adoption of a child or other parental matters. The period of absence will depend on the purpose for the leave. The arrangements are set out in regulations, along with the requirements.

- Maternity absence, up to a maximum of 26 weeks where a member meets conditions set out in Regulations.
- Newborn absence, up to a maximum of two weeks, to be taken within 56 days of the birth of a baby.
- Adoption absence, which can begin up to a fortnight before the date of placement and which lasts for 26 weeks.
- Parental absence, where a member becomes temporarily or permanently responsible for a child under the age of 14. This may involve multiple periods of absence over a given year.

A councillor who is entitled to family absence may be absent from meetings of the authority (and, if an executive member, meetings of the executive) during the period of absence. However it is possible for a councillor to make arrangements to attend certain meetings during a period of absence if they wish to, but this must be agreed with the local authority.

Family absence is designed to ensure that members with pressing personal care commitments are able to meet those commitments, before returning to their roles.

## Are councillors able to job share?

Job share arrangements allow two or more councillors to undertake specific roles within the council by, as it suggests, sharing the responsibilities and workload of a role. The Local Government and Elections (Wales) 2021 made it possible for job share arrangements to be put in place for the leader and members of a county council cabinet. It did this by increasing the maximum number of councillors the law allows to be in a cabinet, when job share

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arrangements are in place. It is for the Leader of the council to decide appointments to the cabinet, including whether to invite councillors to undertake an executive role on a job share basis.

Job share arrangements can provide a number of benefits including:

- the opportunity for younger or less experienced councillors, who may have caring or other responsibilities, to participate as a cabinet member
- encouraging younger people to participate in the local democracy by considering standing for election
- as part of a career progression programme, enabling more individuals to operate at the cabinet level

## **How do councillors achieve and maintain a work life balance?**

There are no provisions in legislation which deal specifically with support to work-life balance and mental health. However, councils are under obligations in respect of the Equality Act 2010 and the Human Rights Act 1998 with regard to their policies, systems and procedures.

## **How are councillors expected to behave?**

There is a statutory ethical standards framework for all councillors. It guides elected members on the appropriate standards of conduct expected of them in undertaking their roles, whilst providing reassurance to the public that action will be taken if things go wrong.

All elected members of county and county borough councils, community councils, fire and rescue authorities, and national park authorities in Wales are bound by the statutory Code of Conduct. The Code lays down a set of

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enforceable standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity as well.

The framework comprises a set of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These principles are:

- selflessness
- honesty
- integrity and propriety
- duty to uphold the law
- stewardship
- objectivity in decision-making
- equality and respect
- openness
- accountability
- leadership

All principal councils must establish a standards committee to promote and maintain high standards of conduct by their members and the members of the town and community councils in the area. Their role includes advising the authority on the adoption and operation of a code of conduct, assisting members to observe the code, supporting political group leaders to uphold high standards of conduct within their political groups and arranging or providing training for members on matters relating to the code. An officer of the council called the monitoring officer works closely with the standards committee to support them in providing day-to-day advice to members on conduct matters. Standards Committees are required to produce an annual report and also to support political group leaders to meet their statutory duty of upholding standards of conduct in their political group.

Any person may make a complaint to the **Public Services Ombudsman for Wales** that a member has failed to comply with their authority's code of conduct. Where the Ombudsman concludes an investigation is appropriate, they may

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conduct the investigation themselves or refer the matter to the relevant monitoring officer for investigation and subsequent adjudication by the local standards committee.

Examples of ways in which a member may break an authority's code of conduct include: behaving in a way that brings the role of members or the authority into disrepute or negatively affects their authority's reputation; failing to treat everybody equally, be that due to their gender, race, disability, sexual orientation, age or religion.

**The Adjudication Panel for Wales** considers cases referred by the Ombudsman of more serious breaches of the code of conduct. The Adjudication Panel also hears appeals by members against the decisions of standard committees.

## **What support do councillors receive to help them in their role?**

By law, councils must secure the provision of reasonable training and development opportunities for their members. Each member (not including the Leader of a council), under executive arrangements must have the opportunity for an annual review of their training needs. Part of this involves the opportunity for an interview with someone who the council considers "suitably qualified" to advise on the training and development needs of a member. (s7, Local Government (Wales) Measure 2011). The leader may also request a review of their training needs if they wish to do so.

## **How can councils help councillors let the public know what they have been doing?**

Councils must have arrangements in place to allow any councillor to publish an

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“annual report” (s5, Local Government (Wales) Measure 2011). Councils should ensure that annual reports are drafted so as to show the electorate the range of duties that councillors perform, and their involvement with local initiatives.

Annual reports should contain only factual information, and should only cover activities undertaken by the individual councillor in connection with their council role. Content should not be party political and should not be critical of another member, another Group, or of an officer or officers of the council.

Councillors carry out a huge range of roles. Raising public awareness of these roles, and of councillors’ work for the communities they serve, is important; annual reports are likely to play an important part of this. Councils can develop a standard template for such reports to make the task more manageable, which may include detail on what matters should, and should not, be included.

## **Part 3: introduction to public participation**

### **What is public participation?**

Public participation is all about a council and communities working together with each other and partners such as the voluntary sector, charities and businesses to provide and improve services to local people.

Public participation is an approach which recognises and values the active contribution of local people in identifying, shaping and evaluating the services they and their families rely upon. This is different to consultation which usually refers to a request for feedback about a proposed change.

### **Why is it important?**

Not all people are the same, they come from different backgrounds and cultures,

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have different skillsets, different needs and ambitions. Some communicate through different languages, face different challenges both physical and non physical while others have a range of responsibilities for others. The challenge is to ensure that differences between people are welcomed and taken into account when developing local services and the laws that govern individuals' daily lives.

## **Who is responsible for ensuring the council has arrangements in place for real participation rather than lip service?**

The law requires that each county council publish a strategy, or plan, setting out how it intends to encourage local people to participate. When preparing its strategy the council must consult local people and other interested parties to ensure their ideas and views are used in the development of the plan.

The council must also review its public participation strategy as soon as possible after a local government election and may review the strategy at any other time it thinks appropriate.

The strategy, when published, should set out how it has been developed and who has been involved; including where it replaces an older strategy. It should set out the fundamental principles that the council will use to frame its approach to public participation, including how it will enable people from all backgrounds and of all ages to participate in decision making.

## **What should a public participation strategy include?**

The strategy must include:

- ways of promoting awareness among local people of the council's functions

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- how the council will raise awareness among local people about how to become a member of the council and what councillors do
- how the council will provide local people with access to information about decisions made, or to be made, by the council
- how the council will promote and support ways for local people to make representations to the council about a decision before, and after, it is made
- arrangements for bringing the views of the public to the attention of overview and scrutiny committees
- how the council will promote awareness among members of the benefits of using social media to communicate with local people

## Public engagement principles

Councils should have regard to the “public engagement principles” produced by Participation Cymru in how they take action on public participation:

- Engagement is effectively designed to make a difference.
- Encourage and enable everyone affected to be involved, if they so choose.
- Engagement is planned and delivered in a timely and appropriate way.
- Work with relevant partner organisations.
- The information provided will be jargon free, appropriate and understandable.
- Make it easier for people to take part.
- Enable people to take part effectively.
- Engagement is given the right resources and support to be effective.
- People are informed about the impact of their contribution.
- Learn and share lessons to improve the process of engagement.

Councils should also consider the **Journey to Involvement** produced by the Future Generations Commissioner for Wales when considering their approach to public participation.

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# Petitions

## Petitions schemes

Every principal council across Wales must set out how it will use petitions to support local decision making.

## What is a petition?

A petition is a well-established way for people with a shared concern or cause to raise their views with an organisation. They are often used to suggest new ways of doing things but are also used to register individuals' disappointment in specific issues.

Traditionally petitions were paper documents which set out a specific point of view and people were invited to support that view by adding their signatures to the document. The document, complete with signatures would then be submitted for consideration.

## Electronic petitions

Given the advances in technology councils are now required to set out how they will support electronic petitions. The arrangements must set out:

- how a petition can be submitted to the council
- how and by when the council will acknowledge receipt of a petition
- the steps the council may take in response to a petition it receives
- the circumstances (if any) in which the council may take no further action in response to a petition
- 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

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A principal council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme.

While encouraging the use of electronic petitions councils will also need to make arrangements for people who are not able to create or participate electronically.

## **Public access to information**

### **Attending Full Council Meetings and Council Committee**

There are rules about how the public may have access to meetings of full councils and its sub committees. The public have a right to attend full council meetings of a principal council and meetings of its committees but can be excluded from a meeting where confidential matters are discussed. This will include where the discussion includes sensitive personal information. While members of the public may attend these meetings, there is no automatic right for the public to speak.

### **Papers for meetings**

Councils are required to publish a range of documents relating to their meetings on the council's website. This includes the agenda, supporting papers and notice of the meeting. This will include details of when and where the meeting will be held. Some of the papers for the meeting may not be published in cases where the information is considered confidential. Following the meeting a note of the decisions will be published followed by a full set of minutes.

### **Freedom of Information Act**

Councils are bound by the Freedom of Information Act 2000, by the Environmental Information Regulations, and by the UK General Data Protection

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Regulation (GDPR). Anyone can make a request to a council for information they hold. The Act covers all recorded information and not just information relating to meetings. Information about how councils deal with requests for information is set out on each council's website together with details of how to make a request.

## Part 4: introduction to governance in local government

### Introduction

Information on what the law requires in relation to the political governance of principal councils. To explain how political governance should work the following topics will be explained:

- what is the full council
- what executive arrangements are
- how the functions and responsibilities of full council and the executive are determined
- what are committees, including what is meant by 'political balance' of membership
- what are constitutions and why are they important
- the rules about council meetings including agendas, minutes and recording of decisions, publication of documents and public inspection, attending and viewing council meetings
- the rules about meetings of the executive including agendas, minutes and recording of decisions, publication of documents and public inspection, attending and viewing council meetings
- what is scrutiny and why it is important
- what is a governance and audit committee and what are its main functions
- what is the Code of Recommended Practice on Local Authority Publicity
- why are the roles of some senior officers set out in law

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- what are politically restricted posts
- what is the role of the independent adjudicator
- what is the code of conduct for local government employees

## When and how does the council get elected?

Council elections in Wales are held every 5 years. There is not an option in Wales for councils to have elections by a third of their members every year on an on-going basis. An election where every elected position or 'seat' in a council in Wales is being elected at the same time is called an 'ordinary election'. It is the ordinary election that happens every 5 years; the day of election for ordinary elections is fixed by law and is usually the first Thursday in May. Sometimes a vacancy in a particular 'seat' arises in between each ordinary election. For example, this can happen because someone resigns, this will result in a 'by election' to replace them. There cannot normally be a by election within 6 months of an ordinary election and if a vacancy occurs during this 6 month period, the 'seat' will remain vacant until the ordinary election happens.

Each council area is divided into wards which are decided by an independent body called the Local Democracy and Boundary Commission. The people in each ward are then represented by one or more councillors, depending on how many people live in the ward. Wards with more than one councillor are called 'multi-member'.

Councils can choose between two ways in which an election can be run, 'first past the post' (FPTP) or the Single Transferable Vote (STV). FPTP has been the only voting system used to elect councils in Wales since the introduction of elected local government in the late 19th century. Voters mark their selection (or selections in multi-member electoral wards) of candidates with a cross. Under FPTP the candidates with the highest number of votes are elected, up to the number of councillors to be elected from that electoral ward. STV is a "preferential" voting system, which means voters are asked to rank the available candidates in order of preference. Voters may choose to rank all the available

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candidates (using numbers rather than a cross) or only as many as they wish, which may be as few as just one.

Anyone over the age of 16 who is legally resident in Wales can vote but in order to do so you must register. You can find out who can vote and how to register here. [Register to Vote](#).

Details of elections, including who is standing, how you can vote and where, can be found on your council's website in the period before the election. In the lead up to elections, you can also find details on [Who Can I Vote For?](#) and [Where Do I vote?](#) Both Who Can I Vote For and Where Do I Vote sites are run by a charity called [Democracy Club](#).

## What is the difference between the full council and the executive?

The 'full council' is the term used when all of the elected members of a council meet together. The law requires all councils to hold an annual general meeting after an ordinary election and then once a year. This is the meeting where the elected members take important decisions about who they will elect as the chair of the council or presiding member of the council. The chair or presiding member does not have decision making responsibilities for budgets or services but is an important senior figure in the council and will chair all the meetings of the full council. There are also some roles in the council which are about civic traditions and ceremonial functions. These roles are usually called the mayor and deputy mayor (sometimes lord mayor) and who will undertake them is also decided at the annual general meeting.

Decisions are taken by the full council, some committees with particular legal status, such as licensing committees, or by the executive of the council. The executive of the council is made up a small number of members (the number is determined by law), usually made up of the party elected with the most seats or where there is no party with a majority of seats a 'coalition' of members from

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parties who agree to work together.

Some elected members are not members of political parties and these are called 'independent' members. Sometimes independent members with similar views form an 'independent group' which is recognised in the law for the purposes of forming a coalition and for allocating seats on the council's committees. There is no requirement for independent members to form or join a group. Independent members in this situation are usually called 'unaffiliated'.

There are strict legal rules about how this is done and all groups of independent members who chose to work together on a regular basis and all the members elected to the council representing the same political party must give notice to the appropriate officer of the council that they wish to be regarded as a political group. As well as determining the allocation of places on committees, this also enables the political group to appoint political assistants. There are strict legal rules about this including how the numbers of assistants are to be calculated and the salary they are to be paid. These roles provide support and research capability for the political groups and allows for a separation of professional officer and political advice.

In terms of the executive, councils in Wales can chose between a leader and cabinet or an elected mayor and cabinet 'model'. Elected mayors can also be adopted as the executive model where the public in the council area start a petition and the petition collects enough signatures from voters in the council area to require a referendum to be held. If enough people from the council area vote 'yes' to having an elected mayor in the referendum then an election is held to elect the mayor and the mayor chooses a cabinet from the members of the council. If the initiative to have an elected mayor has been made by the council itself, there must still be a referendum and voters must support the introduction of the elected mayor for the change to be made. The elected mayor is in addition to the number of elected members elected at the ordinary election.

There are currently no elected mayors in Wales and all of the 22 principal councils have decided to have an executive leader and cabinet to make decisions about the day to day running of many aspects of the council's

business. The executive leader, more commonly known as the 'leader' is also elected from among the body of councillors at the annual general meeting. The leader will then choose a number of councillors called 'cabinet or executive' members to work with them. Together they form the cabinet or executive of the council.

Usually each cabinet member will have responsibility for a service area or areas called a 'portfolio' such as education, social services or community services. The full council will then agree a scheme of decision making which sets out which decisions can be made by cabinet and which decisions are to be made by full council. There are some decisions which are by law required to be made by the full council, these include setting the budget and how much council tax everyone pays.

To encourage and support people from diverse backgrounds who want to become elected members and also be members of the executive the law enables a number of cabinet posts, including the executive leader, to be fulfilled on a job sharing basis by elected members. This is the only reason allowed in law for the Cabinet to exceed the maximum number of 10 members, as if there are job sharing posts in the Cabinet it can include up to 13 members but in effect this is still equivalent to 10 cabinet posts. This works in the same way as if two employees job share a one full time role. The law also enables councils to make provision in their constitutions about 'assistants to the executive'. The elected members fulfilling these roles are not members of the executive but can assist members of the executive in their work. The purpose is to support diversity and give elected members the opportunity to gain experience.

## **How is it decided whether the full council or the executive make decisions about something?**

There is detailed and complex law which requires some decisions to be made by the full council and these decisions cannot be delegated to the executive. As noted above this includes agreement of the budget and council tax. There are

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then some functions which law says can be undertaken by the cabinet but they do not have to be (these are sometimes called 'local choice functions'). Finally there are also functions that the law says cannot be the sole responsibility of the cabinet.

When elected members are taking decisions and acting within the law, the law protects them from legal actions against them as individual people by providing councils with the ability to have 'indemnities'. This means that where a legal action is brought against an individual elected member because of something they did or a decision they made whilst they were acting on behalf of the council the council will meet the costs to the councillor of defending that legal action.

## What is a Committee?

A committee is a made up of a small group of the members of the full council. The law requires councils to establish certain committees. These include at least one scrutiny committee, a governance and audit committee, a licensing committee and a planning committee. Licensing and planning committees can make decisions and have very specific legal remits and status. They will not be considered further in this handbook.

The law also requires that most of the committees are 'politically balanced'. In other words that the seats on each committee reflect the political make-up of the council, so if a party or independent group had 40% of the seats on the full council it will be allocated 40% of the seats on each committee of the council which the law requires to be a 'politically balanced' committee. The cabinet is not a committee of the council and therefore does not have to be 'politically balanced'.

Sometimes councillors can change their membership of political parties (sometimes called 'crossing the floor') or independent members leave or join a 'registered' group in between elections. If this happens then the allocation of seats to parties and independent groups will need to be recalculated.

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Councils in England can choose to operate a 'committee' system of political governance. It is usually operated by smaller councils with a smaller number of functions which do not include education and social services. All councils in Wales carry out the full range of local government functions and so this system of governance is not available to councils in Wales.

## What is a council constitution and why is it important?

All principal councils are required by law to prepare and agree a constitution. They are also required to publish it electronically, keep it up to date and revise the published copy within 5 days of agreeing an amendment. The constitution is the blueprint for how the council is governed to ensure its business is conducted in an orderly and legal way. It is an important document and will be lengthy and complex. This is because of the complexity of council business and the range of matters the constitution is required to cover. It will include matters such as how it is decided who will make what decisions, the operation of meetings, the allocation of chairs to committees, protocols between the executive and scrutiny committees, financial procedures and many other things. Councils are therefore required to provide a guide to the constitution to help people navigate it and find out what it is they need to know.

One of its key aspects is setting out the council's scheme of delegated decision making. Although some decisions are by law required to be made by the full council, others can be delegated to the council executive or senior staff. This is a sensible approach as councils have multi million pound budgets, employ thousands of people, and provide a range of important services to their communities meaning many decisions are taken every day about important things which impact on everyone in the council's area. It would be impossible for all of these decisions to be taken by the full council and so the council agrees a 'scheme of delegations' which forms part of its 'constitution'. This sets out who can take various kinds of decisions relating to the delivery of the council's services and its other business. The council's constitution will also set out where

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cabinet decisions are reached collectively (that is, by the whole cabinet acting together), or where individual members of cabinet may make decisions (within a “portfolio” of matters set out in the constitution).

It is the responsibility of one of the council’s senior officers to keep the constitution up to date and ensure decision making within the council complies with the rules set out in its own constitution.

## **What does legislation say must be in a council’s constitution?**

Councils must prepare and publish a constitution (s37(1), Local Government Act 2000).

The constitution must set out such information as Welsh Ministers direct (s37(1)(a)), a copy of the council’s standing orders (s37(1)(b)), the council’s code of conduct (s37(1)(c)) and “such other information (if any) as the council consider appropriate” (s37(1)(d)). A copy of the direction to councils from Welsh Ministers setting out the information required to be included in the constitution can be accessed here (***include hyperlink to the direction which is in the statutory guidance – not yet available***).

The constitution must also so set out financial procedure rules. These are rules setting out how the council spends money, including the signing of the statement of accounts. It must set out procedure rules for contracting and procurement.

Councils must establish standing orders for the signing of minutes of extraordinary meetings, as well as for the recording of votes (Regulation 4, Schedule 2, Local Authorities (Standing Orders) (Wales) Regulations 2006). Standing orders must also deal with the appointment and dismissal of certain senior officers (s10, Local Government Measure 2011, Schedule 1, Local Authorities (Standing Orders) (Wales) Regulations 2006).

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Overall, constitutions should demonstrate how the council meets the requirements of the Local Government Act 1972 and Local Government Act 2000 (and other relevant enactments) in how it organises (“convenes”) formal meetings and carries out council business.

## What is the guide to the constitution?

Councils must also prepare and publish a guide to the constitution (s45, Local Government and Elections (Wales) Act 2021, amending s37, Local Government Act 2000).

In producing the guide to the constitution, councils should consider:

- the likely audience for such a guide
- how they will ensure that the needs of that audience are captured and understood
- how they will ensure in that context that a guide is fully accessible, and useful

The intention is to make it easier for local people to understand how the council functions and to empower them to engage in local democracy. The guide should:

- explain, in ordinary language, the key components of the constitution
- enable the general public to understand how the council operates and makes decisions
- focus on those parts of the constitution that are most visible to the public and those parts governing how the council interacts with the public

An effective constitution guide will not be an annotated index of the constitution but will explain in ordinary language the inner workings of the council’s system of governance.

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# What are the rules about meetings, agendas, minutes, public access and recording of decisions?

There is detailed legislation setting out the rules of council meetings, both for the council and for executives. These rules also set out how members are to be notified or 'summoned' to the meetings, how and when the minutes are to be published and how decisions are to be recorded. Unless there are extraordinary circumstances, councils must give public notice of a meeting at least 3 clear days before the meeting and must publish the notice electronically. The agenda and papers for the meeting must also be published electronically at this time (subject to any legal restrictions about publishing any information which is considered confidential or exempt). Councils will summon elected members to the meeting electronically, unless a member has given notice in writing that they want the notice to be posted or delivered to them at home.

Council meetings can be held in person at a specified location or locations, virtually or a mix of physical and virtual (call hybrid meetings). The council's constitution will set out detailed rules for how a particular meeting is to be conducted, how often the council or committee will meet, the time and day it will meet, how questions will be asked during the meeting and how people from outside of the council will be invited to participate.

After the meeting the law requires that a note of any decisions made is published electronically within 7 working days of the meeting and that the full minutes of the meeting are agreed at the next meeting of the council, committee or cabinet.

Members of the public are able to access all meeting papers and attend all meetings of councils, cabinets and committees either in person or remotely if the meeting is being held virtually or as a hybrid meeting. They are not usually able to participate in a meeting unless they have been invited for a specific purpose, for example, to provide an account of their personal experiences of a service at

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a scrutiny committee. There are some exceptions to this set out in law where the meeting agenda includes discussion of issues that are confidential or exempt (i.e. commercially sensitive or involve the personal details of staff of the council).

Councils in Wales are required to broadcast meetings of their full council on the internet. The meeting should be broadcast 'live' and the recording available for members of the public and others to review at later dates. This is so people who are not able to attend or view the meetings as they are taking place have access to local democracy and can see how and what decisions are being made by local elected representatives. Although the law currently only requires the broadcasting of full council meetings, councils are encouraged to broadcast as many meetings as possible to encourage and support participation by as many people as possible in local democracy.

## **Can you tell me more about how council meetings are run and what councils are required to do?**

The key legal provisions about the statutory arrangements for meetings of full councils, their committees and sub-committees and joint committees are set out in Part 5A of and Schedule 12 to the Local Government Act 1972. The equivalent arrangements for meetings of a council's executive are set out in The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 and are **dealt with separately below**.

The arrangements are designed to ensure the council conducts its business and reaches decisions in an open and transparent manner. Members of the public should be able to track the course of council business, by being able to attend meetings in person or remotely and by having access to the various meeting papers, reports and background papers (subject to any legal restrictions highlighted below). Councils can now meet using electronic means and need to follow **interim statutory guidance on multi-location meetings**.

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# How are full council meetings, their committees, sub-committees and joint committees run?

## Meetings of full council, committees, sub-committees and joint committees

Meetings of councils (in this section the term covers meetings of committees, sub-committees and joint committees also) must normally be open to the public, who may attend in person or remotely, depending on the arrangements for the meeting (see below). The right of the public to attend council meetings is set out in legislation (s100A, Local Government Act 1972), but occasionally they can be excluded from a meeting if certain matters will be discussed (s100A(2), Schedule 12A, Local Government Act 1972).

The public will be excluded from a meeting or just part of a meeting if the item or items of business deal with confidential or exempt information. These terms are defined in sections 100A(3) and 100I of the 1972 Act respectively.

Members of the public have no automatic right to speak at formal council meetings. They are meetings held in public, rather than public meetings.

Public notice of council meetings in Wales must be published electronically at least 3 clear days before the meeting. Occasionally, a meeting may be convened at shorter notice, in which case the notice must be published electronically when the meeting is convened.

When the legislation requires the council to publish a notice or a document electronically, this means that the council must publish the notice or documents on their website.

The public notice must include certain information providing details of the arrangements for the meeting (including whether it is open to the public, being held through remote means, is hybrid, its location and how to access a remote

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meeting).

Copies of the agenda and connected reports for a council meeting must be published electronically at least 3 clear days before the meeting, unless the meeting has been arranged at shorter notice in which case the documents must be published when it is arranged. Arrangements exist for papers to be circulated later under special “urgency” requirements, with the approval of the Monitoring Officer.

Papers or parts of papers which relate to confidential or exempt information must be withheld from publication.

Where members of the public may be present in person at a council meeting, a reasonable number of copies of the agenda and reports must be provided for their use and copies may be supplied on request (and subject to payment) to any newspaper.

After a council meeting, the minutes, agenda and accompanying reports must be published electronically and remain accessible electronically to members of the public for at least 6 years from the date of the meeting. If the meeting reports were informed by any background papers, the background papers must also be published electronically and remain accessible electronically for at least 6 years from the date of the meeting. If it is not reasonably practicable to publish a background document (for example, if it is a petition or a fragile historic charter) a copy of the document must be available for inspection at the offices of the council for at least 6 years from the meeting.

Minutes must be prepared, approved and published electronically after every council meeting; these constitute the formal legal record of the meeting and its decisions, notwithstanding the presence of any recording of the meeting and its proceedings. However, the minutes are not formally approved until the next meeting of the relevant council or committee, which may be some weeks or even months. In the meantime, as soon as practicable after a council meeting, and no later than 7 working days after the meeting, a council must publish electronically a short note of the meeting which sets out the names of councillors

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who attended the meeting, any apologies for absence, any declarations of interest and any decisions taken at the meeting (but excluding anything decided when the meeting was closed to the public).

For Cabinet proceedings, councils must adhere to formal requirements for the publication of agendas, minutes and reports as set out in the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 (as amended).

The 2001 Regulations were amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021 to remove the requirement for hard copy versions of Cabinet meeting documents to be made available for inspection by members of the public at offices of the council (other than in exceptional circumstances). The amending regulations introduced requirements for councils to make Cabinet meeting documents available electronically, on their websites. The arrangements for Cabinet meetings are similar to those which apply for other council meetings, but there are some differences.

## How are cabinet meetings, their committees and sub-committees run?

In this section, references to cabinet meetings also includes meetings of any committees or sub-committees of the cabinet.

As with other council meetings, meetings of the cabinet must normally be open to the public, subject to similar restrictions about meetings or parts of meetings where an item or items of business deal with confidential or exempt information. The definitions of these terms are the same as for other council meetings.

Public notice of cabinet meetings must be published electronically (again, this means on the authority's website) 3 clear days before the meeting or at the time it is convened, if, exceptionally, it is convened at shorter notice. The public

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notice must include certain information providing details of the arrangements for the meeting (including whether it is open to the public, being held through remote means, is hybrid, its location and how to access a remote meeting).

Copies of the agenda and connected reports for a cabinet meeting must be published electronically at least 3 clear days before the meeting, unless the meeting has been arranged at shorter notice in which case the documents must be published when it is arranged. Papers or parts of papers which relate to confidential or exempt information must be withheld from publication. Where members of the public may be present in person at a cabinet meeting, a reasonable number of copies of the agenda and reports must be provided for their use.

As soon as reasonably practicable after a meeting at which an executive decision has been taken, a written statement must be produced by the council officer attending the meeting which formally records the decision, the date it was made, the reasons for the decision, details of any consultation undertaken on the matter in question, the names of the members of the cabinet members who attended the meeting and any apologies for absence. The written statement must also record any declarations of interest declared by any cabinet members at the meeting and, in respect of any declarations of interest, record any dispensation granted by the council's standards committee.

Similar requirements apply if the council's constitution and executive arrangements provide for an executive decision being taken by an individual member of the cabinet, a written statement must be produced as soon as practicable by a council officer recording the decision and the same information listed in the paragraph above (although it will name only the individual cabinet member who took the decision). Normally, an executive decision made by an individual member of the cabinet must not be implemented until the written statement has been produced, but in exceptional circumstances, the decision may be implemented before the statement is produced if the decision-maker obtains agreement from the chair of the related council scrutiny committee, (in the absence of such a person) the chair of the council or (in the absence of either of the preceding persons) the vice-chair of the council.

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Any written statements about executive decisions (whether taken by cabinet members collectively or by an individual) must be published on the council's website as soon as reasonably practicable, together with any reports relevant to the decision. Copies of cabinet meeting agendas, any written statements and any relevant reports may be supplied on request (and subject to payment) to any newspaper.

If the reports related to an executive decision were informed by any background papers, the background papers must also be published electronically as soon as reasonably practicable after the written statements have been published. If it is not reasonably practicable to publish a background document (for example, if it is a petition or a fragile historic charter) a copy of the document must be available for inspection at the offices of the council.

Any written statements, reports and background papers related to an executive decision must remain accessible electronically by members of the public or, as appropriate, remain available for inspection, for at least 6 years from the date on which the decision was made.

## Scrutiny

### What is scrutiny and why is it important?

The purpose of scrutiny is to hold the executive to account for the decisions it makes. An important part of this process is to ensure lessons are learnt and services and decision making can be improved in the future. Scrutiny is an important part of a council's own systems for improving its performance. Council executives should be open to scrutiny as it is also an important part of creating confidence, transparency and interest in local democracy. It is also important to ensure participation in democracy is protected and is as diverse as the communities, both of interest and geography, within the council area.

To support their work, scrutiny committees have extensive powers in law to call

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members of the executive, council staff and other witnesses to give evidence at meetings, to examine papers and documents and to 'call-in' decisions of the executive.

Councils must put in place arrangements to allow a scrutiny committee to review or scrutinise decisions made, but not implemented, by the executive. This is the power referred to as "call-in". (s 21(3), Local Government Act 2000).

Scrutiny committees can publish reports and recommendations for improvement which should be considered by the executive and responded to. Scrutiny committees can work with scrutiny committees from other councils and joint scrutiny committees can be formed where councils are working together to deliver services over a number of council areas. Scrutiny committees can also scrutinise the work of partnerships that the council is a member of such as Public Service Boards.

All councils are required by the law to have at least one scrutiny committee and members of the executive cannot be members of a scrutiny committee. Membership of scrutiny committees is drawn from the other members of the council, sometimes called 'backbench' members. Most councils agree in their constitutions to have more than one and the committees are usually organised around themes such as 'children and young people' or 'the environment'.

Scrutiny committees must be politically balanced and to ensure political neutrality there are additional legal rules about how the chairs of scrutiny committees should be appointed to ensure that not all chairs can come from the majority party or group on the council.

## **How can scrutiny committees get the information they need to do their job?**

Any documents containing information relevant to the taking of an executive decision (whether collectively or individually) must, so far as reasonably practicable, be supplied on request to any councillor when the meeting

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concludes or after a decision is made. Any documents or parts of documents which contain confidential or exempt information should not be supplied, nor should any advice provided to the cabinet members by a political adviser or assistant.

A member of any overview and scrutiny committee of the council is entitled to copies of any documents containing information relevant to the taking of an executive decision (whether collectively or individually). The member will not be entitled to such documents however, if the documents or parts of documents contain confidential or exempt information or advice provided to the cabinet members by a political adviser or assistant, unless the information is relevant to a piece of work being undertaken by the overview and scrutiny committee of which the councillor concerned is a member. The overview and scrutiny committee member given confidential or exempt information must not disclose the information, unless authorised to do so under some other legislation.

## **What is the law around scrutiny committees?**

Councils must appoint at least one overview and scrutiny committee (s21, Local Government Act 2000) but may appoint more.

Councils must give effect to scrutiny's power to:

- require members of the executive, and the council's officers, to attend before it to answer questions, and to provide information (s21(13), Local Government Act 2000)
- require the authority's executive to respond to reports and recommendations (s21B, Local Government Act 2000)
- require other members of the council to attend to answer questions, in respect of powers they may exercise under section 56 of the Local Government (Wales) Measure 2011. (s21(2), Local Government Act 2000)

Members of overview and scrutiny committees have additional rights of access to information. This includes a document under the control of the council's

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executive which contains material relating to business transacted at a meeting of a decision-making body of the authority, or a decision made by an individual member of the executive. This includes exempt or confidential information, where it is relevant to a matter being scrutinised by a committee, or is relevant to a review in a committee's work programme (Regulation 11, Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 (as amended)).

Councils must ensure that the "whip" (a political management process whereby members of specific party political group is ordered to vote in a particular way) is prohibited (s 78, Local Government (Wales) Measure 2011). This is without prejudice to the legitimacy of the use of the whip in other environments, for example in full Council meetings.

Councils must adhere to rules in legislation about the appointment of chairs to scrutiny committees (s-68-75, Local Government (Wales) Measure 2011).

Councils must appoint parent governors, and church representatives, to positions as voting members of education overview and scrutiny committees (Parent Governor Representatives and Church Representatives (Wales) Regulations 2001).

## **Can additional members be co-opted to scrutiny committees?**

Councils should think about the co-option of members of committees who are not councillors. Co-option is the practice of bringing people onto a committee who are not elected councillors, but who do have useful skills and experience and may be able to play a valuable role, either by being full voting members of committees or non-voting members.

This is a way to build a more diverse membership of scrutiny committees. It can provide a way to support broader public participation in local democracy, as discussed elsewhere in this guidance.

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# Joint scrutiny

## What is a joint scrutiny committee?

Two or more councils can decide to appoint a joint overview and scrutiny committee (JOSC) (s58, Local Government (Wales) Measure 2011). This decision must be subject to an agreement setting out the arrangements for the convening of this committee and its meetings, as set out in Regulations. JOSC arrangements must make provision for references of matters to the JOSC by a member of an appointing authority, if:

- the matter relates to one of the functions of the authority
- it affects the electoral area of the member or it affects any person who lives or works there
- it is not a local crime and disorder matter as defined in section 19 of the Police and Justice Act 2006

While joint committees do not have to be politically balanced, the appointing authorities must ensure that the members they appoint reflect the balance of their own authority.

The joint scrutiny framework should set out:

- the key partners, and bodies, at a local level who might be subject to overview and scrutiny's oversight
- the role of scrutiny in respect of those partners and partnerships, and the expectations that the council and those partners have for their own engagement with this form of scrutiny
- existing governance arrangements in place with regard to those partners
- the circumstances in which "local" scrutiny of partners will benefit from being carried out jointly with neighbouring authorities' scrutiny functions
- the appointment, where necessary, of a JOSC and arrangements for membership and chairing

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- arrangements for resourcing

Joint scrutiny has significant benefits both for councils, and for partners:

- councillors are able to view issues from a wider perspective, leading to a more thorough exploration of the topics under consideration
- the presence of different scrutiny chairs and support from alternative scrutiny officers has provided opportunities for cross-transference of learning and exchanges of good practice
- experiences of joint scrutiny have been found to stimulate members and officers to critically review and enhance their 'home' council's internal methods and ways of working, ultimately leading to a higher standard of scrutiny
- joint scrutiny brings a fresh eye to developments at all stages of the decision-making process. JOSCs have the ability to bring forward new sources of information that decision makers may not have considered in the development of plans, policies and strategies
- non-executive members have a wealth of local intelligence and are well-placed to evaluate whether partnership priorities and methods of delivery are meaningful to local communities. Many councillors are linked into a range of social networks and community groups and are able to feed views into decision-making processes
- JOSCs can help reduce duplication of accountability and reporting mechanisms by adopting a coordinated approach to the issue under enquiry

## What is a Governance and Audit Committee and why is it important?

All principal councils must have a governance and audit committee. This is an important committee that must be chaired by an independent lay member who is not an elected member of the council, and a third of the other members of the committee must also be lay members.

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This is to ensure the committee is truly independent of both the executive and the full council. It also provides assurance to external and internal auditors, regulators and others tasked with ensuring the council acts within the law, has effective governance, complaints procedures and financial management, that they can report to a committee which will consider their reports in a politically independent way.

The Committee has functions set out in law which it must carry out. These include reviewing and scrutinising the council's financial affairs and financial statements, reviewing and assessing the way risk is managed in the council, the council's performance assessment undertaken as part of its duties to keep under review its '**performance requirements**' (see **Part 5**) <<**where's part 5 - is this statutory guidance?**>> and the council's ability to handle complaints effectively. It can make reports and recommendations about all of the things it is tasked with reviewing and assessing. Councils can also ask these committees to undertake other functions.

## **How do I know that my money is not being used by councils on political activities?**

The law prevents councils from spending public money on political activities such as campaigning. This is particularly important in the run up to ordinary council elections as it ensures that the party, parties or groups leading the council cannot bias the election in their favour by using the resources and staff the council has at its disposal. There is a statutory 'Code of recommended practice on local authority publicity' which councils must follow at all times. This sets out the principles on which decisions relating to publicity must be made.

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# Why does the law make councils have senior officers, why are they important and what do they do?

The law requires councils to have 4 senior officers. These officers carry out different and important roles in the council. The purpose of these roles is to support councillors to run the council effectively and efficiently and within the law. In order to fulfil these roles these officers are provided with a unique status in the law sometimes called 'statutory protection from dismissal'. This is because these roles will occasionally require the officers to advise councillors they cannot do something as it outside of the law, or to report a serious financial situation to the full council. It would make these statutory roles impossible to undertake effectively if these officers did not have a legal safeguard which required their disciplinary and dismissal processes to be undertaken in a politically neutral way.

These officers, and all employees of the council, are bound by a statutory code of conduct which requires them to act in a politically neutral way and follow the principles of public life such as openness and honesty. The Code forms part of the terms and conditions of employment of all council employees (with the exception of some professional groups such as teachers who have their own professional codes) and breaking the Code is a disciplinary matter under the Council's disciplinary scheme for relevant staff as set out in the council's constitution.

To reinforce the importance of political neutrality in senior council officers, their posts are what is termed 'politically restricted'. This means they must resign from their post as a council officer if they wish to seek elected office. A wide range of posts in councils fall into the category of 'politically restricted' and each council must publish a list of these posts and keep it updated. The law also provides for a person called the 'Independent Adjudicator' whose job is to decide whether or not a post should be politically restricted when there is a disagreement between the employee concerned and the council.

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Councils must designate officers to carry out the following roles:

Chief Executive (s54, Local Government and Elections (Wales) Act 2021), who must keep under review:

- the manner in which the exercise by the council of its different functions is co-ordinated
- the council's arrangements in relation to financial planning, asset management and risk management (these roles being carried out in coordination with the roles of the Chief Finance Officer, Head of Internal Audit and the Governance and Audit Committee)
- staffing matters, including grading, organisation, appointment and management

Chief Finance Officer / s151 officer (s151, Local Government Act 1972, s6, Local Government and Housing Act 1989), who must make arrangements for the proper administration of financial affairs. The Chief Finance Officer must be a qualified finance professional.

Chief Legal Officer / Monitoring Officer (s5, Local Government and Housing Act 1989), who must ensure that the council adheres to its legal obligations. They cannot be the same person as the Chief Executive.

Head of Democratic Services (s8, Local Government (Wales) Measure 2011), who must carry out a range of duties relating to the support of elected members and the Democratic Services Committee.

The Head of Democratic Services has responsibility for providing support and advice to the authority in relation to its meetings; for providing support to the work of the council's overview and scrutiny committee; and for making reports and recommendations on staffing requirements for the delivery of democratic services functions in the authority. Essentially, these functions are those which relate to councillors, and the organisation of formal council meetings. The Head of Democratic Services is also responsible for determining the eligibility of councillors for family absence.

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The Head of Democratic Services can only be designated by the Democratic Services Committee; in doing so the Democratic Services Committee should have regard to the other duties that the Head of Democratic Services may have. It should be noted that “designation” of the Head of Democratic Services does not mean that the Democratic Services Committee has the power to directly appoint an individual to a substantive position within the authority’s establishment.

Councils must adhere to Regulations which set out in detail arrangements for the appointment, discipline and dismissal of all 4 of these officers (Schedule 1, Local Authorities (Standing Orders) (Wales) Regulations 2006).

The Council can delegate certain functions to these officers and other officers, provided this is set out in the scheme of delegations in the council’s constitution. The law provides these officers (and all council officers exercising functions on behalf of the council) with protection against legal action for undertaking these duties in good faith i.e. they are exercising the function in the belief it is legal and proper for them to do so. The law does this by enabling the council to provide its officers with an indemnity which enables the council to pay the costs of legal action should legal action be brought against that officer.

## **Annex: legislation**

### **Legislation and principal council governance**

The following sets out the main legislation relating to the topics covered. It includes both primary legislation (this an Act of either the UK Parliament or the Welsh Parliament) and secondary legislation in the form of regulations, orders or statutory codes. This does not contain a full description of the legislation only an overview.

Secondary legislation can only be made by the Welsh Government where there is a power to do so in an Act. The Act will then place conditions on the extent of

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this power and the process by which the secondary legislation must be made, for example it may require consultation with particular people or for the secondary legislation to be debated by the Senedd before it can come in to force.

You should be aware that legislation.gov.uk is a service provided by The National Archives (TNA) which carries and updates primary (Acts/Measures) and secondary (regulations/orders) legislation currently in force in the UK and their accompanying explanatory documents. There may be some delays between when a piece of legislation is amended or created for the first time by the Welsh Parliament and that amendment or new piece of legislation appearing on the legislation.gov.uk website.

As well as the Act, regulations or order the website will provide you with links to supporting documentation such as explanatory notes or memorandum. These explain the purpose and the content of the legislation in a less formal way. If the legislation were made by the National Assembly for Wales / Welsh Parliament, the versions as passed can also be found on the Welsh Parliament's website; this website also publishes all the explanatory documents which accompanied the legislation, including the explanatory notes and explanatory memorandum. Note however, that the Welsh Parliament website does not update the original versions of legislation if they are subsequently amended. Legislation.co.uk does update the original versions.

## Local Government Act 1972

This has been amended and updated many times since it was first passed but it remains the foundational act for principal councils in Wales (and England). The 1972 Act followed major reviews of local government and its functions and governance in Wales and England in the 1960s and it sets out the blueprint for the way in which councils must run their business, how and when elections take place and who can be a councillor.

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It contains detailed provision about council meetings, agendas, papers, publication of documents and public access to meetings and documents. These provisions were amended by the Local Government and Elections (Wales) Act 2021 to enable councils to meet flexibly in person, virtually or a combination of these. These amendments also provide for electronic publication of notices of meetings, meeting papers and background documents.

Read the [Local Government Act 1972](#).

## Local Government Act 1986

Much of this Act has now been repealed but the sections relating to local authority publicity and the prohibition of the use of council resources on political publicity remain in force.

Read the [Local Government Act 1986](#).

## Local authorities: code of recommended practice

This Code is published under section 4 of the Local Government Act 1986. It sets out the principles councils must follow when ensuring the resources of the council are being used appropriately for publicity.

Read the [Local authorities: code of recommended practice](#).

## Local Government and Housing Act 1989

This was a significant piece of local government legislation made to address several high profile issues at the time and much of it has been subsequently repealed. However, the sections relating to the political restriction of officers and

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staff, the duties of certain officers (the chief executive and the monitoring officer), the appointment and management of staff (including the appointment of staff on merit), the appointment of assistants to political groups and the political balance of committees remain in force and form key components of the political and general governance legislative framework.

Read the [Local Government and Housing Act 1989](#).

## **The Local Government (Committees and Political Groups) Regulations 1990**

These regulations set out how a political group is to be determined and how seats on the council's committees which are required to have political balance should be allocated.

Read the [Local Government \(Committees and Political Groups\) Regulations 1990](#).

## **The Local Government (Committees and Political Groups) (Amendment) (Wales) Regulations 2014**

These regulations amend the 1990 regulations to exclude area committees from the requirement to be politically balanced where the area is not more than half of the total area of the authority or its population. Area committees can be constituted by councils to advise on or discharge functions in relation to a particular geographic area of the council.

Read the [Local Government \(Committees and Political Groups\) \(Amendment\) \(Wales\) Regulations 2014](#).

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# **The Local Government (Assistants for Political Groups) (Remuneration) (Wales) Order 2009**

This set the pay scale for assistants to political groups. The scale used is the nationally agreed scale (National Joint Council) for the remuneration of council employees below chief officer.

Read the [Local Government \(Assistants for Political Groups\) \(Remuneration\) \(Wales\) Order 2009](#).

# **The Local Government (Assistants for Political Groups) (Remuneration) (Wales) (Amendment) Order 2019**

Amends the pay scale for political assistants to political groups from scale point 44 to scale point 38. Following a change in the way the scale is structured.

Read the [Local Government \(Assistants for Political Groups\) \(Remuneration\) \(Wales\) \(Amendment\) Order 2019](#).

# **The Local Government Officers (Political Restrictions) Regulations 1990**

Specifies a number of matters to be set out in the terms and conditions of officers appointed to post deemed to be politically restricted.

Read the [Local Government Officers \(Political Restrictions\) Regulations 1990](#).

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# The Local Authorities (Standing Orders) (Wales) Regulations 2006

These are the main regulations relating to the standing orders councils must have. Standing orders create the rule book by which a council operates. These regulations require standing orders to be made in relation to chief officers, meetings and proceedings, staff, disciplinary action.

Read the [Local Authorities \(Standing Orders\) \(Wales\) Regulations 2006](#).

# The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014

These regulations made amendments to the 2006 Regulations to update them for changes in the law and to require posts for officers with salaries of more than £100,000 to be advertised externally and for the appointment or dismissal of the chief executive to be a function of full council and for any change in that officer's salary to also be a function of full council.

Read the [Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014](#).

# Local Government Act 2000

This was another important Act in the development of principal council governance. It created the concept of the separation of the executive from the full council. It did not go as far as the separation of the staff and resources of the council and these continue to serve both the full council and the executive. It also introduced the concept of elected mayors. It contains provision requiring a principal council to have a constitution, publish it and keep it up to date. This

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was amended by the Local Government and Elections (Wales) Act 2021 which enabled electronic publication and introduced the requirement to publish and keep up to date a guide to the constitution.

Read the [Local Government Act 2000](#).

## **Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001**

These regulations set out the arrangements for giving notice of meetings of a council's executive, publishing the papers for such meetings, recording decisions taken by the executive (including when taken by a committee of the executive and by an individual member of the executive) and additional rights of access (to documents relating to the business of executives) for other councillors and members of the council's overview and scrutiny committees.

Read the [Local Authorities \(Executive Arrangements\) \(Decisions, Documents and Meetings\) \(Wales\) Regulations 2001](#).

## **The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021**

These regulations amended the main 2001 regulations (see preceding entry) to enable councils to meet flexibly in person, virtually or a combination of these. The amendments also provide for electronic publication of notices of meetings, meeting papers and background documents.

Read the [Local Authorities \(Executive Arrangements\) \(Decisions,](#)

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[Documents and Meetings\) \(Wales\) \(Amendment\) Regulations 2021.](#)

## **The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002**

These regulations provide for the discharge of executive functions by another executive, another council, an area committee or a joint committee.

Read the [Local Authorities \(Executive Arrangements\) \(Discharge of Functions\) \(Wales\) Regulations 2002.](#)

## **The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001**

This Order contains the statutory Code of Conduct for qualifying officers in principal councils. The Code sets out important principles such as political neutrality, compliance with policies relating to equality and the stewardship of public resources.

Read the [Code of Conduct \(Qualifying Local Government Employees\) \(Wales\) Order 2001.](#)

## **The Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001**

These regulations set out which council employees do not qualify to be bound by

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the Code of Conduct. These employees are teachers and firefighters. This is because they are bound by their own professional codes of conduct.

Read the [Code of Conduct \(Non-Qualifying Local Government Employees\) \(Wales\) Regulations 2001](#).

## **The Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006**

These regulations set out the terms and conditions under which councils may offer indemnities to their members and staff who are acting on behalf of the council.

Read the [Local Authorities \(Indemnities for Members and Officers\) \(Wales\) Order 2006](#).

## **The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007**

These regulations set out in detail the functions which are not to be the responsibility of the executive, the functions which may, but do not have to be, the functions of the executive and the functions which are not to be the sole responsibility of the executive.

Read the [Local Authorities \(Executive Arrangements\) \(Functions and Responsibilities\) \(Wales\) Regulations 2007](#).

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# Local Government (Wales) Measure 2011

This is Wales-only primary legislation. This Measure followed extensive consultation on support for elected members and how to improve scrutiny in principal councils. It created the role of the Democratic Services Committee and the Head of Democratic Services. It makes changes to the procedures Councils must follow when changing their executive arrangements. It provides for the delegation of some functions to area committees and individual councillors. It also creates further provision about the role of scrutiny committees and enables the creation of joint scrutiny committees. It prohibits the use of the political whip on scrutiny committees.

Read the [Local Government \(Wales\) Measure 2011](#).

# The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013

These regulations set out procedures for the operation of joint scrutiny committees including their appointment and functions, membership, proceedings and co-option.

Read the [Local Authorities \(Joint Overview and Scrutiny Committees\) \(Wales\) Regulations 2013](#).

# Local Government and Elections (Wales) Act 2021

This Act (amongst other things) amended the title of the head of paid service to chief executive in the Local Government and Housing Act 1989. It also removed the prohibition in the 2011 Measure on the Monitoring Officer also being the

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Head of Democratic Services. It amended section 37 of the Local Government Act 2000 to require councils to publish their constitutions and a guide to it electronically. It also amended the Local Government Act 1972 to enable council meetings to be held virtually or partly virtually and for meeting papers to be published only in electronic form. It also creates assistants to the executive and the ability for a maximum of 3 executive posts to be held on a job sharing basis by elected members. It also amended the title, functions and operating procedures of governance and audit committees. In addition, it included the duties relating to public participation and petition schemes.

Read the [Local Government and Elections \(Wales\) Act 2021](#).

## Local authority multi location meetings: interim guidance

Statutory guidance on local authority meetings issued under section 47 of the 2021 Act. This provides guidance on holding multi location meetings where some members may be attending through electronic means.

Read the [Local authority multi location meetings: interim guidance](#).

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