



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Access to information: guidance for community and town councils

Advice on the information that community and town councils must make available on their websites.

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Status and application

This guidance applies to Community and Town Councils in Wales. It is issued, in part, under section 55(3) of the Local Government (Democracy) (Wales) Act 2013. Section 55(1) places duties on local authorities to make certain information available electronically. When carrying out their duties under section 55, Community and Town Councils have a statutory duty to have regard to this guidance.

This guidance also explains further provision made in the Local Government (Democracy) (Wales) Act 2013 and the Local Government Act 1972 (“the 1972 Act”) concerning public notices, council meetings and proceedings and registers of members’ interests.

The guidance has been updated with relevant changes following the implementation of the Local Government and Elections (Wales) Act 2021, which received Royal Assent in January 2021.

Background

The Local Government (Democracy) (Wales) Act 2013, referred to as “the Act” throughout this guidance, gained Royal Assent on 30 July 2013. Its primary purpose was to reform the organisation and functions of what is now known as the Local Democracy and Boundary Commission for Wales. The Act, however, introduced various other provisions connected with local government.

Sections 55, 57 and 58 of the Act are concerned with access to information, and most particularly, access to information about Community Councils (section 58, which amends section 81 of the Local Government Act 2000, applies also to County / County Borough Councils, Fire and Rescue Authorities and National

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Park Authorities in Wales). For the purposes of this guidance, any reference to a Community Council or Councils includes any Community, Town or City Council which serves a community or grouped community and was established in accord with Part II of the 1972 Act.

In summary, the Act requires Community Councils to make information available electronically; to publish notices and papers electronically; and to publish their register of members' interests electronically (those maintained under section 81 of the Local Government Act 2000).

Part 1: statutory guidance

Community Council websites: section 55

Section 55(1) of the Act requires Community Councils to publish electronically information about how to contact it and, if different, its clerk. The information which must be available electronically includes a telephone number, a postal address and an email address.

In addition, the council must publish electronically information about each of its members, including each member's name, information about how they may be contacted, party affiliation (if any) and any office held or committee they belong to within the Council. If the community concerned is divided into community wards, the ward each member represents must be shown.

The Community Council must also publish electronically the minutes of its meetings and, so far as reasonably practicable, documents referred to in the minutes. They must also publish their annual audited accounts electronically. In both these cases, Councils are only required to publish material produced after the date when section 55 came into force, i.e. after 1 May 2015.

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Community Councils are not required to publish any information they are prevented from disclosing by any other legislation.

In carrying out their duties under Section 55, Community Councils must have regard to this guidance.

Guidance about Community Council websites

It is a decision for each Community Council to take as to whether they will operate their own, independent website, or whether they decide to link up with other Community Councils in their area, or the Principal Council, or some other body which is happy to host their site. It is, however, a requirement that there is a regularly updated website providing the public with the ability to access the information described above.

The Welsh Government intends to improve public engagement with local government generally and Community Councils in particular. We feel it necessary for all local authorities, including community and town councils, to be contactable electronically and to publish information on the Internet. Local residents would expect to be able to have this facility.

The majority of Community Councils in Wales already have a presence online and publish information electronically. Community Councils are urged to seek assistance from One Voice Wales, their Principal Council or other reliable sources if they need it to develop their web presence.

Under section 55, the Council must publish electronically its telephone number, postal address and e-mail address. Councils should have a generic email address and not use a personal email address, enabling the Clerk to access messages. The information must be available for the Council Clerk if the Council does not have an office address or telephone number. In some cases, the Community Council will have its own, or a share of, offices and the telephone

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number, postal address and e-mail address for these premises would be appropriate. Councils will be expected, however, to have arrangements to ensure messages are regularly retrieved and responded to.

It is not obligatory for individual members to have e-mail addresses. In a Principal Council this would be expected because the Council itself can usually provide e-mail addresses on the Council's site. However, the members' names must be listed and details of how they may be contacted must be available online. Some Councils will wish to place photographs of each member but this is a decision for them.

The Act requires that the political affiliation of the members of the Council is published, where relevant. Some Community Councils choose not to do this at present. However, the public has a right to know the political persuasions of those in elected office or whether they are independent of any group. It is unacceptable for a member to hide their political affiliation.

If the Community Council is divided into community wards, the ward the member represents must be published. If they hold office of some sort in the Council or belong to a council committee of some sort, it must be published on the site.

Co-opted members should be recorded in the interest of transparency to distinguish them from elected members.

Above describe the documents which need to be posted on the website. Councils should develop procedures for keeping their site in good order, with past documents archived for a reasonable period, but easily accessible from the front page.

If the Council has a Welsh Language Scheme and its practice under the Welsh Language Scheme is to produce material bilingually, then that applies the same to material that is produced electronically.

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The Act's provisions should be viewed as outlining the minimum requirements. Many Councils will want to place far more information than this on their webpages and are encouraged to do so. Councils will need to have regard to the [Code of Recommended Practice for Local Authority Publicity](#).

We would expect Community Councils to consider community needs including language, communication and accessibility. [Diversecymru](#) website which gives further guidance.

Community Councils can find out information about broadband in Wales and the options and support available for getting faster broadband by visiting [Broadband In Wales](#).

Part 2: non-statutory guidance

Information about meetings and proceedings

Community Councils are required to post any public notices in one or more conspicuous place within their area, and in such other manner, if any, as appears to be desirable for giving publicity to the notice (section 232(1)(a) and (b) of the 1972 Act. Section 232(1)(c) places an additional requirement on Community Councils to publish any such notice electronically.

Community Councils are required to give notice of forthcoming Council meetings 3 clear days at least before, or if the meeting is convened at shorter notice, from the time it is convened by displaying a notice in a conspicuous place in the community and publishing it electronically (paragraph 26(2) of Schedule 12 to the 1972 Act). The notice must consist of details about the time of the meeting, and how to access it, depending upon whether the meeting is to be held remotely, partly remotely, or not remotely. The notice must also confirm whether or not the meeting, or part of the meeting, is open to the public (paragraph

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26(2ZA) of Schedule 12). Where the meeting is called by members of the council, the notice should provide the members names and specify the business proposed to be transacted at the meeting (paragraph 26(2)(a) of Schedule 12). There is also a requirement to publish electronically, so far as is reasonably practicable, any documents relating to the business to be transacted at the meeting (paragraph 26(2)(aa) of Schedule 12). This requirement does not apply where the documents relate to business which, in the opinion of the Council, is likely to be transacted in private or where the disclosure of such documents would be contrary to any other legislation.

Under paragraph 30A of Schedule 12 to the 1972 Act a community meeting may be convened at any time by a group of local government electors amounting to at least 10% of the local government electors for the community, or 50 of the electors (if 10% exceeds 50 electors). Those convening the meeting must give notice to the Community Council or, if there is no Community Council established in the area, notice must be given to the Principal Council in whose area the community lies (paragraph 30B(1) of Schedule 12). Under the provisions, notice may be given to the Community Council either in writing (but not in an electronic form), or in an electronic form. Where it is given in electronic form the notice must comply with the technical requirements set by the Principal Council (paragraph 30B(3)(b)(ii) and paragraph 30C of Schedule 12).

Community Councils and Principal Councils must provide a facility for notices to be given electronically (paragraph 30C of Schedule 12).

Finally, section 58 of the Act amended section 81 of the Local Government Act 2000 (“the 2000 Act”). Section 81 requires the proper officer of a Community Council to establish and maintain a register of members and co-opted members’ financial and other interests as are specified in the **model code of conduct** (prescribed by Order under section 50 of the 2000 Act). Prior to commencement of section 58 of the Act, the register needed to be available for inspection at Council offices at all reasonable hours. Section 58 of the Act amended section 81 of the 2000 Act to require that the register is also published electronically.

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