



Mick Antoniw, MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

30 October 2020

Dear Mick

I wrote to you on 10 September regarding the Stage 2 amendments I intended to table, and that have since been made to the Local Government and Elections (Wales) Bill. In that letter I introduced some matters relating to potential Stage 3 Government amendments. This letter provides confirmation that I have tabled those amendments and more details of what they contain.

Whilst a high proportion of the amendments I have tabled are minor or technical in nature, or intended to clarify provisions, some could be considered to be more extensive than generally brought forward at Stage 3.

These amendments largely result from the Government's response to the pandemic and making sure the necessary provision continues in place to enable local government to continue to function during the remainder of the pandemic and beyond. The development of these amendments has been informed by ongoing engagement with, and feedback from, key stakeholders throughout local government.

Remote Attendance

I have tabled amendments in respect of remote attendance which will have the effect of extending remote attendance, on a permanent basis, to the range of local government bodies covered by the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (the '2020 Regulations').

Section 48 of the Bill, which amended section 4 of the Local Government Measure (Wales) 2011, is replaced with a new section making the relevant provision in respect of remote attendance for all bodies, not solely principal councils, on the face of the Bill.

The new section requires local authorities to make arrangements to ensure that meetings can be held on a fully, or partially, virtual basis. Local authorities in the context of these

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

provisions are principal councils, community councils, fire and rescue authorities, National Park authorities, and port health authorities (for a port health district in Wales constituted under section 2 of the Public Health (Control of Disease) Act 1984). A principal council will also be required to make arrangements in respect of meetings of the executive, committees, sub committees and so on.

Local authority meetings and proceedings

As I set out in my previous letter, the pandemic exposed how out-of-date current provisions in respect of local authority meetings are, in particular the procedural and technical provisions which govern how meetings are recorded, how summonses are sent to members, and how documents including notices, agendas and minutes are published.

I have tabled an amendment to replace the current Schedule 4 to the Bill, with a new Schedule with the heading “Notice of Local Authority Meetings, Access to Documents and Attendance at Meetings” to reflect the expanded subject matter.

Part 1 of the new Schedule makes a number of amendments to existing legislation, including Part 5A of, and Schedule 12 to the LGA 1972 and the Public Bodies (Admission to Meetings) Act 1960 in respect of a range of matters, including:

- (a) notices of meetings of local authorities in Wales,
- (b) access to, and publication of, documents relating to those meetings and the meetings of committees and sub-committees;
- (c) the publication of public notices by local authorities not relating to local authority meetings; and
- (d) the issuing of summons to members to attend meetings of local authorities.

These amendments will apply to principal councils, National Park authorities, fire and rescue authorities, joint boards, joint committees and the Swansea Bay Port Health Authority (including their committees and sub-committees). Some of the amendments will also apply to community councils (including in relation to the content of notices and how they are given, and how summonses are issued).

Part 2 of the Schedule provides for the necessary consequential amendments resulting from the remote attendance amendments including the repeal of section 4 of the 2011 Measure.

Regulation making powers

In order to complete the modernisation of local authority meetings and proceedings arrangements, and fundamental to supporting authorities in moving forward in the post Covid-19 world, it is necessary to provide the Welsh Ministers with Regulation making powers, including the ability to amend and repeal primary legislation, in relation to:

- (a) the conduct of local authority meetings, documents relating to meetings and the publication of information
- (b) community meetings
- (c) making further or different provision about the manner of giving public notice required to be given by a local authority (paragraph 17 of Schedule 4 to the Bill).

The swathes of provisions about these matters, set out in primary legislation dating back to 1960, 1972 and 1985, are extensive, complex and very out-dated. The wording and content of the provisions clearly reflect a world and ways of doing business which pre-date

the internet and electronic communication. The experience of having to take through the 2020 Regulations because of the pandemic has exposed how daunting it is to update and change these provisions, not least because they are set out in primary legislation - surely the main reason why these long-needed and much-needed reforms have never been undertaken. It is noteworthy that the arrangements for local government are not consistent with equivalent provisions for other democratic bodies, whereby such procedural arrangements are set out in secondary legislation, or indeed standing orders.

Providing for the amendment of these provisions through subordinate legislation, rather than in primary legislation, would allow, in due course, a comprehensive review of the updated council meeting arrangements to be undertaken and revised as need be. The review will be able to take into account the experience of working with the new arrangements put in place for the pandemic and continued by way of my proposed amendments.

These powers, which I intend to make subject to the affirmative Senedd procedure, would leave local government procedural arrangements in a form which can be more readily updated and revised as necessary in the future.

I anticipate that the first uses of the powers are likely to be modest in nature, with new Regulations being mostly confined to rationalisation and simplification. The 2020 Regulations, together with the provisions proposed for insertion in the Bill at Stage 3 will substantially modernise the rules and procedures. I therefore consider that any comprehensive new Regulations made under these powers would, to a very large extent, be a consolidation of by then existing provision into a set of Regulations, with some further refinements.

Electronic broadcasts of meetings of local authorities

Following further consideration of the matters raised by the Committees and stakeholders at Stage 1, I have also decided to bring forward amendments to the provisions in respect of the electronic broadcasting of local authority meetings.

The broadcasting provisions, as drafted for introduction, required a principal council to make arrangements ensuring that all meetings of the council (including meetings of the executive), or of a committee or sub-committee of the council, were, where they were open to the public, broadcast whilst the meeting was taking place. The broadcast was also required to be available electronically for a reasonable period of time after the meeting.

During Stage 1 concerns were raised regarding the demands this requirement would place on local authorities. Local authorities have also raised concerns about how the provisions will impact on community outreach where council meetings are held across the county area in places which could not support live broadcasting.

I have tabled amendments which remove the requirement for all meetings to be broadcast live, with principal councils instead only required to make arrangements for the broadcast of meetings of the full council as the meeting takes place. This will enable members of the public to see and hear the contributions made by their local councillors in full council meetings.

The amendments will enable the Welsh Ministers, through the making of Regulations, to add other meetings to the list of those required to be broadcast. Regulations may also be made specifying conditions for broadcast, which could include matters such as specifying which meetings must be broadcast live and which may be recorded live and broadcast at a later date. These are subjected to the affirmative Senedd procedure.

I have also written to the Chair of the Equality, Local Government and Communities Committee about these amendments.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government