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WELSH STATUTORY INSTRUMENTS

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**2020 No. 442 (W. 100)**

**LOCAL GOVERNMENT, WALES**

**The Local Authorities (Coronavirus)  
(Meetings) (Wales) Regulations 2020**

<i>Made</i>	- - - -	<i>at 10:00 a.m. on 21st April 2020</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>at 5:30 p.m. on 21st April 2020</i>
<i>Coming into force</i>	- -	<i>22nd April 2020</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by section 78 of the Coronavirus Act 2020<sup>(1)</sup>, sections 20 and 190 of the Local Government and Housing Act 1989<sup>(2)</sup>, and sections 22<sup>(3)</sup> and 105 of the Local Government Act 2000<sup>(4)</sup>.

**PART 1**

**General**

**Title, extent and application, and commencement**

**1.**—(1) The title of these Regulations is the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(2) These Regulations—

- (a) extend to England and Wales;
- (b) apply in relation to Wales.

(3) These Regulations come into force on 22 April 2020.

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(1) 2020 c. 7.

(2) 1989 c. 42. Functions of the Secretary of State under sections 20 and 190 of the 1989 Act, so far exercisable in relation to Wales transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) Paragraph 28 of Schedule 3 to the Localism Act 2011 (c. 20) substituted the words “Welsh Ministers” for “National Assembly for Wales” in section 22.

(4) 2000 c. 22.

## Interpretation

### 2. In these Regulations—

“the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972<sup>(5)</sup>;

“enactment” (“*deddfiad*”) means an enactment to the extent it contains provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly;

“local authority” (“*awdurdod lleol*”) means—

- (a) a principal council;
- (b) an executive of a principal council (within the meaning of Part 2 of the Local Government Act 2000);
- (c) a community council;
- (d) a joint board for an area in Wales, continued in being by virtue of section 263(1) of the 1972 Act;
- (e) a port health authority for a port health district in Wales, constituted under section 2 of the Public Health (Control of Disease) Act 1984<sup>(6)</sup>;
- (f) a fire and rescue authority for an area in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004<sup>(7)</sup> or a scheme to which section 4 of that Act applies;
- (g) a National Park authority;
- (h) a joint committee of two or more of the bodies mentioned in any of paragraphs (a) to (g);
- (i) a committee or sub-committee of any of the bodies mentioned in any of paragraphs (a) to (h);

“National Park authority” (“*awdurdod Parc Cenedlaethol*”) means a National Park authority for an area in Wales, established under section 63 of the Environment Act 1995<sup>(8)</sup>;

“principal council” (“*prif gyngor*”) means a council for a county or county borough in Wales.

### Interaction with standing orders etc.

3.—(1) The provision made in these Regulations applies regardless of any provision contained in the standing orders, executive arrangements or any other rules of a local authority.

(2) To the extent that any provision in standing orders, executive arrangements or other rules of a local authority is incompatible with any provision in these Regulations, it has no effect while the provision in these Regulations has effect.

### Publishing electronically

4. A requirement imposed by virtue of these Regulations to publish a notice or document electronically is, if the body on whom the requirement is imposed has its own website, a requirement to publish on that website.

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(5) 1972 c. 70.

(6) 1984 c. 22.

(7) 2004 c. 21.

(8) 1995 c. 25.

## PART 2

### Remote attendance

#### Remote attendance

5.—(1) Section 4 of the Local Government (Wales) Measure 2011<sup>(9)</sup> (remote attendance at principal council meetings) does not have effect in relation to a meeting held before 1 May 2021.

(2) A meeting of a local authority held before that date may be held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility also enables those persons to see each other).

(3) A reference in any enactment or other instrument to—

- (a) the attendance or presence of a person at a local authority meeting includes, in relation to a meeting which is held by the means described in paragraph (2), attendance by the use of those means;
- (b) the place at which a meeting of a local authority is held is not to be read as limited to a single physical location.

(4) Nothing in this regulation limits a local authority's powers to make standing orders, executive arrangements or other rules about meetings held by the means described in paragraph (2).

(5) A local authority must have regard to any guidance issued by the Welsh Ministers for the purposes of this regulation.

## PART 3

### Requirements relating to meetings

#### When certain annual meetings may be held

6.—(1) Paragraph (2) applies in relation to a principal council that has not held an annual meeting—

- (a) on or after 1 March 2020, and
- (b) before the coming into force of these Regulations.

(2) Schedule 12 to the 1972 Act (meetings and proceedings of local authorities) is to be read as if, in paragraph 1(2) (annual meetings of principal councils), before paragraph (b)<sup>(10)</sup> there were inserted—

“(ab) in 2020, on such day in 2020 as the proper officer of the council may fix;”.

7. Schedule 12 to the 1972 Act is to be read as if, in paragraph 23(2)<sup>(11)</sup> (annual meetings of community councils), after “take office,” there were inserted “in 2020, the annual meeting is to be held on such day in 2020 as the proper officer of the council may determine;”.

8. Paragraph 2 of Schedule 3 to the National Park Authorities (Wales) Order 1995<sup>(12)</sup> (annual meetings) is to be read as if—

- (a) after sub-paragraph (1), there were inserted—

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<sup>(9)</sup> (2011 *nawm* 4. Section 4 was amended by section 59 of the Local Government (Democracy) (Wales) Act 2013 (*anaw* 4).

<sup>(10)</sup> Paragraph 1(2)(b) was amended by section 1(6) of the Elections Act 2001 (*c.* 7).

<sup>(11)</sup> Paragraph 23(2) was amended by article 4 of the Elections Act 2001 (Supplemental Provisions) Order 2001 (*S.I.* 2001/1630).

<sup>(12)</sup> *S.I.* 1995/2803. There are amendments to Schedule 3 none of which are relevant.

“(1A) But in 2020, the annual meeting is to be on such day in that year, and at such hour, as is fixed by the chair of the Authority after consulting the proper officer of the Authority.”;

(b) in sub-paragraph (2), at the beginning there were inserted “Other than in 2020,”.

### **Date and time of other meetings**

**9.**—(1) A meeting which, by virtue of an enactment or other instrument, a local authority is required to hold before 1 May 2021 may be held on such day and at such time before 1 May 2021 as the local authority may determine (whether or not it is subject to any other requirements as to when it must be held).

(2) In this regulation, “meeting” does not include an annual meeting of—

- (a) a principal council;
- (b) a community council;
- (c) a National Park authority.

### **Failure to attend meetings**

**10.** Section 85(13) of the 1972 Act (vacation of office by failure to attend meetings) is to be read in relation to a local authority to which that section applies (by virtue of any enactment) as if—

- (a) in subsection (3B), for “(3C) and (3D)” there were substituted “(3C) to (3D)”;
- (b) after subsection (3C) there were inserted—

“(3CA) In relation to a member of a local authority in Wales, the period—

- (a) beginning with the day on which the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 come into force, and
- (b) ending with the first day after the day mentioned in paragraph (a) on which a meeting is held, attendance at which would be—
  - (i) attendance by the member at a meeting of the local authority for the purposes of subsection (1), or
  - (ii) if the member is a member of the executive of the local authority, attendance by the member at a meeting of the executive for the purposes of subsection (2A),

is to be disregarded.”;

- (c) in subsection (3D), in each of paragraphs (a) and (b) after “(3C)” there were inserted “or (as the case may be) (3CA)”.

### **Election of chairs and vice-chairs of principal councils and community councils at annual meetings**

**11.**—(1) The 1972 Act is to be read subject to this regulation.

(2) Section 22(1) (chair) is to be read as if after “councillors” there were inserted “; but if there is no election of a chair at the annual meeting of the council in 2020, the person holding office as chair immediately before the annual meeting of the council in 2020 may continue to hold office.”

(3) Section 23 (election of chair) is to be read as if—

(a) in subsection (1), after “council” there were inserted “unless, in relation to the annual meeting held in 2020, the council decides not to hold an election of a chair at that meeting”;

(b) after subsection (1) there were inserted—

“(1A) A principal council that did not elect a chair at its annual meeting held in 2020 may hold an election of a chair at any time before the annual meeting held in 2021 (but not after 30 April 2021).”

(4) Section 24(2) (vice-chair) is to be read as if for “the election of a chairman at the next annual meeting of the council” there were substituted “the next election of a chair held other than under section 88”.

(5) Section 34 (community councils) is to be read as if—

(a) in subsection (1), after “councillors” there were inserted “; but if there is no election of a chair at the annual meeting of the council in 2020, the person holding office as chair immediately before the annual meeting of the council in 2020 may continue to hold office”;

(b) in subsection (2), after “subsection (3) below” there were inserted “; but the community council may decide not to hold an election of a chair at the annual meeting held in 2020”;

(c) after subsection (2) there were inserted—

“(2A) A community council that did not elect a chair at its annual meeting held in 2020 may hold an election of a chair at any time before 1 May 2021.”;

(d) in subsection (7), for “the election of a chairman at the next annual meeting of the council” there were substituted “the next election of a chair held other than under section 88”.

### **Election of chairs and deputy chairs of National Park authorities at annual meetings**

**12.** Paragraph 5(2) of Schedule 7 to the Environment Act 1995<sup>(14)</sup> (National Park authorities) is to be read as if for “not exceeding one year” there were substituted “ending when the annual meeting of the authority which follows their election is held under paragraph 2(1) of Schedule 3 to the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803)”.

### **Election of chair of the joint board of Swansea Bay Port Health Authority at annual meeting**

**13.** Article 5 of the Swansea Bay Port Health Authority Order 1991<sup>(15)</sup> is to be read as if—

(a) in paragraph (1), after “amongst the members” there were inserted “unless, in relation to the annual meeting held in 2020, the board decides not to hold an election of a chair at that meeting; if there is no election at that meeting the person holding office as chair immediately before that meeting may hold office for more than one year”;

(b) in paragraph (2), after “board” there were inserted “unless, in relation to the annual meeting held in 2020, the board decides not to hold an election of a chair at that meeting”.

### **Other appointments and elections required to take place at meetings**

**14.—(1)** In this regulation—

“relevant meeting” (“*cyfarfod perthnasol*”) means a meeting of a local authority to be held before 1 May 2021;

“relevant office” (“*swydd berthnasol*”) means an office to which a person is appointed or elected at a relevant meeting, other than the offices of—

(a) chair and vice-chair of a principal council;

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<sup>(14)</sup> 1995 c. 25.

<sup>(15)</sup> S.I. 1991/1773.

- (b) chair and vice-chair of a community council;
- (c) chair and deputy chair of a National Park authority;
- (d) chair of Swansea Bay Port Health Authority.

(2) Any requirement imposed by any enactment or other instrument to appoint or elect a person to a relevant office at a relevant meeting, other than a requirement to fill a vacancy in that office, is to be treated as a power to appoint or elect a person to that office at any relevant meeting.

(3) The term of office of a person holding a relevant office immediately before these Regulations come into force continues until immediately before that person's successor assumes office, despite any provision to the contrary in any enactment or other instrument, other than provision relating to vacating office before the end of the term of office.

### **Substitute members of local planning authority committees**

**15.** Until the end of 30 April 2021, the Local Authorities (Standing Orders) (Wales) Regulations 2006<sup>(16)</sup> are to be read as if—

- (a) in regulation 4A, paragraph (3)(b) were omitted;
- (b) in Schedule 2A<sup>(17)</sup>, paragraph 2 (standing orders relating to local planning authorities) were omitted.

### **Voting at community council meetings**

**16.** Paragraph 29 of Schedule 12 to the 1972 Act (voting at community council meetings) has effect in relation to a meeting held before 1 May 2021 as if for sub-paragraph (1) there were substituted—

“(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on that question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.”

### **Notices and summonses**

**17.—**(1) Paragraph 4 of Schedule 12 to the 1972 Act (meetings of principal councils) has effect in relation to a meeting held before 1 May 2021 as if—

- (a) in sub-paragraph (2)—
  - (i) in paragraph (a), for “and place of the intended meeting shall be published at the council’s offices”, there were substituted “of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be published electronically”;
  - (ii) in paragraph (a), for “be signed by those members” there were substituted “set out the names of those members”;
  - (iii) in paragraph (b), for “signed by the proper officer of the council” there were substituted “authenticated by the proper officer of the council in such manner as the proper officer considers appropriate”;
  - (iv) for the words from “shall” to the end of paragraph (b) there were substituted “must be sent to every member of the council by—
    - (a) sending it by post to the member’s place of residence, or

<sup>(16)</sup> S.I. 2006/1275 (W. 121).

<sup>(17)</sup> Schedule 2A was inserted by regulation 2(4) of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 (S.I. 2017/460 (W. 98)).

(b) sending it electronically.”;

(b) sub-paragraph (3) were omitted.

(2) Paragraph 26(2)(**18**) of Schedule 12 (meetings of community councils) has effect in relation to a meeting held before 1 May 2021 as if—

(a) in paragraph (a)—

(i) for “and place of the intended meeting shall be published electronically and fixed in some conspicuous place in the community”, there were substituted “of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be published electronically”;

(ii) for “be signed by those members” there were substituted “set out the names of those members”;

(b) in paragraph (b)—

(i) for “signed by the proper officer of the council” there were substituted “authenticated by the proper officer of the council in such manner as the proper officer considers appropriate”;

(ii) for the words from “shall” to the end of that paragraph there were substituted “must be sent to every member of the council by—

(a) sending it by post to the member’s place of residence, or

(b) sending it electronically.”

**18.** Paragraph 6 of Schedule 3 to the National Park Authorities (Wales) Order 1995 (calling of meetings) has effect in relation to a meeting held before 1 May 2021 as if—

(a) in sub-paragraph (2)(a)—

(i) for “and place of the intended meeting shall be published at the principal offices of the Authority”, there were substituted “of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be published electronically”;

(ii) for “be signed by those members” there were substituted “set out the names of those members”;

(b) in sub-paragraph (2)(b)(**19**)—

(i) for “signed by the proper officer of the Authority shall, subject to sub-paragraph (3) below, be left at or” there were substituted “authenticated by the proper officer of the Authority in such manner as the proper officer considers appropriate, must be”;

(ii) “usual” were omitted;

(iii) after “member of the Authority” there were inserted “or sent electronically to every member of the Authority.”;

(c) sub-paragraph (3) were omitted.

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**(18)** Paragraph 26(2) was amended by section 57 of the Local Government (Democracy) (Wales) Act 2013 ([anaw 4](#)).

**(19)** Paragraph 6(2)(b) was amended by paragraph 52 of Schedule 4 to the Natural Resources Body for Wales (Functions) Order 2013 ([S.I. 2013/755 \(W. 90\)](#)).

## PART 4

### Modification of public access requirements

#### Access to meetings of certain local authorities and related documents

**19.** This Part of these Regulations, other than regulation 22, ceases to have effect at the end of 30 April 2021.

**20.**—(1) Section 1 of the Public Bodies (Admission to Meetings) Act 1960<sup>(20)</sup> has effect in relation to a meeting of a local authority to which that Act applies (by virtue of any enactment) held before the end of 30 April 2021 as if—

- (a) subsection (1)<sup>(21)</sup> were omitted;
- (b) in subsection (2)—
  - (i) for “A body may, by resolution, exclude the public from a meeting” there were substituted “Where a meeting is open to the public, a body may, by resolution exclude the public from the meeting”;
  - (ii) the words from “and where such a resolution” to the end were omitted;
- (c) in subsection (4)—
  - (i) for the words before paragraph (a) there were substituted “The following provisions apply in relation to a meeting of a body—”;
  - (ii) for paragraphs (a) and (b) there were substituted—
    - “(a) public notice of the time of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be given by publishing it electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then as soon as reasonably practicable;
    - (b) the agenda for the meeting as supplied to members of the body must also be published electronically in advance of the meeting (but excluding, if thought fit, any relevant item), together with such further statements or particulars, if any, as are necessary to indicate the nature of the items included or, if thought fit in the case of any item, any reports or other documents supplied to members of the body in connection with the item.”;
  - (iii) in paragraph (c), the words from “and duly accredited” to the end were omitted;
- (d) before subsection (5) there were inserted—
  - “(4B) In subsection (4), “relevant item” means—
    - (a) where a meeting or part of a meeting is not likely to be open to the public by virtue of section 1(2), an item that would be considered while the meeting is not open to the public;
    - (b) where a meeting is not to be open to the public other than by virtue of section 1(2), an item which, in the opinion of the proper officer, would have been likely, had section 1(1) applied, to have been considered while the meeting was not open to the public by virtue of section 1(2).”;

<sup>(20)</sup> 1960 c. 67.

<sup>(21)</sup> Subsection (1) was amended by section 3 of, and Schedule 2 to, the Local Government (Access to Information) Act 1985 (c. 43).



(e) in subsection (5), for the words from the beginning to “publication thereby” there were substituted “Where a document is published under subsection (4), the publication thereby”;

(f) subsection (7) were omitted.

(2) Section 100 of the 1972 Act (committee meetings) has effect in relation to a meeting of a local authority to which that section applies (by virtue of any enactment) held before the end of 30 April 2021 as if—

(a) for subsection (1) there were substituted—

“(1) The Public Bodies (Admission to Meetings) Act 1960 (“the 1960 Act”) has effect in relation to meetings of committees of local authorities, subject to subsection (2).”;

(b) subsection (3) were omitted.

**21.**—(1) Part 5A(22) of the 1972 Act has effect as set out in this regulation in relation to a meeting of a local authority to which that Part applies (by virtue of any enactment), held before the end of 30 April 2021.

(2) Section 100A is to be read as if—

(a) subsection (1) were omitted;

(b) in each of subsections (2) and (4), at the beginning there were inserted “Where a meeting is open to the public,”;

(c) in subsection (5) for “this section does not require the meeting to be open” there were substituted “the meeting is not to be open”;

(d) in subsection (6)—

(i) for paragraph (a) there were substituted—

“(a) public notice of the time of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be given by publishing it electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then as soon as reasonably practicable.”;

(ii) paragraph (c) were omitted.

(3) Section 100B is to be read as if—

(a) in subsection (1), for “open to inspection by members of the public at the offices of the council” there were substituted “published electronically”;

(b) in subsection (2), for “items during which, in his opinion, the meeting is likely not to be open to the public” there were substituted

“—

(a) if the meeting is to be open to the public, items during which, in the proper officer’s opinion, the meeting is likely not to be open to the public by virtue of section 100A(2) or (4), or

(b) if the meeting is not to be open to the public other than by virtue of section 100A(2) or (4), items during which, in the proper officer’s opinion, it is likely the meeting would not have been open to the public by virtue of section 100A(2) or (4), had section 100A(1) applied.”;

(c) in subsection (3)—

(i) for “open to inspection” there were substituted “published electronically”;

(ii) for “so open” there were substituted “so published”;

- (iii) in paragraph (a), for “open to inspection from the time the meeting is convened” there were substituted “published electronically as soon as reasonably practicable”;
  - (iv) for paragraph (b) there were substituted—
    - “(b) where an item is added to an agenda which has been published electronically, the item (or the revised agenda), and any report for the meeting relating to the item, must be published electronically when the item is added to the agenda;”;
  - (v) for “open to inspection by the public” there were substituted “published electronically”;
  - (d) in subsection (4)(a)—
    - (i) for “open to inspection by members of the public in pursuance of subsection (1) above for” there were substituted “published electronically in pursuance of subsection (1) above”;
    - (ii) for “from the time the meeting is convened” there were substituted “as soon as reasonably practicable”;
  - (e) in subsection (5)—
    - (i) for “open to inspection by the public” there were substituted “published electronically”;
    - (ii) in paragraph (b), after “are likely” there were inserted “, or would be likely, by virtue of section 100A(4)”;
  - (f) subsections (6) to (8) were omitted.
- (4) Part 5A is to be read as if, for section 100C, there were substituted—

**“100C Inspection of minutes and other documents after meetings**

- (1) Subsections (2) and (3) apply in relation to a meeting of a principal council held before the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.
- (2) Until the expiration of the period of six years beginning with the date of a meeting of a principal council to which this subsection applies, a copy of the following documents must, so far as reasonably practicable, be supplied on request to a member of the public—
  - (a) the minutes of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
  - (b) where applicable, a summary under subsection (2) of this section as it had effect immediately before the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 came into force,
  - (c) the agenda for the meeting, and
  - (d) so much of any report for the meeting as relates to any item during which the meeting was open to the public.
- (3) A principal council may charge a reasonable fee for providing a document under subsection (2).
- (4) Subsections (5) to (9) apply in relation to a meeting of a principal council held after the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.
- (5) As soon as reasonably practicable after a meeting of a principal council to which this subsection applies, and in any event before the end of the period of five working days beginning

with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interests;
- (c) any decisions taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.

(6) The following documents are to be published electronically as soon as reasonably practicable after a meeting of a principal council to which this subsection applies—

- (a) the minutes of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information;
- (b) where applicable, a summary under subsection (9) below;
- (c) the final agenda for the meeting (if not already published electronically under section 100B);
- (d) so much of any report for the meeting as does not relate to an item during which the meeting was not open to the public (if not already published electronically under section 100B).

(7) Anything published electronically under this section or section 100B must remain accessible electronically by members of the public.

(8) In subsections (5)(c) and (6)(a) and (d), references to a period when, or during which, a meeting was not open to the public are, if the meeting was not open to the public other than by virtue of section 100A(2) or (4), references to a period when, or during which, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of section 100A(2) or (4), had section 100A(1) applied.

(9) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, a document to be published under subsection (6)(a) does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer must make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.”

(5) Part 5A is to be read as if section 100D were omitted; but the principal council must retain the background papers for a report for a meeting (within the meaning of that section) for a period of at least four years beginning with the date of the meeting to which they relate.

(6) In section 100E, subsection (2) is to be read as if—

- (a) for “100D” there were substituted “100C”;
- (b) in paragraph (a), for the words from “given by posting it” to the end, there were substituted “published electronically on the website of every constituent council”;
- (c) paragraphs (b) and (c) were omitted.

(7) Section 100F is to be read as if—

- (a) in subsection (1), for “be open to inspection by” there were substituted “so far as reasonably practicable be supplied on request to”;
- (b) for every other reference to “open to inspection” there were substituted “supplied”.

(8) Section 100H is to be read as if—

- (a) in subsection (1), for the words from “any provision of this Part” to the end there were substituted “section 100G to be open to inspection is to be open to inspection at all reasonable hours and without payment”;

- (b) in subsection (2), for “any provision of this Part” there were substituted “section 100G”;
- (c) after subsection (3) there were inserted—

“(3A) Provisions in this Part which require the publication or supply of documents do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a principal council, nothing done in pursuance of those provisions shall constitute an infringement of the copyright.”;

- (d) subsection (4) were omitted;
- (e) in subsection (5), for paragraphs (a) and (b) there were substituted “is published electronically or supplied to a member of the public in accordance with this Part.”;
- (f) in subsection (6), paragraphs (b), (c) and (e) were omitted;
- (g) in subsection (7), after “inspect” there were inserted “or otherwise access”.
- (9) Section 100J(3) is to be read as if “, (cd), (d), (f)” were omitted.

**22.**—(1) Paragraph 41 of Schedule 12 to the 1972 Act is to be read, in relation to any local authority to which that paragraph applies (by virtue of any enactment), as if—

- (a) in sub-paragraph (1), after “sub-paragraph (2)” there were inserted “or (2A)”;
- (b) after sub-paragraph (2) there were inserted—

“(2A) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of a meeting of a local authority held after the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 come into force and before 1 May 2021 may be drawn up in a document, and that document must be authenticated by the person who presided at that meeting; and any minute purporting to be so authenticated must be received in evidence without further proof.”;

- (c) in sub-paragraph (3), after “signed” there were inserted “or authenticated”.

(2) Paragraph 44(2) of Schedule 12 to the 1972 Act is to be read, in relation to any local authority to which that paragraph applies (by virtue of any enactment), as if after “signed” there were inserted “, or authenticated,”.

**23.**—(1) The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001(**23**) (“the Regulations”) have effect in relation to a meeting held, or an executive decision taken, before the end of 30 April 2021 as set out in this regulation.

- (2) The Regulations are to be read as if regulation 3 were omitted.
- (3) Regulation 4 is to be read as if—
  - (a) paragraph (1) were omitted;
  - (b) in each of paragraphs (2) and (3), at the beginning there were inserted “Where a meeting is open to the public.”;
  - (c) in paragraph (6)—
    - (i) in sub-paragraph (a), for “and place of the meeting” there were substituted “of the meeting and, if any part of the meeting is to be open to the public, how to access the meeting”;
    - (ii) in sub-paragraph (a)(i), for “posting it at the principal offices of the authority” there were substituted “publishing it on the website of the authority”;

- (iii) in sub-paragraph (a)(ii), for “posting it at the principal offices of the authority at the time the meeting is convened” there were substituted “publishing it on the website of the authority as soon as reasonably practicable”;
  - (iv) in sub-paragraph (b), paragraph (ii) and the “and” which precedes it were omitted.
- (4) Regulation 5 is to be read as if—
  - (a) in paragraph (1), for “open to inspection by members of the public at the principal offices of the authority” there were substituted “published on the website of the authority”;
  - (b) in paragraph (2), for “provided” there were substituted “published”;
  - (c) in paragraph (2), for “items during which, in the proper officer’s opinion, the meeting is likely not to be open to the public” there were substituted  
“—
    - (a) if the meeting is to be open to the public, items during which, in the proper officer’s opinion, the meeting is likely not to be open to the public by virtue of regulation 4(2) or (3), or
    - (b) if the meeting is not to be open to the public other than by virtue of regulation 4(2) or (3), items during which, in the proper officer’s opinion, it is likely the meeting would not be open to the public by virtue of regulation 4(2) or (3), had regulation 3 applied.”;
  - (d) in paragraph (3)—
    - (i) for “paragraph (1) to be open to inspection” there were substituted “paragraph (1) to be published on the website of the authority”;
    - (ii) for “so open” there were substituted “so published”;
    - (iii) in sub-paragraph (a), for “from the time the meeting is convened” there were substituted “as soon as reasonably practicable”;
    - (iv) for sub-paragraph (b) there were substituted—
      - “(b) where an item is added to an agenda which has been published on the website of the authority, the item (or the revised agenda), and any report for the meeting relating to the item, must be published on the authority’s website when the item is added to the agenda.”;
    - (v) for “open to inspection by the public” there were substituted “published on the website of the authority”;
  - (e) in paragraph (4)(a)(24)—
    - (i) for “open to inspection by members of the public” there were substituted “published on the authority’s website”;
    - (ii) in paragraph (i), “for” were omitted;
    - (iii) in paragraph (ii), for “from the time the meeting is convened” there were substituted “as soon as reasonably practicable”;
  - (f) in paragraph (5)—
    - (i) for “open to inspection by the public” there were substituted “published on the authority’s website”;
    - (ii) after “is likely” there were inserted “, or would be likely, by virtue of regulation 4(3)”;

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(24) Paragraph (4) was substituted by regulation 2(2) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2002 (S.I. 2002/1385 (W. 135)).

(g) paragraphs (6) to (8) were omitted.

(5) The Regulations are to be read as if for regulation 8 there were substituted—

**“Inspection of documents following executive decisions**

8.—(1) Paragraphs (2), (3) and (6) apply in relation to meetings held, and executive decisions taken (whether or not at a meeting), before the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(2) After a meeting of a decision making body at which an executive decision has been made or after an individual member has made an executive decision the proper officer must ensure that a copy of—

- (a) any written statements prepared in accordance with regulation 6 or 7; and
- (b) any report considered at the meeting or, as the case may be, considered by the individual member which is relevant to a decision recorded in accordance with regulation 6 or 7 or, where only part of the report is relevant to such a decision, that part,

will, so far as reasonably practicable, be supplied on request to a member of the public.

(3) A principal council may charge a reasonable fee for providing a document under paragraph (2).

(4) Paragraphs (5) and (6) apply in relation to meetings held, and executive decisions taken (whether or not at a meeting), after the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(5) After a meeting of a decision making body at which an executive decision has been made or after an individual member has made an executive decision the proper officer must ensure that a copy of—

- (a) any written statements prepared in accordance with regulation 6 or 7; and
- (b) any report considered at the meeting or, as the case may be, considered by the individual member which is relevant to a decision recorded in accordance with regulation 6 or 7 or, where only part of the report is relevant to such a decision, that part,

is published, as soon as is reasonably practicable, on the website of the relevant local authority.

(6) Nothing in this regulation shall be taken to authorise or require a proper officer to disclose exempt or confidential information.”

(6) The Regulations are to be read as if regulation 9 were omitted.

(7) Regulation 10 is to be read as if—

- (a) in paragraph (1)—
  - (i) for “be open to inspection by” there were substituted “so far as reasonably practicable be supplied on request to”;
  - (ii) “when the meeting concludes” were omitted;
  - (iii) for “immediately after” there were substituted “as soon as reasonably practicable after”;
- (b) for “available for inspection”, in each place it occurs, there were substituted “supplied”.

(8) Regulation 13 is to be read as if—

- (a) paragraphs (1) and (2) were omitted;
- (b) in paragraph (3)—

- (i) for “Paragraph (2) does not” there were substituted “Provisions in these Regulations which require the publication or supply of documents do not”;
- (ii) for “that paragraph” there were substituted “those provisions”;
- (c) in paragraph (4), for the words from “required by these Regulations to be open to inspection” to the end of sub-paragraph (b) there were substituted “is required by these Regulations to be published on an authority’s website or supplied to members of the public.”;
- (d) in paragraph (5)—
  - (i) for “to be available for inspection by members of the public” there were inserted “to be supplied to members of the public on request”;
  - (ii) for “made available for inspection by the public” there were substituted “supplied on request”;
- (e) after paragraph (5) there were inserted—

“(5A) Anything published electronically under regulation 8 must be retained by the local authority and must remain accessible electronically by members of the public.”;
- (f) in paragraph (6)—
  - (i) after “Any background papers” there were inserted “that would, but for regulation 23(6) of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 be”;
  - (ii) “and be available for inspection by the public” were omitted.
- (9) The Regulations are to be read as if regulation 14 were omitted.

At 10:00 a.m. on 21 April 2020

*Julie James*  
Minister for Housing and Local Government,  
one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in relation to local authority meetings, and the publication of and access to certain local authority documents.

Part 1 sets out preliminary matters and defines terms used in these Regulations, including the definition of “local authority” for the purposes of these Regulations. Regulation 3 makes provision about the interaction of these Regulations with standing orders, executive arrangements and any other rules of a local authority. Regulation 4 makes provision about how an authority with its own website must comply with requirements in these Regulations to publish notices or documents electronically.

Part 2 makes provision to enable meetings of local authorities held before 1 May 2021 to be held by means of remote attendance.

Part 3 makes provision about requirements relating to local authority meetings. Regulations 6 to 8 make provision about when annual meetings of principal councils, community councils and National Park authorities may be held in 2020. Regulation 9 makes provision ensuring a local authority is not restricted in determining when meetings (other than the annual meetings addressed by regulations 6 to 8) may be held before 1 May 2021. Regulation 10 makes provision about failures to attend meetings. Regulations 11 to 13 make provision about elections of chairs, vice-chairs and deputy chairs (as the case may be) at the 2020 annual meetings of principal councils, community councils, National Park authorities and the Swansea Bay Port Health Authority. Regulation 14 makes provision in relation to other appointments which are made at local authority meetings held before 1 May 2021. Regulation 15 enables the standing orders of a local planning authority to provide for the substitution of members of local planning authority committees and sub-committees. Regulation 16 makes provision about the manner of voting at community council meetings. Regulations 17 and 18 make provision about notices of meetings of principal councils, community councils and National Park authorities held before 1 May 2021, and summonses to members to attend those meetings.

Part 4 makes modifications to public access requirements in relation to certain local authority meetings, decisions of principal council executives, and notices and documents relating to those meetings or decisions. Regulation 20 modifies provisions of the Public Bodies (Admission to Meetings) Act 1960 (c. 67) and regulation 21 modifies provisions of Part 5A of the Local Government Act 1972 (c. 70). Those provisions relate to public access to meetings and to notices and documents relating to meetings. Regulation 22 makes provision about the preparation of the minutes of a meeting under Schedule 12 to the Local Government Act 1972. Regulation 23 modifies provisions of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 (S.I. 2001/2290) (W. 178) in relation to public access to meetings of executives of principal councils and to notices and documents relating to those meetings and to executive decisions.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.