

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Copies and publication of documents relating to meetings of local authorities. (See end of Document for details)

SCHEDULE 4 **E+W**

NOTICE OF LOCAL AUTHORITY MEETINGS, ACCESS TO DOCUMENTS AND ATTENDANCE AT MEETINGS

PART 1 **E+W**

NOTICE OF LOCAL AUTHORITY MEETINGS AND ACCESS TO DOCUMENTS

Copies and publication of documents relating to meetings of local authorities

- 6 (1) Section 100B of the 1972 Act (access to agenda and connected reports) is amended as follows.
- (2) In subsections (1), (4), (6) and (7)(a) after “principal council” insert “ in England ”.
- (3) In the heading, after “reports” insert “ : principal councils in England ”.

Commencement Information

- II** Sch. 4 para. 6 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 7 After section 100B of the 1972 Act (access to agenda and connected reports), insert—

“100BA Access to agenda and connected reports: principal councils in Wales

- (1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published—
- (a) electronically, and
- (b) in accordance with subsections (3) to (5).
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.
- (3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- (4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.
- (5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.
- (6) An item of business may not be considered at a meeting of a principal council in Wales unless either—
- (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting,

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- or, if the meeting is convened at shorter notice, at the time it is convened, or
- (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (7) Where the whole or part of a report is excluded under subsection (2)—
- (a) every copy of the report or of the part must be marked “Not for publication”, and
- (b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.
- (8) Where a meeting of a principal council in Wales—
- (a) is required by section 100A to be open to the public during the proceedings or part of them, and
- (b) is not held through remote means only,
- there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (9) There must, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
- (a) a copy of the agenda for a meeting of a principal council in Wales and a copy of each of the reports for the meeting,
- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
- (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).”

Commencement Information

I2 Sch. 4 para. 7 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 8 (1) Section 100C of the 1972 Act (inspection of minutes and other documents after meetings) is amended as follows.
- (2) In subsection (1), after “principal council” insert “ in England ”.
- (3) After subsection (1) insert—
- “(1A) After a meeting of a principal council in Wales the documents listed in subsection (1B) must—
- (a) be published electronically, and
- (b) remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

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- (1B) The documents are—
- (a) the minutes, or a copy of 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),
 - (c) a copy of the agenda for the meeting, and
 - (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

- (1C) As soon as reasonably practicable after a meeting of a principal council in Wales, and in any event before the end of seven 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 interest;
- (c) any decision 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.”

- (4) In subsection (2), after “subsection (1)(a) above” insert “, or the document published under subsections (1A) and (1B)(a),”.

- (5) In the heading after “Inspection” insert “ and publication ”.

Commencement Information

I3 Sch. 4 para. 8 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 9 (1) Section 100D of the 1972 Act (background papers) is amended as follows.
- (2) In subsection (1)—
- (a) after “members of the public” insert “, or are required by section 100BA(1) or 100C(1A) to be published electronically”;
 - (b) omit the “and” after paragraph (a);
 - (c) in paragraph (b) at the beginning insert “ in relation to a principal council in England, ”;
 - (d) after paragraph (b) insert “, and
 - (c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.”
- (3) In subsection (2) at the beginning insert “ In relation to a principal council in England, ”.
- (4) After subsection (2) insert—

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“(2A) In relation to a principal council in Wales, copies of documents included in the list must—

- (a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and
- (b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.”

(5) In subsection (4)(b) after “the public” insert “ or published electronically ”.

(6) In the heading after “Inspection” insert “ and publication ”.

Commencement Information

I4 Sch. 4 para. 9 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

10 (1) Section 100H of the 1972 Act (supplemental provision about access to meetings and documents) is amended as follows.

(2) In subsection (2), at the beginning insert “ In relation to a principal council in England, ”.

(3) After subsection (2) insert—

“(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below—

- (a) make copies of the document or parts of the document, or
- (b) require the person having custody of the document to provide a copy of the document or of parts of the document,

upon payment of such reasonable fee as may be required for the facility.”

(4) In subsection (3)—

- (a) for “Subsection (2) above does” substitute “ Subsections (2), (2A) and (6A) do ”;
- (b) for “that subsection” substitute “ those subsections ”.

(5) After subsection (3) insert—

“(3A) Provisions in this Part which require the publication of documents by a principal council in Wales 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 the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.”

(6) In subsection (5)—

- (a) omit the “or” after paragraph (a);
- (b) after paragraph (a), insert—
 - “(aa) is published electronically by a principal council in Wales, or”;
- (c) in paragraph (b), after “100B(7)” insert “ or 100BA(9) ”.

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(7) In subsection (6)—

- (a) in paragraph (b), after “100B(7)(b)” insert “ or 100BA(9)(b) ”;
- (b) in paragraph (c), after “100B(7)(c)” insert “ or 100BA(9)(c) ”;
- (c) after paragraph (e), insert—
 - “(f) the note required to be published by a principal council in Wales under section 100C(1C).”

(8) After subsection (6) insert—

- “(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access—
- (a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and
 - (b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).”

(9) After subsection (7) insert—

- “(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.”

Commencement Information

I5 Sch. 4 para. 10 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 11 In section 228(1) of the 1972 Act (minutes of community council meetings), omit “or community”.

Commencement Information

I6 Sch. 4 para. 11 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 12 After paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils), insert—

- “26ZA (1) As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven 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 interest;
 - (c) any decision taken at the meeting, including the outcomes of any votes.
- (2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—
- (a) in relation to a decision relating to business which was transacted in private, or

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- (b) where disclosure of the information would be contrary to any enactment.”

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I7 Sch. 4 para. 12 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)** (with [art. 3](#))

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