

## STATUTORY INSTRUMENTS

# 2020 No. 392

## The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

### PART 3

#### Modification of meeting and public access requirements

##### Frequency of local authority meetings

6. Schedule 12 to the 1972 Act (meetings and proceedings of local authorities) applies as follows—

- (a) any reference to being “present” at a meeting includes being present through remote attendance;
- (b) any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers;
- [<sup>F1</sup>(c) paragraphs 1, 7, 10(2)(a), 14(1), (3) and (4) and 15(2) to (4) are disapplied;]
- (d) paragraph 2 is to be read as if—
  - (i) in subparagraph (1), for “in addition to the annual meeting, such other”, there were substituted “such”;
  - (ii) in subparagraph (2), “other” were omitted;
- (e) paragraph 4(1A)(a) is to be read as if after “at the council's offices” there were inserted “or on the council's website”.

**F1** Reg. 6(c) substituted (1.8.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/808\)](#), regs. 1, **2(3)**

##### Modifications etc. (not altering text)

- C1** Reg. 6 applied (with modifications) by [S.I. 2012/2734](#), regs. 3-6, **Sch. 1 para. 37A** (as inserted (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **18(4)** (with reg. 2(4)))
- C2** Reg. 6 applied (with modifications) by [S.I. 2012/2734](#), regs. 3-6, **Sch. 1 para. 23A** (as inserted (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **18(3)** (with reg. 2(4)))

**Changes to legislation:** There are currently no known outstanding effects for the *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, PART 3*. (See end of Document for details)

#### Commencement Information

**I1** Reg. 6 in force at 4.4.2020, see reg. 1

7. The Greater London Authority Act 1999 <sup>F2</sup> applies as follows—

- (a) section 36(9) (standing orders of the Authority) is to be read as if for the words from “Neither” to “shall” there were substituted “Section 38 below shall not”;
- (b) section 47 (the annual State of London debate) is disapplied;
- (c) section 48 (People's Question Time) applies as if—
  - (i) at the beginning of subsection (1), there were inserted “Subject to subsection (1A)”;
  - (ii) after subsection (1) there were inserted—
 

“(1A) Where regulations made under Part 2A of the Public Health (Control of Disease) Act 1984 <sup>F3</sup> are in force in respect of a serious and imminent threat to public health which is posed by the incidence and spread of coronavirus, a People's Question Time may be cancelled where the head of the Authority's paid service considers that it is not reasonably practicable to hold it.”;
- (d) section 52(3)(meetings of the whole Assembly) <sup>F4</sup> is to be read as if for “On such ten occasions in each calendar year as the Assembly may determine”, there were substituted “On up to ten occasions in each calendar year as the Assembly may determine following consultation with the Mayor”.

**F2** 1999 c. 29.

**F3** 1984 c. 22. Part 2A was inserted by section 129 of the [Health and Social Care Act 2008 \(c. 14\)](#).

**F4** Section 52 was amended by section 127(1) and (2) of and paragraph 69 of Schedule 7 and paragraph 1 of Schedule 8 to the [Local Government Act 2003 \(c. 26\)](#).

#### Commencement Information

**I2** Reg. 7 in force at 4.4.2020, see reg. 1

8. Paragraphs 1 and 2 of Schedule 2 to the National Park Authorities (England) Order 2015 (meetings and proceedings of a National Park authority) <sup>F5</sup> are disapplied.

**F5** [S.I. 2015/770](#).

#### Commencement Information

**I3** Reg. 8 in force at 4.4.2020, see reg. 1

9. Schedule 3 to the Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 <sup>F6</sup> (meetings and proceedings of the Board) applies as follows—

- (a) paragraphs 2(2) and 3 are disapplied;
- (b) paragraph 6 (calling of meetings) is to be read as if—
  - (i) for subparagraph (2)(a) there were substituted—
 

“(a) notice of the time and place of the intended meeting shall be published on the website of the Board, and”;

- (ii) in subparagraph (4), the words “Where a member and the chief officer agree in writing,” were omitted.

**F6** [S.I. 2004/1777](#).

**Commencement Information**

**I4** Reg. 9 in force at 4.4.2020, see reg. 1

**10.** Schedule 3 to the Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (meetings and proceedings of the Board) <sup>F7</sup> applies as follows—

- (a) paragraphs 2(2) and 3 are disapplied;
- (b) paragraph 6 (calling of meetings) is to be read as if—
- (i) for subparagraph (2)(a) there were substituted—
- “(a) notice of the time and place of the intended meeting shall be published on the website of the Board, and”;
- (ii) in subparagraph (4), the words “Where a member and the chief officer agree in writing,” were omitted.

**F7** [S.I. 2004/1778](#).

**Commencement Information**

**I5** Reg. 10 in force at 4.4.2020, see reg. 1

**11.** Schedule 1 to the New Forest National Park Authority (Establishment) Order 2005 <sup>F8</sup> (meetings and proceedings of the Authority) applies as if —

- (a) in paragraph 2 (annual meetings and other meetings of the Authority) is disapplied;
- (b) paragraph 5 (calling of meetings of the Authority) is to be read as if—
- (i) for subparagraph (2)(a) there were substituted—
- “(a) notice of the time and place of the intended meeting shall be published on the website of the Authority, and”;
- (ii) in subparagraph (4), the words “Where a member of the Authority and the National Park officer agree in writing,” were omitted.

**F8** [S.I. 2005/421](#).

**Commencement Information**

**I6** Reg. 11 in force at 4.4.2020, see reg. 1

**12.** Schedule 1 to the South Downs National Park Authority (Establishment) Order 2010 <sup>F9</sup> (meetings and proceedings of the Authority) applies as follows—

- (a) paragraph 2 (annual meetings and other meetings of the Authority) is disapplied;
- (b) paragraph 5 (calling of meetings of the Authority) is to be read as if—
- (i) for subparagraph (2)(a) there were substituted—

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- “(a) notice of the time and place of the intended meeting shall be published on the website of the Authority, and”;
- (ii) in subparagraph (4), the words “Where a member of the Authority and the National Park officer so agree in writing,” were omitted.

**F9** [S.I. 2010/497](#).

#### Commencement Information

**I7** Reg. 12 in force at 4.4.2020, see reg. 1

### Public and press access

**13.** Section 1 of the Public Bodies (Admission to Meetings) Act 1960 <sup>F10</sup> (admission of public to meetings of local authorities and other bodies) applies as follows—

[<sup>F11</sup>(a) subsection (4)(a) is to be read as if—

- (i) after “public notice of the time and place of the meeting”, there were inserted “and details of remote access by public and press to that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming”;
- (ii) after “(or, if the body has no offices, then in some central and conspicuous place in the area with which it is concerned)” there were inserted “or publishing on the website of the body or, for a parish council or for a parish meeting, on the website of the principal council within the meaning of the Local Government Act 1972”];

(b) after subsection (9), there were inserted—

“(9A) In this Act, references (however expressed) to—

- (a) a meeting being “open to the public” include access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;
- (b) being “present” at a meeting include access through remote means mentioned in paragraph (a) above.”.

**F10** [1960 c. 67](#).

**F11** Reg. 13(a) substituted (1.8.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/808\)](#), regs. 1, **2(4)**

#### Commencement Information

**I8** Reg. 13 in force at 4.4.2020, see reg. 1

**14.** Section 9G of the Local Government Act 2000 <sup>F12</sup> applies as if after subsection (6) there were inserted—

“(7) In this section, references to a meeting being “open to the public” include access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public

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through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.”.

**F12** 2000 c. 22. Section 9G was inserted by section 21 of and paragraph 1 of Schedule 2 to the Localism Act 2011.

#### Commencement Information

**I9** Reg. 14 in force at 4.4.2020, see reg. 1

**15.** Part VA of the 1972 Act <sup>F13</sup>(access to meetings and documents of certain authorities, committees and sub-committees) applies as if, after section 100K (interpretation and application of Part VA) there were inserted—

“**100L.** Supplemental provision on public access to meetings and documents In this Part references (however expressed) to—

- (a) a meeting being “open to the public” include access through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;
- (b) being “present” at a meeting include access through remote means mentioned in paragraph (a) above;
- (c) a document being “open to inspection” includes being published on the website of the council;
- (d) the publication, posting or making available of a document at offices of the council include publication on the website of the council.”.

**F13** Section 100K was amended by section 98 of the Local Government Act 2000, section 56 of and paragraph 16 of Schedule 8 to the [Housing and Regeneration Act 2008 \(c. 17\)](#) and by sections 222 and 231 of and paragraph 3 of Schedule 22 to the Localism Act 2011.

#### Modifications etc. (not altering text)

- C3** Reg. 15 applied (with modifications) by S.I. 2012/2734, regs. 3-6, **Sch. 1 para. 37A** (as inserted (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **18(4)** (with reg. 2(4)))
- C4** Reg. 15 applied (with modifications) by S.I. 2012/2734, regs. 3-6, **Sch. 1 para. 8A** (as inserted (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **18(2)** (with reg. 2(4)))
- C5** Reg. 15 applied (with modifications) by S.I. 2012/2734, regs. 3-6, **Sch. 1 para. 23A** (as inserted (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), regs. 1, **18(3)** (with reg. 2(4)))

#### Commencement Information

**I10** Reg. 15 in force at 4.4.2020, see reg. 1

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**16.—**(1) The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 <sup>F14</sup> has effect as set out in the following paragraphs.

(2) Regulation 2 (interpretation) has effect as if after the definition of “newspaper”, there were inserted—

““open to the public” includes access through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;”.

(3) Regulation 3 (meetings of local authority executives and their committees to be held in public), has effect as if after “held in public”, there were inserted “ or open to the public ”.

(4) The provisions to which this paragraph applies may be complied with by publishing that notice, agenda, report, or document on that authority's website.

(5) The provisions to which paragraph (4) applies are—

- (a) regulation 5(2) (procedures prior to private meetings);
- (b) regulation 5(4);
- (c) regulation 5(7);
- (d) regulation 6(1) (procedures prior to public meetings);
- (e) regulation 7(1) (access to agenda and connected reports for public meetings);
- (f) regulation 9(2) (publicity in connection with key decisions);
- (g) regulation 10(1)(b) (general exception);
- (h) regulation 10(3);
- (i) regulation 11(2) (cases of special urgency);
- (j) regulation 14(1) (inspection of documents following executive decisions); and
- (k) regulation 15 (inspection of background papers).

(6) The following provisions are disapplied—

- (a) regulation 14(2);
- (b) regulation 21(1)(c) (inspection and supply of documents); and
- (c) regulation 21(2).

**F14** [S.I. 2012/2089](#).

#### **Commencement Information**

**I11** Reg. 16 in force at 4.4.2020, see reg. 1

**17.** A local authority may comply with regulation 8 of the Openness of Local Government Bodies Regulations 2014 <sup>F15</sup> (decisions and background papers to be made available to the public) by making the written record and any background papers available for inspection through any or all of the following means—

- (a) publishing the record and any background papers on the authority's website; or
- (b) by such other means that the authority considers appropriate.

**F15** [S.I. 2014/2095](#).

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**Commencement Information**

**I12** Reg. 17 in force at 4.4.2020, see reg. 1

**Changes to legislation:**

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