
WELSH STATUTORY INSTRUMENTS

2020 No. 442

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

PART 4

Modification of public access requirements

23.—(1) The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001^{M1} (“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)^{M2}—
- (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) ”;
- (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 24(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.

Changes to legislation: There are currently no known outstanding effects for the The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, Section 23. (See end of Document for details)

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Commencement Information

I1 Reg. 23 in force at 22.4.2020, see reg. 1(3)

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Marginal Citations

M1 [S.I. 2001/2290](#) (W. 178).

M2 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)).

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, Section 23.