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WELSH STATUTORY INSTRUMENTS

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**2020 No. 442**

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

**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>(1)</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>(2)</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;”;

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<sup>(1)</sup> 1960 c. 67.

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

- (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).”;
  - (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(3) 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”;
  - (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(4) (“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)(5)—

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(5) 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)).

- (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”;
    - (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.