

2020 No. 653 (W. 150)

**LOCAL GOVERNMENT,
WALES**

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision amending the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442 (W. 100)) (“the April 2020 Regulations”).

Regulation 2 amends regulation 9 of the April 2020 Regulations, disapplying that regulation in relation to meetings of a kind described in new paragraph (3) of that regulation. This means that local authorities must hold those meetings within the time limit imposed by the enactment or instrument under which the meeting must be held.

Regulations 3 to 5 insert new provisions into Part 4 of the April 2020 Regulations. Regulation 3 provides for the modification of section 228 of the Local Government Act 1972 (c. 70). Under the modification, community councils are not required to make minutes of proceedings open to inspection, but instead are required to provide copies of minutes on request.

Regulation 4 provides for the modification of section 26(3) of the Public Audit (Wales) Act 2004 (c. 23), in relation to giving notice of certain meetings under that Act.

Regulation 5 adds a Schedule to the April 2020 Regulations, and makes other related amendments. The Schedule sets out modifications of various enactments which are related to the modifications made by Part 4 of those Regulations.

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.

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(Coronavirus) (Meetings) (Wales)
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<i>Made</i>	<i>26 June 2020</i>
<i>Laid before Senedd Cymru</i>	<i>30 June 2020</i>
<i>Coming into force</i>	<i>21 July 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⁽¹⁾.

Title, commencement and interpretation

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

(2) These Regulations come into force on 21 July 2020.

(3) In these Regulations, “the April 2020 Regulations” means the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020⁽²⁾.

Disapplication of regulation 9 of the April 2020 Regulations in relation to certain meetings

2. In the April 2020 Regulations, in regulation 9, after paragraph (2) insert—

“(3) Paragraph (1) does not apply in relation to—

(a) the requirement—

(1) 2020 c. 7; see section 78(5)(b) for the definition of the “relevant national authority” in relation to local authorities in Wales.

(2) S.I. 2020/442 (W. 100).

- (i) under section 115 of the Local Government Finance Act 1988⁽¹⁾ to consider at a meeting a report under section 114 of that Act;
 - (ii) under section 115B of the Local Government Finance Act 1988 to consider at a meeting a report under section 114A of that Act;
 - (iii) under section 4 of the Local Government and Housing Act 1989⁽²⁾ to consider at a meeting a report under that section by a head of paid service;
 - (iv) under section 5 of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a monitoring officer or a monitoring officer’s deputy;
 - (v) under section 5A of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a monitoring officer or a monitoring officer’s deputy;
 - (vi) under section 25 of the Public Audit (Wales) Act 2004⁽³⁾ to consider at a meeting a report under section 22 of that Act, or a recommendation within section 25(2) of that Act;
- (b) any requirement to hold a meeting as soon as practicable (however that requirement is expressed).”

Minutes of community council meetings

3. In the April 2020 Regulations, after regulation 23 insert—

“**24.** Section 228 of the 1972 Act⁽⁴⁾ (inspection of documents) is to be read 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) before subsection (1) there were inserted—

(1) 1988 c. 41.
(2) 1989 c. 42.
(3) 2004 c. 23.
(4) 1972 c. 70. Subsection (1) was amended by section 3 of, and Schedule 2 to, the Local Government (Access to Information) Act 1985 (c. 43).

“(A1) A copy of the minutes of proceedings of a community council must, so far as reasonably practicable, be supplied on request to a local government elector for the area of the council; and a reasonable fee may be charged for providing a copy of the minutes.”;

- (b) in subsection (1), “or community” were omitted;
- (c) in subsection (6), before “this section” there were inserted “any of subsections (1) to (5) of”.

Notice of certain meetings under the Public Audit (Wales) Act 2004

4. In the April 2020 Regulations, after regulation 24 (as inserted by regulation 3 of these Regulations) insert—

“**25.** Section 26 of the Public Audit (Wales) Act 2004 (publicity for certain meetings) is to be read in relation to a meeting of a local authority held, before the end of 30 April 2021, in accordance with section 25(4) of that Act as if in subsection (3)(a) for “and place of the meeting” there were substituted “of the meeting and, if the meeting is to be open to the public, how to access the meeting”.

Modifications of various enactments related to Part 4 of the April 2020 Regulations

5.—(1) In the April 2020 Regulations—

- (a) in regulation 19, for “regulation 22” substitute “regulations 22 and 26, and paragraphs 1 and 2(c) of the Schedule.”;
- (b) after regulation 25 (as inserted by regulation 4 of these Regulations) insert—

“**26.** The Schedule contains modifications of various enactments, which relate to this Part.”

(2) At the end of the April 2020 Regulations insert—

“SCHEDULE Regulation 26

Further modifications related to Part 4

1. In the Local Government (Miscellaneous Provisions) Act 1976(1), section 41 is to be read in relation to a local authority to which that

(1) 1976 c. 57.

section applies (by virtue of any enactment) as if, in subsection (1)(b)—

- (a) for “signed in accordance” there were substituted “signed or authenticated in accordance”;
- (b) after “when the minutes were signed” there were inserted “or authenticated”.

2. The Standards Committees (Wales) Regulations 2001⁽¹⁾ are to be read in relation to a meeting of a standards committee (within the meaning of those Regulations), held before the end of 30 April 2021, as if—

- (a) in regulation 26—
 - (i) in paragraph (1), sub-paragraph (d) were omitted;
 - (ii) in paragraph (2A), in sub-paragraph (a), for “to 100D” there were substituted “and 100C”⁽²⁾;
 - (iii) paragraph (4) were omitted;

- (b) in regulation 27, for paragraphs (1) to (3) there were substituted—

“(1A) Where—

- (a) a local authority is required by virtue of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 to publish on its website a notice or other document relating to a meeting of its standards committee, and

- (b) one or more of the community councils situated in the local authority’s area have a website,

the local authority may, if it thinks fit, provide for the notice or other document to be published on the websites of those community councils (as well as on its own website).”;

- (c) in regulation 28, after paragraph (1) there were inserted—

“(1A) But minutes of the proceedings of a standards committee occurring after 21 July 2020 (which is the date on which the Local Authorities (Coronavirus) (Meetings) (Wales) (Amendment) Regulations 2020 came into force) and

(1) S.I. 2001/2283 (W. 172).

(2) Paragraph (2A) was inserted by regulation 2(16) of the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (S.I. 2016/85) (W. 39).

before 1 May 2021 may instead be drawn up in a document, and that document must be authenticated by the chairperson of the committee.”

3. The Public Audit (Wales) Act 2004 is to be read in relation to a meeting of a local authority held, before the end of 30 April 2021, in accordance with section 24 or (as the case may be) 25 of that Act as if—

(a) in section 24—

(i) in subsection (5), in paragraph (a), for “supplied under that section (supply of agenda etc. to newspapers)” there were substituted “published under that provision”;

(ii) in subsection (5), in paragraph (b)(i), for “open to inspection” there were substituted “published”;

(iii) in subsection (5), sub-paragraph (ii) of paragraph (b), and the “or” which precedes it, were omitted;

(iv) in subsection (7), for “100C(1)(d) of that Act (public access to copies of reports for 6 years after meeting)” there were substituted “100C(2)(d) and (6)(d) of that Act”;

(b) in section 26—

(i) for subsection (6) there were substituted—

“(6) But if section 100C of the Local Government Act 1972 applies in relation to the meeting, the approved summary must indicate the documents in relation to the meeting which have been published electronically under that section.”;

(ii) after subsection (6) there were inserted—

“(6A) Subsection (6B) applies in relation to a meeting which is not open to the public other than by virtue of—

(a) section 1(2) of the Public Bodies (Admission to Meetings) Act 1960⁽¹⁾, or

(b) section 100A(2) or (4) of the Local Government Act 1972.

(1) 1960 c. 67.

(6B) The reference in subsection (5) to a decision made at a meeting while the public were excluded includes a reference to a decision made while, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of—

- (a) section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, had section 1(1) of that Act applied;
- (b) section 100A(2) or (4) of the Local Government Act 1972, had section 100A(1) of that Act applied.””

Julie James
Minister for Housing and Local Government, one of
the Welsh Ministers
26 June 2020