
WELSH STATUTORY INSTRUMENTS

2021 No. 356 (W. 107)

LOCAL GOVERNMENT, WALES

The Local Government and Elections (Wales)
Act 2021 (Consequential Amendments and
Miscellaneous Provisions) Regulations 2021

Made - - - - 18 March 2021
Coming into force in accordance with regulation 1(2)

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by sections 50 and 173 of the Local Government and Elections (Wales) Act 2021⁽¹⁾ and sections 22(6), (7), (8), (9), (10), (11) and (12)⁽²⁾ and 105 of the Local Government Act 2000⁽³⁾.

In accordance with section 174(4) and (5)(f) and (t) of the Local Government and Elections (Wales) Act 2021, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru.

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021.

(2) These Regulations come into force immediately after Schedule 4 to the Local Government and Elections (Wales) Act 2021 comes fully into force⁽⁴⁾.

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- (1) [2021 asc 1](#). See also section 40 of the Legislation (Wales) Act 2019 ([anaw 4](#)) for provision about the procedure that applies to this instrument.
- (2) Paragraph 28 of Schedule 3 to the Localism Act 2011 ([c. 20](#)) substituted the words “Welsh Ministers” for “Secretary of State” in section 22.
- (3) [2000 c. 22](#).
- (4) Paragraph 17(4) of Schedule 4 to the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) came into force on 21 January 2021. The rest of Schedule 4 to the 2021 Act came into force on 1 May 2021 by commencement order made in accordance with section 175(7) of that Act.

PART 2

Amendments to primary legislation

Public Audit (Wales) Act 2004

- 2.—(1) The Public Audit (Wales) Act 2004(5) is amended as follows.
- (2) In section 24(6) (consideration of reports in public interest)—
- (a) in subsection (5)(b)—
 - (i) in the words before sub-paragraph (i), for “section 100B(2)”(7) substitute “section 100BA(2)”(8);
 - (ii) in sub-paragraph (i), for “open to inspection under section 100B1”(9) substitute “published under section 100BA(1)”;
 - (iii) in sub-paragraph (ii) for “section 100B(7)” substitute “section 100BA(9)”;
 - (b) in subsection (7), for “section 100C(1)(d)”(10) substitute “section 100C(1B)(d)”(11).
- (3) In section 26(12) (publicity for meetings under section 25)—
- (a) in subsection (3)—
 - (i) in paragraph (a) insert at the end “(but where the meeting is to be held by a body mentioned in subsection (3A) through remote means only, there is no need for the notice to state the place of the meeting)”;
 - (ii) after paragraph (a) insert—
 - “(aa) in the case of a meeting held through remote means by a body mentioned in subsection (3A), also gives details of how to access the meeting.”;
 - (b) after subsection (3) insert—
 - “(3A) The bodies referred to in subsection (3)(a) and (aa) are—
 - (a) a local authority in Wales;
 - (b) a committee of a local authority in Wales (including a joint committee of two or more local authorities in Wales);
 - (c) a National Park authority for a National Park in Wales;
 - (d) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21)(13) or a scheme to which section 4 of that Act applies.

(5) 2004 c. 23.

(6) There are amendments to section 24 which are not relevant to these Regulations. Section 24 was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by paragraph 3(a) of the Schedule to the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442 (W. 100)). That Schedule was inserted into S.I. 2020/442 (W. 100) by S.I. 2020/653 (W. 150).

(7) Part 5A of the Local Government Act 1972 (c. 70) (“the 1972 Act”) was inserted by the Local Government (Access to Information) Act 1985 (c. 43), section 1. Section 100B of the 1972 Act was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by S.I. 2020/442 (W. 100), paragraph 21(3).

(8) Section 100BA was inserted into Part 5A of the 1972 Act by the 2021 Act, Schedule 4, paragraph 7.

(9) Section 100B(1) was amended by the 2021 Act, Schedule 4, paragraph 6(2).

(10) Section 100C was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by S.I. 2020/442 (W. 100), regulation 21(4). Section 100C(1) was amended by the 2021 Act, Schedule 4, paragraph 8(2).

(11) Section 100C(1B)(d) was inserted into the 1972 Act by the 2021 Act, Schedule 4, paragraph 8(3).

(12) Section 26 was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by paragraph 3(b) of the Schedule to S.I. 2020/442 (W. 100).

(13) 2004 c. 21.

(3B) In subsection (3)(a) and (aa) the references to a meeting of a body held through remote means are to a meeting held by means of equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”

(c) in subsection (6)—

(i) after “availability for inspection” insert “and publication”;

(ii) after “are” insert “published electronically or”.

The Local Democracy, Economic Development and Construction Act 2009

3. In the Local Democracy, Economic Development and Construction Act 2009⁽¹⁴⁾, in section 49 (consideration of report by local authority)—

(a) in subsection (8)(b)—

(i) in the words before sub-paragraph (i) for “section 100B(2)” substitute “section 100BA(2)”;

(ii) in sub-paragraph (i) for “open to inspection under section 100B(1)” substitute “published under section 100BA(1)”;

(iii) in sub-paragraph (ii) for “section 100B(7)” substitute “section 100BA(9)”;

(b) in subsection (9), for “section 100C(1)(d)” substitute “section 100C(1B)(d)”.

The Local Government (Democracy) (Wales) Act 2013

4. In the Local Government (Democracy) (Wales) Act 2013⁽¹⁵⁾, omit section 56 (requirement to give public notices electronically)⁽¹⁶⁾.

The Local Government and Elections (Wales) Act 2021

5.—(1) Section 49 (notices etc. of local authority meetings) of the Local Government and Elections (Wales) Act 2021 is amended as follows.

(2) The existing text becomes subsection (1).

(3) After that subsection insert—

“(2) Any notice or other document relating to a local authority meeting which is required under any enactment to be published electronically is, for the purposes of paragraph 5 of Schedule 1 to the Defamation Act 1996 (c. 31), to be treated as a document required by law to be open to public inspection.

(3) In subsection (2) “local authority meeting” has the same meaning as in section 50(5).”

⁽¹⁴⁾ 2009 c. 20. Section 49 has not been commenced.

⁽¹⁵⁾ 2013 anaw 4.

⁽¹⁶⁾ Section 56 inserted a new subsection (1ZA) relating to notices given by community councils in section 232 of the 1972 Act, which is omitted by the 2021 Act, Schedule 4, paragraph 17(3).

PART 3

Amendments to secondary legislation

The National Park Authorities (Wales) Order 1995

6.—(1) Paragraph 6(17) of Schedule 3 to the National Park Authorities (Wales) Order 1995(18) is amended as follows.

(2) In sub-paragraph (2)(a)—

- (a) omit “of the time and place”;
- (b) for “at the principal offices of the Authority” substitute “electronically”;
- (c) for “be signed by” substitute “state the names of”.

(3) In sub-paragraph (2)(b)(19)—

- (a) for “signed” substitute “authenticated”;
- (b) for “left at or sent by post to the usual place of residence of” substitute “sent electronically to”;
- (c) for “a copy” substitute “an electronic copy”(20).

(4) After sub-paragraph (2) insert—

“(2A) The notice of the meeting given under sub-paragraph (2)(a) must—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.

(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer of the Authority considers appropriate.

(2C) Every member of the Authority must specify an electronic address for the purpose of receiving a summons referred to in sub-paragraph (2)(b).

(17) Paragraph 6 was temporarily modified, in relation to meetings of national park authorities held between 22 April 2020 and the end of 30 April 2021, by [S.I. 2020/442 \(W. 100\)](#), regulation 18.

(18) [S.I. 1995/2803](#). There are amendments to Schedule 3 none of which are relevant.

(19) Paragraph 6(2)(b) was amended by paragraph 52 of Schedule 4 to the Natural Resources Body for Wales (Functions) Order 2013 ([S.I. 2013/755 \(W. 90\)](#)).

(20) The function of receiving a copy of the summons to a meeting of a national park authority under paragraph 6(2)(b) is conferred on the Welsh Ministers. The powers conferred on the Secretary of State by sections 63(1) and (5) of, and paragraphs 1(2) and (3), and 2(1) and (2) of Schedule 7 to, the Environment Act 1995 ([c. 25](#)) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)). Under article 3 of that Order, any reference in that Order to a function of a Minister of the Crown under an enactment includes a reference to any functions of that Minister which are included in any scheme, regulations, rules, order, bye-laws or other instrument having effect under or in relation to that enactment, and the power to confer functions on that Minister by any such scheme, regulations, rules, order, bye-laws or other instrument has effect as a power to confer such functions on the Assembly. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 ([c. 32](#)), the functions conferred on the National Assembly for Wales are now exercisable by the Welsh Ministers.

(2D) In this paragraph, references to a meeting of the Authority held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”;

(5) In sub-paragraph (3)—

(i) for “he” substitute “that member”;

(ii) for “him” in each place it occurs, substitute “that member”;

(iii) for “other than his usual place of residence” substitute “rather than electronically”;

(iv) for “his” substitute “that member’s”.

The Standards Committees (Wales) Regulations 2001

7.—(1) The Standards Committees (Wales) Regulations 2001(21) are amended as follows.

(2) In regulation 26(22) (applicable provisions of Part 5A of the Local Government Act 1972)—

(a) in paragraph (1)(b) for “section 100B” substitute “section 100BA”;

(b) after paragraph (1) insert—

“(1A) The duty of a standards committee, by virtue of paragraph (1), to publish any document electronically is a duty to publish the document on the website of the relevant authority (if that authority has one).”;

(c) in paragraph (2) for “subsection (1) of section 100B” substitute “subsection (1) of section 100BA”;

(d) in paragraph (2A)(23)—

(i) in sub-paragraph (a)—

(aa) for “section 100B” substitute “section 100BA”;

(bb) after “publish” insert “electronically”;

(ii) in sub-paragraph (d), after “publish” insert “electronically”;

(e) omit paragraph (3);

(f) for paragraph (4) substitute—

“(4) In subsections (1)(c) and (2A)(b) of section 100D, for “offices of the council” substitute “offices of the relevant authority”;

(g) in paragraph (6), for “subsection (3) of section 100H” substitute “subsections (3), (3A) and (6A) of section 100H”(24);

(h) in paragraph (7), in the text inserted by sub-paragraph (a), at the end insert “and see section 100J(3YA), (3ZA)(b) and (3ZAA) above”(25).

(3) In regulation 27(26) (applicable provisions of Part 5A of the Local Government Act 1972)—

(21) [S.I. 2001/2283 \(W. 172\)](#).

(22) Regulation 26 was temporarily modified by paragraph 2(a) of the Schedule to [S.I. 2020/442 \(W. 100\)](#) in relation to meetings of standards committees held between 22 April 2020 and the end of 30 April 2021.

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

(24) Subsection (6A) of section 100H was inserted by the 2021 Act, Schedule 4, paragraph 10(8). Section 100H was temporarily modified by regulation 21 (8) of [S.I. 2020/442 \(W. 100\)](#) in relation to local authority meetings held between 22 April 2020 and the end of 30 April 2021.

(25) Section 100J(3YA) was inserted by the Localism Act 2011 ([c. 20](#)), section 231(5). Section 100J(3ZA) was inserted by the Housing and Regeneration Act 2008 ([c. 17](#)), Schedule 8, paragraph 15(4). Section 100J(3ZAA) was inserted by the Localism Act 2011, Schedule 22, paragraph 3(4).

(26) Regulation 27 was temporarily modified by paragraph 2(b) of the Schedule to [S.I. 2020/442 \(W. 100\)](#) in relation to meetings of standards committees held between 22 April 2020 and the end of 30 April 2021.

(a) for paragraph (1) substitute—

“(1) Where—

- (a) a local authority is required by virtue of section 100A of the 1972 Act, as modified by regulation 26, to publish electronically a notice 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 to be published on one or more of those websites (as well as on its own website).”;

(b) for paragraph (2) substitute—

“(2) Where—

- (a) a local authority is required by virtue of section 100BA of the 1972 Act, as modified by regulation 26, to publish electronically agendas and reports for meetings of its standards committee, and
- (b) one or more the community councils situated in the local authority’s area have a website,

the local authority may, if it thinks fit, provide for the agendas or reports to be published on one or more of those websites (as well as on its own website).”;

(c) for paragraph (3) substitute—

“(3) Where—

- (a) a local authority is required by virtue of section 100C of the 1972 Act, as modified by regulation 26, to publish electronically minutes of meetings of its standards committee or other documents relating to meetings of its standards committee, and
- (b) one or more the community councils situated in the local authority’s area have a website,

the local authority may, if it thinks fit, provide for those minutes and documents to be published on one or more those websites (as well as on its own website).”

The Licensing Act 2003 (Hearings) Regulations 2005

8.—(1) The Licensing Act 2003 (Hearings) Regulations 2005(27) are amended as follows.

(2) In regulation 2 (interpretation), after paragraph (2) insert—

“(2A) In these Regulations, a reference to a hearing of an authority in Wales held through remote means is to a hearing held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”

(3) In regulation 4 (period of time within which hearing to be held)—

- (a) the existing text becomes paragraph (1);
- (b) in that paragraph, at the beginning, for the “The authority” substitute “An authority in England”;
- (c) after that paragraph insert—

“(2) An authority in Wales must—

(27) *S.I. 2005/44.* Section 50(4) of the 2021 Act provides that Regulations under that section may amend, modify, repeal or revoke any enactment.

- (a) in the case of a hearing which is held through remote means only, arrange for the date and time at which the hearing is to be held in accordance with regulation 5;
 - (b) in the case of a hearing which is held partly through remote means or not through remote means, arrange for the date on which and the place and time at which a hearing is to be held in accordance with regulation 5;
- (2A) In either case mentioned in paragraph (2) an authority in Wales must give a notice of hearing in accordance with regulations 6(1A) and 7.”
- (4) In regulation 6 (notice of hearing)—
 - (a) in paragraph (1), for “the authority” substitute “an authority in England”;
 - (b) after paragraph (1) insert—
 - “(1A) In the case of hearings under the provisions listed in column 1 of the table in Schedule 2, an authority in Wales must, in accordance with the following provisions of this regulation, give to the persons listed in column 2 of the table a notice which—
 - (a) where the hearing is held through remote means only, gives details of the time of the hearing and how to access it, or
 - (b) where the hearing is held partly through remote means or not through remote means, gives details of the time and place of the hearing and how to access it.”
- (5) In regulation 12 (power to extend time etc.)—
 - (a) in paragraph (2), after “an authority” insert “in England”;
 - (b) after paragraph (2) insert—
 - “(2A) Where an authority in Wales has adjourned a hearing to a specified date, it must forthwith notify the parties—
 - (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”
 - (c) in paragraph (3), after “an authority” insert “in England”;
 - (d) after paragraph (3) insert—
 - “(3A) Where an authority in Wales has arranged for a hearing to be held on a specified additional date, it must forthwith notify the parties—
 - (a) in the case of a hearing held through remote means only, of the additional date on which and time at which the hearing is to be held and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not through remote means, of the additional date on which and time and place at which the hearing is to be held and how to access it.”
- (6) In regulation 20 (failure of parties to attend the hearing)—
 - (a) in paragraph (4) for “the authority” substitute “an authority in England”;
 - (b) after paragraph (4) insert—
 - “(4A) Where an authority in Wales adjourns the hearing to a specified date it must forthwith notify the parties—
 - (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or

- (b) in the case of a hearing held partly through remote means or not through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”

Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

9.—(1) The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007(28) are amended as follows.

- (2) In regulation 2 (interpretation), after paragraph (1) insert—

“(1A) In these Regulations, a reference to a hearing of a relevant committee in Wales held through remote means is to a hearing held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”

- (3) In regulation 5 (notice of hearing)—

- (a) in paragraph (2), in the words before sub-paragraph (a), after “committee” insert “in England”;

- (b) after paragraph (2) insert—

“(3) A relevant committee in Wales must ensure that the notice referred to in paragraph (1)—

- (a) where the hearing is held through remote means only, gives details of the date and time of the hearing and how to access it;
- (b) where the hearing is held partly through remote means or is not held through remote means, gives details of the date, time and place of the hearing and how to access it;
- (c) states that the relevant committee will make available the documents listed in the relevant entry in column 3 of the table in the Schedule to the following persons if those persons request them—
 - (i) any person who has made representations (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application), and
 - (ii) in the case of an application under section 188 for the transfer of a premises licence, the licensee,
- (d) is sent so that, in the ordinary course of events, it is received no later than 10 working days before the first day on which the hearing is to be held (as specified in the notice).”

- (4) In regulation 7 (power to postpone)—

- (a) in paragraph (3), after “a relevant committee” insert “in England”;

- (b) after paragraph (3) insert—

“(3A) Where a relevant committee in Wales has adjourned a hearing to a specified date, it must, as soon as reasonably practicable, notify the parties—

(28) S.I. 2007/173. Section 50(4) of the 2021 Act provides that Regulations under that section may amend, modify, repeal or revoke any enactment. The definition of “relevant committee” was substituted for “licensing committee” by regulation 16 of the Welsh Language (Gambling and Licence Forms) Regulations 2010 (S.I. 2010/2440).

- (a) in the case of a hearing held through remote means only, of the new date and time for the hearing and how to access it; or
- (b) in the case of a hearing held partly through remote means or not held through remote means, of the new date, time and place for the hearing and how to access it.”
- (c) in paragraph (4) after “a relevant committee” insert “in England”;
- (d) after paragraph (4) insert—
 - “(4A) Where a relevant committee in Wales has arranged for the hearing to be held on a specified additional date it must, as soon as reasonably practicable, notify the parties—
 - (a) in the case of a hearing held through remote means only, of the additional date and time of the hearing and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not held through remote means, of the additional date, time and place of the hearing and how to access it.”
- (5) In regulation 10 (failure of parties to attend the hearing)—
 - (a) in paragraph (4) for the “the relevant committee” substitute “a relevant committee in England”;
 - (b) after paragraph (4) insert—
 - “(4A) Where, under this regulation, a relevant committee in Wales adjourns the hearing to a specified date it must, as soon as reasonably practicable, notify the parties—
 - (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not held through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”

PART 4

Requirements under the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 for documents to remain accessible electronically and transitional provisions

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

10.—(1) This regulation applies to documents relating to a meeting held, or an executive decision taken, on or after 22 April 2020 and before the end of 30 April 2021 which were required to remain accessible electronically by members of the public under—

- (a) section 100C of the Local Government Act 1972 as modified by regulation 21(4) of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020(29), or

(29) *S.I. 2020/442 (W. 100)*), which was amended by *S.I. 2020/653 (W. 150)*. Section 100C of the 1972 Act was temporarily modified, in relation to local authority meetings held between 22 April 2020 and the end of 30 April 2021, by regulation 21(4) of *S.I. 2020/442 (W. 100)*) so that section 100C was to be read as if it included, among other things, a subsection (7) which required anything published under sections 100B and 100C of the 1972 Act, as modified, to remain accessible electronically by members of the public. Section 100C was further amended by the 2021 Act, Schedule 4, paragraph 8. There are other amendments to the section none of which are relevant.

- (b) regulation 13 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001⁽³⁰⁾ as modified by regulation 23(8)(e)⁽³¹⁾ of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(2) Documents to which this regulation applies must remain accessible electronically by members of the public until the expiration of the period of six years beginning with the date of the meeting or of the executive decision.

Transitional provision

11.—(1) Any notice or other document published or sent before 1 May 2021 in accordance with the provisions specified in paragraph (2) in relation to a meeting or hearing held on or after 1 May 2021, is to be treated as having been published or sent in accordance with those provisions as amended by these Regulations.

(2) The provisions are—

- (a) sections 24(5) and 26(3) of the Public Audit (Wales) Act 2004 as modified by the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020;
- (b) paragraph 6(2) and (3) of Schedule 3 to the National Park Authorities (Wales) Order 1995 as modified by the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020;
- (c) regulations 26(1), (2A) and (4) and 27(1) to (3) of the Standards Committees (Wales) Regulations 2001 as modified by the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020;
- (d) regulations 4, 6, 12, and 20 of the Licensing Act 2003 (Hearings) Regulations 2005;
- (e) regulations 5, 7, and 10 of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licenses and Provisional Statements) (England and Wales) Regulations 2007.

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

18 March 2021

⁽³⁰⁾ S.I. 2001/2290 (W. 178).

⁽³¹⁾ Regulation 13 of S.I. 2001/2290 was temporarily modified, in relation to meetings of local authority executives held and executive decisions taken between 22 April 2020 and the end of 30 April 2021, by regulation 23(8)(e) of S.I. 2020/442 (W. 100) so that regulation 13 of S.I. 2001/2290 was to be read as if it included, among other provisions, a paragraph (5A) which required anything published electronically under regulation 8 of S.I. 2001/2290, as modified, to be retained by the local authority and to remain accessible electronically by members of the public.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments which are consequential on amendments made by Schedule 4 to the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) to provisions in Part 5A of the Local Government Act 1972 (“the 1972 Act”) and which give effect to section 47 of the 2021 Act relating to remote attendance. They also make provision relating to the length of time certain local authority documents are required to be electronically accessible under Part 5A of the 1972 Act as modified by the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

Part 5A of the 1972 Act makes provision in relation to access to meetings and documents of local authorities. The provisions of that Part of that Act are applied in numerous other enactments to certain committees of local authorities and to other types of body.

Section 47 of the 2021 Act requires local authorities to make and publish arrangements for the purpose of ensuring that local authority meetings are able to be held through remote means that enable persons who are not in the same place to attend the meetings remotely, if certain conditions are met.

Schedule 4 to the 2021 Act amends, among other provisions, Part 5A of the 1972 Act to require the electronic publication of certain local authority meeting documents, to give effect to the requirements under section 47 of the 2021 Act and for connected purposes.

Section 50 of the 2021 Act enables the Welsh Ministers to make regulations to make provision for and in connection with requirements concerning notices and other documents relating to local authority meetings and concerning the conduct of such meetings.

These Regulations are made up of four parts. **Part 1** sets out the title and the commencement provisions.

Part 2 of the Regulations sets out consequential amendments to provisions of primary legislation.

Regulation 2 amends provisions of the Public Audit (Wales) Act 2004 relating to consideration by local authorities of reports made by the Auditor General for Wales in the public interest. The amendments provide that powers of local authorities under the amended Part 5A of the 1972 Act to exclude items from electronic publication or inspection or from rights of access do not apply to those reports. They also provide for the notices to be given of local authorities’ meetings to consider those reports to reflect requirements for notices to be given electronically and to reflect that meetings may be held through remote means.

Regulation 3 amends section 49 of the Local Democracy, Economic Development and Construction Act 2009, which relates to consideration by local authorities of public interest reports by the Auditor General for Wales on entities connected with those authorities. The effect of the amendment is that powers of local authorities under the amended Part 5A of the 1972 Act to exclude items from electronic publication or inspection or from rights of access do not apply to such public interest reports.

Regulation 4 amends the Local Government Democracy (Wales) Act 2013 to omit section 56 which inserted subsection (1ZA) into section 232 of the 1972 Act. That subsection has been omitted by provision made in Schedule 4 to the 2021 Act.

Regulation 5 amends the Local Government and Elections (Wales) Act 2021 to provide that documents relating to local authority meetings which are required to be published electronically

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

are to be treated as documents required by law to be open to public inspection for the purposes of paragraph 5 of Schedule 1 to the Defamation Act 1996 (c. 31).

Part 3 sets out consequential amendments to secondary legislation.

Regulation 6 amends the National Park Authorities (Wales) Order 1995 to give full effect to the provisions of the 2021 Act relating to remote attendance at meetings and the giving of electronic notices by making provision for notices of, and summonses, to meetings to be given electronically and for remote attendance.

Regulation 7 amends the Standards Committees (Wales) Regulations 2001. Those Regulations apply provisions of Part 5A of the 1972 Act to meetings of standards committees of local authorities, with modifications. The amendments made to those Regulations ensure those Regulations reflect the relevant changes made to the requirements of Part 5A of the 1972 Act by Schedule 4 to the 2021 Act.

Regulation 8 amends the Licensing Act 2003 (Hearings) Regulations 2005 to apply to hearings of local authority licensing committees the amendments made to Part 5A of the 1972 Act relating to notices of hearings. Regulation 9 does the same in relation to the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

Part 4 makes provision relating to the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

Regulation 10 specifies a period of six years during which local authorities are required to ensure that certain documents remain accessible by the public. These are documents relating to meetings held, and executive decisions taken, between 22 April 2020 and the end of 30 April 2021 which were published under temporary provision under the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

Regulation 11 makes transitional provision relating to notices or other documents published or sent before 1 May 2021 in relation to meetings or hearings held on or after that date.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefit of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.