



Circular

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Status:	For Action
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Title:	The Local Authorities (Coronavirus) (Meetings) (Amendment) (Wales) Regulations 2020
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Issued by:	Natalie Spiller Fire Services Branch
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Addressed to:	Please forward to:
Chief Fire Officers	FRA Chairs FRA Clerks

Summary
<p>The Local Authorities (Coronavirus) (Meetings) (Amendment) (Wales) Regulations 2020, amend the Local Authorities (Coronavirus) (Meetings) (Wales) Act 2020. The amendments make further temporary provision in relation to local authority meetings and for public and press access to these meetings during the COVID-19 pandemic.</p> <p>This circular outlines the implications of the Regulations for Fire and Rescue Authorities (FRAs) in Wales.</p>

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Introduction

1. The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, which came into force in April and which this Circular refers to as “the April regulations”, made temporary provision to provide flexibility for FRAs to meet safely, effectively and lawfully during the Covid-19 pandemic.
2. The Local Authorities (Coronavirus) (Meetings) (Amendment) (Wales) Regulations 2020 introduce further provisions to ensure the procedures of meetings to consider public interest reports and of standards committees, are consistent with the arrangements introduced by the April Regulations.

How the amendments apply to the Fire and Rescue Authorities

Date and time of meetings

3. Regulation 9 of the April Regulations previously created flexibility for Local Authorities (including Fire and Rescue Authorities) to hold meetings which were required under statute or the FRA’s constitution to be held on any date before 1 May 2021.
4. However, there are a small number of meetings which are required by statute to be held within a specified period after reports are sent to an FRA. Generally, such reports deal with actual or suspected major risks or irregularities. Due to the exceptional nature and importance of such meetings, we consider that it is not in the public interest for the flexibility provided by the April Regulations to apply in these instances. As such Regulation 2 paragraph 3 of the amendment regulations dis-applies Regulation 9 in respect of the following meetings:-
 - Meetings under sections 115 and 115B of the Local Government Finance Act 1988 (to consider reports from a chief finance officer about possible unlawful expenditure).
 - Meetings under sections 5 and 5A of the Local Government and Housing Act 1989 (to consider reports from a monitoring officer about possible maladministration, injustice or unlawfulness).
 - A meeting under section 25 of the Public Audit (Wales) Act 2004 to consider an immediate report from the Auditor General on a matter of public interest under section 22 or a recommendation under section 25(2) of that Act.
 - Regulation 2 of the Amendment Regulations also dis-applies regulation 9 in relation to any other statutory requirement to hold a meeting “as soon as practicable”, however that requirement is expressed.
5. Please note that Regulation 2 (3)(iii) (meetings to consider reports from a head of paid service) does not apply to FRAs, as they do not have heads of paid service as defined in the Local Government and Housing Act 1989.
6. In the event that a report is served under the above provisions during the pandemic, FRAs are still required to organise meetings in line with the specified time scales set out under the relevant legislation.

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

7. Regulation 4 clarifies that a meeting which is held to consider the Auditor General for Wales's report or recommendation under sections 22 to 25 of the Public Audit (Wales) Act 2004, can be held remotely with no single venue.

Other technical amendments

8. Regulation 5 adds a Schedule to the April Regulations, and makes other related technical amendments.
9. Paragraph 1 of the new schedule, amends section 41(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 to allow minutes used as evidence to be "signed *or authenticated*".
10. Paragraph 2 aligns the procedures relating to meetings of Standards Committees with other meetings outlined in the April Regulations. Therefore, key documentation such as notices, minutes and other documentation relating to a Standards Committee meeting should also be made available electronically, and on the FRA's website.
11. Paragraph 3 of the new schedule amends arrangements that FRAs must consider when holding a meeting to discuss a report issued under section 22 of the Public Audit (Wales) Act 2004.
12. Should you have any queries, please contact us at fire@gov.wales.

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