

RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEMOCRATIC SERVICES
COMMITTEE
5TH NOVEMBER, 2014**

Agenda Item No. 5(a)

**REPORT OF THE HEAD OF
DEMOCRATIC SERVICES**

**REMOTE ATTENDANCE AND
WEBCASTING OF COUNCIL
MEETINGS – GRANT MONIES**

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1. PURPOSE OF REPORT

To seek the Committee's endorsement to the action taken by the Chair and Vice Chair of this Committee in respect of the use of the remaining grant monies from the Welsh Government.

2. RECOMMENDATIONS

2.1 To note the contents of the report.

2.2 To endorse the action taken by the Chair and Vice-Chair of this Committee in approving the remaining monies of the grant funding to be used for:

- webcasting of meetings of the Development Control Committee;
- recording of planning training events to be screened and used on RCTSource
- remote attendance of a Cabinet Meeting

3. BACKGROUND

3.1 Members will recall that at the meeting of this Committee held on the 3rd April, 2013, I reported on the funding that had been awarded to the Authority in the sum of £40,000 by the Welsh Government to enable broadcasting of all/some Council meetings on the website and also to enable meetings for remote attendance by Councillors at Council meetings.

3.2 On the 15th July, 2013, Members of this Committee gave consideration to the Welsh Government's consultation document – "Remote Attendance". At that meeting, Members were also updated on the position regarding webcasting of Council meetings. Members resolved:

1. *That at the meeting of Council on the 24th July, 2013, Members be requested to endorse the comments of the Democratic Services Committee that a response be sent to the Welsh Government by the*

21st August, 2013 indicating that whilst Members were generally accepting of the contents of the Consultation Document, they considered that it should unequivocally state that it is no longer a mandatory requirement for Council to institute mechanisms for Remote Attendance and the Guidance should be updated to make reference to the changes to Section 4 as made by the Local Government (Democracy) Wales Bill as passed.

2. *That a recommendation also be made to Council on the 24th July, 2013 that the grant monies be used to pilot remote attendance and webcasting of meetings of the Cabinet.*

3.3 At the Council meeting held on the 24th July 2013, consideration was given to the Welsh Government's consultation document relating to remote attendance and the Council's response to that consultation was submitted by the deadline of the 21st August, 2013.

3.4 As reported to the Council's Annual Meeting in May of this year, the provisions relating to remote attendance contained in the Measure came into force on 28th February 2014.

3.5 For ease of reference, I have reproduced below the relevant excerpts from the report that was presented to Members at the reconvened meeting of the Annual Council held on the 28th May, 2014:

Annual Council Meeting – May, 2014

Remote Attendance

1. In April, the Welsh Government published the final Statutory Guidance to which the Council must have regard, in relation to meetings of an authority attended remotely in accordance with section 4 of the Measure. A copy of this guidance is annexed at Appendix 1 to this report. The Council will now need to take steps to take account of remote attendance and make amendments to the Constitution to reflect this.
2. Section 4 provides that attendance at a Council meeting is not limited to a meeting of persons who are all present in the same place. However, the section places certain limitations as to what constitutes remote attendance.
3. Any Member attending a meeting remotely ("remote attendee") must, when they are speaking, be able to be seen and heard by the Members who are attending the meeting at the place where the meeting is held ("members in actual attendance") and the remote attendee must, in turn, be able to see and hear those in actual attendance. In addition, a remote attendee must be able to be seen and heard by, and in turn see and hear any members of the public entitled to attend the meeting and who

exercise a right to speak at the meeting. If there is more than one remote location, all the Members attending remotely must be able to hear – but not necessarily see – the other remote attendees.

4. Meetings can only take place remotely if not prohibited by the Council's rules of procedure. It is therefore up to Council to decide whether it wishes to make remote attendance available.
5. Paragraphs 7-18 of the guidance set out a range of issues that would need to be given consideration should Council consider supporting remote attendance.
6. In light of those issues I propose that the Council's Constitution and rules of procedure be amended to prohibit remote attendance, at this stage, but that this position be reviewed at the next Annual Meeting. By this time Council will have the benefit of being able to receive feedback from other Local Authorities, who are trialling remote attendance, as to the success or otherwise of those trials and any issues that may arise from them.
7. However, in accordance with the requirements of the Measure, there is also a need to amend the Council's rules of procedure to secure that any meeting with remote attendees is not quorate if there are less than 30% of those eligible to attend present at the main meeting place. Council may set a higher quota for attendance at the main meeting place if it so wishes.

Webcasting Pilot and Grant Monies

8. At the Council meeting held on the 24th July, 2013, I advised Members of the changes to the grant conditions of funding for webcasting of meetings/remote attendance, when it was agreed that the grant monies be used to pilot remote attendance and webcasting of Cabinet and the results be reported back to the Council's Annual Meeting to take an informed decision on whether to undertake remote attendance and live broadcasting.
9. As reported earlier, the final statutory guidance has been received from the Welsh Government in respect of Remote Attendance and whilst some meetings of the Cabinet have been webcast live, arrangements are being made for a remote attendance of a Cabinet meeting in the very near future, again using the grant monies. All local authorities in Wales have been advised that any remaining monies from the grant funding can be carried over to the financial year 2014/15.
10. It is now for Council to determine what steps to take on the continuation of the pilot and the adoption of any policy with regard to webcasting.

- 3.6 Following consideration of the above, Members **resolved** by Minute No.18 of the Reconvened Annual Meeting of the Council held on the 28th May, 2014:

Remote Attendance

(1) To amend the Council's Constitution and rules of procedure to prohibit remote attendance by Members at meetings of the Authority but that this position be reviewed at the next Annual Meeting.

(2) In accordance with the requirements of the Local Government (Wales) Measure 2011 relating to remote attendance, to amend the Council's Constitution and rules of procedure to confirm that there is no quorum for a meeting of the authority at any time when the number of Members in actual attendance constitutes less than 30% of the total number of Members in attendance at the meeting.

Webcasting

To refer the matter of "Webcasting" to the Democratic Services Committee for consideration.

4. USE OF GRANT MONIES

- 4.1 As Members will be aware some of the grant funding has been used for the webcasting of two Cabinet meetings, the viewings of which were very low.
- 4.2 Whilst the Welsh Government had agreed for remaining monies to be carried over to this financial year, the whole of the grant funding must be spent by the 31st March, 2015 and following discussions with the Chair and Vice-Chair of this Committee, it was agreed that the remaining money be used to webcast six meetings (five of which will be live) of the Development Control Committee i.e. 16th October (not live), 6th November, 4th December, 2014, 22nd January, 19th February and 19th March, 2015; recording of planning training events to be screened and used on RCTSource and a remote attendance/webcast of a Cabinet Meeting.
- 4.3 The arrangements as outlined in paragraph 4.2 above have been sanctioned by Welsh Government Officials.



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Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011

Remote attendance at council meetings

REMOTE ATTENDANCE AT COUNCIL MEETINGS

Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011

1. Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) was intended to strengthen local democracy by, in particular, introducing reforms which support councillors outside of the executive or executive members when acting in a non-executive capacity. One of these reforms, at section 4 of the Measure, was the introduction of the possibility of remote attendance at council meetings. This was intended to make it easier for those who, for instance, may have to travel long distances, those with domestic responsibilities and those in employment to attend.
2. This guidance is statutory guidance under section 4(6) of the Measure, to which a local authority must have regard, in relation to meetings of an authority attended remotely in accordance with section 4.

What section 4 of the Measure says

3. Section 4 provides that attendance at a council meeting is not limited to a meeting of persons who are all present in the same place. By “council meeting” we include any committee or sub-committee of the council as well as the full council itself. However, the section places certain limitations as to what constitutes remote attendance.
4. Any member attending a meeting remotely (“remote attendee”) must, when they are speaking, be able to be seen and heard by the members who are attending the meeting at the place where the meeting is held (“members in actual attendance”) and the remote attendee must, in turn, be able to see and hear those in actual attendance. In addition, a remote attendee must be able to be seen and heard by, and in turn see and hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting. If there is more than one remote location, all the members attending remotely must be able to hear – but not necessarily see – the other remote attendees.
5. Meetings can only take place remotely if not prohibited by the local authority’s standing orders/rules of procedure. It is therefore up to each local authority to decide whether it wishes to make remote attendance available. The standing orders/rules must also secure that any meeting with remote attendees is not quorate if there are less than 30% of those eligible to attend present at the main meeting place. Authorities may set a higher quota for attendance at the main meeting place if they wish.
6. Each local authority may make other standing orders/rules in relation to remote attendance at meetings and must have regard to any guidance

given by Welsh Ministers. Our intention is to publish this guidance at the same time as the section of the Measure is brought into force.

Supporting remote attendance

7. The Welsh Government accepts that there are technical and staffing implications connected with the introduction of remote attendance. Where a number of councillors are expected to attend remotely at the same location, probably though not necessarily in a different council office from the place where the meeting is held, there may be a need for an officer to be present, both to support the members attending remotely but also to ensure that the equipment needed for remote attendance to function is operating correctly.
8. Local authorities will need to decide whether or not they wish to permit members of the public to be able to be present at a remote location. If so, an officer presence may be required to make arrangements for them.
9. There will clearly be a need to provide appropriate training for officers who might become involved in remote attendance, both to familiarise them with the requirements of the legislation and to cover the practical issues involved. The WLGA should be able to assist in this process.
10. The need to recognise equality between the Welsh and English languages has great significance when considering remote attendance. Local authorities will have their own Welsh language schemes but it is likely that facilities will exist – or could be made available – to cater for members who are unable to understand Welsh. It will be for each authority to ensure that any use of remote attendance is in keeping with their Welsh Language Scheme
11. It is also important for authorities to ensure that the needs of any disabled members are taken into account when considering the practicality of a remotely attended meeting.
12. It is proposed that standing orders should contain a provision that members should, whenever possible, be able to participate at a remotely attended meeting in either Welsh or English. However, it is the Welsh Government's policy that remote attendance should not be permitted if, for technical or other reasons, it would not be possible to provide simultaneous interpretation for non-Welsh speakers attending a meeting where both Welsh and English will be used. As such, local authorities may wish to ask members to note their language preference (in terms of speaking at meetings) and whether or not they would require simultaneous interpretation should any other participant speak in Welsh.
13. The Welsh Government does not take for granted that local authorities will possess the equipment or technological know-how to make remote attendance work to suit everyone. Someone attending remotely at home or work may have bandwidth limitations which affect their ability to take

part fully. Local authorities will need to decide for themselves the extent to which they will invest or assist members to have the necessary facilities to attend remotely.

14. There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It would be important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings. Any member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of their Code of Conduct responsibilities.
15. Local authority standing orders can determine which types of meetings can be attended remotely. In the first instance, practical issues might dictate that the number of meetings which could enjoy this facility would be quite limited, though over time it would be hoped that the number of meetings where remote attendance were possible would increase.
16. The Measure requires that, for a remotely attended meeting to be quorate, a certain proportion of councillors must be in actual attendance at the meeting. Should this be disturbed by members in actual attendance at the main meeting place leaving the meeting before it is finished, bringing about a higher than permitted proportion of councillors attending remotely, the chair would have no choice but to close the meeting.
17. Standing orders should also make provision about what should happen if a technical difficulty results in the breakdown of the communications facility. Such occurrences are not unknown in video conferenced meetings. If this occurred, it is the Welsh Government’s view that the chair should declare a recess while the fault is addressed. If necessary, the meeting would have to be abandoned and the meeting should not continue without the involvement of the remote members. Standing orders could, however, make different provision for different types of meetings etc, for example that a meeting taking an urgent decision or one which is time-limited, might either not be allowed to take place with remote attendees or that the meeting would proceed in the event of a communications failure, so that those attending remotely would be aware and accept that the meeting would continue and a vote would be taken without their attendance in the event of a communications failure.
18. Finally, there is the issue of voting. Local authorities will have to build into standing orders arrangements to provide for voting to take place simultaneously at the main and remote location(s). It may not always be possible for remotely attending members to vote electronically even if that is the norm in council meetings. Standing Orders will need to cover this issue so that chairs of meetings are aware of the correct procedure to follow.

