



DRAFT

FULL COUNCIL

SUBJECT: REMOTE ATTENDANCE AT COUNCIL MEETINGS

REPORT BY: ACTING DIRECTOR CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To ask members to note the provisions of Section 4 of the Local Government (Wales) Measure 2011 and associated guidance.
- 1.2 To seek a recommendation from Council to prohibit the implementation of remote attendance at this time.
- 1.3 To seek approval to make the necessary changes to the Council's Procedure Rules and Constitution as set out in the recommendation.

2. SUMMARY

- 2.1 Section 4 of the Local Government (Wales) Measure 2011 recently introduced the possibility of remote attendance at council meetings. The policy intention of this reform was to make it easier for Members with domestic or employment responsibilities and who may need to travel long distances, attend council meetings. This report recommends precluding the use of remote attendance at this time as the county borough is relatively small with good road communication links.

3. LINKS TO STRATEGY

- 3.1 To ensure the Council considers the implications of the Local Government (Wales) Measure 2011 and Statutory Guidance.

4. THE REPORT

- 4.1 Remote attendance allows members to attend a council meeting without having to be present at the published meeting place. This is achieved by a form of video conferencing subject to certain limitations. In particular, any Member attending a meeting remotely must, when speaking, be able to be seen and heard by those Members in actual attendance. In addition, members of the public taking part in a committee meeting must be able to be seen and heard by the remote attendees and visa versa. Finally, if remote attendees are at more than one remote location, all the members attending remotely must be able to at least hear the other remote attendees.
- 4.2 In practice, the remote attendance requirements are very specific and will be technically difficult to achieve. The Welsh Government acknowledges that there are technical and staffing implications associated with the implementation of remote attendance as Members

could attend remotely from a council office or any other location with the correct IT equipment and sufficient broadband connection.

- 4.3 Remote attendance may be of particular interest to large rural local authorities such as Ceredigion and Powys where Members are required to travel long distances to attend council meetings. For geographically large authorities, remote attendance will allow a significant reduction in travel time and expenses for Members and, in the longer term, may encourage under represented groups to consider standing as a councillor.
- 4.4 That said, councils such as Caerphilly County Borough Council, do not have significant geographical challenges. Indeed, the county borough has good road and rail links and Members are able to travel to Penallta House or Pontllanfraith House within a reasonable time regardless of their home address. Therefore, the benefits associated with remote attendance would not be realisable.
- 4.5 There is currently no known demand for remote attendance by members of the Council.
- 4.6 The final Statutory Guidance from Welsh Government (a copy of which is attached at Appendix 1) provides that “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.
- 4.7 Despite the fact that there is a recommendation from officers that Council prohibits the implementation of remote attendance at this time, the legislation requires that the Council make an amendment to its Procedural Rules affecting quorum in so far as it relates to remote attendance.
- 4.8 Members are asked to note that the proposed amendment set out in recommendation 9.3 below will have no practical effect unless the Council decides at some time in the future to provide facilities for remote attendance. In the event of that decision being made further amendment to the Constitution would be required.

5. EQUALITIES IMPLICATIONS

- 5.1 The principles of remote attendance fit well with equalities requirements by allowing elected members, who may fall under one or more of the protected characteristics, greater access to meetings, as noted in section 4 above.
- 5.2 Due to the relatively small geographical area of the county borough however, along with good transport links, the overall accessibility of council offices, and with a very high attendance level of members in any case, realising improvement in terms of equalities implications for this Council will not be so great as it would be for some other councils in Wales

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising out of this report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications arising out of this report.

8. CONSULTATIONS

- 8.1 There are no consultation responses not reflected in this report.

9. RECOMMENDATIONS

- 9.1 That members note the provisions of Section 4 of the Local Government (Wales) Measure 2011 and associated guidance.
- 9.2 That members prohibit the implementation of remote attendance at this time.
- 9.3 In accordance with the requirements of the Local Government (Wales) Measure 2011 and associated guidance 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.
- 9.4 That the Interim Head of Legal Services and Monitoring Officer be given delegated authority to make the necessary changes to the Council's Constitution

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure the Council considers the implications of the Local Government (Wales) Measure 2011.

11. STATUTORY POWER

- 11.1 The Local Government (Wales) Measure 2011 and associated guidance.

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Appendices:
Appendix 1 Welsh Government Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011



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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.