CABINET - 24TH JUNE 2020

SUBJECT: **COVID-19 DECISION-MAKING ARRANGEMENTS**

REPORT BY: **CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES**

1. PURPOSE OF THE REPORT

1.1 This report reflects the changes that have had to be introduced to ensure decisions could continue to be made during the period of lockdown, as well as setting out the plans for a return to elected member led decision-making in accordance with the new Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020.

2. SUMMARY

2.1 On March 23rd 2020, UK Government introduced a period of national lockdown which restricted the free movement of the public and sought to shield and protect the vulnerable in our community.

2.2 With the movements of staff and elected members restricted and elected members unable to meet to make decisions, the council's constitution provides for decision-making powers to be delegated to the Chief Executive.

2.3 The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 were passed by Welsh Government on 22nd April 2020 and made a series of amendments to local government legislation that pave the way for a return to political decision-making for Councils across Wales.

2.4 This report sets out the changes that were made, explains some of the key changes to decision-making that the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 have introduced and provides a timescale for the reintroduction of the political decision-making and scrutiny committee structures.

3. RECOMMENDATIONS

3.1.1 Cabinet are asked to:

(a) Note the decisions made by the Chief Executive under delegated powers

(b) Note the implications of the Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020 on decision-making

(c) Endorse the timetable and approach for the reintroduction of elected member led decision-making

(d) Note that in the first instance the actual cost of providing members with the necessary IT equipment to participate in remote decision-making meetings will be claimed against the Welsh Government (WG) Covid grant.

(e) Agree that if the costs are not deemed as eligible expenditure from the WG grant then they be funded from the Member Services Reserve, which currently has a balance of £202k.

4.   REASONS FOR THE RECOMMENDATIONS

4.1   To ensure that the Council can return to elected member led decision-making and scrutiny as soon as is practically possible and in accordance with the requirements of the Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020.

5.   THE REPORT

5.1   Delegated Decision-Making

As the lockdown restrictions made it impractical to convene any political decision-making meetings, decision-making powers have been temporarily transferred to the Chief Executive in accordance with Part 3 of the Constitution:

5. GENERAL DELEGATIONS OF POWERS: COUNCIL & EXECUTIVE POWERS

		POWER DELEGATED TO
(b)	Determination of any urgent matter in the purview of the Council, the Cabinet or any committee of these where it is impractical to convene a meeting of that body to consider the matter.	Chief Executive or in his/her absence any Director

During the period March 23rd to 28th May 2020, the Chief Executive has been required to take 5 urgent decisions under these delegated powers. These have been posted to the Council's Intranet and will be reported for information to the first available meeting of full Council.

- 24/03/2020 -In consultation with the Cabinet and the Leader to set aside £602,969 underspend & secure WG income to support the multi-year Ed Tech (Hwb) programme - ref: Draft Cabinet Report 25/03/2020.
- 30/03/2020 - To authorise the Head of Public Protection, Community & Leisure Services under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 to sanction officers within the Division to carry out associated duties under the Regulations.
- 16/04/2020 – Following consultation with the Leader and Cabinet, to release the bond payment of £100K to Transcend and repayment of the bond through 18 monthly payments commencing January 2021.
- 07/05/2020 - In consultation with the Cabinet the WG Retail, Leisure and Hospitality Rate Relief Scheme has been formally adopted which allows for a 100% reduction in the rates payable for eligible businesses in the 2020/21 financial year.
- 01/06/2020 - In consultation with the Leader, to set up a contact tracing hub for Caerphilly to support PHW "Track, Trace, Protect" national scheme. (Detail set out in report: Gwent Contact Tracing)

5.2 Implications of Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 have introduced a number of changes to the mechanisms and regulations attached to Council decision-making functions. The WLGA issued a guidance note on the regulations for Councillors on the 23rd April, which was distributed to all members and is included at appendix 1. Some of components of the guidance are set out below:

5.2.1 **Remote attendance**

All members can remotely participate in meetings. This applies to meetings held before 1st May 2021. Audio participation is all that will be required. Members should be able to speak and be heard by each other. Despite this welcome flexibility, it is unlikely that local authority meetings will return to normal for some months and authorities will need to continue to focus on urgent business relating to COVID-19.

5.2.2 **Annual Meetings**

If a council has not held an annual meeting after the 1st March or before the 22nd April 2020 then the annual meeting can be held on any date in 2020.

5.2.3 **Other meetings**

Other meetings that would normally be required to be held at specific times in the council calendar can now be held at any time before May 1st 2021.

5.2.4 **Attendance at meetings (The "Six Month Rule")**

The rule that disqualifies members for failing to attend a meeting in a six-month period is suspended as of April 22nd 2020. The time counted will restart from when a member would be expected to attend a meeting when the meeting cycles begin once again.

5.2.5 **Election of chairs**

If a new council or committee chair (or similar position such as vice chair, representative on an outside body) has not been elected at an annual meeting held prior to the 22nd April 2020, then the existing chair can remain in office until 1st May 2021.

5.2.6 **Summonses to meetings**

Members can now be summoned to meetings through electronic communication.

5.2.7 **Public attendance**

Due to the public health risks, public and press attendance at meetings is no longer required. However if practicable, public viewing or listening of any meetings should be arranged.

5.2.8 **Meeting papers**

A note of meeting proceedings should be published electronically within 5 days of the meeting being held. This note should include a list of attendees, declarations of interest, any decisions taken (except exempt items) and the outcomes of any votes.

5.2.9 **Executive decisions**

When a decision is taken by the Executive any written statements or reports relating to the decision should be published on the council website.

5.2.10 **Planning**

Members on planning committees can now be substituted.

5.3 The WLGA guidance also references the fact that whilst the new regulations allow greater flexibility around managing council business, council resources and staff have been refocused and reprioritised to respond to the Coronavirus pandemic, and that Members should bear in mind that meetings are only likely to be held to take decisions on urgent and business critical issues until the pandemic subsides.

5.4 The timetable that is set out in 5.6 attempts to bring decision-making back online in a sensible, practical and manageable timeframe. Two of the key considerations in delivering this timetable are the availability of the technology to support remote decision-making and the extensive training and development programme that will be required to ensure that every elected member can participate fully.

5.5 At present Customer and Digital Services are undertaking a programme of equipping all 73 elected members with the necessary IT equipment to participate in remote decision-making meetings using the Council's preferred platform, Microsoft Teams. Staff from Democratic Services have initiated training and development for elected members to familiarise them with the new technology and equip them with the necessary skills to utilise the Microsoft Teams platform. This work is being prioritised in accordance with the meetings timetable set out in 5.6 and includes further training for the Committee Chairs.

5.6 Future Decision-Making

The current decision-making meetings have been agreed and will take place on the following dates:

Committee	Date
Planning Committee	17/06/2020
Cabinet	24/06/2020
Planning Committee	01/07/2020
Cabinet	01/07/2020
Annual Meeting of Council	03/09/2020
Audit Committee	03/09/2020
Extraordinary Meeting of Council (2019/20 Financial Statements)	10/09/2020

5.7 Democratic Services are currently exploring the possibility of live-streaming committee meetings. Should this not prove possible or practical at this point, a full video and audio capture of the meetings will be uploaded to the web so that interested parties can view the meeting in full.

5.8 A minute of the meeting will be taken but the regulations also require that a notice of the meeting must be published within 5 days of the meeting stating, amongst other things, who attended the meeting, declarations and what was decided. The notice provides an additional safeguard in the virtual world.

5.9 Consideration will be given to restarting the remaining Regulatory Committees and Scrutiny Committees. In the absence of formal Scrutiny Committees being able to meet, Committee

Chairs and Vice Chairs will be consulted on draft decision reports ahead of decisions being taken by Cabinet.

5.10 It is possible that by September the council chamber will be available for some of the members and officers to use, subject to social distancing. This should help with the smooth running of the annual meeting and offer the potential for other meetings to operate part remotely and part in the chamber.

6.   ASSUMPTIONS

6.1   All elected members will have the requisite IT devices and connections to be able to participate in committee meetings at the point at which those meetings take place.

6.2   All elected members will have the skills and capabilities to utilise the remote meeting software, Microsoft Teams.

7.   LINKS TO RELEVANT COUNCIL POLICIES

7.1   Caerphilly County Borough Council Constitution.

8.   WELL-BEING OF FUTURE GENERATIONS

8.1   The Well-Being of Future Generation (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long-term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven well-being goals:

- A prosperous Wales.
- A resilient Wales.
- A healthier Wales.
- A more equal Wales.
- A Wales of cohesive communities.
- A Wales of vibrant culture and thriving Welsh Language.
- A globally responsible Wales.

8.2   The Act sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. In using the sustainable development principle, it is incumbent that the authority considers the whole of the population it serves and considers the effect of its actions on future generations. The principle, also known as the five ways of working is assessed below:

- **Long Term** – While the Local Authorities (Coronavirus) (Meetings) (Wales) regulations indicate Members can participate remotely in meetings up until May 2021, it is highly likely that use of remote participation technology up until that time will mean it is retained over the longer term.

- **Prevention** – The sooner the Council returns to member led decision-making the stronger the decision-making processes will become.

- **Integration** – The Council would wish to return to making strategic decisions about key policy areas as soon as is practically possible. The introduction of remote attendance

technology across the Council will enable decision-making to happen while complying with social distancing guidance.

- **Collaboration** – The Council is working in partnership to introduce this new technology with Welsh Government, other Local Authorities through the WLGA as well as key private sector technology providers.

- **Involvement** – As the technology is refined and embedded into decision-making practices, remote attendance holds the potential to not only reengage elected members into the decision-making process but also a much wider set of stakeholders and experts

9. EQUALITIES IMPLICATIONS

9.1 None

10. FINANCIAL IMPLICATIONS

10.1 It is anticipated that the cost of providing members with the necessary IT equipment to participate in remote decision-making meetings will not exceed £50k. In the first instance the actual costs incurred will be claimed against the Welsh Government (WG) Covid grant funding.

10.2 If the costs are not deemed as eligible expenditure from the WG grant then it is proposed that they be funded from the Member Services Reserve, which currently has a balance of £202k.

11. PERSONNEL IMPLICATIONS

11.1 None

12. CONSULTATIONS

12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

13. STATUTORY POWER

13.1 Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020.

Author: Richard (Ed) Edmunds, Corporate Director for Education and Corporate   Services

Consultees: Christina Harrhy, Chief Executive
              Dave Street, Corporate Director for Social Care and Housing
              Mark S Williams, Interim Corporate Director for Communities
              Steve Harris, Acting S151 Officer
              Robert Tranter, Head of Legal Services and Monitoring Officer
              Lynne Donovan, Head of People Services
              Cllr Philippa Marsden, Leader of Council
              Cllr Colin Gordon, Cabinet Member for Corporate Services
              Cllr Colin Mann, Leader of the Plaid Cymru Group

Cllr Graham Simmonds, Leader of the Independent Group
Cllr Jamie Pritchard, Chair of Policy & Resources Scrutiny
Cllr Gez Kirby, Vice Chair of Policy & Resources Scrutiny
Cllr Lyndon Binding, Chair of Social Services Scrutiny
Cllr John Bevan, Vice Char of Social Services Scrutiny
Cllr Teresa Parry, Chair of Education Scrutiny Committee
Cllr Carol Andrews, Vice Chair of Education Scrutiny Committee
Cllr Tudor Davies, Chair of Environment & Sustainability Scrutiny
Cllr Adrian Hussey, Vice Chair of Environment & Sustainability Scrutiny
Cllr John Ridgewell, Chair of Housing and Regeneration Scrutiny
Cllr Christine Forehead, Vice Chair of Housing and Regeneration Scrutiny

Appendices:
Appendix 1   WLGA Guidance for Councillors on Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020.

CLILC · WLGA

COVID-19 Outbreak

Remote Attendance at Meetings A

Guide for Councillors

23rd April 2020

Introduction

New meeting regulations have now been Issued by the Welsh Government. The Local Authorities (Coronavirus) (Meetings) (Wales) regulations 2020 came into force on the 22nd April 2020. The regulations and a statement from the Minister can be found [here](#)

They apply to Principal Councils, Community Councils, National Park Authorities, Fire and Rescue Authorities and the Swansea Bay Port Health Authority.

Monitoring officers and Democratic Services leads will be able to provide members with more detailed information about these regulations and how these apply and are being implemented locally. Broadly however the regulations set out the following:

Remote attendance

All members can remotely participate in meetings. This applies to meetings held before 1st May 2021. Audio participation is all that will be required. Members should be able to speak and be heard by each other. Despite this welcome flexibility, it is unlikely that local authority meetings will return to normal for some months and authorities will need to continue to focus on urgent business relating to COVID-19.

AGMs

If a council has not held an AGM on or after the 1st March or before the 22nd April 2020 then the AGM can be held on any date in 2020.

Other meetings

Other meetings that would normally be required to be held at specific times in the council calendar can now be held at any time before May 1st 2021.

Attendance at meetings (The "Six Month Rule")

The rule that disqualifies members for failing to attend a meeting in a six-month period is suspended as of April 22nd 2020. The time counted will restart from when a member would be expected to attend a meeting after the Covid impacted period.

Election of chairs

If a new council or committee chair (or similar position such as vice chair, representative on an outside body) has not been elected at an AGM held prior to the 22nd April 2020, then the existing chair can remain in office until 1st May 2021.

Summonses to meetings

Members can now be summoned to meetings through electronic communication.

Public attendance

Although it won't always be practicable, public viewing or listening of any meetings should be arranged wherever possible.

Where the public are to be invited this should happen electronically 3 clear days before the meeting is due to be held. Or, if the meeting is called at short notice, as soon as reasonably practicable.

Meeting papers

A note of meeting proceedings should be published electronically within 5 days of the meeting being held. This note should include a list of attendees, declarations of interest, any decisions taken (except exempt items) and the outcomes of any votes.

Executive decisions

When a decision is taken by the Executive or individual executive members, any written statements or reports relating to the decision should be published on the council website.

Planning

Members on planning committees can now be substituted.

Many councils have already agreed urgent delegations to leaders, cabinets, and senior officers in their constitutions, to deal with the ongoing emergency situation. Although the new regulations will allow greater flexibility around managing council business, councils' resources and staff have been refocused and reprioritised to respond to the Coronavirus pandemic. Members should therefore bear in mind that meetings are only likely to be held to take decisions on urgent and business critical issues until the pandemic subsides. Council staff, including democratic, scrutiny and committee services staff may have been redeployed to help support front-line services, so research and reports will be limited and will have to be prioritised according to business need.

Different councils will use different meeting technologies and will be able to guide members in its use. The LGA has published Information about the range of meeting software [here](#)

Meeting Styles and Preparation

During the current special circumstances, the style and tone of meetings will be very different from conventional physical meetings. There will be fewer meetings and some committees may not be convened. Those which are held, will focus on issues which are critical to the business of the council and may require swift decisions. Meetings may also be held with fewer members participating, with a political balance agreed with political groups.

These changes will require members to prepare thoroughly and focus on the outcomes required. There may not be time for extensive debate and members will need to understand information and reports thoroughly prior to the meeting. Members may find it useful to have prior discussions, remote pre-meetings or information briefings in addition to formal committee meetings. Members of quasi-judicial committees should, as always, guard against pre-determination.

Delegated decision making in some areas will mean that senior officers will need to work closely with portfolio leads and committee chairs. Streamlined and rapid scrutiny processes (not necessarily through formal committees) may need to be developed to ensure that policy development and decisions are supported with effective research and challenge, prioritising issues posing the greatest risk to the authority.

Officers will have increased or different responsibilities. Members cannot expect 'business as usual' rather, committee support will be reduced, reports will be succinct, and less formal ways will be found to provide members with information. The current period will require some adjustment to the democratic and political process and will require constructive group work, particularly where meetings need to be called at short notice and quorum requirements need to be met. Remote or virtual meetings require some patience and work much more effectively when members demonstrate respect for each other and the Chair.

Committee Chairs

Chairs will need to be prepared to work differently. Timescales will be squeezed, and chairs will need to work closely with other members and officers on work which does not require the whole committee. Chairs will also have to work with officers to help members understand the different ways of working, manage their expectations and ensure that they are provided with all the information they need.

Chairs and officers should agree and advise members of the different 'rules of debate' before each meeting. This may include:

- Muting when not contributing
- Mutual respect of all participants
- Alphabetical approach to bringing members into proceedings under the strict direction of the chair (through participants' names alphabetically – to be fair on all participants, it may be appropriate to go from A-Z for one part of the meeting and then Z-A for another part)
- Avoidance of repetition where possible
- Respecting the chair and wait in turn to be called
- Methods for voting, for example calling each name alphabetically with a response of `for' or against

It is also important to clarify how questions from committee members can be raised during meetings, either via email beforehand or via email, text or online chat during a meeting, depending on the system being used.

Participating in meetings

Like most people at the moment, members are having to get to grips with unfamiliar technology. Training and guidance will inevitably be limited so the advice is to jump in and

give it a try and have some dry runs to build your confidence. You'll probably be teleconferencing and video conferencing and using other channels for less formal communication. You'll be supplied with guidance from your officers about how to participate and the following may also help you be fully prepared.

Phone meetings or Teleconferencing

Suggestions for participants

1. Equipment – make sure you have appropriate equipment. Speaker phones with mute functions are more effective for teleconference meetings (you may be online for over an hour – speakerphone/hands free means you can take notes, type or multi-task). If you do not have one, the council may be able to provide one (or reimburse you for a purchase-they can be purchased cheaply online). If your phone signal is poor, you may be able to use your computer to make calls over the Internet. Headphones can help you hear more clearly; headsets will also cut out background noise.

2. Meeting preparation
   - Know how to join the meeting (remember that numbers for landlines and mobiles may be different). Practice in advance to check numbers
   - Know how to adjust your settings such as microphone sensitivity and volume levels
   - Know how to announce your presence
   - Know how to mute/unmute your equipment – this is very important
   - Know how to take part in any offline chats running alongside the meeting i.e. via text, email or online chats
   - Know what to do if your equipment fails, have a phone number to hand to call in case of technical difficulties

3. Fully charge your equipment, long meetings can take a lot of battery.
4. Landline signals tend to be clearer than mobiles – and cheaper!
5. Prepare thoroughly. The chair will assume that everyone has read any reports being considered and be looking for observations and focussed debate.
6. Call in from a noiseless location where possible. Even if you can mute your equipment, while you are speaking, everyone participating in the teleconference can hear every noise that you, your children, your pets and the birds in the garden are making.
7. Make sure that you can view papers. If you are using printed copies, try not to shuffle them too much when you are unmuted. Remember that you can view papers by using two devices or splitting your screen.
8. Call from a comfortable position, as the meeting may take some time, have some water handy.

9. Call in on time. Call in a couple of minutes before the meeting starts so that the meeting can start on time. Participants will know who is joining late. Some teleconference systems include audible notifications when callers join or leave the 'meeting', this can interrupt and disrupt meetings.

10. When joining the meeting and before speaking, introduce yourself with your full name so participants and minute takers are in no doubt who is speaking.

11. Don't shout, adjust volume as necessary.

12. Turn off any noisy gadgets such as mobile phones which may be distracting to yourself or other participants.

13. Focus on the business at hand. Make sure that your contributions are necessary and helpful for securing the outcomes that the committee is seeking.

14. Don't put the call on hold to make another call as there may be unwanted sound.

15. Remember that you should be the only person able to hear any confidential and exempt items being discussed.

Suggestions for Chairs

Chairing telecon meetings can be challenging. You might consider the following:

1. Make sure that you are personally prepared as for participants above, arrange pre meets with officers and members if necessary.

2. Join the meeting early to check that everyone is present and greet them personally as they join.

3. Check at the beginning that everyone is able to participate and has no problems accessing papers, knowing what other communication channels to use for off-line discussion with, for example, other group members.

4. Hold a roll call at the start of the meeting for the benefit of officers taking minutes.

5. Remind participants that they should mute their equipment when not speaking and remind them to say their full names before speaking.

6. Provide guidance on how members should signify that they want to speak or vote.

7. Adhere to the usual requirements but consider ways of streamlining processes such as reading apologies yourself rather than having officers read them.

8. To avoid people speaking over each other or long silences, ask each member in turn for their contribution to an item. You may wish to do this alphabetically.

9. Check occasionally through the meeting that no one has been 'lost' due to technical issues.

10. Pay more attention than usual to framing the meeting with reminders of the purpose of each agenda item and summarising decisions and actions for each item and again at the end of the meeting.

11. Check at the end of each agenda item that all members are content that they have been able to contribute.

12. Be more rigorous than usual in insisting that members stay focussed on the issue under discussion and do not waste time with irrelevant contributions or agreement with previous contributions.

Video conferencing

Many members will have used 'videoconferencing' software previously on their mobile phones, tablets or laptops, most will have used apps such as FaceTime, Skype or WhatsApp. Whilst some of these may be suitable for smaller meetings, you are likely to use apps such as Microsoft Teams, Zoom or Skype for Business for larger meetings. Your council will advise you on which system is to be used.

There are additional issues to be borne in mind when participating in a video conference

1. Check that your equipment has a camera.
2. Have a test run a few days in advance of the meeting to iron out any technical issues – using this equipment and software will become more familiar and straightforward the more you use it.
3. Check that you can see the chair of the meeting.
4. Make sure that you are in the centre of the screen by positioning your device or camera appropriately and look into the camera. Aim for a head and shoulders shot similar to a passport photo.
5. Keep your device still and on a flat surface.
6. Consider your personal appearance, you'll be on show throughout the meeting.
7. Consider the background, aim for a plain wall backdrop as your bookshelves or notice board may be distracting for other meeting participants. You may have confidential or inappropriate information on the wall behind you. Is there enough light for people to see you? Is the sun or artificial lighting 'bleaching' out your face? Some applications provide you with an option to blur the background, so no detail is shown.
8. Ask family members to stay out of shot as people wandering about making coffee can be distracting.
9. Check how the chair will be calling on you to speak.
10. Check how you will signify a wish to speak.
11. Remember that meetings, if not live, may be made available to the public on websites, so it is important to conduct yourself as you would in any public meeting. Some applications make whatever is available on your computer screen visible to those participating in the meeting, this may also be seen by the public.

Suggestions for Chairs

1. Make it clear how people will participate and how you will invite people to contribute.
2. Make sure that you can be seen by all participants if this is an available function, perhaps by setting yourself up as a meeting convenor.

3. For larger meetings, you may wish to work with an officer convenor to handle some of the meeting logistics.
4. Ensure that members use any 'chat' facilities for meeting business only.
5. Evaluate the meeting at the end for suggestions on how systems can be improved in the future.

Overall, with a little trial and error remote attendance should be fairly easy with patience and respect. This may even be an opportunity to pilot approaches for the future as councils use the learning from these new ways of working to plan for more flexible arrangements.