

CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee
15th July, 2013

REPORT AUTHOR: Interim Head of Democratic Services

SUBJECT: Remote Attendance at Council Meetings – Consultation Document

REPORT FOR: Information / Decision

- 1.1 A Welsh Government consultation document relating to Remote Attendance at Council Meetings, has been received. The consultation period ends on 21st August, 2013.
- 1.2 Part 1 of the Local Government (Wales) Measure 2011 contains provision intended to strengthen local democracy, in particular, introducing reforms which support councillors outside of the executive or executive members when operating 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, may have to travel long distances, those with domestic responsibilities and those in employment to attend.
- 1.3 The Statutory Guidance (when passed) will be one which a local authority must have regard in relation to meetings of an authority attended remotely.
- 1.4 Section 4 of the Measure provides that:
 - Attendance at a meeting is not limited to a meeting of persons who are all present in the same place.
 - “Council meeting” includes, committee or sub-committee as well as the full council itself.
 - There are limitations as to what constitutes remote attendance.
 - Any member attending a remote meeting (remote attendee) must when they are speaking be able to be seen and heard by the members who are attending at the place the meeting is being held (actual attendee).
 - A remote attendee must be able to see and hear those in actual attendance.
 - Any members attending the meeting must be able to see and hear the remote attendee, who in turn must be able to see and hear them (if they are entitled to address 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.
 - Meetings can only be held remotely if not prohibited by the local authority’s standing orders / rules of procedure.
 - The standing orders / rules must also secure that any meeting with remote attendees is not quorate if there are more remote attendees than members in actual attendance.

- 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 (to be issued at the same time as the section of the measure comes into force).
- Remote attendance at meetings is only permitted for elected members and not co-optees.

Supporting Remote Attendance.

- Welsh Government accepts that there will be technical and staffing implications connected with the introduction of remote attendance.
- Where a number of councillors attend remotely there will probably 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.
- Local authorities will need to decide whether they wish to permit members of the public to be able to be present at a remote location. If so an officer presence would be required to make arrangements for them.
- There will be a need to provide training for officers to familiarise them with the requirements of the legislation and to cover the practical issues involved.
- The need to recognise equality between the Welsh and English languages has great significance when considering remote attendance. Local authorities 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.
- Communications facilities for remote attendance may need to include a facility so that when a member decides to speak in Welsh, those watching the broadcast at another location hear the English translation dubbed over this rather than the speaker's words.
- This may be an issue for Welsh speakers attending the meeting remotely who might prefer to hear the Welsh rather than the dubbed English version. This should not be a problem at the actual attendance as attendees will have the choice of listening in either language.
- Standing orders should provide that members should where possible, be able to participate at a remotely attended meeting in either English or Welsh.
- Welsh Government's policy is 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.
- 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.
- 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 e.g. remote attendance from home may have bandwidth limitations. Local authorities will need to decide to what extent they invest or assist members to have the necessary facilities to attend remotely.
- When council meetings are not open to the public, it would be important to ensure that there are no members of the public at remote locations able to see or hear the proceedings during such meetings. Any member in remote attendance who failed to disclose that there were persons present who were not entitled to do so would be in breach of their Code of Conduct responsibilities.

- Local authority standing orders can determine which types of meetings can be attended remotely.
- Welsh Government's view is that it would not be appropriate for a local authority's standing orders to rule out entirely the prospect of remote attendance.
- 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 the number in remote attendance be greater than those in actual attendance (e.g. if members leave the meeting), the chair would have no choice but to close the meeting.
- Standing orders should make provision about what should happen if a technical difficulty results in a breakdown of the communications facility. Welsh Government's view is that the chair should adjourn the meeting whilst the fault is addressed. If the fault cannot be cured then the meeting should be abandoned as it could not continue without the remote members.
- Standing orders could make other provisions e.g. if a decision was urgent or time-limited so that it could continue in the event of a communications failure.
- Local authorities would need to build into standing orders arrangements to provide for voting to take place simultaneously at the main and remote locations. The counting of the votes can be performed by the chair of the meeting as he / she will have to be able to see all members voting.
- There may be difficulties for any council which has introduced an electronic voting system. Unless technology can be introduced to allow for electronic voting at remote locations, it is anticipated that a show of hands would be required at each location to prevent unfair treatment of those at remote locations.

1.5 Members' views are sought regarding the draft guidance.

1.6 The Council will need to consider the requirements of the Statutory Guidance and review its Constitution accordingly to take account of these requirements once they are passed by Welsh Government.

Recommendation:	Reason for Recommendation:
(i) That the Draft Statutory Guidance from Welsh Government be noted.	(i) To update the Committee on new Legislation / Regulations / Guidance affecting the Council.
(ii) that Members consider any comments for submission to Welsh Government as part of the consultation process.	(ii) To respond to the Consultation Exercise.
(iii) That the requirements of the Guidance be taken into account in reviews of the Council's Constitution.	(iii) To update the Council's Constitution to take account of new Legislative requirements and guidance.

Relevant Policy (ies):	
Within Policy:	Y / N
Within Budget:	Y / N
Relevant Local Member(s):	
Person(s) To Implement Decision:	Clive Pinney
Date By When Decision To Be Implemented:	May 2014 – Constitution update

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Background Papers used to prepare Report: