

COUNCIL:

24th JULY 2014

REPORT OF THE COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM: 14

CONSTITUTION UPDATES

Reason for this Report

1. To enable Council to consider various Constitution amendments recommended by the Constitution Committee to reflect new legislative provision and or organisational changes in respect of:
 - (i) senior officer appointments;
 - (ii) Members' remote attendance at meetings; and
 - (iii) the appointment of Deputy (or Assistants to) Cabinet Members.

Background

2. The Constitution Committee is responsible for reviewing the Council's Constitution and making recommendations to Council in respect of amendments required.
3. At its meeting on 11th June 2014, the Constitution Committee considered a report on various Constitution amendments required to reflect recent legislative and organisational changes; and this report sets out the recommendations made by the Constitution Committee to Council on those matters.

Issues

Senior Officer Appointments - New Standing Orders Regulations

4. The Council is required by law to adopt Standing Orders governing the recruitment, appointment and dismissal of its staff (and other matters) in accordance with the Local Authorities (Standing Orders)(Wales) Regulations 2006 ("the 2006 Regulations"). The Employment Procedure Rules (set out in Part 4 of the Council's Constitution) are the Standing Orders adopted by the Council for this purpose.
5. The 2006 Regulations make specific provisions for "Chief Officers" and "Deputy Chief Officers", defined in the Regulations as follows:

“Chief Officer” includes the Head of Paid Service and Monitoring Officer, Section 151 Officer, Director of Social Services & Chief Education Officer (“statutory chief officers”), and any person who reports directly to the Head of Paid Service (“non-statutory chief officers”); and

“Deputy Chief Officer” includes any person who reports directly to a statutory chief officer or a non-statutory chief officer, as defined above (except for secretarial, clerical and support staff).

6. Members should note that the statutory definition of a Chief Officer is not the same as the Council’s Chief Officer post. Under the Council’s current senior management structure, the statutory references to “Chief Officer” would include the Council’s Chief Executive, the Corporate Director – Resources, and all Directors who report directly to the Chief Executive. Any other Director and all Assistant Directors / Chief Officers are “Deputy Chief Officers” for the purposes of the Regulations.
7. Following consultation in March 2013, the Welsh Government has amended the 2006 Regulations by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (“the Amendment Regulations”), issued last month. The amendments came into effect on 1st July 2014.
8. The Council is required to amend its Standing Orders to reflect the changes made by the Amendment Regulations within 10 weeks from the date the new Regulations took effect, that is, by no later than 9th September 2014.
9. The Constitution Committee considered the proposed changes on 11th June, before the Amendment Regulations were issued. In view of the anticipated short timescale for implementation and the fact that the Council is given no discretion in these matters, the Committee delegated authority to the Monitoring Officer to report this matter directly to Council as soon as the Amendment Regulations were issued.
10. The key changes made by the Amendment Regulations are as follows:
 - (i) To require public advertisement of all vacancies for a ‘Chief Officer’ (defined as in paragraphs 5 and 6 above), where the annual remuneration is £100k or more, except for temporary appointments made for no longer than 12 months. This change removes the option for such posts to be filled internally, ie. from existing employees. The Welsh Government takes the view that it is no longer appropriate for such senior posts to be appointed without public advertisement.
 - (ii) To require any decision on the remuneration of Chief Officers (defined as in paragraphs 5 and 6 above) to be taken by full Council. This proposal was announced by the Welsh Government Minister for Local Government in February 2014 as one of a number of measures intended to promote transparency and accountability in the area of senior officers’ remuneration. This change removes the option for such decisions to be delegated to a Committee, as was previously possible under the 2006 Regulations, and in accordance with which the

Employment Conditions Committee currently has delegated authority to decide these matters on behalf of Council (subject to compliance with the Pay Policy Statement approved by full Council).

- (iii) To extend the statutory employment protection currently available to the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, to the Head of Democratic Services post established under the 2011 Local Government Measure. This employment protection requires certain procedures to be followed, including the involvement of a 'designated independent person', in the event of an investigation into allegations of misconduct.
 - (iv) To add the statutory Head of Democratic Services post to the list of those senior officers (being Chief Officers and Deputy Chief Officers) whose appointment or dismissal should be conducted by a Committee or Sub-Committee of Members (which must include at least one Cabinet member, but not more than half of the Committee / Sub-Committee may be Cabinet members). The Appointments Committee currently discharges these functions on behalf of Council, so its terms of reference require amendment to include responsibility for the appointment and dismissal of the statutory Head of Democratic Services. Members will note that the Democratic Services Committee has statutory responsibility to *designate* a Council officer / post as the Head of Democratic Services. No change is being made to the Democratic Services Committee's responsibility for designating the Head of Democratic Services, as this is distinct from the function of appointment or dismissal.
11. The Council's Employment Procedure Rules (Constitution, Part 4) and the Appointments Committee and Employment Conditions Committees' terms of reference (set out in the Scheme of Delegations, Annex 2) all require amendments to reflect the new legislation. The recommended amendments are shown in **Appendix A** (amended Employment Procedure Rules) and **Appendix B** (amended Committees terms of reference).

Members' Remote Attendance at Meetings

12. Members may recall that the Local Government (Wales) Measure 2011 (section 4) gives Councils a power to permit remote attendance by Members at Council meetings (not limited to meetings of full Council), that is, to allow Members to attend by an audio visual link, rather than in person. It is for each Council to decide whether or not it wishes to allow remote attendance.
13. The legislation provides that a Member may only attend a meeting remotely if there are facilities to enable them to see and hear, and to be seen and heard by, others at the meeting, as prescribed; and the Council's Standing Orders do not prohibit remote attendance. The Council is obliged to have regard to the Statutory Guidance when considering this matter. The final Statutory Guidance was issued on 4 April 2014 and is appended as **Appendix C**.

14. This matter was given preliminary consideration by the Democratic Services Committee in October and December 2013 and February 2014, prior to the issue of the Statutory Guidance. Following the publication of the Statutory Guidance, the Constitution Committee considered this matter at its meeting on 11th June 2014 and noted the various technical, staffing and practical issues involved, and associated cost implications.
15. The prevailing view of both Committees was that remote attendance is not a priority for the Council due to the fallibility and cost of equipment and the relatively small geographical area covered by the Council. Nevertheless, it was agreed that there may be circumstances where remote attendance may be appropriate, subject to suitable technology being available, and so provision should be made in Standing Orders to leave this to the discretion of the Chair to decide on a case by case basis.
16. The Constitution Committee resolved to recommend to Council the adoption of the draft Standing Order attached as **Appendix D**.

Deputy (or Assistants to) Cabinet Members

17. The Constitution, Article 7.5, makes provision for Assistants to Cabinet Members, as follows:

‘The Cabinet may appoint Councillors to act as assistants to the Cabinet as the Cabinet considers necessary and appropriate. Their role will be:

- (a) To assist the Cabinet collectively;
- (b) To liaise with the Chairs and members of relevant Scrutiny Committees; and
- (c) To act as observers at meetings of the Cabinet or a Committee of Cabinet.

Assistants to the Cabinet may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision making role.’

18. In order to widen Member participation in Council business and provide additional support to Cabinet Member portfolios, in May 2014 the Cabinet appointed three Deputy Cabinet Members to work with the relevant Cabinet Member/s and deputise for any function (including taking forward particular projects or programmes), with the exception of decision-making functions which remain with the appointed Cabinet Member.
19. Statutory Guidance issued by WAG confirms that ‘Deputy Cabinet Members’ may be appointed to support / advise / represent Cabinet members, but the deputies are unable to formally substitute for a Cabinet Member at a Cabinet meeting nor vote on behalf of the Cabinet Member for whom they deputise (WAG Guidance on Executive Arrangements, SI 2006/56, paragraph 4.29).

20. At its June meeting, the Constitution Committee considered a proposed amendment to the Constitution, Article 7.5, to reflect the May Cabinet decision and the Statutory Guidance, as follows:

'7.5 Deputy (or Assistants to) Cabinet Members'

21. However, the majority of the Committee did not favour the new title ("Deputy Cabinet Member") and recommended that the current designation of "Assistant Cabinet Member" should remain, with no change to the Constitution, Article 7.5. The Committee also agreed that Assistants to Cabinet Members should not serve on relevant Scrutiny Committees. (In this regard, the Monitoring Officer advised that Scrutiny Committee Members would, in any event, have a prejudicial personal interest under the Members' Code of Conduct in respect of any Cabinet decision with which they had been involved, which would require the Member to withdraw from scrutiny of that matter.)

Legal Implications

22. The relevant legal provisions are set out in the body of the report.

Financial Implications

23. The report does not contain any actions that will directly have a financial impact on the Council. However, any costs associated with recruitment of any posts externally will continue to be funded from the appropriate budgetary allocation of the directorate.

RECOMMENDATIONS

Council is recommended to:

- (i) approve the amendment of the Employment Procedure Rules as set out in **Appendix A** and the amendment of the Terms of Reference of the Appointments Committee and the Employment Conditions Committee as set out in **Appendix B**, in order to reflect the new Standing Orders Regulations;
- (ii) approve the draft Remote Attendance Standing Order set out in **Appendix D**, subject to any further amendments; and
- (iii) note the recommendations of the Constitution Committee in respect of the proposed amendment of Article 7.5 'Assistants to Cabinet Members' as set out in paragraph 21 of the report.

Marie Rosenthal
County Clerk and Monitoring Officer
18 July 2014

Appendices

Appendix A	Employment Procedure Rules – recommended amendments
Appendix B	Terms of Reference – Appointments Committee & Employment Conditions Committee – recommended amendments
Appendix C	Statutory Guidance ‘Remote Attendance at Council meetings’, Welsh Government, April 2014
Appendix D	Remote Attendance Standing Order (draft)

Background papers

Constitution Committee report ‘Constitution Update – Remote Attendance; Senior Officer Appointments; and Deputy (or Assistants to) Cabinet Members’, 11 June 2014

The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2014

Minister for Local Government and Government Business, Lesley Griffiths AM,

Announcement, February 2014

Minutes of Democratic Services Committee, October 2013, December 2013 and February 2014

Cabinet report ‘Deputy Cabinet Members and Member Champions’, 15 May 2014; and minutes thereof

Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006, National Assembly for Wales, SI 2006/56

Employment Procedure Rules

Interpretation

For the purposes of these Rules:

“Chief Officer” has the same meaning as in the Local Authorities (Standing Orders)(Wales) Regulations 2006, namely, the Head of Paid Service; the Monitoring Officer; a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Local Government and Housing Act 1989 (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the same 1989 Act

“Deputy Chief Officer” has the same meaning as in Section 2(8) of the Local Government and Housing Act 1989, being a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers (except for secretarial, clerical and support staff)

1. Recruitment and appointment

These rules do not apply to school-based employees, who are subject to separate procedures.

(a) Declarations

- (i) With the intention of ensuring that employment processes are fully informed and transparent, the Council requires any candidate for appointment as an officer to state in writing whether they are related to or have any close personal association with any member or senior employee of the Council.
- (ii) Deliberate omission to make such a disclosure would disqualify the candidate, and if the omission is discovered after appointment, the candidate will be liable to dismissal.

(b) Seeking support for appointment

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or employee for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council. A member or an employee will not try to improperly influence the choice of a candidate for any appointment

- (iii) The impartiality of employees must be preserved. Accordingly Members must not give written references to support a candidate seeking employment with the Council.

2. Recruitment of Chief Officers

- (a) A vacancy for the post of Chief Officer must be reported to the Council or body delegated to do so which will consider whether the post should be filled, and if so, subject to Rule 2A, the terms and conditions of employment and method of appointment.
- (b) Where the proposed remuneration of the Chief Officer post is £100,000 or more per annum, the Council will arrange for the following to be prepared:-
 - (i) A statement of the duties of the officer concerned and the required qualifications or qualities to be sought in the person appointed, which is sent to any person on request; and
 - (ii) Public advertisement of the post to bring it to the attention of people who are qualified to apply, unless the proposed appointment is for a period of 12 months or less.
- (c) Following advertisement, the Council will arrange for either all qualified candidates to be interviewed; or a shortlist to be prepared of qualified applicants and those candidates interviewed. If no suitably qualified person has applied, or if the Council decides to re-advertise the appointment, the post will be re-advertised in accordance with paragraph (b) above.

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2A. Remuneration of Chief Officers

Any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be made by full Council.

3. Appointment or Dismissal of Chief Officers, Deputy Chief Officers, Monitoring Officer and Head of Democratic Services

- (a) The appointment or dismissal of a Chief Officer, a Deputy Chief Officer, the Monitoring Officer or Head of Democratic Services will be made by the Council or by a Committee of Members delegated by the Council to make the appointment or dismissal, which Committee must contain at least one Cabinet member, but not more than half of the members of that Committee shall be Cabinet members.
- (b) Where a committee is considering on behalf of the Council the appointment or dismissal of the Chief Executive, the Council shall approve that appointment before an offer of appointment is made, or as the case may be, must approve that dismissal before notice of dismissal is given.

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4. Other appointments

(a) **Officers below Deputy Chief Officer.** ~~Subject to Rule 3(a),~~ the appointment of officers below Deputy Chief Officer (other than assistants to political groups) must be discharged by the Chief Executive or by an officer nominated by the Chief Executive. All Council employees shall be appointed in accordance with the Councils Recruitment and Selection Policy.

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(b) **Assistants to political groups.** Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

5. Disciplinary Action

5.1 Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services

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(1) No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer, ~~the Chief Finance Officer~~ or the Head of Democratic Services (a "relevant officer"), except action described in (2) below, may be taken by the Council or on its behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 9 of the Local Authorities (Standing Orders)(Wales) Regulations 2006.

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(2) The action mentioned in the above paragraph is suspension of the relevant officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

(3) Where it appears that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the Council shall appoint a committee ("an investigation committee") to consider the alleged misconduct.

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(4) The investigation committee must consist of a minimum of 3 members of the Council, be politically balanced (in accordance with section 15 of the Local Government and Housing Act 1989); and must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

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(5) For the purpose of considering the allegation of misconduct, the investigation committee may make such enquiries of the relevant officer or any other person it considers appropriate; may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and may receive written or oral representations from the relevant officer or any other person it considers appropriate.

(6) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it shall appoint a person ("the designated independent person") for the purposes of these Rules.

- (7) The designated independent person who is appointed shall be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or where there is no such agreement, shall be such person as is nominated for the purpose by the Welsh Ministers.
- (8) The designated independent person—
- (a) may direct:
 - (i) that the Council terminate any suspension of the relevant officer;
 - (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph (2) above);
 - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
 - (iv) that no steps by the Council or on its behalf by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);
 - (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council, or which the Council has power to authorise the designated independent person to inspect;
 - (c) may require any Member or member of staff of the Council to answer questions concerning the conduct of the relevant officer;
 - (d) shall make a report to the Council—
 - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
 - (ii) recommending any disciplinary action which appears appropriate for the Council to take against the relevant officer; and
 - (e) shall no later than the time at which the report is made under sub-paragraph (d), send a copy of the report to the relevant officer.
- (9) Subject to paragraph (10), the relevant officer and the Council shall, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- (10) Where there is no agreement under paragraph (9), the designated independent person shall set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- (11) The Council shall consider the report prepared under paragraph (8)(d) within 1 month of receipt of that report.

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(12) The Council shall pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this Rule.

(13) For the purposes of this Rule, any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as a relevant officer.

5.2 Dismissal and or Disciplinary Action - Other Employees

(a) Subject to Rules 3(a) and 5.1, the Chief Executive, or an officer nominated by the Chief Executive, is responsible for the dismissal of, and taking disciplinary action against, employees below Deputy Chief Officer (other than assistants for political groups), in accordance with any relevant Council policy and procedure.

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(b) Councillors will not be involved in any disciplinary action of any officer other than the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services, as set out above, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where a right of appeal to members is allowed in respect of dismissal or demotion.

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6. Right of Appeal

Any employee who has been dismissed with or without notice or relegated must be informed immediately of the right of appeal, in line with the Council's agreed Disciplinary Policy and Procedures, which may confirm the action taken, withdraw it or substitute another disciplinary penalty.

APPENDIX B

COMMITTEES TERMS OF REFERENCE – RECOMMENDED AMENDMENTS

Appointments (convened as and when required)	To discharge the functions of the authority in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders)(Wales) Regulations 2006) <u>and the statutory Head of Democratic Services</u> , in accordance with the Employment Procedure Rules and any other relevant Council policies and procedures.
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Employment Conditions	(a) to consider and determine policy and issues arising from the organisation, terms and conditions of <u>Chief Officers and Deputy Chief Officers (as defined in Local Authorities (Standing Orders)(Wales) Regulations 2006)</u> , together with other category of employee specified in Regulation from time to time, where is necessary, <u>subject to the approval of Council in respect of any determination or variation of the remuneration of Chief Officers;</u>	Deleted: individual employees at
	(b) to decide requests for re-grading of <u>Chief Officers and Deputy Chief Officers defined in the Local Authorities (Standing Orders)(Wales) Regulations 2006)</u> , together with any other category of employee specified in Regulation from time to time, whether by way of appeal by an employee against a decision to refuse grading application or to decide applications for re-grading which are supported, <u>subject to the approval of Council in respect of any determination or variation of the remuneration of a Chief Officer.</u>	Deleted: / Assistant Director level and above () Deleted:) Deleted: posts at Deleted: () Deleted:)



Llywodraeth Cymru
Welsh Government

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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.

REMOTE ATTENDANCE STANDING ORDER (draft)

1. Due to the relatively small geographical area over which the Council's wards are spread, in normal circumstances Members are expected to physically attend meetings. However, in exceptional circumstances, provision for remote attendance may be made available to Members.
2. Any Member who wishes to attend a meeting remotely should notify the Monitoring Officer of their desire to do so at least 10 Working Days prior to the date of the meeting, wherever practicable. The Monitoring Officer shall inform the Chair of the meeting concerned of the request. The Chair, in consultation with the Monitoring Officer, will decide whether the request shall be granted and will aim to notify the Member of their decision at least 5 Working Days prior to the date of the Meeting. In making that decision the Chair shall have regard to the reasons given by the Member for making the request and the costs involved in providing remote attendance facilities and any other relevant issues. The Chair's decision shall be final.
3. If the Chair determines that remote attendance should be permitted, then such equipment and facilities as are necessary to enable remote attendance shall be provided to the Member and the meeting. The facilities should comply with the requirements of the Statutory Guidance relating to remote attendance as issued by Welsh Government under the Local Government (Wales) Measure 2011.
4. Unless the Chair decides otherwise, if for technical reasons any Member who is attending remotely loses their connection to the meeting, the meeting shall not be adjourned.
5. Any Member attending remotely will not be counted when determining whether a quorum is present (unless the Chair decides otherwise).