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AGENDA

Committee	CONSTITUTION COMMITTEE
Date and Time of Meeting	WEDNESDAY, 15 JULY 2015, 5.00 PM
Venue	COMMITTEE ROOM 4, COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Councillor De'Ath (Chair) Councillors Aubrey, Cowan, Goodway, Gordon, Hinchey, Margaret Jones, Knight, Magill, Dianne Rees, White and Woodman

1 Chairperson

To note that Council at its Annual Meeting on 21 May 2015 elected Councillor De'Ath as Chair of this Committee for the Municipal Year 2015/16.

2 Membership

To note that Council at its Annual Meeting on 21 May 2015 agreed the following Membership: -

Councillors Aubrey, Cowan, De'Ath, Goodway, Gordon, Hinchey, Margaret Jones, Knight, Magill, Dianne Rees, White, and Woodman

3 Terms of Reference

To review the Council's Constitution, and to recommend to Council and/or Cabinet any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies;
- (b) Updating to reflect legislative changes and matters of record;
- (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).

4 Apologies for Absence

5 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

6 Minutes (*Pages 1 - 6*)

To approve as a correct record the minutes of the meeting 19 March 2015.

7 Constitution Updates (*Pages 7 - 10*)

8 Webcasting of Council Committee Meetings (*Pages 11 - 30*)

9 Scrutiny Question Time - Pilot Proposals (*Pages 31 - 44*)

10 Forward Plan 2015/16 (*Pages 45 - 50*)

11 Date of next meeting

The next scheduled meeting is Thursday 8 October at 5.00pm, venue to be advised.

Marie Rosenthal

County Clerk & Monitoring Officer

Date: Thursday, 9 July 2015

Contact: Andrea Redmond Tel No: 2087 2434 Email: a.redmond@cardiff.gov.uk

CONSTITUTION COMMITTEE

19 MARCH 2015

Present: County Councillor De'Ath(Chairperson)
County Councillors Cowan, Goodway, Gordon, Hinchey, Hyde,
Knight, Magill, Walker and Woodman

66 : APOLOGY

An apology was received from Councillor Aubrey

67 : DECLARATION OF INTERESTS

The Chairperson reminded Members of their responsibility under Article 16 of the Members' Code of Conduct to declare any interest, and to complete a Personal Interest form at the commencement of the item of business.

The following declarations were received:

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
Councillor Cowan	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as Chairman of LA School Governors at Greenhill Special School.
Councillor Goodway	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as Vice – Chair of the Cardiff Capital Region Advisory Board.
Councillor Gordon	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor of Severn Road Primary School
Councillor Hinchey	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as a LA School Governor
Councillor Hyde	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor and Chair of Bryn Celyn Primary School
Councillor Knight	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor at Cathays High School
Councillor Walker	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor at Llysfaen Primary School
Councillor White	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as LA School Governor at Ysgol Glan Ceubal

<u>Councillor</u>	<u>Item</u>	<u>Interest</u>
Councillor Woodman	Item 5: - Proposed Local Authority Governor Panel	Personal Interest as a LA School Governor of

68 : MEMBERSHIP

The Committee noted and welcomed Councillor Susan White to her first meeting of the Committee following her appointment at Full Council on 29 January 2015

69 : MINUTES

The minutes of the meeting held on 15 January 2015 were agreed as a correct record and signed by the Chairperson.

70 : PROPOSED LOCAL AUTHORITY GOVERNOR PANEL - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee received an update on the proposal to improve the arrangements for the appointment of Local Authority (LA) Governors to Cardiff Schools by establishing a Local Authority Governors Panel.

RESOLVED – That the Committee recommend to Full Council

1. the establishment of Local Authority Governors Panel as part of the Constitution with the following Terms of Reference:

Terms of reference

- (i) For School Governing Bodies constituted under The Government of Maintained Schools (Wales) Regulations 2005 to appoint and remove governors to those places allocated to the Local Authority;
 - (ii) To consider and make decisions relating to the recruitment of governors; the training of governors; and any other matters that may be referred to the Panel by the Cabinet or the Constitution Committee.
2. the Membership of the Panel be established as follows:

Membership

Seven members to include the Cabinet Member responsible for the Education portfolio, and a representative from each of the Party Groups

3. to amend the Scheme of Delegation in Part 3 of the Constitution to amend Section 3, Local Choice Functions:

‘The appointment of any individual:

- (a) To any office other than an office in which he / she is employed by the authority;
- (b) To any body other than:
 - (i) The authority;

- (ii) A joint committee of two or more authorities; or
- (c) To any committee or sub-committee of such a body,

And the revocation of any such appointment. ’

Decision Making Body – Council

Delegation –/ Governors Panel /Director of Education for appointment of Local Authority School Governors pursuant to Section 19 of the Education Act 2002 and the Government of Maintained Schools (Wales) Regulations 2005 .

- 4. any consequential amendments to other Constitution provisions.

71 : INTERVENTIONS IN SCHOOLS - SCHEME OF DELEGATIONS - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee considered recommended amendments to the Scheme of Delegations in relation to the Council’s powers of intervention in schools causing concern.

RESOLVED – That the Committee recommends to Full Council the following amendments to the Scheme of Delegations:

- 1. Section 4F, Insert a new delegation:

‘Director of Education, Delegation Reference ‘DEd1’

To exercise the Council’s powers of intervention under Part 2 of the School Standards and Organisation (Wales) Act 2013, including for the avoidance of doubt, the powers to serve a Warning Notice; appoint additional governors or an Interim Executive Board’

- 2. Section 3, Amend allocation of the following local choice function:

‘The appointment of any individual:

- (d) To any office other than an office in which he / she is employed by the authority;
- (e) To any body other than:
 - (iii) The authority;
 - (iv) A joint committee of two or more authorities; or
- (f) To any committee or sub-committee of such a body,

And the revocation of any such appointment’

Decision Making Body – Council / Cabinet, for appointments pursuant to powers of intervention under section 6 or section 7 of the School Standards and Organisation (Wales) Act 2013

Delegation – [For appointments pursuant to powers of intervention] - Director of Education under delegation reference DEd1 (Scheme Section 4F)

3. Any consequential amendments to other Constitution provisions.

72 : COUNCIL MEETING PROCEDURE RULES REVIEW - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee was requested to review and consider the effectiveness of the current Council Procedure Rules in particular rules relating to extraordinary meetings, and amendments to motions; Ordinary Motions; Inappropriate Business; Order of Business.

RESOLVED – That

The following changes be recommended to full Council: -

Motions at Extraordinary meetings

1. The current Council Meeting Procedure Rules relating to items of business at Extraordinary Meetings be revised to make it clear that Notices of Motion can be considered at Extraordinary Meetings, and that the rules of debate for Ordinary Motions as set out in Rule 22 will apply as modified in relation to notice.

Inappropriate Business

2. Inappropriate business is defined in Rule 35 of the Council Meeting Procedure Rules. The definition does not include any matter which is unlawful or ultra vires the Council. The Constitution Committee are recommending that matters that are ultra vires the Council or unlawful be added to the definition.

Order of Business at Council Meetings

3. Rule 3 sets out an Order which puts the Leader and Cabinet Member Statements and the 90 minute Member Oral Questions and Answers ahead of Reports and Motions. It is recommended that the Full Council meetings should deal with all items of business requiring a vote including Motions ahead of these items and Rule 3 be amended accordingly.

73 : POWER TO LOCAL PEOPLE WHITE PAPER - REPORT OF THE COUNTY CLERK & MONITORING OFFICER

The Committee was requested to give its comments and observations on the City of Cardiff Council's response to the 'Power to Local People' White Paper issued by the Welsh Government in relation to Local Authority Constitutions. Chapter 2 of the White Paper sets out the legal responsibility on the Council to adopt a Constitution setting out its rules relating to procedures; conduct; remuneration and role specifications relating to governance, administration, finances, commercial and collaborative activities the purpose of which is to enable Councillors, officers, the public and stakeholders to understand how the Council makes decisions and who is responsible for those decisions.

The Committee had a discussion on the size and content of the Constitution which they considered to be unwieldy and not user friendly and did not encourage participation in the decision making process.

RESOLVED – That

1. the development of a more streamlined Constitution be encouraged allowing for operational variations between Local Authorities;
2. the Committee continue to review the aspects of public engagement and participation in the decision making; petitions.

74 : DATE OF NEXT MEETING

The date of the next meeting was to be confirmed.

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**CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**



CONSTITUTION COMMITTEE:

15 JULY 2015

**REPORT OF THE DIRECTOR GOVERNANCE AND LEGAL
SERVICES**

CONSTITUTION UPDATE

Reason for this Report

1. To inform the Committee of various amendments required to ensure the Constitution remains up to date and fit for purpose.

Background

2. The Constitution Committee's approved Terms of Reference are:

To review the Council's Constitution, and to recommend to Council and/or Executive any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-

- (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. The Monitoring Officer has delegated authority to make minor amendments to the Constitution, to include:
 - (a) amending typographical and minor drafting errors;
 - (b) updating to reflect legislative changes and matter of record; and
 - (c) drafting improvements to enhance clarity and remove minor anomalies

(delegated by the Constitution Committee on 8th September 2008).

Issues

4. The Council is required to keep its Constitution up to date and fit for purpose, and the Constitution Committee has responsibility for considering any necessary amendments in line with its terms of reference, set out in paragraph 2 above.
5. The following Constitution provisions have been identified as requiring amendment:

Business Rates (Discretionary Relief)

6. Under Part III, Section 47 of the Local Government Finance Act 1988, local authorities are empowered to award discretionary business rates relief to charities and other not-for-profit organisations. Welsh Assembly Guidance (issued in October 2004) notes that many authorities delegate decision making powers in respect of this function to individual officers. In Cardiff, the Cabinet has approved a Scheme for Discretionary Rate Relief (in July 2003) setting out factors which should be taken into account and various cases where relief should normally be granted, as well as the level of relief; and officers are given delegated authority to determine applications and appeals in accordance with the approved Scheme. Historically, the statutory Chief Finance Officer ('the Section 151 Officer') has had responsibility for discretionary business rates relief (and other Business Rates functions under Part III of the Act) and has sub-delegated authority for determining applications to a senior manager, but retained responsibility for determining any appeals. However, following changes in the Council's senior management structure, the Scheme of Delegations requires amendment to reflect the established procedure, specifically, to amend delegation reference FS9 to confirm the Section 151 Officer's responsibility for discretionary business rates relief (and any other Part III Business Rates functions), to be discharged in accordance with the Cabinet's approved Scheme.

Shared Regulatory Service

7. As Members will be aware, Cardiff, Bridgend and the Vale of Glamorgan Councils have collaborated to create a new regional service for Trading Standards, Licensing and Environment Health functions, approved by the decisions of the Cabinet and full Council in October 2014. The Shared Regulatory Service adopts a Joint Committee structure, in which certain regulatory services functions of each authority are delegated to the Joint Committee, other functions are reserved to each individual authority, and officers in the shared service are granted any necessary delegations; all of which are set out (amongst other matters) in the 'Joint Working Agreement' concluded by the 3 Councils on 10th April 2015. The delegations to the Shared Regulatory Service Joint Committee need to be reflected in the Scheme of Delegations, Section 5 'Delegations to Joint Committees', and consequential amendments made to the corresponding current delegations. The Monitoring Officer has delegated authority to make such minor Constitution amendments as a matter of record pursuant to the delegations

approved by Cabinet and full Council; and the Committee is invited to note that such amendments are to be made.

Revised Senior Management Structure

8. As Members will be aware, the Cabinet approved a revised senior management structure in February 2015, reflecting a re-modelling of the Tier 1 senior management team. Under the revised structure the number of Directors is reduced from 11 to 7 with associated changes to post titles and areas of responsibility. When these changes take effect they will need to be reflected in the Constitution, in particular in the Scheme of Delegations, by deleting reference to obsolete post titles and replacing them with reference to the new post having responsibility for those functions under the new structure. Article 15.2(i) of the Constitution currently provides that any references to officer post titles should be understood as referring to any new post title where post titles or responsibilities change due to management restructures. However, for clarity it is recommended that the correct post titles should be substituted for the obsolete titles. The Monitoring Officer has delegated authority to make such minor amendments as a matter of record pursuant to the new management structure as and when it takes effect; and the Committee is invited to note that such amendments are to be made.

Legal Implications

9. The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its constitution up to date.

Financial Implications

10. There are no direct financial implications arising from the recommendations of the report.

Recommendations

The Committee is recommended to:

1. agree the amendment of the Scheme of Delegations as set out in paragraph 6 of the report and recommend the same to full Council for approval; and
2. note the minor Constitution amendments set out in paragraphs 7 and 8 of the report, which are to be made under the Monitoring Officer's delegated authority.

Marie Rosenthal

Director Governance and Legal Services (Monitoring Officer)

Date: 8th July 2015

CC/KA/V1.0

Background papers

Cabinet report 'Discretionary Rate Relief Scheme', 10 July 2003 and decision in respect thereof;
Welsh Assembly Government, 'Non-Domestic Rates, Guidance on Rate Relief for Charities and Other Non-Profit Making Organisations' issued October 2004;
Cabinet report 'Regionalising Regulatory Services Project' 9 October 2014 and minutes thereof;
Council report 'Regionalising Regulatory Services Project' 23 October 2014 and minutes thereof;
Shared Regulatory Service Collaboration, 'Joint Working Agreement' dated 10th April 2015
Cabinet report 'Senior Management Review', 19 February 2015 and decision in respect thereof

**CITY & COUNTY OF CARDIFF
CYNGOR DINAS CAERDYDD**



CONSTITUTION COMMITTEE

15 JULY 2015

REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES

WEBCASTING OF COUNCIL COMMITTEE MEETINGS

Reason for the Report

1. To agree a Webcasting Protocol and any consequential amendments to the Constitution to allow webcasting at committee meetings.

Background

2. The Council has been webcasting full council meetings at City Hall and County Hall since 2008. A webcast is a transmission of audio and video over the Internet, rather like a television programme, enabling the public to watch meetings from any location with internet access in real time. Council webcasting has proved successful with significant numbers of viewers especially in relation to council budget meetings and key debates of public significance.
3. The maximum live audience to date was for the council meeting on the 26 March 2015 [Notice of Motion re Somali Land] with 3,098 hits. The previous highest was for the council meeting on 26th June 2014 with 2,106. In 2014/15 the total annual live webcast views for 2014/15 was 10, 267 and the total number of archived webcast views was 23,360.
4. Rule 30 of the Council Meeting Procedure Rules permits the official webcasting of council meetings but does not permit any other person to record full council meetings. The situation is different in England where recent legislation require third party filming and recording of council meetings to be permitted. Rule 18 of the Committee Meeting Procedure Rules allows a council committee to expressly authorise the official recording of committee meetings.
5. There are identifiable benefits that can be achieved from the broadcasting of public meetings. These include:
 - More open and transparent governance and accountability
 - Improved public engagement in and understanding of decision making.

- Easier public access to meetings minimising travel and allowing more flexible viewing times.
 - Enables the Local Government (Wales) Measure 2011 requirement for engaging public in Scrutiny
 - Incentive for high standards of member attendance, engagement and conduct at meetings
 - Effective means of communicating to the public, officers and other members information and decisions.
 - Archived meetings provide important records alongside approved minutes.
 - Can be used with social media to further promote public engagement. This is possible through a social media conversation which can run alongside the meeting when it is in progress.
 - The public can access the papers and presentations made at the meeting as well as see the meeting footage.
 - Provides a true record of the meeting. This helps to supplement minutes and to counteract any misleading use of “edited highlights” by anyone filming the meeting.
6. The initial cost of installation and the early provision of webcasting were met from a Welsh Government grant. (WG) in 2012/13. Since then the council has agreed an annual contract for webcasting at City and County Hall for up to 60 hours. This includes :
- Near real time or live-streaming of all formal meetings of Council.
 - archiving facilities for webcast material for up to 4 years
 - detailed statistics in respect of the viewing of webcast material
 - minimal officer time to set up and publish broadcasts
 - minimal use of additional hardware/software to facilitate broadcasts
 - integration of meeting information documents (agenda and reports etc.) with
The webcast
 - optimising the available viewing experience for the public

Webcasting Committee meetings

7. It has recently been agreed that by moving from the annual to a three year contract; the supplier will at a nominal extra cost provide an additional 60 hours webcasting each year and install suitable cameras in a third meeting room. This will provide additional opportunities to webcast other committee meetings of public interest.
8. In discussion with officers, the Scrutiny and Democratic Services Committee Chairs and Cabinet members; Committee Room 4 has been identified as the best venue especially given the recent relocation of the Planning Committee to meet there earlier this year.
9. It is proposed that webcasting be introduced initially on a trial basis for Planning Committee given the significant public attendance and public interest in these decisions.

Webcasting Protocol and WLGA Guidance

10. The Welsh Local Government Association [WLGA} have produce useful guidance for authorities in using webcasting which is set out at appendix 1 for noting. A draft Protocol is also attached at Appendix 2 to regulate the propose trial at Planning committee.
11. Training for the Planning committee and officers in line with the WLGA Guidance has been arranged for 5 August 2015 in preparation for the forthcoming trial with a view to testing the system and Protocol at the August meeting and going live from September.
12. It is suggested that the trial period commence in September for 6 months with a report back to Constitution committee.
13. Possible income generation from the use of these web casting systems are being explored as part of next year's budget strategy. These include:
 - Using the webcasts for training activities or briefings.
 - enabling local companies and organisations to hire the facilities
 - linking to provide real time welsh translation facilities

Financial Implications

14. There are no direct financial implications arising from this report as the budget currently allocated is sufficient to discharge this duty.

In the event of any opportunities arising from the use of these services then the potential impact on expenditure and income budgets needs to be fully understood before proceeding.

Legal Implications

- 15 The WLGA guidance note attached to the report provides a helpful overview on the 'law and protocols relating to webcasting' including issues such as Data protection, freedom of information, copyright and consent. To avoid duplication reference is made to the same. It is, however, important to emphasise that no exempt or confidential agenda items should be broadcast. In the case of exempt items, where the public and press are excluded, the broadcast should be switched off and replaced with a message saying why the broadcast has been temporarily suspended. It is noted that the protocol addresses such matters.

RECOMMENDATIONS

It is recommended that

- (1) the Committee note the contents of this report and approves the Draft Protocol to govern the forthcoming webcasting for Planning Committee with effect from 1 September 2015 for an in initial trial period of 6 months.

- (2) the Director of Governance and Legal services be authorised to make any consequential amendments to the Constitution to permit Committee webcasting in line with the draft Protocol.

MARIE ROSENTHAL
DIRECTOR GOVERNANCE & LEGAL SERVICES
CC/MR/V0.1

The following appendices are attached:

1. WLGA Guidance on webcasting
2. Draft Protocol I on Webcasting



WLGA • CLILC

Guidance for Members: Webcasting

August 2014

Contact

Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

Welsh Local Government Association

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We are indebted to the officers, members and professionals who have contributed to this guide, in particular the network of member support officers and Lawyers in Local Government (LLG). Also to Mel Doel, who provided training to elected members on behalf of the WLGA and contributed to this guide, and Kevin O'Keefe of EXCELA INTERIM MANAGEMENT AND CONSULTANCY LTD for his guidance on legal matters.

Preface



I am extremely pleased to present this guidance from the WLGA on the webcasting of council meetings. It provides members with a useful overview of the subject, and offers some important tips

on how to make the most of an exciting technological development that offers huge potential for improving how councils engage with their communities.

The webcasting of key council meetings and decisions represents a significant step forward in ensuring that the process of local government is both transparent and accessible to the public, and it is already helping people to engage with the decisions that affect their lives and community on a daily basis. We know that people trust their local council, more than any other level of government, to deliver on the issues that matter the most to them. As we enter one of the most challenging periods for local government in Wales, the active broadcasting of how

key decisions are made will play a vitally important role in helping to ensure that this level of public trust continues into the future.

Alongside a rising use of social media, the webcasting of council meetings is quickly becoming a well-established part of local government processes. This means that communities can view the business of their council as it happens, while also taking an active role within decision making through the use of social media tools like Facebook and Twitter. I hope that councils will continue to build on these initiatives to foster further transparency and encourage more people to actively participate in the local democratic process.



Councillor Peter Fox

Leader Monmouthshire County Council
WLGA spokesperson for ICT and Digital
Inclusion

What is a Webcast?

A webcast is a live or recorded transmission of a video on the internet. It is not edited prior to broadcast and can be viewed by anyone with access to the Internet, both during the live broadcast and for as long as an authority makes it available on their website.

Webcasting is now being introduced in councils across Wales to broadcast a range of council meetings to the public. This is clearly of significance to councillors as there is a potential for the public to be more widely involved in the democratic process, and for the business of local government to be made more transparent. It also means that the actions, opinions and positions taken by local councillors may potentially be more closely scrutinised by the public.

Why Wales is Webcasting

Councils in Wales are committed to promoting local democracy and facilitating public participation. The Welsh Government has assisted councils to promote democracy and engagement in local government by providing £1,125,000 funding in 2013/14 to broadcast council meetings, introduce remote attendance and assist community councils to establish websites. Although there is currently no requirement on local authorities to webcast their meetings, the Minister for Local Government and Government Business has encouraged councils to webcast some or all of their meetings in the interests of public engagement and transparency. The White Paper - *Reforming Local Government*,¹ currently out for consultation, states that the Welsh Government intends to introduce

a mandatory requirement on all authorities to broadcast their meetings.

The draft *Revised Code of Recommended Practice in Local Authority Publicity*,² says that "Society now expects to have far greater access to information than in the past, in particular in relation to the decision-making procedures of its elected bodies. This should be embraced by political representatives as providing an opportunity to communicate directly with their electorate. Local authorities are encouraged to make arrangements for their proceedings to be made more accessible to the public by allowing them to be broadcast."

Progress

Webcasting is now underway in most authorities for those meetings which are judged to be of most interest to the public, particularly full Council, Cabinet and Planning Committee meetings. Some authorities are also broadcasting proceedings from their scrutiny committees.

Most authorities have commissioned commercial providers for this service, however, some have developed their own distinct approaches. For example Monmouthshire uses Google Plus and YouTube, Ceredigion uses Livestream to broadcast bilingually and Bridgend has developed a solution with Auditel and Vimeo.

Viewing figures for council webcasts vary according to the type of meeting and authority, but generally the number of website hits suggest that there is real and growing public interest in these broadcasts. Typically, there are more viewings of archived webcasts than live meetings.

¹ <http://wales.gov.uk/consultations/localgovernment/white-paper-reforming-local-government/?lang=en>

² http://wales.gov.uk/docs/dsilq/consultation/130322revised_codelapublicityen.pdf

The Benefits of Webcasting

Webcasting has produced a wide range of benefits which have been summarised below. Some were intended and anticipated, while others were unforeseen and identified by authorities from their webcasting experiences.

Engagement and Transparency

- More open and transparent governance and accountability.
- Improved public engagement in and understanding of decision making.
- Easier public access to meetings minimising travel and allowing more flexible viewing times.
- Will facilitate the understanding of the overview and scrutiny function by the public in line with the Local Government (Wales) Measure 2011.
- Can be used with social media to further promote public engagement. This is possible through a social media conversation which can run alongside the meeting when it is in progress.
- The public can access the papers and presentations made at the meeting as well as see the meeting footage.
- Provides good "PR" for the council as council meetings can be seen as more constructive than, for example, Prime Ministers question time.

Benefits for the Council

- A step towards remote attendance at meetings - a requirement of the Local Government (Wales) Measure 2011 which will allow members to attend meetings from a location which is convenient to them.

- Provides an incentive for high standards of member attendance, engagement and conduct at meetings.
- An effective means of communicating to officers and other members key information and decisions.
- A useful part of member and officer induction and training.
- Opportunities for members to learn good practice from peer observation and inform potential candidates about their role to encourage democratic renewal.
- Fewer press enquiries as journalists can now watch broadcasts rather than ask for quotes.
- A reduced need for space for the public at popular or controversial meetings.
- Equipment and venues can be used for purposes other than committees, such as staff training and inter authority meetings.
- Provides a true record of the meeting. This helps to supplement minutes and to counteract any misleading use of "edited highlights" by anyone filming the meeting.

Challenges Associated with Webcasting

Some concerns have been expressed about the costs of webcasting, particularly as it is being introduced at a time when severe reductions are being made to council budgets. The main costs are that of equipment, whether purchased or hired, and also for the staff time required to operate the equipment.

The major challenge for authorities now, is to undertake cost benefit analyses to see if outcomes from webcasting are worth the expense. The Welsh Government is hoping

to work with the WLGA and local authorities to secure savings through a joint procurement of webcasting providers. In the future, webcasting may provide opportunities for saving money and generating income for example: minutes can be shortened and used to record actions rather than the full debate; equipment may be hired out, and there is some evidence to suggest that there are fewer time consuming Freedom of Information (FOI) requests to councils when council meeting records can be so easily viewed.

Blogging, Tweeting and Filming During Meetings

About half of the Local Authorities in Wales allow or encourage the use of social media by members in meetings. Filming by the public or journalists is less common, and where it is allowed, usually requires permission.

The Welsh Government is of the view that the use of Social Media is useful as long as members use it appropriately. Authorities who restrict it do so on the grounds that members might be accused of not concentrating on the matter under discussion. Members may wish to consider how the public might perceive their using social media in a meeting and their ability to concentrate on the matter at hand if they are blogging or tweeting during a debate, a vote, or a planning decision.

See also the WLGA guidance for members on using social media available at: <http://www.wlga.gov.uk/member-support-and-development-publications1/social-media-a-guide-for-councillors/>

The Law and Protocols Relating to Webcasting

Data Protection

It is not likely that the Data Protection Act will affect the broadcasting of council meetings as sensitive information relating to individuals should not be discussed at any public meeting, broadcast or otherwise. In the case of exempt items, where the public and press are excluded, the broadcast is switched off and replaced with a message saying why the broadcast has been temporarily suspended.

Freedom of Information

The Freedom of Information Act should also not apply to broadcasts as it only applies to information which is not already in the public domain. If people request information under the FOI act which has been broadcast or is available on the website through the meeting archive the council is under no obligation to respond.

Copyright

The Council is the `author` of the webcast whether live or archived. As such, they own copyright. If anyone, including individual members or the public, wishes to use it they should ask permission of the council. However, it is unlikely that a council would invoke the law if the broadcast is used for legitimate and positive purposes such as information or training. If a broadcast is used inappropriately, for example for political or satirical purposes the council could take legal action. Video sharing websites such as YouTube and Google Video already actively state in their terms and conditions that you must be the copyright owner and have the permission of all those involved in order to upload videos to their sites.

Consent

In the early stages of webcasting it is advisable to consult with any potential meeting participants to ensure that they are comfortable with being filmed. Some people might wish to have opportunities for development or coaching before appearing.

Participants at every meeting should be informed that the meeting will be webcast and should be given notice of this when the meeting agenda is distributed. Meeting participants will be deemed to have agreed to consent to be filmed and to the future use of the film if they are present.

At the start of each meeting to be filmed, an announcement should also be made to the effect that the meeting is being webcast live and will also be available for future viewings. No exempt or confidential agenda items should be broadcast.

Voting

The process of voting is the same in a broadcast as in any other public meeting. Webcasting should simply be seen as an extension of the 'openness' of meetings which are already, by definition, in the public domain. Voting will be undertaken either by a show of hands or by using the council's electronic system. Depending on the webcasting system used, the public may be able to see how each councillor votes.

Terminating a Webcast

The Chair of the meeting has the discretion to terminate or suspend the webcast if, in his/her opinion, continuing to broadcast would prejudice the proceedings of the meeting. For example:

- (i) If the meeting is suspended due to a public disturbance.
- (ii) When it has been agreed that the public and press are to be excluded.

- (iii) When the Chair and committee agree that webcasting would prejudice the proceedings of the meeting.

Editing a Webcast

Clearly it is not possible to edit a live broadcast. Evidence suggests that if a member accidentally says something inappropriate, offensive or illegal the chair should ask them to immediately apologise. Editing an archived broadcast is possible, because, once archived, the material is a publicly accessible digital file and making offensive material available such as inadvertent racist comments may amount to an offence. Making defamatory material available carries a civil law risk. In the circumstances, it is permissible to allow a 'bleep' to be inserted. In the undoubtedly rare instance where editing is required - an unedited copy of the recording should be retained as evidence should it be required for any future proceedings.

Personal Skills

Appearance

There are certain skills and behaviours that are helpful to be aware of when you are appearing in a webcast. You might find the following useful:

- Don't move too much! This can reduce the picture quality and may be hard for the camera to follow. Bending over to speak into a microphone looks awkward on screen, so some councils are considering changing their meeting procedure so that members may remain seated.
- When considering what to wear, bear in mind all the possible camera angles and watch out for clothing or jewellery which might rub against the microphone and stop what you are saying being heard. Mayoral chains are particular culprits!

- Don't watch the broadcast live on your own equipment as this may create sound interference.
- Be aware of the range of the camera view as talking with colleagues, eating, adjusting clothing can also be distracting if it is behind the member who is speaking.
- Watch your body language, slumping can be misinterpreted as disengagement and eye resting as sleeping.

Speaking

Although the general rules about public speaking apply at all public meetings, there are some behaviours that will help you come over well in a broadcast and make the meeting more interesting and useful to the viewers. Above all be natural and be yourself!

- Be direct, to the point and as brief as possible.
- Don't speak too quickly, if you are stumbling over words you may be rushing too much.
- Prepare your contributions in advance (bullet points which enable you to speak naturally rather than a prepared speech which looks and sounds unnatural).
- Be aware of how your messages could be interpreted by the public, both what you say and how you say it.
- You may have to be more clear about some of the information that you give so that it is clear to a lay person what you are doing and why you are doing it. A good example of this is declaring interests. It will be helpful to say not only that you have an interest but what the interest is whether it is personal or prejudicial and also how you intend to act as a result.

- Avoid jargon and "council speak" - this applies to officers too!
- Heckling doesn't work well on a webcast as usually it is only the chair and the member who has the floor who can be seen and heard. Other comments are often unintelligible as they are off microphone.
- Make sure that you are in range of the microphone and keep your head turned towards it. Don't speak until your light comes on, or the first part of your contribution will be lost! Make sure that you turn your microphone off when you have finished speaking.
- Be aware of how what you say could be used by the media.

Chairing Skills

The chair of the meeting is vital to the viewing experience of the public, just as if there was a full public gallery. Here are some tips for chairs to consider.

- Introduce the key players at the meeting so that viewers know who they are looking at. This might include the chair themselves, officers, and witnesses. It is important to say what their role is at the meeting too.
- Be prepared to explain some meeting procedures if these are not obvious to viewers. For example, if the meeting is going into recess, explain why this is and when the meeting will reconvene.
- Be prepared to enforce time restraints on speakers, either formal ones if they apply or if someone's contribution is long and unproductive.
- Don't forget to remind everyone that the meeting is being broadcast and will be available in future on the internet.

- Make clear the different elements of the agenda, such as what is for information or a decision, or a vote. Also if the Webcast is going to be suspended for exempt or confidential items you'll need to say when and why this will happen.
- As a chair you may be required to handle the equipment, for example operating a speaker queuing and permission system. Make sure that you have guidance in advance on how to do this.

Future Opportunities

As webcasting use and technology develops, there is a potential to use webcasting facilities to improve and broaden a number of council activities.

These include:

- Live communication to officers and members over the internet, this might include briefings by the Leader or Chief Executive.
- Live and recorded training sessions for the home council and also potentially for all councils in Wales.
- Greater interactivity with broadcasts through social media which works alongside it.
- Live links in meetings to community groups and schools for debate and reaction to plans and policies.
- Opportunities to 'advertise' council services and provide public information broadcasts.

The technology required for webcasting also provides a foundation for councils introducing remote attendance by councillors at council meetings. By law, councils are obliged to state in their constitutions the circumstances under which they will make remote attendance at council

meetings available. More information is available on the following link.

<http://wales.gov.uk/topics/localgovernment/publications/statutory-guidance-section-4-remote-attendance/?lang=en>

Watch other Authorities' Broadcasts

Blaenau Gwent

<http://www.blaenau-gwent.public-i.tv/core/>

Brecon Beacons

<http://www.breconbeacons.public-i.tv/core/>

Cardiff

<http://www.cardiff.public-i.tv/core/>

Carmarthenshire

<http://www.carmarthenshire.public-i.tv/core/>

Ceredigion

<http://new.livestream.com/ceredigion/events/2493787>

Conwy

<http://www.conwy.public-i.tv/core/>

Denbighshire

<http://www.denbighshire.public-i.tv/core/>

Flintshire

<http://www.flintshire.public-i.tv/core/>

Newport

<http://www.newport.public-i.tv/core/portal/home>

Pembrokeshire

<http://www.pembrokeshire.public-i.tv/core/>

Powys

<http://www.Powys.public-i.tv/core/portal/home>

Torfaen

<http://www.torfaen.public-i.tv/core/>

Examples of Use in Local Authorities

Torfaen County Borough Council

Torfaen County Borough Council took a decision to webcast meetings (starting with Council and Cabinet) in the spring of 2013. Following the usual contractual processes, the equipment needed (supplied by public-i) was installed in the Council Chamber during August 2013. We saw the training of all members and relevant officers (Democratic Services staff and officers who regularly present reports) as very important, and sought the expertise of Melanie Doel (of Brecon Beacons NPA) to provide training. The training was provided over several weeks and sessions, to small groups of members and officers, who were able freely and confidentially to share and discuss any concerns or issues they had with Melanie Doel (who, as a career journalist and member of the NPA, which had been webcasting for some time, was able to pass on many useful tips and a large degree of confidence).

We started webcasting Council and Cabinet meetings in October 2013, as well as webcasting a budget update from the Cabinet Member for Resources and 3 members' seminars which were deemed to be of particular "public interest". Our Democratic and Members Services staff operate the equipment, very successfully, with remote support from public-i as needed. To date there has been no failure of the webcast system. Before a webcast takes place, we promote it via our social media channels, along with a link to the agenda for that meeting, so that people are alerted to it in advance of the meeting.

As at 10 June 2014, our 8 Cabinet meetings which have been webcast attracted 6373 viewings (1641 live and 4732 via the archive). This is an average of 797 per meeting. Council (8 meetings) has attracted 9154 viewings (2987 live and 6167 archive);

an average of 1144 per meeting. The 3 seminars were viewed 1849 times (385 live and 1464 via archive); an average of 616 per meeting (albeit the budget seminar alone attracted 1097 viewings) and the budget update attracted 519 (1 live and 518 via archive). In January 2014, we decided also to webcast overview and scrutiny committees of particular public interest, with 4 meetings webcast so far and 987 viewings (156 live and 831 via archive); an average per meeting of 247.

We know many Council staff watch the meetings, to find out more about how Council, Cabinet and other meetings work, or because they are associated with or impacted upon by decisions being made. We also know that meetings are watched by the public and other people in local government across Wales and further afield. These people could of course be anywhere. We are unable to tell where or who our viewers are, but the system records that we have had 8992 unique visitor addresses (i.e. IP addresses) access the webcasts. Of those, 5358 people have watched once and 3634 people have watched several times/meetings. An IP address could represent an individual person, or a group of people (e.g. a local business).

With a very small public gallery in the Council Chamber (holding about 20 people) it is very clear that the business of the Council has reached thousands of people which it would not otherwise have reached. The Council believes webcasting to be a significant improvement in promoting openness, transparency and, as a result, the working of local democracy. The Council on 24 June 2014 is consequently expected to extend webcasting to all meetings of Scrutiny Committees, as well as the Planning and Licensing Committees. Meetings and the decisions made/events which occurred in them have been the result of significant public debate in Torfaen, as evidenced through our social media and other communication channels – and the initial concerns of many members and

officers have been all but forgotten by most people, as everyone concerned has got used to webcasting and begun to accept it as the norm. There is some perception that meetings are more business-like since webcasting was introduced (e.g. they are a bit shorter in most cases, repetition has reduced and they are more focussed), but no evidence that anyone has been put off speaking in any way. Otherwise, meetings take place exactly as they did before (albeit all meetings now have to take place in the same room), but they have been viewed nearly 19,000 more times than they would otherwise have been viewed.

In conclusion, webcasting meetings in Torfaen has been a huge success and has very clearly reached the parts which otherwise we didn't reach. The engagement of the public and staff has increased substantially as a result of webcasting. Leadership from the front, buy-in from all members and officers (via Council), the training and reassurance provided by others who've gone through it already and our determination to promote and open up democracy were all essential elements.

Torfaen would thoroughly commend webcasting and encourage others to take the plunge.

Powys County Council

Webcasting in Powys developed following a successful "broadcast" of a Council meeting to approximately 2000 people outside the Welshpool Livestock Market in 2011 where a special meeting was held by the Council to discuss wind farm developments in Powys.

Based on the significant probability that future meetings considering wind farm proposals, which would be held at County Hall, would attract attendance by large numbers of the public, the Council investigated the possibility of webcasting as a means of both of controlling the numbers attending the venue and also of ensuring that interested members of the public could

have easy access to the Council's proceedings. This has also assisted the Council in planning these events which can be undertaken far quicker now due to the experience of the team of individuals involved in the process.

Subsequently Welsh Government provided the Council with £40,000 which was used for webcasting, to stimulate an increased use of webcasting by Councils in Wales and to provide greater transparency and accountability of the Council's work.

Overall Powys has had 23395 views based on 17 events. Some examples of total viewing figures for events are listed below:

Major wind farm developments	2705 2877
Planning Committee	1509 1301 1096 782
County Council	1878
County Council – budget meetings	1804 3175
Cabinet	1731 1037
Have Your Say Day (Budget Consultation)	1951
Scrutiny Committee	254

There have been 4 other meetings where viewing figures range from 150 to 490.

Brecon Beacons National Park Authority

The National Park Authority has been webcasting the full Authority meetings, Planning Committee and Audit and Scrutiny Committee for just over two years now and total views stand at 31,500. On average, the National Park Authority meetings receive 671 views, Planning receives 556 and Audit and Scrutiny 436. Both the total and average views per meeting have continued to rise steadily over the two years and the cost per view has reduced from £2.40 to 81p.

We have found the following benefits from webcasting meetings.

- Webcasting encourages good governance and preparation for meetings (by both members and officers!)
- An opportunity to get some messages out into the public domain in the face of criticism on any specific issue
- An opportunity for members to give reports on meetings they have attended or events at which they have represented the Authority demonstrating the wider role of a member
- The public can see the Wales Audit Office presenting their Annual Improvement Reports and the members' responses (sometimes refuting the conclusions of the WAO!)
- We can now hire our meeting facilities complete with webcasting opportunities (we can host this or direct to customer sites)
- We can respond to claims that issues have not been considered or debated properly by sending links to points in meetings where items were debated. We can also prove the accuracy of minutes.

- We have used webcasting to broadcast presentations to meetings – recent examples include: a presentation by the Department of Culture Media and Sport, Welsh Water and Costain.

Future plans include

- Using webcasting to deliver our education programme
- Recording interviews with female members for the Welsh Government or the WLGA to use to encourage more women in public life
- Recording interviews/discussion with members on member development for the Advanced level of the Wales Charter for member support and development
- Exploring options for the use of social media to encourage interest in specific items
- Sharing our *State of the Park Report* with a wider audience
- Engaging more people in the strategic planning for the Park through involving the public in the review of the National Park Management Plan
- Webcasting seminars on topics such as mobile phone coverage and masts.

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

**PROTOCOL FOR WEBCASTING OF COUNCIL AND OTHER
COMMITTEE MEETINGS**

Introduction

The Council has agreed that certain meetings should be the subject of live web transmission 'webcasting'. Fixed cameras are located within the Council Chambers at City and County Hall and Committee Room 4 at county Hall for this purpose.

This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be webcast by the Council:

Main Provisions

1. The Chair of the meeting has the discretion to request the termination or suspension of the webcast if continuing to webcast would prejudice the proceedings of the meeting.

This would include:

- (i) Public disturbance or other suspension of the meeting;
 - (ii) Exclusion of public and press being moved and supported;
 - (iii) Any other reason moved and seconded and supported by the Council/Committee.
2. No exempt or confidential agenda items shall be webcast.
 3. All archived webcasts will be available to view on the Council's website for a period of six months. Meetings are recorded onto DVD, which will be stored in accordance with records management procedures.
 4. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.
 5. Any elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.

Agenda Front Sheets and Signage at Meetings

On the front of each relevant agenda and on signs inside and outside the Council Chamber or Committee Room there will be the following notice:

WEBCASTING NOTICE

This meeting will be filmed for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you make a representation to the meeting you will be deemed to have consented to being filmed. By entering the body of the Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area.

If you have any queries regarding webcasting of meetings, please contact Member Services on 02920 872020

Meetings of the Planning Committee and other 'Quasi Judicial' Hearings

In correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, the following advice will be included if the particular meeting is to be webcast:

'Please note that the meetings of the Committee are filmed for live and/or subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy. If you wish to attend the meeting, but do not wish to be filmed, please contact Member Services on 02920 872020 to discuss your concerns.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people.

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being webcast, as follows:-

"I would like to remind everyone present that this meeting will be broadcast live to the Internet, and will be capable of repeated viewing and copies of the recording could be made available to those that request them.

If you are seated in the chamber it is likely that the cameras will capture your image and you are deemed to be consenting to being filmed, and to the use of those images and sound recordings for webcasting and/or training purposes. If you are addressing the Committee your contribution will be recorded and broadcast unless you have already indicated that you do not wish this to happen.

If you wish to avoid appearing on the webcast, you should move to one of the designated seats set aside for this purpose”.

ENDS

9 July 2015
CC/MR/V1.0

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**CITY AND COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**



CONSTITUTION COMMITTEE:

15 JULY 2015

REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES

SCRUTINY QUESTION TIME – PILOT PROPOSALS

Reason for this Report

1. To advise Committee and seek its feedback about proposals to introduce public questions to Scrutiny Committees this autumn by means of a two month pilot, which could be extended to become a regular feature of Scrutiny Committee meetings in Cardiff if the pilot is deemed successful.
2. To advise Members of related developments to public engagement with Scrutiny within this Committee's terms of reference.

Background

3. The Local Government (Wales) Measure 2011¹ created a range of new powers and duties for local authorities to strengthen local democracy and increase public awareness of, and involvement in, the local democratic process. The two sections of the Measure that are most pertinent to this report are:
 4.
 - a. Section 62, which places a requirement on local authorities to make arrangements that enable all persons who live or work in the area to bring to the attention of the relevant overview and scrutiny committees their views on any matter under consideration by the committee; and
 - b. Section 76, which relates to co-option of non-Councillors onto scrutiny committees.
5. Section 62 also provides that an overview and scrutiny committee must take into account any views brought to its attention in accordance with arrangements under this section. The Statutory Guidance published to accompany the Measure in 2012 reinforced Welsh Government's commitment to enabling citizens to raise issues of concern directly at Scrutiny Committee meetings. Their 2015 "Power To Local People" local democracy consultation also extended an expectation that scrutiny

¹ <http://www.legislation.gov.uk/mwa/2011/4/contents/enacted>

committees would seek public views in developing their forward work programmes and calls for evidence.

6. The 2012 statutory guidance on Section 76 stated that, while Welsh Government did not wish to bind local authorities with specific requirements to extend the co-option of lay participants onto scrutiny committees, it could see clear benefits to co-option, and set out a range of options (including short term co-option, co-option for specific types of work, and full time co-option). In its 2015 “Power to Local People” consultation document Welsh Government set out an expectation that consideration should be given to permitting Councils to grant voting rights to co-opted members of Scrutiny Committees in appropriate circumstances. This would make little difference to current arrangements in Cardiff, where voting in Scrutiny is generally limited to the rare Call-in meetings that take place, but it is clearly indicative of Welsh Government’s desire for co-optees to be seen to be taking a more equal stance on committees to elected member counterparts.
7. In response to this new guidance, the Council’s Policy Review and Performance Scrutiny Committee published an Inquiry report in April 2013 titled “Public Engagement With Scrutiny”. The report contained 15 recommendations, two of which were targeted towards Constitution Committee.
8. The first of these recommendations was with a view to amending the Council’s Constitution to support public questioning at Scrutiny Committee meetings:

“Recommendation 14: *Members recommend that the Council’s Constitution Committee arrange to amend the Council’s Constitution to allow the public to speak, ask questions and make statements at Scrutiny Committee meetings in line with the Local Government Measure 2011. A detailed protocol should be agreed with Scrutiny Services within six months of the publication of this report to cover a number of issues around the timing, suitability and format for enabling public participation, with the current ‘public questions to full Council meetings’ providing a useful starting point.”*

9. The second recommendation sought the Committee’s consent to enable further potential co-option of non-elected Members onto scrutiny Committees and / or task and finish inquiries.

“Recommendation 14: *Members recommend that the Council’s Constitution Committee arrange to amend the Council’s Constitution to provide for the potential co-option of further non-Councillor Scrutiny Committee members. The possibility of co-opted members and their length of appointment should be considered by each Committee at the first meeting of the Committee following the Council elections. Chairs should be able to draft in members relevant to the agenda item when desired. Apart from existing statutory co-optees, they should not be given a vote. A Person Specification and Job description should be drawn up for each co-optee, and co-optees should sign up to an appropriate code of conduct, based on the existing Code followed by Councillors.”*

10. The Constitution Committee reviewed the PRAP report at its meeting on the 14 January 2014, and agreed to :
 1. Support in principle the two recommendations of the PRAP report relating to public questions at committee meetings and co-option of independent persons onto committee and task groups, subject to officers satisfactorily carrying out the research and due diligence set out in those two paragraphs;
 2. Invite officers to return to a future Committee meeting with the results of the research and due diligence, so that Committee can consider making specific amendments to the Council's Constitution to enable pilots to be carried out in one or both of the areas in question.
11. This Committee received an update report in September 2014 on Public Engagement with Scrutiny which sought to address the two above issues. Following further consideration of PRAP's Inquiry report and two Scrutiny Research reports (one demonstrating examples of the way Scrutiny Question Time was managed in other local authorities and the other on the practice of Cabinet Question Time in other local authorities) the Committee resolved that:
 - a. the content and recommendations of the Policy Review and Performance Scrutiny Committee's report "Public Engagement with Scrutiny" be noted;
 - b. further consideration be given in consultation with the Leader and Cabinet on Cabinet public question time and develop a protocol to guide this;
 - c. further consultation with Members of Policy Review and Performance Scrutiny Committee and the Scrutiny Committee Chairs be undertaken to agree to introduce public question time at Cardiff Scrutiny Committees and develop a protocol to guide this; and that
 - d. the County Clerk and Monitoring Officer be authorised to draft a suitable amendment to the Constitution should the introduction of public question time be approved in due course.

Current Issues: Questions to Scrutiny Committees

12. As part of the current *Improving Scrutiny* Project, the Council's Scrutiny Committee Chairs have been considering opportunities to introduce questions to scrutiny committees and also to develop relationships between Scrutiny and external stakeholders. Discussions have taken place initially at the Scrutiny Chairs' Liaison Forum and subsequently with the Cardiff Third Sector Council to plan a two month pilot of questions to scrutiny committees in October and November 2015.
13. Cardiff Third Sector Council (C3SC) is the County Voluntary Council for Cardiff – the umbrella infrastructure organisation for the third sector in the City. C3SC's key role is to provide specialist advice, support, and information to local third sector organisations on issues that affect them, including funding and governance. It acts as the voice of the third sector in Cardiff, and facilitates third sector representation on strategic partnerships, including the Cardiff Partnership Board and its Programme Boards and

Workstreams. It is a conduit for policy information, supporting networks around key themes and areas of interest, with the aim of ensuring that policy and decision makers understand the needs of third sector organisations in Cardiff.

14. The proposals to involve C3SC as a key stakeholder are set out in the report to the Scrutiny Chairs Forum of 26 May 2015 (attached for Members' information at **Appendix A**) which also sets out the approach to scrutiny questions they considered in proposing a framework for involving the Third Sector Council as key stakeholder in this pilot.
15. In short, the arrangement for the pilot would see each of the Council's five scrutiny committees receive at least one public question at each of their October and November 2015 public meetings, entailing ten questions overall during the two month pilot period. It is envisaged that the question session would last for 15 minutes on the agenda of each meeting with discretion to the Chair to extend if needs be.
16. The questions would relate to an item being considered at that meeting. Members of the Committee would respond to the question, and the questioner could ask one supplementary question. The Committee would then deliberate the issue and decide what steps, if any they would like to take as a result of the question being considered.
17. Taking the matter forward, the Committee would at the very least respond in writing to the questioner with its feedback, but it is possible that the question could also lead to the Committee agreeing to programme a more detailed scrutiny of the topic with officers / Cabinet Member, or might agree to write to the Cabinet Member or officers with recommendations or observations based on the discussion held following the question.
18. At **Appendix B** Members will find a draft Protocol to agree as a guide for Members, officers and citizens in managing public questions to scrutiny committees.
19. While the Third Sector Council has been chosen as a partner for this pilot as it was considered a reliable stakeholder to ensure a representative and consistent response across all five committees, there is no reason why questions from individual citizens could not be considered at future scrutiny committee meetings, or why Ward Councillors should not attend Committees to voice questions forwarded to them by local electors. It is proposed that this be enabled, subject to positive evaluation of the pilot.
20. At the end of the two month pilot, soundings will be taken from Committee and Cabinet Members, Cardiff Council managers, Cardiff Third Sector Council and other interested local organisations to evaluate the benefits emerging from the pilot. In particular, the pilot will seek to assess:
 - a. whether the question time enabled productive consideration of citizen views;
 - b. the positive impact on scrutiny work programming;
 - c. the positive impact on executive outcomes for citizens;

- d. the insight provided to Committee members;
 - e. the impact on committee capacity and agenda space;
 - f. the value of positive relationships made;
 - g. anything that might have been done differently, or appropriate developments to a future programme of scrutiny question time.
21. If deemed successful and worthy of continuation, arrangements can be made to learn lessons from the pilot and mainstream citizen questions at scrutiny meetings.

Current Issues: Co-option

22. When this Committee considered the second of the two recommendations in the PRAP Inquiry report on public engagement with scrutiny in September 2014, the Member discussion established a wide spectrum of views on the benefits of co-option onto Scrutiny Committees. Some Members strongly favour the idea of incorporating extra capacity, while others question whether the non-elected nature of co-optees might undermine the democratic process.
23. The Council's recent and current practice regarding co-option in scrutiny has included a number of separate strands:
- a. It has a statutory requirement to co-opt four people onto its Children and Young People Scrutiny Committee – two parent governor representatives, and two faith representatives of the Church in Wales and Roman Catholic dioceses. Over time the grass roots knowledge of these individuals (who have included retired head teachers and practising teachers) has been of considerable perceived benefit to the Committee's public meetings and task and finish inquiries. Although the co-optees are only entitled to vote on education matters, they have in practice participated fully with great commitment across all of the Committee's endeavours.
 - b. The Council has also managed on two separate occasions (each for approximately 18 months) between 2009 and 2012 a multi-agency scrutiny panel for its Local Service Board (LSB), containing non-executive representatives of the LSB key partner organisations, a representative of the Community Health Council, an "equalities" representative from the voluntary sector co-opted alongside the Council's five scrutiny committee chairs. The Panel was chaired by Paul Warren, then Director of Planning at Diverse Cymru. The evaluation of the pilot panel in 2010 pointed to the sector value and expertise added by the co-optees in guiding the panel through the complexities of multi-organisation partnership governance.
 - c. Committees have on a few past occasions formally co-opted a sector expert (for instance a Policy Advisor from Welsh Local Government Association) on a temporary basis as a member of an in-depth task and finish inquiry. When formal co-option has not been undertaken, there have been many occasions when the knowledge and expertise of a third sector or academic witness have been of such assistance to

the Inquiry that their influence has been at least as great as it might have been had they been a co-optee, although clearly they would not have had the same power to actually shape key findings and recommendations as a co-opted member would have.

- d. Other Committees (such as Audit and Standards & Ethics) also have statutory lay independent members.
24. At present the Scrutiny Committee chairs are developing their *Improving Scrutiny* Inquiry report, which will review the current co-option arrangements. If changes are proposed a further Report will be brought to the Constitution Committee as necessary.

Other Current Issues

25. Members who attended the 18 June *Scrutiny in a Changing Landscape* Member workshop asserted a consistent view that they would like to see a greater degree of public engagement with scrutiny meetings than is currently undertaken. The Scrutiny Chairs are evaluating the level of resource that can be found to deliver this aspiration alongside other priorities for action emerging from their current *Improving Scrutiny* task and finish inquiry.
26. The Chairs have, however, considered a number of current improvements to public engagement, including the introduction of a pilot of webcasting of Planning Committee meetings from Committee Room 4 at County Hall.

Reasons for Recommendations

27. To enable this Committee to support the implementation of the recommendations from PRAP's "Public Engagement With Scrutiny" report.
28. To enable Members to consider additional potential improvements in the area of citizen involvement with local democracy in Cardiff.

Legal Implications

29. There are no legal implications arising from the content of this report other than those set out in the body of the report.

Financial Implications

30. There are no direct financial implications at this stage in relation to this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/ Council will set out any financial implications arising from those recommendations.

Recommendations

The Committee is recommended to:

- 1 note the plans being set in place to pilot public questions at scrutiny committees
- 2 authorise the Director of Governance and Legal Services to report to Council and/or arrange for any necessary changes to the Constitution to be put in to enable this pilot.

MARIE ROSENTHAL
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
9 July 2015
CC/PK/V1.0

The following Appendices are attached:

- Appendix A: Public Questions to Scrutiny report: Cardiff Scrutiny Chairs' Liaison Forum, May 2015.
- Appendix B: Suggested Protocol for Public Questions at Scrutiny.

The following Background Documents have been taken into account:

- Local Government (Wales) Measure 2011
- Welsh Government Statutory Guidance on the Local Government (Wales) Measure 2011, June 2012
- *Public Engagement With Scrutiny: City of Cardiff Council Policy Review and Performance Scrutiny Committee, April 2013*
- Power to Local People Local Democracy white paper consultation document: Welsh Government, March 2015.

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APPENDIX A



PAPER 4 – Scrutiny Chairs’ Forum meeting, 26 May 2015

PUBLIC QUESTIONS TO SCRUTINY COMMITTEES - PROPOSAL

Introduction

Scrutiny has been seeking to introduce public questions to its public meetings for some time. The Chairs’ Liaison Forum has discussed the topic, which featured as a recommendation in PRAP’s “Public Engagement with Scrutiny” Inquiry report. Constitution Committee has received one report, and is awaiting a second report, once the Scrutiny Chairs have discussed and agreed a way forward.

This report seeks to advise the Chairs on an opportunity that has been discussed with the Cardiff Third Sector Council to pilot public questions during the autumn of 2015.

Proposal

When Scrutiny Services has previously canvassed individual citizens via Capital Times on the kinds of questions they would like to ask at Scrutiny, we have received back a range of very personal inquiries about individual (often very small) requests for service or complaints about bin collection or dog mess. Some have bordered on criticism of individual officers that might be difficult to substantiate, or could be contentious.

While approaching individual citizens for questions is a potential option, there may be additional benefits of channelling questions through the third sector, as follows:

- Third sector organisations will have evidence-based and longitudinal awareness of issues relating to local service delivery.
- They will have an ongoing relationship with the Council, enabling questions to have a medium term legacy.
- They will potentially engage a large base of service users, making the communication and involvement more extensive and inclusive
- They will be likely to understand the Council’s meeting administration processes more than individual citizens.

- It could enhance the relationship between Cardiff Council and the Third Sector Council, potentially unlocking ideas for work programming and fulfilling the requirement in the Local Government Measure 2011's Statutory Guidance for this to happen.

The Third Sector Council is interested in providing questions to be delivered at Scrutiny Committee meetings in the autumn. Some guiding principles could include:

- One question per meeting at each of the five committees per month for two months (ie 10 questions in all), which would hold a senior officer or Cabinet Member to account for something that they are responsible for.
- This element to take no longer than 30 minutes at each meeting, and also contribute to an already programmed Agenda item.
- Questions would not be censored, but would need to be relevant to the items planned for discussion.
- Some value could be added in to the process before the meeting by explaining to interested parties how scrutiny items come up for discussion, briefing them on the agendas for a meeting that they might be attending, and introducing to the Chair. Equally, third sector organisations could communicate their experiences through their networks following the meetings.
- The process would not be "cosy" or tokenistic, and would be managed in a spirit of co-production. It would, however, need to be undertaken with the same respect and rules of engagement that are currently followed in scrutiny meetings.
- From the lessons learned from the pilot, both C3SC and the elected Members could reflect on the value of potentially introducing a sustainable programme of public questioning at future scrutiny or other Council committees.

Next Steps

- C3SC to canvass potential questions from its members and networks, and supply these to Scrutiny Services. These could both provide useful intelligence on the kinds of issues that third sector organisations might like to be considered on Committee work programmes, and a list of potential questions for this pilot activity.
- Scrutiny Services to consult Chairs and agree potential questions that would complement existing plans for agenda items in October and November .
- Precise arrangements for the meetings to be determined.



scrutiny

City and County of Cardiff

Public Speaking at Scrutiny Committee Meetings

Draft Guidance Note July 2015

Introduction

Scrutiny is one of the most challenging and interesting aspects of the democratic process in Cardiff. Scrutiny plays a vital role in service improvement, promoting the well being of local communities and championing public concerns.

Scrutiny is conducted in an open and transparent way, focusing on the needs and concerns of the public.

In the past, members of the public have not generally been invited to take part in discussions or debates during Cardiff's Scrutiny committees. However, to reflect the Committee's work in seeking information on issues relating to the people who live and work in Cardiff, the Council wants to introduce public participation during Scrutiny Committee meetings.

The following information provides guidance to members of the public who wish to speak at Scrutiny Committee meetings.

Guidance on Asking Questions

The question must be relevant to the business of the Scrutiny Committee to which it is put. If it is not possible to answer the question at the meeting, a response will be provided within 10 working days of the meeting.

The chairman of the Committee will decide whether the question is appropriate and whether the question will be taken at the meeting.

Members of the public will be invited to raise questions at the beginning of each meeting. A maximum of 30 minutes will be allocated for this purpose.

To allow each member of the public wishing to participate at the meeting to speak, an allocated time limit of 5 minutes per speaker will be given.

Assistance on how to present questions is available upon request from Scrutiny Services. Please phone 02920 872953 or email scrutinyviewpoints@cardiff.gov.uk.

How to Suggest Topics for Scrutiny

Members of the public may suggest items for consideration by submitting their question **at least two working days before** the meeting to Democratic Services, City & County of Cardiff Council, County Hall, Cardiff. Tel 02920 872953 or email scrutinyviewpoints@cardiff.gov.uk

Alternatively, they can use the form provided on the Council's website, or ask their Ward Councillor to forward the request to Scrutiny Services.

Providing Evidence to a Scrutiny Committee

Before the Meeting

The Scrutiny Committee may invite members of the public to provide evidence or to discuss issues of local concern as part of their investigation. It may, for example, wish to hear from residents, stakeholders or members and officers in other parts of the public sector.

Where a person is invited to attend a Scrutiny Committee meeting, an initial telephone call will be made to enquire whether the person is able to attend the meeting, followed by a letter or e-mail, giving the maximum possible notice in writing.

The letter will state the nature of the item on which the person is invited to give evidence and whether any papers are required to be produced for the Committee.

The letter will inform the person of the subject being scrutinised, and where appropriate, a list of questions to be answered.

Where the Committee requires the person to provide a written report, sufficient time will be given to allow for the preparation of the document.

At the Meeting

At the meeting, the Chairman of the Committee will provide a brief introduction to the members of the Committee and the persons invited to give evidence. The Chairman will also provide an overview of the item under investigation, including the aims, objectives and timescale.

The Chairman will remind those people invited to give evidence why the Committee has invited them to attend the meeting and request that they give a brief statement regarding the item under scrutiny.

Once the statement has been made, the Committee will be given an opportunity to ask questions in a concise, jargon free manner. The person providing the evidence will be allowed to summarise the information.

The Committee will then be given an opportunity to discuss and review the evidence that has been presented before providing feedback on how they viewed the information and any actions they feel might be appropriate.

The person providing evidence will be formally thanked for their contribution.

After the Meeting

The person providing evidence will receive a letter or e-mail advising them of the outcome of the investigation. They will also be given the opportunity to provide written feedback on the scrutiny process they have been involved in.

Conduct at a Scrutiny Committee

Members of the public must not abuse the privilege of participation by personal attacks on Elected Members, other participants or members of the public.

Speakers will be required to respond politely to any question from the Chairman and Elected Members of the Committee.

Any speaker who makes a statement, which, in the opinion of the Chairman, is defamatory, abusive, racially motivated or discriminatory, will be required to stop speaking and leave the meeting. The Committee will be advised to disregard such comments.

Where a number of speakers share the same viewpoint, a spokesperson may be required.

The Chairman will have complete discretion on how public participation is conducted. If the above principles are not adhered to, the Chairman may close that part of the meeting.

Media Access to Public Meetings

The media will be invited to attend all public meetings and offered interview, filming and reporting opportunities, whenever possible.

The Council supports the Ofcom Code and Guidelines on broadcasting standards. All arrangements for filming will be expected to adhere to these provisions, in particular those relating to the 'obligations of fairness and respect for truth' and 'fairness and impartiality' in the editing and transmission of interviews.

Agenda, Reports and Minutes

Copies of Committee agendas, reports and minutes will be available upon request from Democratic Services or by visiting the City & County of Cardiff Council website at www.cardiff.gov.uk.

Where to Send Scrutiny Questions

Please submit to Scrutiny Services, City & County of Cardiff Council, County Hall, Cardiff CF10 4UW (or scrutinyviewpoints@cardiff.gov.uk) **at least two working days before** the meeting. In exceptional circumstances, the Committee Chairman, at his or her discretion, may accept questions submitted up to one hour before the meeting.

Please write the question out in full, stating the name, time and date of the Committee you wish to speak at. Please ensure that your full name and address, including a contact telephone number, are entered on the letter of submission.

9. Enquiries and Assistance

For any further guidance on procedures at meetings, please contact Scrutiny Services on telephone: 029 2087 2953 or email scrutinyviewpoints@cardiff.gov.uk.

**CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**



CONSTITUTION COMMITTEE:

15 JULY 2015

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

FORWARD PLAN 2015/16

Reason for this Report

1. To review the Forward Plan of matters for consideration by the Constitution Committee for the remainder of 2015/16.

Background

2. The Constitution Committee is responsible for reviewing the Council's Constitution recommending any changes to Council and/or Cabinet. It has authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-
 - (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).
3. The work plan was last reviewed by the Committee at its meeting on the 15 January 2015 noting the Organisational Development Programme agreed by Cabinet to achieve the following outcomes:
 - Reduced operating costs, to address rapid fiscal consolidation;
 - Improved outcomes across the Council and in key improvement priorities, to address current performance weakness;
 - Improved demand management & reduced failure demand, to more efficiently address the increasing demand for services;
 - Delivery of key infrastructure projects to accelerate Cardiff's development as a European Capital City.
4. The Committee agreed that improving governance needed to be at the heart of the Programme and the Committee would have a key role to play in supporting this work through its work plan and implementing any required changes to the Constitution.
5. Governance comprises the systems and processes; and culture and values by which the council is directed and controlled and through which it accounts to, engages with and, where appropriate, leads the community. The Council's ambition is for the

governance of the Council to demonstrably improve the quality of policy outcomes, public services, and public spending for Cardiff residents and all who rely on our services. To support this ambition robust governance arrangements are required with opportunities for political, peer and community engagement with the improvement programme.

6. Indicators of success in this area will be improved annual perceptions of Cardiff Citizens, improved performance across of a range of services, seeing the Council move out of the bottom quartile in Wales and more public engagement in the running of the Council.

Issues

7. The Improving Governance work stream sets out a number of actions that are relevant to the terms of reference of the Constitution Committee. These are:
 - Define and document the roles and responsibilities of the executive, non-executive, scrutiny and officer functions, with clear delegation arrangements and protocols for effective communication in respect of the authority and partnership arrangements
 - Research best practice at major UK cities in relation to effective governance structures
 - Improve the transparency and efficiency of the Council's decision making processes
 - Review role and status of the Corporate Parenting Panel
 - Improve arrangements for school governance including appointment of LEA Governors
 - Encourage public participation in council meetings by making meetings more welcoming to the public including developing a public question time at cabinet and scrutiny committees
 - Refine scrutiny arrangements to strengthen focus on organisational development with improved clarity on role of Scrutiny; more strategic view and focus on key information
 - Implement member development programme to facilitate wide, informed engagement with policy development and performance improvement;
 - Work with all Committees to review their objectives and work plans for 2014/15 to focus on impact and outcomes

Legal Implications

8. There are no direct legal implications arising from the content of this report.

Financial Implications

9. There are no direct financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to:

- 1) consider the Forward Plan 2015/16, as set out in **Appendix A**
- 2) advise officers how it wishes to progress the various items in the Forward Plan and the relevant actions summarised above in the Improving Governance Work stream of the Council's Organisation Development Programme.

Marie Rosenthal
County Clerk and Monitoring Officer
9 July 2015
CC/MR/V1.0

Appendix A – Constitution Committee Forward Plan 2015-2016

APPENDIX A

CONSTITUTION COMMITTEE – FORWARD PLAN 2015/16

The following topics have been prioritised on a Red / Amber/ Green (RAG) basis with Red being the highest priority and include indicative timescales as applicable:

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY
(1) Facilitate greater public participation in council business	Implement recommendations from the Public Engagement with Scrutiny Report April 2013.	Monitoring Officer	RED July 2015
(2) Revised Contract procedure Rules	To ensure Constitution Up to Date with legislation and to align with WLGA Model and best practice	Monitoring Officer , Finance, Procurement and Legal Officers	GREEN September 2015
(3) Facilitate greater public participation in council business	Improve Petition Scheme	Monitoring Officer	AMBER September 2015
(4) Review Corporate Parenting Advisory Committee 1 year after its set up	To ensure new arrangement is contributing to improved outcomes for looked after children	Monitoring officer and Director of Children's services	GREEN September 2015
(5) Review arrangements for appointment of LEA Governors	Improved school performance – New Member Panel agreed	Monitoring officer and Director of Education	COMPLETED
(6) Review Scrutiny call in Arrangements	Improved decision making	Monitoring officer	COMPLETED
(7) Review Scrutiny Function and Scrutiny Committees ToR	Refine scrutiny arrangements to strengthen focus on organisational development with improved clarity on role of Scrutiny; more strategic view and focus on key information – Task & Finish Group in place.	Monitoring officer	RED September 2015

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY
(8) Introduce Individual Cabinet member Decision Making	More efficient decision making	Monitoring officer	GREEN March 2015
(9) Elected Mayor	Review legislative requirements	Monitoring officer	GREEN March 2016

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