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AGENDA

Committee CONSTITUTION COMMITTEE

Date and Time of Meeting MONDAY, 21 JUNE 2021, 5.00 PM

Venue REMOTE MEETING VIA MS TEAMS

Membership Councillor Goodway (Chair)
Councillors Berman, Burke-Davies, Carter, K Jones, Goddard, Jones-Pritchard, Lister, Kelloway, Keith Parry, Mia Rees and Wong

1 **Apologies**

To receive apologies for absence.

2 **Appointment of Chairperson**

To note that the Council at its Annual meeting held on the 27 May 2021 elected Councillor Goodway as Chair of this Committee for the Municipal Year 2021/2022

3 **Appointment of Committee and Terms of Reference**

Membership and Terms of Reference

To note that Council at its Annual Meeting on 27 May 2021 agreed the following Membership and Terms of Reference: -

Membership

Councillors Jennifer Burke-Davies, Rodney Berman, Joe Carter, Susan Goddard, Russell Goodway, Keith Jones, Mike Jones-Pritchard, Kathryn Kelloway, Ashley Lister, Keith Parry, Mia Rees and Peter Wong.

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.

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(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 Declarations of Interest

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

5 Minutes (*Pages 5 - 8*)

To approve as a correct record the minutes of the 11 February 2019

6 Remote / Multi-Location Meeting Arrangements (*Pages 9 - 40*)

Report of the Director of Governance and Legal Services and Monitoring Officer.

7 Council Meeting Procedure Rules (*Pages 41 - 74*)

Report of the Director of Governance and Legal Services and Monitoring Officer.

8 Constitution Update (*Pages 75 - 82*)

Report of the Director of Governance and Legal Services and Monitoring Officer.

9 Forward Work Plan 2021/2022 (*Pages 83 - 86*)

Report of the Director of Governance and Legal Services and Monitoring Officer.

10 Urgent Items (if any)

Davina Fiore

Director Governance & Legal Services

Date: Tuesday, 15 June 2021

Contact: Kate Rees,

02920 872618, Mandy.Farnham@cardiff.gov.uk

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CONSTITUTION COMMITTEE

11 FEBRUARY 2019

Present: Councillor Goodway(Chairperson)
Councillors Berman, Jones, Jones-Pritchard, Lister, Kelloway,
McKerlich, Keith Parry and Wong

34 : CHAIRPERSON

It was noted that Council at its Annual meeting 24 May 2018 elected Councillor Goodway as Chair of this Committee for the Municipal Year 2018/19

35 : MEMBERSHIP AND TERMS OF REFERENCE

It was noted that Council at its Annual meeting 24 May 2018 agreed the following Membership and Terms of Reference: -

Membership

Councillors Jennifer Burke-Davies, Rodney Berman, Joe Carter, Susan Goddard, Russell Goodway, Keith Jones, Mike Jones-Pritchard, Kathryn Kelloway, Ashley Lister, Rod McKerlich, Keith Parry and Peter Wong.

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).

36 : DECLARATIONS OF INTEREST

There were no declarations of interest for this meeting

37 : MINUTES

The minutes of the meeting 15 March 2018 were approved by the Committee and signed by the Chairperson.

38 : DRAFT CODE OF CORPORATE GOVERNANCE

The draft Code of Corporate Governance was received for discussion and comments prior to finalisation for inclusion in the Council's Constitution. The report provided details of positive feedback received from the Audit Committee and a recommended strengthening of the code around references to Fraud.

The Committee welcomed the formalisation of the Council's Code of Governance which adopted the seven good governance principles developed by CIPFA and SOLACE.

RESOLVED – That the draft Code of Governance be recommended to Council for inclusion in the Cardiff Constitution which had been positive

39 : PUBLIC QUESTIONS AT FULL COUNCIL

The report provided the Committee the opportunity to consider the current rules and a suggested change to the rule on Public Questions at Council meetings.

It was proposed that Public Questions received in accordance with CPR 18, 19 and 25 be permitted to read out their question at the Council meeting so that the proceedings are clear and transparent particularly for those watching on the webcast and as courtesy to the Public Questioner.

The Committee considered whether there were any further changes it wish to make to the current rules and whether there were sufficient opportunities for the public to engage in the range of cabinet and Committee meetings required by the Authority. It was agreed that no further changes were required at the present time.

RESOLVED – That the Council be recommended to amend Council Procedure Rules, Rue 18 to allow for Public Questioners at Council to read out their question at the meeting.

40 : APPOINTMENT OF SUBSTITUTE COMMITTEE MEMBERS

The Committee was invited to consider arrangements for the appointment of Substitute Committee Members in accordance with the draft procedure set out in Appendix A of the report. The new Procedure Rule would only allow for substitutions at committee meetings if a Member was unable to attend over an extended period of time and due to one or more of the following reasons:

- (i) Unavoidable family or work commitments;
- (ii) Serious illness;
- (iii) Maternity, paternity or adoption leave;
- (iv) Other Family Absence, approved under the Family Absence Procedure Rules;
- (v) Caring responsibilities;
- (vi) Some other good reason.

The rules would be administered by the Head of Democratic Services.

RESOLVED – That

1. The provisions and principles for the appointment of substitute Members were approved;
2. The Council be recommended to adopted and incorporate the agreed procedure rule into the Committee Meeting Procedure Rules and the Scrutiny Procedure Rules.

41 : SCRUTINY COMMITTEES SIZE AND MEMBERSHIP OF TASK AND FINISH GROUPS - UPDATE

The Committee received a follow up report on the outcome of discussions with Scrutiny Chairs Party Group Whips on the Scrutiny Committee Size and Membership of Task and Finish Groups so that it could consider any recommended changes to the Scrutiny Procedure Rules.

In discussions with the Chairs and Group Whips it was agreed that the size of scrutiny committees should remain unchanged and in the interests of clarity and transparency it was recommended that the agreed size be set out in the Constitution by amending Rule 1 of the Scrutiny Procedure Rules.

The arrangements for Task and Finish Groups do allow non- executive elected Members who are not necessarily members of a scrutiny committee to participate and bring their expertise to Task and Finish enquiries. It was also proposed that the maximum number of Members on a Task and Finish Group should be nine.

The Committee had no issue with the proposed changes and welcomed input from Members from across the Council into the work of Task and Finish Groups.

RESOLVED – That the Council be recommended to adopted the amended Scrutiny Procedure Rules 1 and 2

- (a) To set out the agreed size of the five scrutiny Committees as agreed by Annual Council;
- (b) To confirm that the membership of Task and Finish Groups may include any non-Executive Elected Members, subject to a maximum of nine Members on any Task and Finish Group;
- (c) Confirm that non-Councillors may be invited to participate in Task and Finish inquiries as expert advisors to a Task and Finish Group.

42 : SCRUTINY CALL-IN RULES

The report was presented to allow the Committee to consider whether it wishes to make any changes to the rules governing scrutiny Call-Ins in particular to alter Rule 12 so that it requires more than one Member to call in a decision. Evidence was provided from other core cities on their call-in arrangements

The Committee noted that over the last 5 years the number of call-ins of decisions were low and that as it had within the last 12 months introduced the rule that call-ins cannot be made of decisions already been the subject of pre-decision scrutiny that it was important to bed this change in first before undertaking a further review.

RESOLVED – That the Scrutiny Call-In Procedure Rule 12 remain unchanged.

43 : PLANNING COMMITTEE DELEGATIONS

The Committee note that this report was to regularise officer delegations approved by the Planning Committee in 15 March 2018 and include in the Constitution Scheme of Delegations.

RESOLVED- That the Committee subject to approval by Full Council agreed to incorporate within the Scheme of Delegations Part 3 of the Constitution the following:

-

- (i) The planning delegations approved by Planning Committee on 15 March 2018 as set out in Appendix A of the report;
- (ii) The highway delegations approved by planning Committee on 13 June 2013 as set out in Appendix B of the report

44 : FORWARD PLAN

The forward Plan was presented to Committee and noted

45 : FUTURE MEETINGS

The date of future meetings would be finalised as part of the Calendar of meetings for the Municipal Year 2019/ 20

The meeting terminated at 17.45pm

**CYNGOR CAERDYDD
CARDIFF COUNCIL****CONSTITUTION COMMITTEE:****21 JUNE 2021**

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES

REMOTE / MULTI-LOCATION MEETING ARRANGEMENTS**Reason for this Report**

1. To enable Members to consider new arrangements to be made for remote or multi-location meetings under the Local Government and Elections (Wales) Act 2021.

Background

2. Under the Coronavirus Act 2020, the Welsh Ministers issued Regulations (The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, 'the 2020 Meeting Regulations'), temporarily relaxing the rules for local authority meetings during the COVID-19 pandemic. The 2020 Meeting Regulations were intended to enable Councils to safely continue to discharge their functions during the pandemic, whilst adhering to public health restrictions and guidance.
3. In May 2020, the Council noted the arrangements being made for meetings to be held remotely using video conferencing facilities, in line with the provisions of the 2020 Meeting Regulations; and in June and September 2020 approved a programme of meetings, to be held remotely until any alternative arrangements may be agreed. Information and guidance was provided for Members setting out instructions on joining and participating in remote meetings. All meetings of Council, Cabinet and Committees have been held remotely, using Microsoft Teams video conferencing software, since May 2020 to date.
4. The provisions of the 2020 Meeting Regulations ended on 30th April 2021 and have been replaced by new provisions for local authority meetings made under the Local Government and Elections (Wales) Act 2021, which took effect from 1st May 2021.
5. A report was presented to Annual Council in May 2021, giving an overview of the new legislative provisions regarding local authority meetings and some of the practical issues raised. As the rules for Council meetings are set out in the Constitution, it was noted that Constitution Committee would be asked to

consider what arrangements should be made for 'multi-location meetings' in Cardiff and to make recommendations to full Council for approval.

6. In the interim, full Council noted that the existing arrangements for remote meetings, agreed by Council in May 2020, would continue, until any revised arrangements are agreed.

Issues

The new legislative requirements

7. The Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 3, Chapter 4, requires local authorities to broadcast full Council meetings and to make and publish arrangements to ensure that all Council, Committee and Cabinet meetings may be attended remotely (ie. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.
8. Meetings must be capable of being held virtually, but individual authorities must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, referred to as 'hybrid meetings') or as physical meetings (although authorities may not mandate physical attendance at meetings).
9. Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (ie. full Council meetings), participants must also be able to see and be seen by each other.
10. New provision is also made to make permanent the changes to electronic publication of meeting documentation, which were introduced by the 2020 Coronavirus Meeting Regulations. Under the 2021 Act, all meeting documents, including notices, summonses, agendas, reports and background papers must be published on the Council's website. A note of the meeting, including Members in attendance and decisions made, must be published within 7 working days of the meeting. Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically; and the Council is also required to make public access provision for members of the public who cannot access electronic documents (for example, by providing access to computers, copies of documents, or making documents available for inspection.)
11. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to statutory guidance issued by the Welsh Ministers. Draft interim statutory guidance was issued in May 2021 (**Appendix A**), and Welsh Government officials have advised that the draft guidance is currently awaiting Ministerial approval and is expected to be issued very soon. Members will be given a verbal update on this at the Committee meeting.

12. The draft statutory guidance indicates that the overall purpose of the new legislation is to give authorities powers and freedoms to convene meetings in a way which achieves greater accessibility and improved public participation in local government.
13. The draft guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations – as detailed in section 2. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves. The draft guidance also confirms that the meeting arrangements should be incorporated into the procedure rules set out in the constitution.

Policy on Multi-Location Meetings

14. Alongside the legally mandated arrangements that authorities must make for multi-location meetings, the draft guidance says that authorities should develop a wider policy setting out the detailed systems chosen by the authority for the operation of its multi-location meetings. This policy should be developed in consultation with all meeting participants, including the public, and the Democratic Services Committee may take a lead role in this process.
15. Suggested points for inclusion in the policy are set out in the draft guidance (section 4), as well as guidance on various practical considerations, such as:
 - (i) The possibility of taking different approaches for different meetings
 - (ii) The IT platforms to be procured and used
 - (iii) Electronic publication of meeting notices, agendas and reports
 - (iv) Meeting attendance rules (when a participant is considered to be 'present')
 - (v) Support and advice during meetings, eg. chat functions
 - (vi) Supporting participants to take an active part in meetings
 - (vii) Supporting observers (including the public) to access and participate in meetings
 - (viii) Broadcasting of meetings
 - (ix) Chairing meetings
 - (x) Taking of votes
 - (xi) Training, peer support and sharing good practice

Preparation for Multi-Location Meetings

16. Work has already commenced following a successful bid for grant funding from the Digital Democracy Fund to support the procurement of a Hybrid meeting system for initial use in County Hall. Following testing and implementation of this hybrid functionality, the operational experience gained from this will be used to inform the specification for procurement of a new conference system to support multi-location meetings, including City Hall. Funding of £220k for the new conferencing system has been allocated in the Capital Budget for use during 2021-22.

IT Platforms

17. Although Microsoft Teams has been used for remote meetings during the pandemic, it is currently unable to effectively support dual language meetings. Microsoft has indicated that a multi-language capability should be available by the end of June 2021, but it is uncertain if this will be delivered. Initial preparations have been made to utilise the Zoom software, now that its security concerns have been addressed and it has proved to be effective for dual language Local Authority meetings.
18. It is being planned that the dual language meeting software (Microsoft Teams or Zoom) will be rapidly progressed in July with the intention to integrate the software with the hybrid meeting equipment and develop the essential procedure in August. This is anticipated to provide a fully integrated meeting system which will support multi-location meetings, following a period of Elected Member training in the use of the systems early in September.
19. Please note the number of attendees who may be physically present at these meetings, will necessarily be limited by the number of people the room can accommodate while meeting any ongoing social distancing requirements. It is proposed that the Chair of the meeting together with essential officer support for the Chair are given priority, and any remaining spaces will be allocated to the political groups in accordance with political balance. It is anticipated that the political groups will give priority to any members who have difficulties with their broadband connection.

Electronic publication of meeting documents

20. The electronic publication of the meeting agenda and reports is supported by the use of Modern.gov software which includes publication of key documents in Welsh, in accordance with the Welsh Language Standards. The contract for Modern.gov is in place until June 2023.

Broadcasting of meetings

21. The live-streaming, recording and broadcasting of Cardiff's formal meetings is provided by Public-i. The current contract is in place until 31st March 2023 and enables 200 hours of meetings to be broadcast each year. In 2020-21 a total

of 105 meetings were live-streamed or broadcast equating to approximately 203 hours. Additional hours can be purchased should more meetings need to be broadcast provided there is sufficient budget allocation.

Meeting Procedures and Support

22. Many of the points identified in paragraph 15 above, which need to be included in the multi-location meetings policy, relate to meeting procedures which will need to be developed further. This is likely to include: support for the chairperson to effectively manage remote and hybrid meetings, the support necessary to give external participants confidence to join and participate in a remote or hybrid meeting, and the development of an electronic voting system which can be used for all types of meetings.
23. A suite of procedures and support will be needed for inclusion in the Multi-Location Meetings Policy which will require a significant resource from Democratic and other Services to develop the software, hardware, meeting procedures and subsequently provide appropriate training to Elected Members and Officers to ensure that the intentions of the legislation are met.

Way forward

24. Members are invited to consider the issues set out in this report and the draft statutory guidance attached as **Appendix A** and provide views on:
 - (i) the arrangements and policy to be adopted for multi-location meetings, in particular, on the issues listed in paragraph 15 and 19 of this report and section 4 of the draft statutory guidance; and
 - (ii) an appropriate engagement process for seeking the views of Members, other meeting participants and members of the public on this matter.
25. Officers will then prepare draft proposals, reflecting the views expressed, which will be presented to Committee for further consideration, prior to making recommendations for approval by full Council.

Legal Implications

26. Relevant legal provisions are referred to in the body of the report.

Financial Implications

27. There are no direct financial implications arising from the recommendations of the report. The report provides details of costs and sources of funding for remote / multi-location meeting arrangements and any further associated costs will require identified funding sources.

RECOMMENDATIONS

The Committee is recommended to:

1. Note the information set out in the report and the draft statutory guidance, **Appendix A**;
2. Provide any comments on the arrangements and policy to be adopted for multi-location meetings, and the engagement process for seeking the views of Members, other meeting participants and members of the public;
3. Instruct the Director of Governance and Legal Services, in consultation with the Chair, to prepare draft proposals for multi-location meetings, reflecting the views expressed, for further consideration by the Committee; and
4. Receive a further report on this matter in due course.

DAVINA FIORE

**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND
MONITORING OFFICER**

15 June 2021

APPENDICES

Appendix A	Welsh Government's Interim Statutory Guidance on Multi-Location Meetings, draft May 2021
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Background papers

Remote / Multi-Location Meeting Arrangements, report to Council, May 2021
Governance report to Council, May 2020



Llywodraeth Cymru
Welsh Government

Interim statutory guidance on multi-location meetings

Further to section 47 of the Local Government and Elections (Wales) Act 2021

May 2021

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1 INTRODUCTION

1.1 Purpose of this guidance

This is interim guidance to support the provision of multi-location meetings for principal councils, which means county and county borough councils, national park authorities, and fire and rescue authorities in Wales (referred to as relevant authorities) and port health authorities. This is covered by section 47 of the Local Government and Elections (Wales) Act 2021, which we refer to as “the 2021 Act”. This guidance will continue to be developed in light of the operation and experience of implementing the provisions of the 2021 Act and will be incorporated into a wider set of guidance which is being prepared to address a range of other provisions contained within the 2021 Act.

The overall purpose of the Welsh Government in amending the law to give relevant authorities powers and freedoms to convene meetings in this way is to achieve greater accessibility and improved public participation in local government. These powers are closely connected with the new requirement for relevant authorities to broadcast (by audio and/or video) certain meetings. This responsibility to broadcast is not covered directly in this guidance and will not come in to force until May 2022.

Multi-location meetings offer authorities the potential to update and transform the way they do business. It provides an opportunities for authorities to become more flexible and efficient and also raise their profile in the local community and to bring their work directly into people’s homes. Public access to multi-location meetings is likely to be significantly higher than the level of audiences of formal meetings when all were held physically – attendance levels during the pandemic bear this out. This heightened public awareness and involvement is to be welcomed – and further encouraged. In particular, authorities will need to think directly about the needs of the public as they design their arrangements and policies for multi-location meetings. While these meetings are still “meetings in public” rather than “public meetings” – by and large the public will be able to observe but not participate – they provide a crucial opportunity for accountability and transparency, and an accessible shop window for many public bodies.

This guidance is for principal councils, national park authorities, fire and rescue authorities, and port health authorities. This guidance does not cover the arrangement by other public bodies of their own formal meetings, or the organisation by public bodies (including councils) of public meetings or any other gathering. It also does not include the convening of formal meetings by corporate joint committees (CJCs) or community councils, on which separate guidance is being prepared.

This guidance is intended for:

- Participants in meetings convened by the authorities listed above;
- Officers providing support to formal meetings in these authorities;
- Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to members and officers with supervisory responsibilities on governance matters;
- Officers with these responsibilities in fire and rescue authorities and national park authorities;
- Anyone with an interest in the way in which the business of these authorities is conducted.

The authorities to which this guidance applies (principal authorities, NPAs, FRAs, port health authorities) are described as “relevant authorities” throughout. Further definitions are provided in section 1.3 below.

Generally speaking the requirements for all relevant authorities is similar, although differences do exist – especially relating to the convening of multi-location meetings of local authority executives, which is covered in section 4.3.

Neither this guidance nor the legislation to which it refers, does not apply to Police and Crime Panels. Strategic policing is a reserved matter. At the time of writing, from 6 May 2021 Police and Crime Panels may only be convened physically.

Relevant authorities are required to “have regard to” the guidance. Where authorities are under an existing statutory obligation to carry out an act the guidance says that they “must” do something; where there is no such obligation but the guidance presents a suggestion on a possible course of action, the guidance says that a council “can” or “may” do something.

1.2 How this guidance was developed

This guidance was developed between February and April 2021. It was drafted by the Centre for Governance and Scrutiny, Cardiff University and Public Governance Wales, who were commissioned by Welsh Government to speak to people with a stake and interest in this area and to develop the text as a result of these conversations.

This is interim guidance, which will be reviewed and where necessary amended in May 2022 based on the experiences of relevant authorities, and the public.

1.3 Definitions of words used in this document

Generally, the words used in this guidance have the same meaning as they do in the 2021 Act.

A “relevant authority” is an organisation which is required to put in place arrangements for multi-location meetings. This covers principal councils, fire and rescue authorities, national parks authorities and port health authorities. It also includes joint committees of these bodies. The obligations of corporate joint committees (CJCs) and of community councils are covered in separate guidance.

A “meeting” is a formal meeting of a relevant authority convened in accordance with whatever the legal requirements are for such meetings. Formal meetings are usually those where formal decisions can be made; there will be a requirement that formal meetings are held in public and that notice is published beforehand that they are being held. When we talk about these meetings being “convened”, we mean the process involved in organising the meeting and setting and distributing an agenda and reports.

A “multi-location meeting” is a meeting of a relevant authority whose participants are not all in the same physical place. In some places these are colloquially described as “remote” meetings. The Act does not refer to these meetings as “remote”, but that they are attended by “persons who are not in the same place”.

At least one participant may be joining the meeting by remote means. For example, this includes meetings of the type described below:

- Meetings of a committee where all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;

- Meetings of a committee where a roughly equal number of councillors are present in a physical space and joining through remote means; those joining through remote means may include the Chair;
- Meetings of a committee where all members are joining through remote means but nonetheless a physical public gallery has been made available in council premises;
- Meetings of a committee taking place wholly through remote means where no physical arrangements have been made.

Some have described the kinds of meetings described above as “hybrid meetings”. This guidance and the legislation makes no distinction between meetings where some participants join by remote means and those where all participants do so, but meeting arrangements will need to account for the practical differences that different forms of meetings will take, and make plans accordingly.

The definition of “Joining a meeting by remote means” is being in a different physical location to that of other participants, and participating through an online meeting platform. Where participants are present in a council committee room or other physical space which is publicised (through a formal notice) as being the location of the meeting, those participants are present physically.

A “participant” of a multi-location meeting is a person who takes an active part in that meeting. They might be an elected councillor, a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

An “observer” of a multi-location meeting is a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

“Meeting arrangements” are the rules and procedures that relevant authorities adopt to act on their statutory requirements relating to multi-location meetings, and to act on the recommendations in this guidance. This guidance suggests that these arrangements will form part of relevant authorities’ constitutions.

1.4 Background to multi-location meetings

Arrangements were first made in legislation to allow for “remote meetings” in section 4 of the Local Government (Wales) Measure 2011.

At the outset of the coronavirus pandemic in March 2020, the Welsh Government produced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020. These established a framework within which all council convened meetings by remote means throughout 2020 and part of 2021. Experience operating meetings under these Regulations has provided relevant authorities with significant expertise in understanding and managing multi-location meetings, now they have been placed on a new statutory footing. The provisions in the 2021 Act can be seen as an evolution of these prior arrangements.

1.5 The benefits of multi-location meetings

Councils, and other relevant authorities, have been convening all their meetings by remote means throughout much of 2020 and 2021. While meeting this way has proven challenging in the context of the global coronavirus pandemic, it has also resulted in a number of benefits.

- Enhancing and supporting local democracy. Having the flexibility to convene meetings in this way will reduce the barriers that might previously have been in place for explaining and demonstrating how authorities do business;

- Working more productively. When participants come together by remote means, they have often been able to get more done. Multi-location meetings have also resulted in a dramatic reduction in the amount of paper needed and produced. The move to an approach which sees the production of formal notices and other material as being “online by default” will make it easier for councils to innovate around the use of formal meeting material;
 - Making it easier for the public to attend meetings. Although experiences have been mixed, public attendance has been higher for multi-location meetings than for meetings in person. Some authorities, in particular, found both before and during the pandemic that multi-location meetings have made it possible to include external participants actively, ensuring that council committees can benefit from a greater range of views. Authorities have reported that members of the public think that multi-location meetings are much less intimidating than those held in person, and that they have the potential to encourage more people to stand for public office. For some though, multi-location meetings will also present challenges – for example, those with poor broadband connections or disabled people unable to access meetings over the internet for other reasons;
 - Making relevant authorities more resilient and sustainable in how they carry out their work. The Wellbeing of Future Generations Act 2015 requires authorities to think about, and act on, long term needs in the way that policy is developed and made. Multi-location meetings reduce the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral). They can also help councils to reduce the risk of future unexpected events – such as extreme weather – which could in future present a challenge to in-person meetings. Issues of sustainability are explored in more detail below;
 - Making the use of the Welsh medium easier. Councils’ experience during 2020 has been that the simultaneous translation on platforms such as Zoom has reduced some of the practical difficulties which some authorities have experienced around the use of the Welsh medium in public meetings.
 - Reducing the need for travel. For more rural authorities and for authorities covering large geographical areas and for joint bodies, significant time and cost savings for councillors, officers and other participants have arisen. In turn, this makes it easier for participants to take part if they have professional and caring commitments – potentially removing some significant barriers to standing for public office for younger people;
 - Better support for councillors from diverse backgrounds, including support that recognises with the social model of disability. Just as barriers are being removed to public participation, multi-location meetings have made it easier for women, or disabled people, or people with other protected characteristics, to engage on an equal footing. In some cases, participants have found the formality of physical meetings to be off putting, and multi-location meetings have removed this factor. Of course, this raises broader issues around the way that authorities work generally, and the extent to which they welcome participation and involvement from a wide range of people. These are not matters which will be resolved through multi-location meetings alone, but such meetings could be a tool that will, in due course, help a wider range of people to take an active role in local democracy;
- Better behaviours. Although experiences have been mixed, meeting management and the behaviours of participants have both improved. It has been easier for Chairs of meetings to understand who wants to make a contribution, although it is harder to read body language. Disruption of meetings by political argument (for example) seems to have been less of a theme as well.

Multi-location meetings are not “second best”, with all-physical meetings representing the “gold standard”. Physical meetings may be convenient and effective for those most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many. **All meetings that meet the required communication and quorate arrangements have equal status under the law.**

For some, there have been drawbacks to multi-location meetings. In particular, people have had worries about the need for more council officers to support them. In time, ongoing experience is likely to improve this and reduce the amount of resource required to support them.

1.6 What this guidance covers

This guidance focuses particularly on arrangements for the convening of formal meetings held by relevant authorities under the Local Government and Elections (Wales) Act 2021, and the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021. Guidance on broadcasting these meetings, where required in law, is being provided separately.

Together, this legislation updates arrangements for the management of these meetings and to enhance transparency and public access. Previously arrangements for multi-location meetings were found in section 4 of the Local Government (Wales) Measure 2011.

This guidance also engages with other enactments relating to this issue, as well as with the wider local democratic context within which the Act sits.

This guidance focuses particularly on arrangements for the convening and broadcast of formal local authority meetings. Provisions relating to local authority meetings are included in various pieces of legislation, including but not limited to:

- The Local Government and Elections (Wales) Act 2021
- The Local Government Act 2000
- The Local Government Act 1972
- The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001.
- The National Park Authorities (Wales) Order 1995

Chapter 4 of Part 3 of the 2021 Act covers meetings convened by relevant authorities, as well as by certain other bodies and organisations. In respect of principal councils, community councils, national parks authorities, fire and rescue authorities and port health authorities, it covers:

- Electronic broadcasts of meetings. Relevant authorities must make arrangements for broadcasting certain meetings live, and ensuring that broadcasts are available electronically afterwards. A failure to comply with this requirement does not necessarily make proceedings invalid (s46). Separate Regulations and guidance are being prepared on this matter;
- Attendance at meetings: Relevant authorities must make arrangements for “multi-location” meetings, at which participants can hear and (in respect of meetings which must be broadcast) see each other (s47);
- Notice of meetings, and publication of agendas: Relevant authorities must publish certain information, including notices of meetings, electronically, and electronic information relating to meetings must remain available in this format for six years

following the date of the meeting (Part 1 of Schedule 4 to the 2021 Act, amending the Local Government Act 1972). Authorities must also put in place facilities for the public who would otherwise not be able to do so, to access electronic meeting documents.

Arrangements for the broadcast of meetings (physical or multi-location) held by relevant authorities is explored in separate Regulations and separate guidance which will come in to force in May 2022. However, authorities are likely to need to consider the requirement to broadcast alongside the need to make provision for multi-location meetings. This is the reason for suggesting that meeting arrangements take account of both requirements.

2. GENERAL PRINCIPLES

Relevant authorities will need to think about and agree independently the details of their own arrangements for multi-location meetings. In doing so, they should be guided by the following general principles.

All of the below relate to legal obligations. In developing meeting arrangements, authorities will need to explicitly assure themselves that these principles are understood, taken into account and acted on, possibly through being the subject of specific discussion at a Democratic Services Committee or other body.

Of paramount importance are the needs of local democracy. Local people need to have confidence that relevant authorities have systems in place that meet their needs – this might be about observing meetings, participating in them, and using this to hold to account a meeting’s participants for what they see and do. Relevant authorities’ approach to multi-location meetings has to be seen as part of the wider support and commitment to local democracy. The other principles described below need to be considered in light of this.

2.1 Transparency

Formal meetings of relevant authorities will be spaces in which democratic debate and decision-making happen. It is fundamental that these meetings are held in public (subject to the specific exceptions available), and that the public are able to access and engage with them. Relevant authorities will need to think about wider legal requirements around transparency, and accessibility, and what that means for the way that they carry out meetings. These meetings allow public and media involvement as observers whether they are held in person or virtually.

(Local Government Act 1972, s100 et seq., Schedule 12 and 12A and related legislation)

2.2 Accessibility

Democratic systems need to be organised and arranged to account for barriers that members of the public might experience. Multi-location meetings have the potential to enhance and improve access for participants. This will not happen automatically however, and meeting arrangements will need to be specifically designed to help this to happen.

Relevant authorities’ meeting arrangements will need to have regard for the protected characteristics under the Equality Act, including ensuring that accessibility is considered in the context of the social model of disability, and for ensuring that the impact of its decisions on democratic arrangements are understood from these perspectives.

(Equality Act 2010)

2.3 Good conduct

In line with the Nolan Principles, multi-location meetings, as with any other public meeting, should demonstrate high standards of conduct.

Multi-location meetings have in many places led to changes in conduct, and an improvement in behaviours. Meeting arrangements can account for the need to entrench more positive behaviours – particularly where these meetings involve a number of people together in a single physical location, where different dynamics may arise.

Councils will also need to have regard to the Model Code of Conduct (and to local codes of conduct, and standards arrangements) in how they develop their meeting arrangements.

(Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016)

2.4 Welsh Language

Adherence to legal requirements relating to the use of the English and Welsh languages is a legal requirement. It is a fundamental element of the obligations attached to public bodies in Wales – separate legislation and guidance exists. In order to maximise accessibility authorities may wish to consider subtitling in English and/or Welsh, and translation into other languages depending on need – for example, BSL.

Arrangements must support and promote the Welsh Language, ensuring that use of English and Welsh is treated equivalently. The use of the Welsh medium can be provided for in multi-location meetings – and normalised in a wide range of settings – in ways which might historically have proven challenging for physical meetings.

(Welsh Language (Wales) Measure 2011)

2.5 Local Needs

Local authorities are democratic institutions. Decisions about local democracy – and the best approaches to promote and encourage engagement in local democratic systems – are best made at a local level. Authorities' approaches to meeting arrangements should therefore be aligned with the way that they approach public participation – in particular, their plans for ensuring that they meet their public participation obligations when these obligations become law in May 2022. An understanding of the specific needs of a wide range of local people is a part of this.

(Local Government and Elections (Wales) Act 2021, on public participation).

2.6 Future generations

In agreeing arrangements for meetings, authorities must give regard to the well-being goals and ways of working set out in the Well-being of Future Generations (Wales) Act 2015. Many of the improvements which could be brought about by multi-location meetings – innovation around the transaction of meetings, reductions in the use of paper, enhanced public accessibility and so on – will serve the objective of making local democratic systems more sustainable.

However, relevant authorities will still need to ensure that the 2015 Act's principles are actively embedded in arrangements for meetings. Digitisation has the potential to significantly reduce the carbon footprint of local democratic systems, but only where cloud services and server storage is procured from carbon neutral providers – digital services are not carbon neutral by default.

3. CORE REQUIREMENTS

This section sets out the things that relevant authorities **must** do in relation to multi-location meetings.

These provisions are set out to help ensure legal compliance. In all respects it will be for a relevant authority's Monitoring Officer to determine exactly how the authority will ensure this compliance. The expectation is that authorities will want to use these requirements as a starting point from which to innovate and experiment with different arrangements for facilitating multi-location meetings, in the context of the wider needs of local democracy.

The Act requires that "arrangements" be made for both the broadcasting of meetings, and the convening of meetings involving participants in multiple locations. These "meeting arrangements" will need to be written in such a way that integrates a relevant authority's approach to multi-location arrangements to its wider compliance with the legislative framework for formal meetings, including the new requirements for the audio and (in certain circumstances) video broadcasting of such meetings.

Although the requirement to broadcast certain meetings will not commence until May 2022, many principal councils already broadcast a number of their meetings, we therefore suggest that these arrangements form an integrated part of an authority's Constitution. For principal councils such arrangements might be subject to oversight from the Democratic Services Committee.

The reason for integrating these arrangements into constitutional document is that they set out how the authority is run, and will need to be integrated in some form into the rules of procedure of committees and other formal bodies.

Relevant authorities will need to develop these arrangements for themselves – there is no single set of rules setting out what arrangements should look like in detail. This guidance sets out a framework within which authorities can explore their options and decide what is right for them and the communities they serve.

4. PRACTICAL CONSIDERATIONS

This section sets out things to which relevant authorities must give regard, but which do not form part of the legislative framework.

Welsh Government considers these considerations to be matters of good practice. Some specific solutions are suggested but relevant authorities should consider local circumstances in deciding what approaches are ultimately adopted, in a process which should be led by those involved in participating in meetings, and supporting those meetings' operation – always informed by the needs and expectations of the public. While meeting arrangements should fit local preferences and circumstances, there should be a clear process for considering the issues highlighted below. The Democratic Services Committee is expected to lead this process.

Sitting alongside the core requirements of the "meeting arrangements" – the legally mandated arrangements that relevant authorities must make for multi-location meetings – can sit a wider multi-location meetings policy, which will also reflect the general principles in section 2 while setting out more detailed systems to ensure that multi-location meetings work efficiently, effectively and accountably. Keeping such a policy distinct from the legal "meeting arrangements" is important because it will make it clear to those involved where processes are put in place because of legal requirements, and where local decisions have been made about the operation of multi-location meetings.

Relevant authorities can take whatever process they choose in designing and adopting this policy, but those responsible for leadership on governance matters, and participants in multi-location meetings, will need to be satisfied that these arrangements take into account the general principles we set out in section 2. In particular, the meetings policy will be the place to centre the role of the public in the operation of formal meetings, and to ensure that their needs and expectations are understood and treated as paramount.

Because of the public-facing nature of this work authorities may consider it necessary to adopt a provisional policy, and for those within that authority and outside it (in particular, the public) to develop and refine it over time. Live review of the policy (and of the meeting arrangements themselves) as they operate will offer the best opportunity to reflect and refine.

Where a relevant authority determines that they wish to draft such a policy it should be led by a committee of the authority with a responsibility for governance, supported by a relevant officer. This might be that authority's Monitoring Officer. Where the authority is a principal council, the best place might be the Democratic Services Committee, and the officer taking leadership might properly be the Head of Democratic Services.

The exact contents of a policy will be down to local agreement. The experience of authorities in the past however suggests that it should include:

- How to decide which meetings will have physical provision made for them, and which will be conducted wholly through remote means. (section 4.1);
- Which online meeting platform or platforms which will be used (section 4.2);
- How formal notices will be issued, and the publication of agendas and minutes (section 4.3);
- How exempt matters will be dealt with (section 4.3);
- Meeting attendance, including deciding where a member is "present" (section 4.4);
- How participants who sit as part of committees or bodies subject to the Act will be able to access and participate in the meeting (including support and advice on technology, behavioural and conduct issues) (section 4.5);
- How observers (including the public and the press) will be able to access the meeting, and how they may actively participate in the meeting where needed (4.6);
- Facilitating broadcast by members of the public (4.7). Broadcast by the authority itself may also be required, and is covered by separate guidance.
- Chairing of meetings (4.8)
- The taking of votes (4.9);
- Training and peer support to ensure that participants are able to take part (4.10)

It is important to ensure that participants and observers have access to easy to understand information which explains how they can and should engage in multi-location meetings – this documentation can be part of the multi-location meetings policy but should also be available separately, and may constitute a simple explanation of some of those arrangements for the casual reader. It is particularly important the relevant authorities highlight and publicise its multi-location meeting arrangements and policy to make it as easy as possible for the public to engage.

4.1 Taking different approaches for different meetings

Some relevant authorities may decide that all meetings will be conducted through remote means by default. Authorities may wish to adopt different approaches for different bodies, and for different circumstances.

In general

A multi-location meetings policy may make provision that different kinds of meeting be convened, by default, with all participants joining through remote means, or with some arrangement being made for people to attend and participate and observe in person. Policies should recognise that the Act requires participants to be able to join meetings through remote means for all formal meetings. It will not be permitted for authorities to decide that all meetings will be held entirely physically.

The needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly be remote means. The overriding intention of the Act on this issue is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of authorities themselves is important but the needs of the public will come first when these decisions are being made.

Relevant authorities may want to make particular plans for multi-location meetings where a number of participants are in the same physical space, while others join through remote means. Similarly, provisions might need to be made for allowing people to observe in person, or through remote means, or both.

There is no requirement for each kind of meeting to be held in the same way every time it meets. For example, a council could decide to hold some full council meetings entirely remotely and others as multi-location meetings with a number of councillors (or most councillors) present in a chamber. In determining which meetings may be held wholly through remote meetings and for which physical arrangements might be made available, authorities might consider:

- The general circumstances of participants. Participants' needs and preferences may changes over time, and policies should have the flexibility to allow for arrangements to change where this happens. For example, councillors in a local authority may decide that full Council should take place predominantly physically or predominantly through remote means – but in doing so they might ensure that the policy remains flexible enough to change this approach if participants' views change;
- The subject matter, and number of participants attending, certain meetings. This may relate to the general matters usually under discussion at a given committee (or other body) rather than the specific agenda for an individual meeting;
- The need to ensure that meetings are fully accessible to both active participants and to observers. Accessibility may under certain circumstances require physical provision;
- Connected to this, whether physical provision for a public gallery, or for the attendance of certain participants, is necessary if the majority of a meeting's participants are joining through remote means. This is discussed in more detail in section 4.7;

The overriding need is to consider the needs of the public, both as observers and participants.

Authorities may have concerns about equality of access and participation in multi-location meetings where some participants are in the same physical space. On considering the risks and other circumstances they may determine that, by default, meetings can take place either wholly by remote means, or that, where a number of participants express a preference for a meeting being held physically, that support should be given to all participants to attend physically. However it is worth reiterating that authorities will not be able to require that all participants attend physically under these circumstances.

Where a relevant authority decides that physical arrangements will be made for certain meetings or classes of meetings, a multi-location meetings policy will need to determine what those arrangements will be. They may include:

- The availability of a meeting room which is publicly accessible, along with the provision of a physical public gallery (and press gallery);
- Making arrangements for participants who attend physically to be seen by those joining from other locations (a requirement under the Act), which will require planning where multiple participants wish to attend physically and where camera facilities in a room may be less than ideal for this purpose;
- The availability of professional support in the room, or through remote means. This may be IT support or governance/clerking support;
- The streaming of broadcast footage from the meeting to those present through the use of one or more display screens (and the use of audio equipment).

Even where all participants join a meeting from another location a relevant authority may still wish to provide a physical space for members of the public to watch proceedings and to participate. This is covered in section 4.7 below.

Accessibility and involvement

Some participants may wish to join meetings from another location regularly – because they have working or caring responsibilities which make attending meetings in person difficult. Some participants may have a preference for physical meetings. Participants may have personal protected characteristics, or circumstances, which limits their ability to participate online, and/or which requires that certain accommodations be made for physical presence. The same needs are likely to apply to observers. Particular care will be needed to be taken to take account of the needs of one-off participants, especially if they are members of the public rather than employed officers of the authority or regular meeting participants who are (for example) elected councillors.

Multi-location meetings where some or most participants are present in a single location can pose challenges around accessibility and involvement. Those present in a committee room will need to be able to participate on the same footing as those participating in other locations. This may be a difficult where certain participants may be able to hear, but not see, other participants. For these kinds of meetings, there is a risk that those not physically present in a room play less of a part in discussion. These people may end up being “forgotten” by those who are physically present. For a Chair, following the visual cues of those in the same room, and those joining from other locations, is likely to be a challenge. This will need to be thought about, particularly where the Chair themselves is joining a meeting from another location.

4.2 Multi-location meeting platforms

Multi-location meetings require additional technology and this has implications for an authority's capacity to procure and use this technology effectively. Finding and using the right platform is an important part of making meetings accessible and transparent, and the business of relevant authorities more accountable to the public.

This guidance does not recommend any specific product. Authorities have made, and will make, their own arrangements in line with their IT and procurement policies. It may be, for example, that relevant authorities wish to explore joint procurement opportunities. It will be useful for authorities procuring to understand how the market for these products evolved, and the need to keep in touch with other authorities to exchange experiences.

Specifically, any product, or combination of products, should provide:

- The ability for participants to be able to see and hear each other, and the facility for outbound and inbound video and audio to be switched on and off either by a participant themselves or potentially also for a meeting organiser;

- The ability for participants to be named / labelled so that others can easily identify them;
- The ability for participants and observers to be able to join via mobile, or tablet, without losing significant functionality;
- The ability to provide for simultaneous translation. Councils should ensure that they use a meeting platform which provides for simultaneous translation and that members are comfortable with its use. Councils will need to decide whether to broadcast a feed in English, in Welsh, or in both – this is covered in more detail in separate guidance on broadcast;
- The ability to both record and broadcast the meeting and for participants and observers to know when recording and broadcasting is taking place;
- The ability to caption or subtitle, either live (which may be partially or fully automated) or through editing after the meeting has taken place;
- A “chat” facility (the use of which we discuss in section x.x below), visible only to meeting participants, and which can be turned off by the meeting organiser if necessary;
- Sufficient security measures to ensure that the meeting cannot be accessed by unauthorised persons, and to ensure that unauthorised persons can be ejected from the meeting where necessary;
- A user interface which is intuitive and easily understood.

Other factors will include:

- Where and how meetings will be broadcast – for example, on the council’s own website or on Facebook Live or YouTube, or in some other way (covered in separate guidance). It is not recommended that councils effect the broadcast requirement by granting public access to online meeting platforms themselves. Broadcast arrangements are dealt with in separate guidance, but again, the needs of the public as observers will be especially important;
- Arrangements where joint meetings are held between authorities which, by default, use different platforms;
- Arrangements for when difficulties with technology emerge, or other circumstances might make it impossible to broadcast a meeting (covered in section 4.6);
- Provision for electronic voting.

Authorities may wish to consult participants and observers to ensure that IT arrangements work for them, and that the technology means that multi-location meetings are as accessible as they could be.

4.3 Notices, agendas, reports and providing for exempt matters

Alongside multi-location meetings, relevant authorities will need to continue to issue notice of the convening of meetings, and make arrangements for the publication of agendas and reports, online. There are both issues and opportunities associated with this.

- Transparency around the work programmes of bodies covered by these rules. Agendas and papers are usually expected to be published five clear working days in advance of meetings (and the detail of notice requirements are covered in more detail in the section below), but authorities may wish to consider how the interests of transparency and accessibility can be served by earlier notification of proposed agenda items – through more accessible and visible work programmes and through attention being given to the visibility and accuracy of a schedule of forthcoming decisions (which in the case of a principal council executive will be the Forward Plan);

- Arrangements to ensure that those viewing a broadcast can be easily signposted to the agenda, reports and (in the case of recorded meetings) the minutes, and to any relevant background documentation;

Full detail of notice requirements for meetings (and other formal requirements for the publication of agendas, reports and minutes) can now be found:

- For local authority executives, at the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021;
- For other meetings of relevant authorities, amendments made to Part 5A and schedule 12 of the Local Government Act 1972.

The principal object of these amendments to the existing legal framework is to remove the requirement for the production of hard copy paperwork relating to formal meetings (except for a couple of specific purposes), and to require authorities to make formal information available electronically, on their website.

The new arrangements can be summarised as follows:

Notice of meetings

- Public notice of all meetings must be published on the authority's website three clear days before the meeting (at the time it is convened, if it is convened at shorter notice);
- Notice must include details of how to access the meeting if it is being held by remote means only, and the place in which the meeting is held if it is partly or wholly taking place physically;
- Notice requirements also apply where a formal meeting is taking place which is not open to the public. Here, notification is required of the time of the meeting, the fact that it is being held by remote means, and that it is not open to the public.

Usually notice of meetings would be provided on an authority's website; councils may also make arrangements for notifications to be sent to councillors, and interested people via subscription, automatically on the uploading of agenda papers. Authorities may also make use of social media to highlight the publication of notice (although notification on social media will not constitute notice for the purposes of the Regulations).

Agendas and reports

- The agenda and reports for public meetings (including late reports) must be published on the website of the authority;
- Paper agendas do need to be made available to members of the public attending meetings held partly physically;
- Recording of decisions by the executive collectively or individually, as well as the recording of business carried out in other meetings of principal councils. This requires that the names of who attended the meeting be recorded alongside apologies, declarations of interest and decisions made. This must be published within 7 working days of the meeting taking place. In the interests of clarity this does not require that a member's or members' signatures are required to be recorded (as has been the case previously). The information referred to above must be published on authorities' websites. ;
- Background papers relating to meetings of principal councils must now be proactively published on a website, not merely be available (although, exceptionally, if it is impractical to do this, they must be open for public inspection). This is an important change; it involves the automatic placement in the public domain of specified documents which may previously have only been, in practice, published on application.

Councils will therefore need to think carefully about how background papers are identified, produced and prepared for publication.

- The transaction of paperless business generally. Multi-location meetings are likely to be paperless. Regulations now specify that formal information relating to meetings be published on a council's website, with the requirement of hard copy material being on public deposit having been removed;

The provisions around electronic publication of notices, agendas, reports and other meeting information by principal councils is subject to an important caveat. The Act specifies that principal councils have to make arrangements that all such information is still available for individuals who cannot access it electronically. There may be people who cannot access information electronically and councils will need to put arrangements in place to meet their needs – recognising that different people will have different needs and expectations.

Exempt matters

Bodies covered by the legislation will need to be able to consider exempt matters in private. Exempt matters are things which a relevant authority is allowed not to publish because they are confidential. This may be for a range of reasons, which are set out in schedule 12A of the Local Government Act 1972. Agendas with exempt items on the agenda are often divided into a Part I – held in public – and a Part II – held in private.

A separate call on the online platform, separate from the call used for broadcast, should be set up for those participating in a meeting by remote means. This reduces the risk that exempt material may be inadvertently made public through being broadcast. The original, public, call can be left open and can continue to broadcast (with an appropriate slide to notify viewers that the committee or body is in private session), so that the Chair and other participants can return to formally close the meeting, or transact any other business. This will allow relevant authorities to make clear to observers what is happening, and why.

Information provided to participants covering exempt matters should be dealt with in the same way as they would be for physical meetings. Bearing in mind that information will now be managed electronically by default under the notice and agenda arrangements highlighted above, councils may want to ensure that more prominent warnings be placed on exempt material, or whether a different colour can be applied to the background of such material to reflect the fact that, in hard copy, exempt material is usually printed on different colour paper for this reason. In doing so, relevant authorities will need to think about the accessibility needs of participants (around colour contrasts, for example).

Innovation in how agendas and paperwork are produced and presented

The removal of the general requirement to provide information in hard copy by default invites the possibility for more innovation and creativity. This is not innovation for its own sake, but innovation designed to better engage the public in the work of relevant authorities. Local people will be able to follow and track the way that discussions are had, and decisions made, entirely online. The removal of hard copy notices will allow relevant authorities to experiment with the use of technology to make navigating the decision-making process, in particular, easier.

Relevant authorities may wish to consider how information might be made more accessible through creative use of committee content management systems to present information differently – for example, by moving away from the production of “agenda report packs” as a single PDF and towards the use of more accessible files, and file formats, which help both councillors, other meeting participants and members of the public to engage in formal business. This may include thinking about the way that minutes are drafted and presented,

providing links to the substantive reports discussed, and also with the relevant section of the recording or broadcast of the meeting.

Hard copy archiving

Councils should however consider the needs of archiving. It is common practice that councils (and other relevant authorities) retain and bind, or otherwise store for historical purposes, hard copies of the records of formal proceedings of the authority. There is an obligation that formal information be retained for a period of six years although it is considered good practice to do so in perpetuity.

Archiving is likely to be possible and necessary for electronic documentation – agendas, reports, minutes, background papers and other information important for researchers, historians or others to understand how decisions have come to be made. Relevant authorities will need to think about how they build systems to make sure that material produced predominantly, or entirely, electronically will be archived.

4.4 Meeting attendance

Multi-location meetings provide additional challenges in terms of meeting attendance. It is important for the integrity of voting procedures and attendance records that expectations and procedures are clear.

Meeting arrangements and/or the meetings policy should make clear when a participant is considered to be “present”. There are a variety of circumstances in which this might become an issue – for example, in the taking of votes. Meeting arrangements may not engage with the detail of these issues (and others) because not all circumstances can be anticipated in advance. Local determination is important here.

Instead, the Monitoring Officer and/or governance officer in attendance at a meeting should be able to use agreed principles to provide a Chair with consistent advice over whether a participant should or should not be regarded as “present”.

This is particularly important for the taking of votes but is also relevant for participation in meetings more generally. It is likely also to have salience if the need to determine if a member has been present at a meeting is relevant for the purpose of determining whether they have attended a council meeting in the past six months (s85, Local Government Act 1972).

Particular circumstances might include:

- Connection problems. The connection may drop, making it difficult for some participants to follow debate and discussion. It may also disrupt a broadcast feed. A loss of connection may not be immediately apparent to others present. Certain committees or bodies may resolve matters through a general expression of consent rather than a roll call vote, meaning that some participants may lose the opportunity to express disagreement under these circumstances;
- Participants in meetings joining by remote means by video may seek to disable video to stabilise their connection or because they have been temporarily interrupted by events at their location - it may be unclear whether some participants are present or not. Authorities will need to think about whether the requirement to be both seen and heard, for most meetings, allows for brief, temporary interruption like this;
- Where a participant is in the “waiting room” on an online platform. Here, participants will probably not be considered “present” as they cannot be seen and heard by others, cannot see and hear others (other than through a broadcast stream) and can play no active part in the meeting. The same may apply to participants who are only watching the broadcast feed as an observer.

This list is provided as an illustration; individual authorities will need to make the decisions on these points that are right for them, and which they are confident both meet the needs of the law and the needs and expectations of local people in how local democracy is transacted.

Relevant authorities may decide that an officer could check to ensure ongoing presence at a meeting by requiring members to “sound off” in the meeting chat at the beginning of each substantive item, as we suggested in section 4.5. This could also provide a way to check presence in advance of a vote, as we suggest in section 4.10.

The withdrawal of members with a prejudicial interest

Where a participant has declared a prejudicial interest in an item they will be required to leave the meeting for the duration of the relevant item. The nature of an interest and whether or not it is prejudicial will be for an authority and its Monitoring Officer to decide.

For a physical meeting it is usual practice for a participant declaring such an interest to leave the room entirely while discussion is underway, as the mere act of ongoing presence of that individual could be seen as influencing the committee’s action.

Where a participant is joining by remote means, and has declared a prejudicial interest, they should leave or be removed for the duration of consideration of that item. Other participants should however be aware that the participant will be able to observe the broadcast of the meeting while outside. Authorities may seek to include in their policies and meeting arrangements a requirement that participants with prejudicial interests undertake not to observe a broadcast for the reasons set out above, although we note that there is no definitive way to police this requirement and it may be seen as overly restrictive.

Once the matter has been concluded the clerk or support officer to the committee should immediately notify the relevant participant so that they can re-join the meeting, and the meeting should not continue until they have re-joined (otherwise they should be marked as not present for any further items).

4.5 Support during meetings

Support and advice will usually need to be provided to the participants of multi-location meetings, usually relating to matters of procedure. Participants (especially the Chair of the meeting) will need to find an appropriate way to seek and obtain this advice to ensure the smooth running of the meeting.

Online platforms used by relevant authorities to convene multi-location meetings will usually have a chat function. The chat function will provide a useful way for advice to be shared and the business of the meeting to be managed, but its use can be open to misunderstanding.

Meeting policies should explain how this function will be used. Some authorities may think it sensible to ban use of the chat function outright, either in all meetings or in some, specified, meetings.

Pros of chat functions

- Allows advice to be given by governance officers without disrupting the meeting;
- Allows the Chair to “cue up” and acknowledge requests by committee members to contribute without disrupting the flow of questioning;
- Allows members to generally express assent or agreement with another participant, or with a proposal to resolve a given issue, in a manner which gives the Chair confidence to proceed (although the fact that consent has been given in this way would need to be verbally acknowledged by the Chair in the interests of transparency);

- Allows the Chair or clerk to check whether a particular member is still “present”, as we outline in section 4.10

Cons of chat functions

- Can be seen as undermining the transparency of the meeting;
- Can risk participants becoming distracted;
- Risk that participants use the chat for personal communication, and that this communication becomes inadvertently visible to other participants and to the public;
- Risk that chat will involve conversation about the matters under discussion without that discussion being visible to others, or recorded properly. Multi-location meetings policies may need to decide on the status of material recorded in the chat, and whether it can be used by the clerk to assist in the preparation of minutes;
- Risk that the chat becomes a place for general chit-chat or political needling.

The chat function will usually need to be limited to participants and the governance officer – but participants should treat conversations in chat as if they are happening in public.

Participants may decide to use WhatsApp or other messaging platforms to communicate over the course of the meeting. These platforms are not in the control of the authority; care should be taken in how they are used. For example, in the case of principal councils, if used within a political group, certain uses of WhatsApp could be seen as coming into conflict with the ban on the use of political management (whipping) at scrutiny committees.

Officer support arrangements

Different meetings will require different kinds of support from governance officers, and others. In the short term, as authorities adapt to multi-location meetings (and, in particular, adapt to meetings where some may join through remote means and some physically) it may be necessary to think about the need for additional support. In due course, familiarity and confidence with new systems (and training and development for both officers and participants) will reduce this need.

Multi-location meeting policies will need to specify the kind, and level, of support necessary for specific meetings, and the circumstances where support can be provided by remote means and where officers might need to be physically present.

4.6 Supporting participants to be able to take an active part in the meeting

Meetings viewed live and available to view later maybe watched by a large audience and carefully scrutinised by the public including via social media. It is important that these meetings demonstrate good governance and high standards of conduct.

Meeting policies will need to take account of the need for good conduct and high standards of behaviour. These policies will need to be drafted to closely align with other constitutional provisions on these matters, such as the Code of Conduct.

Principles of good conduct apply to meetings of any kind. However, there will be some issues that are especially relevant for multi-location meetings.

The issues below are especially important:

- People being clear about their roles and the roles that others are playing, either as participants or observers. We cover more on this in the section below;

- Recognising that meeting remotely (and where some, but not all, participants are remote attendees) requires a different approach to the agenda and to behaviour than a meeting in person;
- The need to think carefully about – and plan for – how everyone involved in the meeting will be able to actively contribute;
- Having a clear focus on the actual outcome of the meeting.

Participants are likely to understand that formal committees can often be “performative” – people in a formal meeting behave differently to the way that they would otherwise behave, even if there is no audience. People’s physical presence in the same space has a significant impact on behaviour. Behaviour which might seem normal when everyone is in the council chamber – heckling, applause, the raising of points of order and so on – may feel odd and unusual when all or most people are joining through remote means. Participants in multi-location meetings during 2020 have talked about the “atmosphere” of multi-location meetings being different.

Behaviours in different types of meetings are likely to differ. Decision-making committees will look and feel different to audit or oversight committees, which will feel different from a principal council’s planning and licensing committees. Understanding these differing behaviours will help to inform how multi-location meeting policies are developed, and how they connect to policies around conduct and standards.

This is not just about conduct and behaviour in the narrow sense of the word, but about a shift in mindset about how much work it is possible to do in a multi-location meeting, and how multi-location meetings might help us to plan and carry out work differently.

Research carried out by the Centre for Governance and Scrutiny in 2020, and further evidence carried out in preparation for the production of this guidance, highlights the need for a shift in mindset associated with meetings where people join from multiple locations.

- It may be necessary to plan to do less. Meetings where some or all participants join through remote means can run as smoothly as in-person meetings but even after a year of all-remote operation, not everyone is equally familiar with and comfortable with what remains a new way of working. Planning work programmes accordingly will be important;
- Invest in preparation. Later in this guidance we highlight how Chairs may need to carry out planning to understand better what other participants might want to get out of a meeting. This is probably a good habit for all meetings, but will be especially relevant for multi-location ones;

Behaviour, and expectations, around meetings and how business is carried out in those meetings is crucially important in making those meetings effective. Participants in multi-location meetings and others involved in managing and supporting these meetings will have become adept at organising such meetings during the pandemic. The drafting of meeting arrangements and policies provides an opportunity to reflect on how an understanding of behavioural factors needs to be woven into these systems as they reach maturity.

Positive behaviours are also about confidence, which will come from participants being properly supported to play an active and productive role in the meetings in which they are due to take part. Authorities will already have a sense of the support needs of meeting participants, but establishing permanent arrangements for multi-location meetings provides an opportunity to revisit those existing assumptions.

Some of the relevant issues are listed below. These are reproduced, in an amended form, from WLGA guidance issued in early 2020.

- Ensuring that participants have access to appropriate equipment. As a default a desktop PC or laptop with access to a stable broadband connection will be the best way to engage. Participants will need a camera (if they don't have a laptop with an integrated camera) and ideally should use headphones to avoid background noise. Relevant authorities should provide participants who are members of the authority with appropriate equipment if they do not have access to it;
- Ensuring that participants can troubleshoot basic technical problems before or during a meeting – ensuring that they know how to mute and unmute themselves, to activate and disable video, to check their internet connection and so on. There may also be a need to ensure that ICT staff or others are on hand to deal with more serious technical issues;
- Ensuring that participants know how to use the raise, and lower, hand feature, as well as etiquette around muting and unmuting when speaking – the “raise hand” feature may not be usable for those joining on mobile or on a tablet and alternatives may therefore need to be available;
- Use of the chat function, WhatsApp or other messaging platforms. This is covered in more detail in section 4.5;
- Ensuring that names displayed are consistent and accurate, with the role of the individual clearly identified: e.g. “Cllr John Williams – Committee Member” instead of “John’s iPhone” or “jw10881”;
- Ensuring that equipment being used has enough charge or is plugged into the mains;
- Ensuring that participants can view papers easily (we discussed the preparation and presentation of paperwork in more detail in section 4.3); this may include (for example) advice being given to participants on the window snapping function on a Windows device: <https://support.microsoft.com/en-us/windows/snap-your-windows-885a9b1e-a983-a3b1-16cd-c531795e6241>
- The need for participants to check the environment around them before joining a meeting – checking lighting (recognising the daytime lighting conditions may change over the course of a meeting), background (ensuring that backgrounds are relatively neutral and do not involve the inadvertent display of personal information – the council may provide a corporate background or participants may choose to blur their background) and any visual distractions or noise, with mobiles and onscreen notifications set to silent;
- The need to check personal appearance – formal attire is probably not required but members should probably wear the kind of clothing they would wear if physically present at a meeting;
- Arrangements for preparation – joining the meeting fifteen minutes before it is due to start and checking audio and video arrangements;
- Participants assuming that, for a meeting that is planned to be broadcast, the meeting is being recorded and broadcast for the total time they are on the call.

4.7 Supporting observers (including the public) to access and participate in the meeting

While the potential for bigger audiences provides new opportunities for participation, multi-location meetings must ensure arrangements are made for the public to participate via questions and presentations, for example. The presentation of multi-location meetings should also take into account public presence as an audience in new ways.

The broadcast of meetings will make them more accessible generally – but councils will still need to think of the needs of both observers and participants.

This may include:

- The physical layout of rooms, which will be affected by the requirements around visibility of those joining through remote means;
- How participants joining through remote means will be displayed on a screen or screens in a physical location.

Ensuring that observers (including the public) feel welcome

Councils have found over the course of 2020 that the universal use of multi-location meetings has resulted in a significant increase in the number of people viewing meetings.

Generally speaking meetings of authorities will be meetings taking place in public rather than “public meetings”. Members of the public will not have an automatic right to address committees or other bodies – although provision may be made in the constitution for them to do so, in which case observers can become participants.

There will be instances where those people who would otherwise be observers will need to join a meeting as an active participant. This may include:

- Those presenting petitions or deputations;
- Those asking public questions;
- People giving evidence (for example, to scrutiny committees);
- Applicants on regulatory matters (planning and licensing);
- Parties to quasi-judicial matters.

Where individuals are members of the public the Chair or an officer will need to make arrangements to ensure that they can join to participate – and that they are supported in doing so.

Meeting policies may need to make particular provision for this.

Making sure that members of the public feel supported when participating through remote means

At a physical meeting, an officer might have an opportunity to speak quietly to a person beforehand to allay any nerves, and to ensure that a person is satisfied with the experience after they have contributed. In a multi-location meeting these “soft” opportunities for conversation and reassurance may not naturally exist. Individuals may find themselves, joining from their own home, on a public call with fifty strangers, being expected to contribute coherently, and then removed from the call without ceremony when the item reaches its conclusion. Clearly, is not ideal. Authorities may wish to explore how members of the public joining meetings in this way can be best supported.

Formal meetings which are also public meetings

It is common for authorities to convene formal meetings which are designed to actively involve the public in proceedings.

These meetings might legally be formal meetings but they may have a different character and atmosphere. Authorities should not avoid holding these kinds of meetings because they think that managing them as multi-location meetings will be complex. This also goes for meetings held in places in the community other than an authority’s normal premises, where the presence of technology for broadcast and display may not be immediately present.

Meeting arrangements may make particular reference to and provision for these kinds of meetings.

Providing for protest and dissent

Authorities may also need to consider how opportunities for public protest and dissent might be provided for in multi-location meetings. This is likely to be particularly relevant for principal councils.

Protest can be inconvenient (and disruptive), but it also reflects a vital public right. Where authorities propose to carry out business by way of multi-location meetings as the norm, and particularly where little to no business for certain bodies may be carried out in person, this feature of the local democratic landscape could be at risk; meeting arrangements should take account of this factor. It will not be appropriate for an authority to decide that it will convene a meeting entirely remotely (with no business being carried out in person) if the principal reason for doing so is because it will eliminate the risk of embarrassment to the authority of a visible, public protest in the vicinity of the meeting.

It is, however, proper for a council to decide that it will convene all meetings so that they can only be accessed through remote means, as long as the accessibility and equality implications of this decision are understood, and as long as the discretion of the authority to make exceptions to these arrangements in particular cases is not fettered.

We noted in section 4.1 the need to make physical arrangements for certain meetings, even those where most participants may be joining through remote means. This may also provide the opportunity for public protest, which could take place in a public gallery, and made visible to those participating through remote means.

This would allow for a protest to be streamed into a meeting otherwise taking place in multiple locations, and could ensure that people protesting in this way feel that their voice has been heard.

4.8 Supporting broadcast by members of the public

Members of the public or the press may wish to film for immediate or future broadcast some or all of a meeting.

In the case of multi-location meetings where most or all participants are in the same location, this may involve the separate recording of a broadcast stream for editing and broadcast later.

For meetings where some or all participants attend physically – with physical arrangements made for observers - members of the public and members of the press may wish to use their own equipment for recording and broadcast.

Councils may wish to engage with the local press, and to invite views from the public, as to how their meeting arrangements and policies should take account of the requirement to provide access for this purpose. The way that this works is likely to be different from how councils may have supported this activity when meetings were “all-physical”. This may involve:

- Ensuring that the layout of a room is designed to support video recording (by providing a space from which people might film proceedings without visual obstruction, for example);
- Ensuring that amplification arrangements in a committee room allow proceedings to be adequately recorded by an external microphone, or providing a way for members of the public carrying out recording to take the broadcast audio feed, where relevant;
- Arrangements for shots of the room which include members of the public and others in the audience. Committee meetings occur in public and those attending do not have an automatic expectation of privacy or the right to object to recording, but there may be circumstances in which councils want to think about how they will ensure that those carrying out recording are focusing on the formal proceedings;

- Arrangements for video and audio recording of the recorder's own narrative and of two-way interviews with participants within the committee room; members of the press in particular may want to film interviews, pieces to camera and establishing shots of the space in which the meeting takes place, and arrangements should be in place to support this before and after the meeting, and to ensure that those attending are aware that this may be happening.

This is not an exhaustive list.

4.9 Chairing meetings

Chairing a multi-location meeting is very different to chairing a face-to-face meeting. Chairs will need to be supported to carry out their role in specific ways. The job of the Chair will be a particular challenge where a meeting is being carried out in a physical space with only some participants joining through remote means.

The following general principles for chairing meetings in this context are reproduced and amended, from WLGA guidance issued in spring 2020, and incorporate guidance produced by the Centre for Governance and Scrutiny for both English and Welsh councils at the same time.

Chairs have a particular responsibility to prepare for the meeting, probably in a more planned and directed way than might be necessary for a physical meeting. This may involve the Chair consulting with officers, and other committee members, to determine:

- What the meeting is about, and the possible purpose and outcomes for every item on that meeting's agenda;
- What information and paperwork will need to be made available in order for these outcomes to be delivered;
- Where councillors or other meeting participants will want to contribute – and where and how public participation might need to be facilitated;
- Where these people might need particular support in order to participate in the way that they want.

Chairs will also need to engage with all participants (which may include external witnesses and members of the public or others with a role to play) to ensure that their role and means of involvement are well understood. This is covered in more detail in section 4.7.

Chairs should:

- Think about the accessibility of the meeting to the public, and whether there are any things they can do that will ensure that public observers are welcomed and that business is explained in a way that is understandable, including the operation of the multi-location meeting itself;
- Ensure that they are prepared for the meeting in a logistical sense by being aware of which councillors and other participants may be joining by remote means. If the Chair themselves is joining by remote means while some other participants are present in a committee room particular steps will need to be taken to prepare, which are set out in section 4.1;
- Ensure before the start of the meeting that everyone is able to access people, and that everyone is able to both see and hear each other (where the law requires it for specific meetings) or hear each other (for other formal meetings);
- Provide a reminder of meeting arrangements and policies, particularly relating to conduct and behaviour, including some of the material set out in section 4.6 above. This may (depending on the meeting) involve advice on voting arrangements;

- At the beginning of the meeting, introduce themselves, the committee, officers present and other participants to ensure that those watching or listening to a broadcast are aware who is who;
- To avoid people speaking over each other or long silences, ask each member in turn for their contribution to an item, based on an understanding of what members wish to contribute (as we explore further in section 4.6)
- Check occasionally through the meeting that no one has been ‘lost’ due to technical issues, and provide support to councillors experiencing challenges – in this Chairs may need the support of support officers
- Pay more attention than usual to framing the meeting with reminders of the purpose of each agenda item and summarising decisions and actions for each item and again at the end of the meeting.
- Check at the end of each agenda item that all members are content that they have been able to contribute, and ensure that agreed voting arrangements are followed where relevant.

The “balance” between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted. This links back to the points we made in the earlier section on conduct and behaviour. Chairs and their support officers are likely to need to know ahead of time which members to attend physically and which may join by remote means. For meetings with a mix of arrangements – particularly if the Chair themselves will be joining by remote means – planning is likely to be necessary. This may include:

- Understanding the motivations and objectives of individual participants on specific agendas items, and having a sense of what they may want to say and ask;
- Identifying how a support officer or other member may bring their attention to a member wishing to make a comment through remote means or in the committee room (it will otherwise be challenging for a Chair to maintain awareness of those in the room as well as those joining remotely);
- Planning debate to be themed or otherwise structured rather than inviting comments generally, to ensure that all participants have an opportunity to contribute;
- Briefing witnesses on expectations;
- Ensuring that reports reflect the above sets of circumstances.

This kind of planning will benefit any meeting, not just those with a mix of in-person and remote attendance.

4.10 The taking of votes

Multi-location meetings provide additional challenges in terms of capturing votes. Chosen options will depend on the chosen platform and local preferences.

Participants in a formal meeting may decide to do something through general consent, or through a recorded vote. Immediately before the vote the Chair will need to determine that all members of the body continue to be “present”, as we set out in section 4.4.

There are a number of different options when it comes to recording votes:

- A verbal roll call of those participants entitled to vote (“voters”). Particularly for full Councils, this process has been found to be the most rigorous but can be very time consuming, especially if amendments to motions are put to the vote;
- Using the ‘raise hand’ function, although this is subject to misinterpretation and human error;
- Responses via the chat;
- Dedicated voting software incorporated into the platform.

The authority will want to ensure that:

- All voters have the same opportunity to vote;
- All voters vote through the same process. In some council chambers, facilities for the taking and recording of votes may be present, but those joining through remote means may not be able to participate in the use of this in-situ technology. Authorities with this technology will need to think carefully about whether, and how, such facilities might extend into the remote space, or how systems used for remote voting might extend into the physical space;
- A suitable record of the vote is captured by the appropriate officer and is confirmed in a way that is understandable to those observing the meeting.

Bodies reaching resolutions without a vote

It is common that committees or other bodies may resolve to take certain action without a vote being recorded. In person, the Chair is able to get a sense of whether consensus exists by looking around the room. Those present have the opportunity to object and to press for a vote, depending on the authority's standing orders.

Where participants are joining through remote means (and particularly where some members join through remote means and some are present physically) the Chair will need to special care to ensure that consent is present to move on without a vote.

4.11 Training, peer support and good practice sharing

The arrangements for multi-location meetings are new and will continue to evolve. This makes it particularly important to ensure that councillors and officer have access to good quality training, peer support and good practice sharing.

Those participating in multi-location meetings and those expecting to participate should be offered initial, and top-up, training, development and support to ensure an understanding of these issues. This is not the same as training to support the technical use of ICT equipment.

**CARDIFF COUNCIL
CYNGOR CAERDYDD****CONSTITUTION COMMITTEE:****21 JUNE 2021****REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES****COUNCIL MEETING PROCEDURE RULES****Reason for this Report**

1. To allow the Committee to consider potential changes to the procedure rules for meetings of full Council and recommend any agreed changes to full Council for approval.

Background

2. The Constitution Committee has responsibility, in accordance with its approved terms of reference, for reviewing the Constitution and recommending any changes to full Council for approval.
3. A general review of the rules for Council meetings was carried out by the Committee in 2017/18. At its meeting on 8th January 2018, the Committee agreed a number of changes to the Council Meeting Procedure Rules, aimed at making Council meetings more focussed and providing more opportunities for contributions from opposition members and backbench members of the leading group. Changes made were as follows:
 - i. A rule to limit tributes and eulogies;
 - ii. A limit of 2 Ordinary Motions per meeting (and rules for selecting the Motions if more than 2 are submitted);
 - iii. To change the allocation rules for Ordinary Motions by deducting Cabinet Green Papers from the leading group's allocation; removing Cabinet members and Assistants to Cabinet members from the proportionality calculations; and reducing the minimum number for any recognised political group;
 - iv. To introduce a 'Submission Period' (which brings forward the deadline) for Ordinary Motions in order to allow time for party groups to agree the selection of Motions if there are more than the maximum number (of 2) for a particular Council meeting;
 - v. A rule that amendments to Ordinary Motions must not negate the original motion ('wrecking amendments');
 - vi. A right for the Cabinet member to reply to a motion and (with the agreement of the mover and seconder) to move that the vote be adjourned

to the next meeting, in order to give the Cabinet the chance to consider the matter first;

vii. A requirement for Cabinet Statements to be circulated with the Council agenda;

viii. To remove Cabinet members and Assistants to Cabinet members from the calculation of the proportional allocation of Oral Questions;

ix. To remove provision for a second supplementary question on Oral Questions;

x. To provide for composite answers to Oral Questions which are closely related or on the same subject matter, whenever appropriate;

xi. To allow political groups to identify their preferred speakers in advance on particular matters if they wish to (but retaining the discretion of the Lord Mayor); and

xii. To include the current time limits on agenda items within the Rules, with discretion for the Lord Mayor to extend them.

These changes were subsequently approved by full Council on 25th January 2018 and took effect from Annual Council in May 2018.

4. The Committee subsequently agreed a few further changes in relation to specific aspects of Council meetings, such as rules to govern the recording and use of social media during Council meetings (Constitution Committee, March 2018) and Public Questions – allowing the questioner to read out their question at the meeting (Constitution Committee, February 2019), which were approved by full Council (in March 2018 and March 2019 respectively).

Issues

5. The current Council Meeting Procedure Rules are appended as **Appendix A** to this report.
6. A number of suggestions have been put forward by Members in relation to potential changes for consideration by the Constitution Committee, namely the following:

White papers

7. Green Papers and White Papers are used by central government and some local authorities as part of the policy development process. A Green Paper is generally a preliminary report intended as a platform to initiate discussion around a particular issue; and is often followed by a White Paper setting out proposals for new policy, including a policy in draft.
8. By law, full Council must approve the key policies of the authority, referred to as the 'Policy Framework', defined in the Constitution (Article 4.2(a)). Under executive arrangements, the approval of all other policies, outside of the Policy Framework, is the responsibility of the Cabinet.

9. The Council Meeting Procedure Rules currently make provision for Green Papers to be introduced and debated at full Council – Rule 21; but there is no provision for White Papers. Two Green Papers were introduced in 2018 – ‘Building More and Better Jobs’ (January 2018); and ‘Transport and Clean Air’ (June 2018). No other Green Papers have been brought forward since 2018.
10. Members are invited to consider whether they wish to recommend introducing a process for White Papers to be debated at full Council, in order to facilitate wider Member participation in the policy development process; and if so, any parameters regarding the types of policies for which a White Paper would be appropriate. Officers can then be instructed to draft any appropriate amendments to the Council Meeting Procedure Rules for consideration by the Committee.
11. Members may wish to note that a desktop study of the approaches taken in other Core Cities indicates that around half of those authorities do make use of White Papers, but without any explicit reference or provision made in their Council meeting procedure rules or constitutions.

Oral questions

12. The current rules allocate Oral Questions proportionally to the political groups (excluding Cabinet Members and Assistants to Cabinet Members from the allocation of the leading group). They allow a maximum of 90 minutes for Oral Questions; set out the order in which questions may be asked; allow a maximum of one minute for answering each question; and allow for one supplementary question – Rule 17. Oral Questions are made available in writing and are not read out at the meeting. There is no word limit for each Oral Question.
13. Independent Members of the Standards and Ethics Committee are encouraged to observe Council meetings and provide feedback. At the Standards and Ethics Committee meeting in December 2019, the Committee considered feedback in relation to Council meetings (in June and July 2019) and agreed to recommend to Constitution Committee that oral questions should be displayed on screens and read out orally at the Council meeting, so that members of the public may understand the question which is being answered. Accordingly, it is recommended that Rule 17 be amended as shown below:

‘A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.

Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:

- Oral Questions ~~shall not be read orally, but~~ will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions.’

14. The length of Oral Questions submitted varies from approximately 10 words to 80 words per question. Members are invited to consider whether the introduction of a word limit on Oral Questions may assist to make questions clearer and more concise and improve the quality of responses. If questions are read out, as recommended by the Standards and Ethics Committee (please see paragraph 13 above), then a word limit ensuring shorter questions would allow more questions to be answered within the 90 minute time allocation, and ensure more time is allowed for answers.
15. Desktop research of the approach taken in other Core Cities indicates that some authorities (which provide for Oral Questions to be read out at the Council meeting) do impose a time limit on individual oral questions, for example, 2 minutes per question.

Ordinary Motions

16. Members have requested that the Committee should be asked to review the current rules in relation to: (i) the maximum number of ordinary motions which may be considered at each Council meeting; and (ii) the scope of ordinary motions.
17. Maximum number – under the current rules, the maximum number of Ordinary Motions is limited to a maximum of 2 motions at each Council meeting (with the exception of the Annual Council and Budget Council meetings, and excluding Urgent Ordinary Motions and Ordinary Motions at any Extraordinary Council Meeting) – Council Meeting Procedure Rule 22(f). However, the rules allow the maximum number of Motions to be increased if necessary to give effect to the rules on allocation of Motions, specifically, the rule that each political group shall be allocated at least one Motion in each municipal year (Rule 22(g)(i)).
18. Rule 22(i) also provides that:

‘If more than the maximum number of Motions permitted under paragraph (f) above are submitted for a particular Council meeting, the Chair shall decide which Motions are to be taken, following consultation with the party groups. Factors to be considered in selecting Motions shall include the urgency of the Motion (whether it may reasonably be taken at a later meeting); any policy, budget or other significance to the Council; and the number of Motions from the relevant group which have already been considered by full Council during that municipal year. The Chair’s decision shall be final.’
19. The Monitoring Officer has advised that Rule 22(i), read with Rule 7(b) (“The Chair shall have discretion to conduct the meeting to secure proper full and effective debate of business items”), allows the Chair the discretion to increase the maximum number of Motions at a particular Council meeting, if the Chair considers it appropriate to do so in all the circumstances, having particular regard to the factors set out and following consultation with party groups. An example of this arose at the Council meeting in March 2021, for which 3 Ordinary Motions were submitted. The Chair exercised his discretion to allow all 3 Motions, following consultation with party groups, on

the basis that the April Council meeting had been cancelled due to the pre-election period, so the March Council meeting was the last meeting before the elections; no groups had used their full allocation; and the party groups were all in agreement.

20. Members are invited to consider whether they wish to instruct the Monitoring Officer to amend Rule 22 to clarify and confirm the Chair's discretion in this regard. It should be noted that the Monitoring Officer has delegated authority (Scheme of Delegations, delegation reference LD16A, to make minor amendments to the Constitution, which includes: '(c) Drafting improvements to enhance clarity and remove minor anomalies.'
21. Scope – the current rules say that 'Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35)' – Rule 22(j).
22. Rule 35 defines 'Relevant Business' as follows:
"Relevant Business" means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.
23. Under the current rules, if a Motion is submitted which relates to a matter for which the Council does not have responsibility, it would fall outside of the permitted scope for a Motion and would not be allowed. The Committee considered this when it last reviewed the Council Meeting Procedure Rules in 2017/18 and after detailed consideration decided to make no changes to the rules on the permitted scope of Ordinary Motions.
24. Members are invited to consider whether they are content with the current rules on the scope of Ordinary Motions or if they wish to make any changes such as amending the definition of Relevant Business to mean matters for which the Council has responsibility OR which substantially affect the well-being of Cardiff. This wider scope would mean that motions over which the Council has no responsibility would be allowed.

Other potential changes

25. Members are also invited to consider whether there are any other aspects of the full Council meeting that they wish to consider further, and if so, to instruct the Monitoring Officer to report on those issues to a future meeting of the Committee.

Legal Implications

26. By virtue of article 14 of the Constitution the making of amendments to the Constitution is reserved to Council unless otherwise delegated. The Constitution Committee's terms of reference set out the Committee's delegated authority:

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).*

27. Any proposed changes to the Council Meeting Procedure Rules will require the approval of full Council.

Financial Implications

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

RECOMMENDATIONS

The Committee is recommended to:

1. consider the information set out in the report and Appendix A and provide comments on changes to be made to the Council Meeting Procedure Rules;
2. instruct the Monitoring Officer to make any minor clarificatory amendments to the rules on Ordinary Motions, if appropriate; and
3. receive a further report at its next meeting on any additional proposed changes to the Council Meeting Procedure Rules.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

15th June 2021

APPENDICES

APPENDIX A: Council Meeting Procedure Rules

Background papers

Constitution Committee report, 'Council Meeting Procedure Rules', 8 January 2018

Council report, 'Constitution Committee Recommendations on Council Procedure Rules and Scrutiny Procedure Rules', 25 January 2018

Constitution Committee report 'Recording of Council Meetings', March 2018; and Council report, 'Constitution Amendments', March 2018
Constitution Committee report 'Public Questions at Full Council', February 2019; and Council report, 'Constitution Amendments', March 2019

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PART 4 – RULES OF PROCEDURE

COUNCIL MEETING PROCEDURE RULES

Part 1 – Format and Content of Meetings

1 BUSINESS OF COUNCIL MEETINGS

- (a) The agenda and timings for items of business for any Council Meeting shall be agreed in accordance with these Rules by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) Any time limits on agenda items may only be extended at the discretion of the Chair.
- (c) The Chair may make any amendments to the draft agenda as they see fit.

2 ANNUAL MEETING OF THE COUNCIL

Timing of the Annual Meeting

- (a) The Annual Meeting will take place within the following periods:
 - (i) in a year when there is an ordinary election of Members, within 21 days following the retirement of the outgoing Members; or
 - (ii) in any other year, the Annual Meeting will take place in March, April or May or as may be required at law.

Business to be transacted at the Annual Meeting

- (b) The Annual Meeting will:
 - (i) elect a person to preside at the meeting if the existing Chair or the Deputy Chair is not present;
 - (ii) elect the new Chair;
 - (iii) appoint the new Deputy Chair;
 - (iv) approve the minutes of the last meeting;
 - (v) receive declarations of interests from Members;
 - (vi) receive from Members the Cardiff Undertaking;
 - (vii) receive any announcements from the Chair (if any);
 - (viii) elect the Leader (where such election falls due);
 - (ix) appoint members of the Cabinet (where such election falls due);
 - (x) receive announcements from the Leader (if any) relating to the coming municipal year;
 - (xi) decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference;

- (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;
- (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;
- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

3 ORDINARY MEETINGS

(a) Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:

- (i) elect a person to preside if the Chair and Deputy Chair are not present (such person not being a member of the Cabinet);
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest (in accordance with the Members Code of Conduct);
- (iv) if relevant, receive through the Chair from relevant Members the Cardiff Undertaking;
- (v) receive any petitions;
- (vi) receive questions from the public and answers in accordance with Rule 18;
- (vii) receive any announcements from the Chair or Leader;
- (viii) receive any reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions and answers on any of those reports;
- (ix) receive reports from any of the Council's statutory officers;
- (x) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;
- (xi) consider Ordinary Motions;
- (xii) receive any statements or reports from the Leader and/or Cabinet Members and questions and answers on them;
- (xiii) receive Member questions and answers raised in accordance with Rules 16 and 17;
- (xiv) consider any other business in the summons to the meeting; and
- (xv) consider such other matters as the Chair certifies as urgent or appropriate.

4 EXTRAORDINARY MEETINGS

- (a) An Extraordinary Meeting of the Council may be called by:
- (i) the Council by resolution; or
 - (ii) the Chair.
- (b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:
- (i) the Leader;
 - (ii) the Head of Paid Service;
 - (iii) the Monitoring Officer or section 151 officer; or
 - (iv) any five Members of the Council.
- (c) Any request presented in accordance with this Rule must:
- (i) specify the business to be transacted at the meeting; and
 - (ii) be accompanied by a copy of any report for the meeting.
- (d) Any Extraordinary Meeting will:
- (i) elect a person to preside if the Chair and Deputy Chair are not present;
 - (ii) receive any declarations of interest from Members;
 - (iii) consider the business specified in the request; and
 - (iv) consider such other matters as the Chair considers to be urgent or appropriate.
- (e) For the avoidance of doubt, the business to be transacted at an Extraordinary Meeting may include one or two Ordinary Motions pursuant to Rule 22, subject to variation of the deadline specified in Rule 22(b) as follows:

the words “by 5.00 pm at least 7 Working Days before the date of the meeting” shall be substituted with the words “at the same time as the request for the meeting is presented under Rule 4(b).”

5 TIME AND PLACE OF MEETINGS

- (a) The time and place of meetings will normally be determined by the Council or in the case of an Extraordinary Meeting by the Chair. In the case of meetings called under Rule 4(b) the time and place shall be set by the Proper Officer and notified in the summons.
- (b) The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to reasonable notice of the change having been given.

6 NOTICE OF AND SUMMONS TO MEETINGS

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- (b) At least 3 clear days (as required and defined by the relevant legislation and case law) before a meeting, the Proper Officer will send a summons (notice of meeting) by email to every Member. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish.
- (c) The summons will give the date, time and place of each meeting, enclose the agenda and will be accompanied by connected reports and Cabinet statements.

Part 2 – Conduct of Meetings

7 CHAIR OF MEETING

Power of person presiding at meeting

- (a) The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of meeting by Chair

- (b) The Chair shall have discretion to conduct the meeting to secure proper, full and effective debate of business items. The steps the Chair may take include:
 - (i) allowing more time to any speaker or item of business;
 - (ii) permitting a Member to speak more than once;
 - (iii) allowing officers of the Council to advise the meeting as appropriate; and
 - (iv) refusing any Member the opportunity to speak or restricting their rights to speak.
- (c) The Chair's discretion provided for by Rule 7(b) shall operate in precedence to any other Rule contained in the Council Procedure Rules.

8 QUORUM

- (a) The quorum of a meeting will be one quarter of the whole number of Members (rounded up to the nearest whole number).
- (b) If fewer than the quorum attend the meeting or if during any meeting the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the Chair.

9 UNOPPOSED BUSINESS

- (a) The Chair may specify in the Agenda any business that they consider to be unlikely to be opposed by any Member. For example this would include reports that deal with administrative matters and on which the various political groups have already reached agreement. All business specified in the Agenda as unopposed may be dealt with at the meeting as one agenda item and passed by one resolution.
- (b) If any Member wishes for any agenda item that is noted as being unopposed to be dealt with in the normal way, then that Member may request the Chair to remove that item from the list of unopposed business. In such circumstances the Chair will add that item of business to the agenda as a separate item.

10 POINT OF ORDER

- (a) A Member may raise a point of order at any time by indicating to the Chair that they wish to speak. The Chair will hear them immediately.
- (b) A point of order may only relate to an alleged breach of these Rules or the law. The Member must first state the Rule or law to which he/she is referring and then indicate the way in which they consider it has been broken.
- (c) The ruling of the Chair on the matter will be final. Points of order will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

11 PERSONAL EXPLANATION

- (a) A Member may make a personal explanation at any time by indicating to the Chair that they wish to speak. A personal explanation may only relate to:
 - (i) some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - (ii) to reply to an allegation of misconduct made against the Member giving the explanation; or
 - (iii) to make an apology to the Council.
- (b) The ruling of the Chair on the admissibility of a personal explanation will be final.
- (c) Points of personal explanation will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

12 DECLARATIONS OF INTEREST

- (a) A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member stands to make a declaration he/she

shall be heard immediately and shall be allowed to make the declaration without interruption.

13 MEMBERS' CONDUCT

Members Speaking at Council

- (a) When a Member speaks at full Council they must address the meeting through the Chair and should stand (if able) when they are speaking. If more than one Member stands or otherwise indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of personal explanation or to declare an interest.

Chair calling the meeting to order

- (c) When the Chair calls the meeting to order or stands any Member speaking at the time must stop and sit down. The meeting must be silent.

Member's to maintain order

- (d) The Chair is to maintain order in meetings and must call to order any Member who:
 - (i) is engaging in conduct which the opinion of the Chair constitutes criminal behaviour or contempt of court;
 - (ii) is obstructing the business of the meeting;
 - (iii) seeks to raise a matter outside the scope of the matter at hand;
 - (iv) acts in a discourteous way;
 - (v) is using disorderly, discriminatory or offensive language;
 - (vi) refuses to conform to any Rule or other requirement for the conduct of Members; or
 - (vii) disregards the authority of the Chair.

Member not to be heard further or to leave the meeting

- (e) If a Member disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further.
- (f) If the Member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period.

14 GENERAL DISTURBANCE

- (a) If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

15 DISTURBANCE BY PUBLIC

- (a) Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule (b) below.
- (b) If a member of the public interrupts or disrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt or causes disruption, the Chair may order their removal from the meeting room.

Part 3 – Procedures and Rules of Debate

16 QUESTIONS AND DEBATE ON REPORTS AND CABINET STATEMENTS

- (a) On Cabinet Member Statements presented to the Council:
 - (i) A Member may ask the person presenting the statement any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
 - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
 - (iii) A maximum of 45 minutes shall be allowed for questions and debate on Cabinet statements.
- (b) On Reports presented to the Council
 - (i) The person presenting the report shall have 6 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

17 ORAL AND WRITTEN QUESTIONS BY MEMBERS

General

- (a) In accordance with this Rule 17, a Member may ask questions of:
 - (i) the Leader or any Cabinet Member;
 - (ii) the chair of any committee or sub-committee; or
 - (iii) nominated members of the Fire Authority.

Submission of Questions

(b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.

(c) Oral Questions shall be submitted by (or on behalf of):

- (i) each of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); and
- (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose;

by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify:

- (i) the name of the Member asking each question; and
- (ii) the order in which the group wishes to ask its questions.

Each such person shall be entitled to submit a maximum of the number of questions that are allocated to their political group calculated in accordance with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to 3 Oral Questions;
- (ii) A further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet members and Assistants to Cabinet members shall be disregarded for the purposes of such calculation; and
- (iii) Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each.

The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.

(d) Questions will be dealt with in accordance with the following procedures.

Oral Questions

Oral Questions will be dealt with in accordance with the following procedure:

Day	Action
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <ul style="list-style-type: none">- Oral Questions shall not be read orally, but will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions.- In each round the ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last.- Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round. <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p>

Urgent Oral Questions

- (e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:
- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and
 - (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

Written Questions

- (f) Written Questions may be asked at any time and will be dealt with as set out below:

Day	Action/Comment
9.00am 9 Working Days prior to Council Meetings	Deadline for the submission of Written Questions for an answer to be received at the Council Meeting. If a question is submitted following this deadline it will be answered at the following Council Meeting. If a Member submits more than 5 Written Questions, only 5 of these Questions (which the Member will be invited to prioritise) will be answered at the Council Meeting; and the remaining Questions will be answered at the following Council Meeting.
12.00 noon on the day of the Council Meeting	Deadline for answers to Written Questions which are to be answered at the Council Meeting (as referred to above) to be circulated by email to all Members.

A full copy of each Written Question (together with the answers to them) will be attached to the minutes of the meeting.

Rejection of Questions

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-
- (i) is not in relation to Relevant Business (as defined in Rule 35);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 35);

- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
- (iv) is a statement or otherwise is not a genuine enquiry.

Withdrawal of questions

- (h) A question may not be withdrawn except with the consent of the person it is addressed to.
- (i) If the Chair or the Monitoring Officer considers that a response to a question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Member concerned to ascertain whether the Member agrees that the question could be withdrawn.

Written record of Oral Questions and Responses

- (j) A written record of Oral Questions and related supplementary questions that are put at the meeting together with the responses provided, will be circulated by or on behalf of the Democratic Services Manager to all Members and the media noted as having attended the meeting by no later than 5.00pm five Working Days following the day of the Council meeting.
- (k) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding person.
- (l) No written note of a response to a supplementary question will be provided to the media before being provided to Members.

18 PUBLIC QUESTIONS

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.
- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.

- (f) The Chair may reject a question if it:
- (i) is not related to Relevant Business (as defined in Rule 35);
 - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
 - (v) relates to the activities and aims of a political party or organisation;
 - (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
 - (vii) is a statement or otherwise is not a genuine enquiry; or
 - (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

The ruling of the Chair in the above matters shall be final.

- (g) The Proper Officer will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- (ga) The questioner shall be given the opportunity to read their question orally.
- (h) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- (i) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn.
- (j) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out in (f) above.

Answers

- (k) No more than five minutes will be allowed for a response to any one question.
- (l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting.

19 GENERAL PROVISIONS RELATING TO ANSWERS TO MEMBER AND PUBLIC QUESTIONS

- (a) An answer may take the form of:
 - (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
 - (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.
- (b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.
- (c) The Monitoring Officer shall have discretion to instruct that a composite answer may be given to any questions which are closely related or on the same subject matter, wherever she considers this appropriate. This shall not prejudice any right to ask a supplementary question, which may be available under the Council Meeting Procedure Rules

20 PETITIONS

- (a) Where a Member delivers a petition to the Council the Member may outline the request by the petitioners, the reason for the request and the number of the signatories provided that in any event the Member may not speak under this rule for more than one minute.
- (b) Petitions shall be divided into three classes and shall be addressed as follows:
 - (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
 - (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
 - (iii) A petition bearing 51 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.

21 GREEN PAPERS

General

- (a) An opportunity for one Cabinet Member to bring forward a Green Paper will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

Procedure for the Debate of Green Papers

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green Paper at least

5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.

(c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for Members to give written comments following the meeting at which the Green Paper is presented.

(d) In the debate:

(i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:

(a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and

(b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).

(ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

22 ORDINARY MOTIONS

General

(a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.

(b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager, during the 'Submission Period'. For the purposes of this Rule, the Submission Period shall start at 9am on the third Monday before the Council meeting, and end at 5pm on the Friday of that week (the second Friday before the Council meeting).

(c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the end of the Submission Period.

(d) Subject to the rules on the number and allocation of Ordinary Motions set out under paragraphs (f) to (i) below, Ordinary Motions will be listed on the agenda in the order in which the notices were received.

(e) A maximum of 30 minutes shall be allowed for the debate on each Ordinary Motion, unless one or more amendments are moved, in which case the time allowed shall be extended to 45 minutes.

Number and Allocation of Ordinary Motions

- (f) Subject to Rule (g) below, the number of Ordinary Motions shall be limited to a maximum of 2 motions at each Council Meeting where Ordinary Motions may be considered. Urgent Ordinary Motions (under this Rule 22, paragraph (m)) and Ordinary Motions at any Extraordinary Meeting held (under Rule 4) shall be disregarded in counting the maximum number of Motions set under this paragraph.
- (g) Ordinary Motions will be allocated amongst the political groups in proportion to their representation on the Council and as agreed between the political groups, subject to:
 - (i) No political group recognised by the Council shall be allocated less than one Ordinary Motion in a municipal year. If necessary, the maximum number of Ordinary Motions at a Council meeting (set under paragraph (f) above) may be increased to accommodate this.
 - (ii) Cabinet Green Papers (debated at full Council under Rule 21) shall be deducted from the number of Ordinary Motions allocated to the leading group.
 - (iii) Cabinet Members and Assistants to Cabinet Members shall be disregarded in the calculation of political proportionality for the purposes of the allocation of Ordinary Motions under this Rule.
- (h) The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.
- (i) If more than the maximum number of Motions permitted under paragraph (f) above are submitted for a particular Council meeting, the Chair shall decide which Motions are to be taken, following consultation with the party groups. Factors to be considered in selecting Motions shall include the urgency of the Motion (whether it may reasonably be taken at a later meeting); any policy, budget or other significance to the Council; and the number of Motions from the relevant group which have already been considered by full Council during that municipal year. The Chair's decision shall be final.

Scope of Ordinary Motions

- (j) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (k) Any Ordinary Motion which requires a change in the budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- (l) If any Ordinary Motion appears to the Chair to be not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect

and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.

Urgent Ordinary Motions

- (m) The Chair has the authority to agree to take an urgent Ordinary Motion which is not on the agenda (or to place an urgent Ordinary Motion on the agenda if sufficient notice is received).
- (n) The discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency but an urgent Ordinary Motion should not be taken unless the Chair is satisfied that:
 - (i) the proposer of the motion has taken all reasonable steps to notify the Chair and the Monitoring Officer of their desire to raise an Urgent Motion at the earliest opportunity;
 - (ii) and the motion requires an urgent decision in relation to an important public interest matter and it cannot reasonably be dealt with by other means; and
 - (iii) the motion is seconded.
- (o) In all cases, the reason for the urgency shall be clearly stated, and the Chair will explain to the Council the reason why they have accepted an Urgent Ordinary Motion.

Withdrawal or alteration of Ordinary Motions

- (p) No Ordinary Motion can be withdrawn or deferred once it has been delivered except:-
 - (i) if prior to the commencement of the meeting notice of withdrawal in writing signed by the proposer, and seconder has been delivered to the Democratic Services Manager; or
 - (ii) a Member may withdraw an Ordinary Motion of which they have given notice at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and they have the consent of the meeting.
- (q) A Member may alter their own motion only with the consent of the meeting. Only alterations which could be made as an amendment may be made.

Amendments to Ordinary Motions by other Members

- (r) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.
- (s) An amendment to an Ordinary Motion must be relevant to the motion and will be:-

- (i) to leave out words;
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words,
- as long as the effect of (i) – (iii) is not to negate the motion.
- (t) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.
- (u) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

Right of reply and Voting on the Ordinary Motion

- (v) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.
- (w) The rights of reply before the vote on an Ordinary Motion takes place are as follows:
- (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.
 - (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
 - (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
 - (iv) Before the proposer of an Ordinary Motion or the proposer of an amendment exercises a right of reply given under sub-paragraph (ii) or (iii) above, a relevant Cabinet Member (or Assistant to Cabinet Member) shall have the opportunity to respond to the Motion on behalf of the Cabinet. If the proposer and seconder of the motion are in agreement, the Cabinet member (or Assistant to Cabinet Member) may move that the vote on the Motion be adjourned until the next meeting of Council. If such an adjournment motion is passed, then at the next suitable full Council meeting:
 - (a) a vote on the adjourned Ordinary Motion will be taken without further discussion, unless prior to the commencement of the meeting, notice of withdrawal in writing signed by proposer and seconder has been

delivered to the Democratic Services Manager. (For the avoidance of doubt, a vote on an adjourned Ordinary Motion under this rule shall not count for the purposes of the maximum number of Motions permitted at that Council meeting under Rule 22 (f)); or

- (b) if the Motion has been withdrawn in accordance with sub-paragraph (a) above, the Cabinet Member shall report back to Council in his or her Cabinet Member Statement on the withdrawal and any action taken or agreed with the Motion Proposer and Seconder in this regard.

- (x) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

23 AMENDMENT TO MINUTES OF COMMITTEE REFERRED FOR DECISION

- (a) An amendment to a minute of a Committee or a Sub-committee before the Council for decision can only be moved in the same way as an Ordinary Motion.

24 AMENDMENTS TO REGULATORY DECISION

- (a) No amendment may be moved to a Regulatory Decision.
- (b) No amendment may be moved which would have the effect of disproving the recommendation of a Committee or a Sub-Committee in relation to a Regulatory Decision.
- (c) For the purposes of this Rule a Regulatory Decision is the determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal or enforcement action in exercise of the powers of the Council as the local planning authority or those powers specified in section B of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.

24A AMENDMENTS TO REPORTS BEFORE COUNCIL

An amendment to a report before Council may not be moved unless notice of the amendment has been emailed by the proposer, and seconded by email, to the Democratic Services Manager by 9:00am on the Working Day before the meeting.

25 MOTIONS DURING MEETINGS

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-
 - (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
 - (ii) in relation to the accuracy of minutes of the Council;
 - (iii) to change the order of business in the agenda;

- (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (v) to appoint a Committee or Member arising from an item on the Agenda;
- (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;
- (vii) to amend a motion except one to which Rule 22 applies;
- (viii) to proceed to the next business;
- (ix) that the question be put to the vote;
- (x) to adjourn a debate or a meeting;
- (xi) to extend the time limit for a speech or item of business;
- (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule 22(f); and
- (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

26 CLOSURE MOTIONS

- (a) Subject to rule (d) below, a Member may move, without comment, the following motions at the end of a speech of another Member;
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting any amendments which have been seconded and debated and then the substantive motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

26A TRIBUTES AND RECOGNITIONS

Tributes and recognitions may be received as follows:

- (i) Death of sitting Councillors – The Chair shall have discretion to invite group leaders or another nominated speaker from each group and Independent Member/s to pay tribute;
- (ii) Death of a past Lord Mayor – The Chair will make an announcement and pay tribute; and

- (iii) Death of a former Councillor – The Chair will make an announcement only.

The Chair shall have discretion to announce a one minute silence.

27 GENERAL RULES OF DEBATE

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.
- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.
- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 35).
- (g) Proposers of motions or movers of reports may speak for up to six minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.
- (i) At any time before the start of the Council meeting, each of the political groups may, through their nominated spokesperson, provide the Chair with a list of their priority speakers in respect of any one or more agenda items. Without prejudice to the Chair's discretion (under Rule 7(b)), and subject to compliance with these Council Meeting Procedure Rules, the Chair will endeavour to allow the named Members to speak in the relevant debate in the prioritised order.

28 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twenty one Members.

Motion similar to one previously rejected

- (b) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twenty one Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

Part 4 – General Provisions

29 VOTING

Majority

- (a) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's casting vote

- (b) Except in the case of a vote under Rules (e) and (f) below, if there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Method of Voting

- (c) In normal circumstances voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.
- (d) If a matter seems to be uncontroversial (and no objection is received from any Member) the Chair may determine that a vote by a show of hands is sufficient. Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

Voting on appointments excluding employee appointments

- (e) If there is one position (in a body or organisation) to be filled by a nominee of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes.

- (f) If there are two or more positions (in a body or organisation) to be filled by nominees of the Council and the number of nominations exceeds the number of such positions each Member of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed.

Voting on employee appointments

- (g) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.
- (h) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

30 MINUTES

Signing the minutes

- (a) The Chair will sign the minutes of the proceedings at the next meeting (unless it is an Extra-Ordinary Meeting). The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Form of minutes

- (b) The form of the minutes will be a matter for the Proper Officer but will include:-
 - (i) all motions and amendments in the exact form and order the Chair put them;
 - (ii) replies given to Oral Questions; and
 - (iii) written questions and answers (as referred to at Rule 17).

31 RECORD OF ATTENDANCE

- (a) All Members present during the whole or part of a meeting must accurately record their attendance on the record of attendance provided for that purpose.

32 RECORDINGS OF MEETINGS OF THE COUNCIL

- (a) Council meetings shall be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).

(b) Other filming, recording and use of social media is permitted during Council meetings, provided that:

- (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
- (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
- (iii) Any recording must be overt, not covert;
- (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
- (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
- (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

33 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

- (a) All or any of these Council Rules of Procedure except Rule 29 may be suspended by motion on notice or without notice if at least one half of the whole number of Members is present.

Amendment

- (b) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

34 OFFICER ADVICE

- (a) Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.
- (b) Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Head of Paid Service. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

35 INTERPRETATION

- (a) In these Rules the following words shall have the following meanings.

“Relevant Business” means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.

“Inappropriate Business” means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or
- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
- (v) relate to an individual, particular group or business or the questioner’s own particular circumstances; or
- (vi) are ultra vires the Council or unlawful.

“Working Day” means a normal working day in Wales when banks are open for normal business (for the avoidance of doubt, excluding weekends and public holidays).

(b) Any reference to “in writing” or “written” shall include email.

(c) The Chair’s ruling on the interpretation of these terms in relation to the application of these Rules shall be final.

Council Meeting Timetable Summary (assuming no public holidays)

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
Mon	-13					9am – Start of the Submission Period for submission of Ordinary Motions
Tues	-12					
Wed	-11					
Thu	-10					
Fri	-9			9am - Deadline for asking questions to ensure answer given by meeting.		5pm – End of Submission Period (deadline for submission)
WEEKEND						
Mon	-8					
Tue	-7					
Wed	-6	5pm - Deadline for Submission of Public Questions				
Thu	-5	Deadline for submission of Green Papers				
Fri	-4	Summons and Agenda Circulated				
WEEKEND						
Mon	-3					
Tue	-2		12.00 noon – Deadline for submission of Oral Questions			5pm - Deadline for submission of amendments to Ordinary Motions
Wed	-1	9am - Deadline for submission of amendments to reports				
Thu	0	Council Meeting		12.00 noon - Written copies of questions and answers circulated by email		
Fri	1					
WEEKEND						
Mon	2					
Tue	3					
Wed	4					

Thu	5	Circulation of written copy of Oral Question/Answers				
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**CARDIFF COUNCIL
CYNGOR CAERDYDD**



CONSTITUTION COMMITTEE:

21 JUNE 2021

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

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 and reflected in the Scheme of Delegations, Section 4E reference LD16A).

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. Constitution provisions in respect of the following matters have been identified as requiring amendment:

Section 151 Officer Delegation, Reference FS10

6. The Corporate Director Resources is the Council's Section 151 Officer, with statutory responsibility, under section 151 of the Local Government Act 1972, for the proper administration of the financial affairs of the authority.
7. The Scheme of Delegations set out within Part 3 of the Constitution includes a list of delegations exercisable by the Section 151 Officer (in Section 4E of the Scheme) in order to fulfill the statutory responsibilities of the post. Within those delegations, delegation FS10 provides for the operation of the Council's bank accounts, as follows:

FS10	To operate the Authority's main bank account and arrange for all cheques to bear the signature of the Corporate Director, Resources.
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8. Delegation FS10 is routinely used by the Section 151 Officer to manage the Council's bank accounts, including agreeing appropriate overdraft and other banking facilities, which are confirmed annually. However, in the interests of clarity and probity, the Council's day to day banking provider has recommended confirmation of specific authorisation in this regard.
9. Having considered the current delegation in consultation with Finance colleagues and the Council's bankers, it is recommended that delegation FS10 should be amended as follows:

FS10	To operate the Authority's bank accounts for the prudent management of financial affairs and arrange for all cheques to bear the signature of the Corporate Director, Resources; to include, without limitation, the authority to establish appropriate overdraft limits on individual accounts to allow the effective processing of transactions and operation of the accounts, and to enter into legal agreements to set-off debit and credit balances on any such accounts.
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10. For the avoidance of doubt, Members should note that the recommended constitution amendments do not involve any change to the Council's current banking or overdraft facilities; they simply confirm the delegated powers currently exercised by the Section 151 Officer.

Pensions Board Terms of Reference

11. The Local Pensions Board has been established by the Council, in accordance with the requirements of The Public Service Pensions Act 2013, to assist the Council to discharge its functions as Administering Authority and Scheme Manager of the Cardiff and Vale of Glamorgan Pension Fund.
12. The terms of reference of the Local Pensions Board, as approved by full Council in June 2018, are:
'To assist Cardiff Council as Scheme Manager and Administering Authority to:
(i) secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the scheme;
(ii) secure compliance with any requirements imposed by the Pensions Regulator in relation to the LGPS; and
(iii) ensure the effective and efficient governance and administration of the scheme
(pursuant to sections 5(1) and (2) of the Public Service Pensions Act 2013 and regulation 106(1) of the LGPS Regulations).'
13. The Local Pensions Board does not exercise formal decision making powers on behalf of the Council, but it does perform an important statutory role in assisting the Council to discharge its Pensions Fund functions. In recognition of this and in the interests of clarity and transparency, it is recommended that the terms of reference of the Local Pensions Board should be set out within the Constitution, in Part 3, Appendix 2.

Channel Panel

14. The Counter-Terrorism and Security Act 2015 ('CT&S Act'), section 36, places a duty on local authorities to ensure that a 'Channel Panel' is in place for their area to provide support for people vulnerable to being drawn into terrorism. A Channel Panel is a multi-agency partnership lead by the local authority in partnership with the police and other relevant agencies (specifically, the NHS, probation service, Welsh Extremism and Counter Terrorism Unit WECTU, schools/colleges, Youth Offending Services, Home Office Immigration (if required), Border Force and the Prison Service) which aims to: identify individuals at risk; assess the nature and extent of that risk; and develop the most appropriate support plan for the individuals concerned.
15. Cardiff's Channel Panel was initially set up in 2008, as a Home Office pilot. After the CT&S Act placed Channel Panels on a statutory footing in 2015, and made provision (in Section 41(3) of the Act) for two or more local authorities to set up a combined panel for their combined area, allowing for proportionate and efficient use of resources, the Cardiff and Vale of Glamorgan Channel Panel was set up. The Panel is overseen by, and reports to, the Community Safety Partnership.
16. Statutory Guidance issued by the Home Office in 2020, the Channel Duty Guidance, states that the Channel Panel should be reflected in the local

authority's constitution. It is therefore recommended to insert reference to the Channel Panel into the Constitution, Part 3, Appendix 2, as follows:

'Cardiff and Vale of Glamorgan Channel Panel - Established pursuant to section 41(3) of the Counter-Terrorism and Security Act 2015 ('the CT&S Act') to discharge the Channel Panel duties of Cardiff Council and the Vale of Glamorgan Council under the CT&S Act in relation to providing support for people vulnerable to being drawn into terrorism.'

Delegations for Appropriation of Land

17. Appropriation is the legal process by which land held by a local authority is transferred from one legal function or purpose to another. Under the Local Government Act 1972, section 122, the local authority has a general power to appropriate land: belonging to that Council; that is no longer required for the purpose for which it is held; for any other purpose for which it is authorised by statute to acquire land.
18. Under the Scheme of Delegations (Section 4F), the Director of Economic Development has delegated authority to authorise disposals and acquisitions of land where the value is not more than £1 million (subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and best value, Member consultation, and professional advice). However, the only express reference to appropriation in the Scheme of Delegations is in the Cabinet's reserved power (Scheme of Delegations, Section 2) number 16:
'To approve the purchase, sale or appropriation of land and buildings in any case where arrangements have not been made for discharge of the function by an officer of the Authority.' The absence of an officer delegation for appropriation appears to be an omission.
19. In practice, the Director of Economic Development has therefore relied on his general delegation ('To make any decisions relating to any matter within his area of responsibility', delegation reference 4B, 1.1) to approve any decision to appropriate land, for example, for planning purposes prior to a sale. For the avoidance of any doubt, it is recommended that the Director's delegated authority should be confirmed by an express delegation within Section 4F of the Scheme of Delegations, as follows:

'DE2A To authorise the appropriation of land held by the Council for any purpose or function for which the Council is authorised to acquire land by statute, subject to Member consultation and advice from the Section 151 Officer and the Director of Governance and Legal Services.
20. It is also common to appropriate land from a General Fund function to the Housing Revenue Account (HRA) for housing purposes; and from the HRA to the General Fund in relation to property which is no longer required for housing purposes. These appropriations have financial accounting implications, due to the fact that the Housing Revenue Account is a ring-fenced fund, so the value

of the appropriated land must be transferred from the General Fund to the HRA or vice versa, as appropriate.

21. In February 2012, the Cabinet delegated authority for appropriations from the General Fund to the HRA to the Chief Corporate Services and Section 151 Officer, in consultation with the Corporate Chief Officer for Communities and Executive member for Finance and Service Delivery. It is recommended that, for clarity and certainty, the delegation should be incorporated within the Constitution and widened to cover appropriations from the HRA to the General Fund for property which is no longer required for housing purposes. Responsibility for the Council's Estates Department now falls under the remit of the Director of Economic Development. Therefore, it is recommended that a new delegation should be inserted in Section 4F of the Scheme of Delegations, subject to the same financial limits applicable to acquisitions and disposals of land, authorising the Director of Economic Development, as follows:

'DE2AA To authorise the appropriation of land from the General Fund to the Housing Revenue Account and from the Housing Revenue Account to the General Fund as may be appropriate, where the value of the land is no more than £1,000,000, subject to consultation with the relevant Cabinet member and the Corporate Director, People and Communities, and advice from the Section 151 Officer and the Director of Governance and Legal Services.'

Regrading Applications of Operational Managers

22. The Head of Paid Service has statutory responsibility for appointments, dismissals and taking disciplinary action against Council staff, except for chief officers, deputy chief officers, the Monitoring Officer and the Head of Democratic Services (under the Local Authorities (Standing Orders)(Wales) Regulations 2006, Regulation 5 and Schedule 3, Part 2, paragraph 2). The Regulations define 'chief officer' for these purposes as including the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer; and 'deputy chief officer' as meaning any officer who reports directly, or is directly accountable, to a chief officer, except for secretarial, clerical and support staff.
23. As there are specific statutory provisions relating to 'chief officers' as defined in the 2006 Regulations (and the Local Government and Housing Act 1989), the Council's Constitution (specifically, the Employment Procedure Rules and Committee terms of reference) also references 'chief officers' and 'deputy chief officers' as statutorily defined.
24. The appointment and dismissal of chief officers and deputy chief officers is delegated under the Council's Constitution to the Appointments Committee; and responsibility for determining regrading applications of chief officers and deputy chief officers falls within the terms of reference of the Employment Conditions Committee.

25. The Scheme of Delegations, Section 4E, includes the following officer delegations:

- (i) Delegation CE2 – Delegates authority to the Chief Executive ‘To be Head of Paid Service and discharge the functions of appointment and dismissal of, and taking disciplinary action against, any member of staff, in accordance with the Council’s HR and financial procedures and subject to appropriate consultation as outlined therein, except where such functions have been reserved to the Appointments Committee.’
- (ii) Delegation CE5 – Authorises the Chief Executive ‘To determine any matter which is not a matter specifically reserved for full Council, a committee of the Council, the Cabinet or another Statutory Officer.’
- (iii) Delegation CE11 – Delegates authority to the Chief Executive ‘To determine applications for re-grading from the Chief HR Officer.’
- (iv) Delegation HR1 – Delegates authority to the Chief HR Officer ‘To approve the proposals of Chief Officers to • Determine any applications for re-grading at Operational Manager Level and below..’

26. Regrading applications in respect of an Operational Manager would ordinarily fall within the Chief HR Officer’s delegation HR1, also exercisable by the Chief Executive under his delegation CE5. However, for any Operational Manager who reports to a chief officer and therefore falls within the statutory definition of a deputy chief officer, responsibility would also fall within the terms of reference of the Employment Conditions Committee. As all officer delegations expressly exclude any matter specifically reserved to a Committee (or Full Council, Cabinet, or a Statutory Officer), responsibility for determining a regrading application of an Operational Manager who is also classed as a ‘deputy chief officer’ would fall to the Employment Conditions Committee. Where Operational Manager regrading applications may be dealt with within the current remuneration framework for Operational Managers, it is suggested that it would be more appropriate for such decisions to be made under officer delegations, as it is not appropriate for the Employment Conditions Committee to consider matters relating to individual members of staff at that level.

27. The Committee is requested to consider amending the terms of reference of the Employment Conditions Committee (in the Scheme of Delegations, Appendix 2) to reflect this, as follows:

‘(a) to consider and determine policy and issues arising from the organisation, terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time where this is necessary, subject to the approval of Council in respect of any determination or variation of the remuneration of Chief Officers;

(b) to decide requests for re-grading of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), [except for Operational Managers deemed to be classed as Deputy Chief Officers, whose applications may be determined under Chief Executive officer delegation within the remuneration framework for](#)

[Operational Managers](#), 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 a re-grading application or to decide applications for re-grading which are supported, subject to the approval of Council in respect of any determination or variation of the remuneration of a Chief Officer.

(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.'

28. This proposed change to the Employment Conditions Committee's terms of reference requires consultation with the Trade Unions, which has been carried out. No concerns have been raised by the Trade Unions in relation to this proposal.

Members' / Senior Officers' Planning Applications

29. Under the Scheme of Delegations (Section 4F), the Head of Planning has delegated authority to determine all planning applications, with the exception of certain specified matters which are reserved for decision by the Planning Committee. The list of matters reserved for decision by the Planning Committee includes:

- (i) Planning applications submitted by current Elected Members of the Council, Directors and Assistant Directors.

30. The purpose of this exception is to guard against any allegations or appearance of undue influence in the decision making process.

31. Planning applications may be submitted directly or through an agent. For the avoidance of any doubt, it is recommended that the exception to the Head of Planning's delegated authority should be amended to clarify that this includes any applications submitted *on behalf of* a Member or Director / Assistant Director. It is also recommended, for the same reasons (set out in paragraph 30 above), that this exception should extend to the Head of Planning and Planning Operational Managers. The recommended amendments are as follows:

- (i) Planning applications submitted by or on behalf of any current Elected Members of the Council, Directors and Assistant Directors [or the Head of Planning or Planning Operational Managers](#).

32. This would clarify that any planning application submitted by or on behalf of an elected Member, any Director / Assistant Director, or the Head of Planning or Planning Operational Managers must be determined by the Planning Committee.

Legal Implications

- 33. The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its constitution up to date.
- 34. The recommended Constitution amendments set out in this report require the approval of full Council.
- 35. Other relevant legal implications are set out in the body of the report.

Financial Implications

- 36. There are no direct financial implications arising from the recommendation of this report. When delegations are exercised, they are accompanied by detailed financial and legal advice and are to be contained within the budget framework.

Recommendations

The Committee is recommended to agree the Constitution amendments set out in this report and recommend the same to full Council for approval.

Davina Fiore

Director Governance and Legal Services & Monitoring Officer

15 June 2021

Background papers

Council report, Cardiff and Vale of Glamorgan Pension Fund – Amendment of Terms of Reference for the Local Pensions Board, 21st June 2018

[Channel Duty Guidance: Protecting people vulnerable to being drawn into terrorism \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614443/channel_duty_guidance_protecting_people_vulnerable_to_being_drawn_into_terrorism.pdf)

Cabinet report, Budget Proposals, February 2012

CONSTITUTION COMMITTEE:

21 JUNE 2021

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

FORWARD WORK PLAN

Reason for this Report

1. To receive, consider and approve the Constitution Committee Forward Work Plan for 2021-22 as detailed in **Appendix A** to this report.

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).

Issues

3. The Forward Work Plan gives notice of, and transparency to, matters under review and for decision during the municipal year and reflects the Committee's objective to improve and enhance governance of the Council; to have effective outcomes; and to ensure that it complies with legal obligations and identifies potential risks.
4. The Forward Work Plan needs to reflect the time commitment required for Committee Members and the resources available within the Council to meet the Committee's ambitions.
5. The main work stream for the Committee has been to develop improvements to aspects of the Constitution, in particular in relation to making Council meetings more effective, giving greater transparency to how decisions are made and the way the Council and its officers function.

Legal Implications

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

Financial Implications

7. There are no direct financial implications arising from this report, provided the work can be met from within existing resources.

RECOMMENDATION

The Committee is recommended to consider and approve the Forward Work Plan 2021-22, and the areas considered as priorities as set out in **Appendix A**.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

15 June 2021

Appendices

Appendix A – Constitution Committee Forward Work Plan 2021 - 2022

Background Papers

Constitution Committee report, 'Forward Plan 2019/20', February 2019

CONSTITUTION COMMITTEE – FORWARD PLAN 2021/22

APPENDIX A

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	REPORT TO COMMITTEE
(1) Remote / Multi-Location Meeting Arrangements	To consider meeting arrangements required under new provisions of the LG and Elections (Wales) Act 2021	Director of Governance & Legal Services	High	On agenda (June 2021)
(2) Council Meeting Procedure Rules	To review the arrangements for meetings of full Council	Director of Governance & Legal Services	High	On agenda (June 2021)
(3) Review of Planning Rules	To review current rules and consider whether any changes should be made	Director of Governance and Legal Services / Head of Planning	Medium	Autumn 2021
(4) Constitution Update	To consider any recommended constitution changes	Director of Governance and Legal Services	Medium	On agenda (June 2021)
(5) Council Petition Scheme	To consider the adoption of a Petition Scheme, reflecting the new legislative provisions which come into force in May 2022	Head of Democratic Services / Director of Governance & Legal Services	Medium	Autumn 2021
(6) Constitution Guide and other changes introduced by the Local Government and Elections Wales Act 2021	To consider constitutional changes required under the Local Government and Elections Wales Act 2021, which take effect from May 2022	Director of Governance and Legal Services	Medium	Autumn 2021

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