

COUNCIL:

24 SEPTEMBER 2020

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES

GOVERNANCE UPDATE – RESTART ARRANGEMENTS

Reason for this Report

1. To enable Council to consider updates to its governance arrangements during the restart period when normal business operations are disrupted due to government restrictions and additional service restart pressures as part of the COVID-19 pandemic.

Background

1. Under statutory powers granted in the Coronavirus Act 2020, the Welsh Ministers have issued The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 ('the Regulations'), which temporarily relax the rules governing local authority meetings during the COVID-19 response period. The Regulations came into force on 22nd April 2020 and have effect until 30th April 2021.
2. A report presented to Council on 21 May 2020 adapted the governance arrangements during the COVID-19 period. Subsequent reports were presented in June 2020 to approve the calendar of remote meetings and in July 2020 agreed the restart of Scrutiny.
3. Following the initial restrictions put in place due to the COVID-19 Pandemic, the UK and Welsh Governments have started to relax the range of personal and social measures intended to prevent the spread and impact of corona virus. These measures are likely to continue for some time and will impact the ability of Council to facilitate the physical attendance of Elected Members and others, at meetings of the Council, the Cabinet and Committees for a prolonged period. Given the relaxation in the COVID-19 measures this report proposes options to resume more normal governance arrangements whilst maintaining appropriate safety measures.
4. The easing of the COVID-19 restrictions has also led to significant service pressures arising from the restart of services and the introduction of new working arrangements. Whilst the Authority is continuing to ensure that the

Council's decision making processes are open and accountable, it is also important to ensure that these processes are manageable and sustainable.

5. Additional localised COVID-19 restrictions may also be put in place by the Welsh Government should there be an increase or spike in cases within the Cardiff or wider area during the restart period.

Issues

Remote Meetings for Essential and Urgent Business

6. The Regulations allow meetings of a local authority to be held remotely using any equipment or facility which allows Members to speak to, and be heard by, each other (whether or not Members can also see each other). The new rules on remote attendance apply to any meetings of the Council, Cabinet, Committees or Joint Committees (or Community Councils) held before 1st May 2021.
7. Officers produced an Elected Member Protocol for Remote Meetings, covering pre-meeting preparation and effective Elected Member participation in a remote meeting. As a result the authority has successfully held 32 remote meetings which have been either recorded and uploaded or streamed live to the [Council's webcasting website](#).
8. Although remote meetings have been successfully delivered, a number of challenges still remain. These include:
 - a. Technology – The Microsoft Teams software which is currently being used for remote meetings and has worked well, but does not have the facility to support simultaneous Welsh translations.
 - b. Public access – the rules on public access to meetings are temporarily relaxed by the Regulations, but the Welsh Government's accompanying Explanatory Memorandum says that Councils 'may, if practicable, enable members of the public and the press to attend certain meetings remotely.' In Cardiff, this has been achieved with Planning and Licensing committee meetings which have supported public and external participation at their meetings. There were also over 230 remote Education Admission appeals which were attended by parents/guardians. Public meetings were advertised on the Council's website and at the time of publication remote public meetings received 4274 views (1089 live and 3185 archived views).
 - c. Welsh language – the Welsh Language Standards for public meetings remain unchanged, which means the Council should make available simultaneous translation from Welsh to English if anyone attending a meeting wishes to use the Welsh language. The Welsh Language Commissioner has acknowledged the exceptional challenges presented

during the COVID crisis and indicated that, whilst he is keen to see opportunities to use the Welsh language maintained, he will deal with complaints 'on a case-by-case basis and give careful attention to the exceptional and particular circumstances'.

Discussions are ongoing with IT solution providers and Bilingual Cardiff to seek suitable IT functionality for future meetings. However, as explained in previous paragraphs the current software limitations do not support this requirement and therefore consecutive translation is being used to support the use of the Welsh Language at remote meetings until a better solution can be provided.

- d. Duration of Remote Meetings – The initial intention was for remote meetings to focus on essential business and it was anticipated that these meetings should last approximately 2 hours. Experience has shown that with the return to more normal business, the length of some meetings has increased significantly with some lasting up to 6 hours. Remote meetings are very intense for the participants particularly with them having to focus on a computer screen for an extended period of time. This presents a number of challenges including maintaining the concentration of participants and reducing the effects of screen fatigue.

To reduce the adverse impact of working from home and participating in remote meetings, Elected Members and Council staff have been provided with guidance which includes some practical advice to help them to work safely and comfortably from home when using a computer, laptop or tablet. In addition this report proposes the estimated duration of remote meetings and breaks that should be taken for remote meetings in accordance with the Council's Health and Safety Guidance which reflects the requirements of t.

- e. Resources for Remote Meetings
The preparation, recording and uploading of remote meetings is resource intensive for the Democratic Service Team. In addition to their normal meeting duties, remote meetings often require separate Democratic Services Officers to organise and co-ordinate the remote meeting, particularly those involving the public or external participants, whilst another is required to record and upload the meetings. Team members will also be involved in the essential work required to progress the provision of remote meetings. This will include the procurement and testing of equipment, the development of procedures and the delivery of training for anyone involved in the Councils Programme of Meetings.

Proposals

Annual Meeting of Council

9. The Regulations removed the requirement for the 2020 annual meeting of a

principal council to be held in March, April or May 2020, and allowed the Annual Meeting to be held on any date in 2020 decided by the Proper Officer. The date for the 2020 Annual Meeting was kept under review and was agreed to be set in consultation with the Lord Mayor and party group leaders.

10. Initial discussions have been held with Group Leaders which identified 26 November 2020 as the most appropriate date to hold the Annual Meeting of Council. This report seeks Council's approval for the 2020 Annual Meeting to be scheduled for 26th November 2020.
11. Following Council approval of this date, further work will be undertaken to deliver the meeting which will comply with the latest COVID-19 guidance and safety precautions. It is likely that some modifications to usual procedures at the Annual Meeting will be required particularly in respect of attendance and where close proximity activity is needed i.e. the signing of the acceptance of office and the "chaining" of the Lord Mayor (Elect).
12. Democratic Services Officers will work with the Protocol Office and Health and Safety team to determine the most appropriate practice to be undertaken at the meeting. Proposals for the meeting with consulted upon with the Lord Mayor, Lord Mayor (Elect), Group Leaders and the Monitoring Officer.
13. As the Regulations make no provision for the Annual Meeting for 2021, the normal rules apply, requiring the 2021 Annual Meeting to be scheduled for March, April or May 2021, unless further legislation is issued to amend this. A provisional date of 27 May 2021 has been identified as the most likely date of the Annual Meeting of Council for that year.

Chair and Vice-Chair of Council

14. The Chair and Vice-Chair of Council must be elected / appointed at the Annual Council meeting (under sections 23 and 24 of the Local Government Act 1972). As reported to Council in May 2020, the Regulations allow such elections and appointments to be delayed until any time before 1st May 2021. As long as the current incumbents are content to remain in office, their terms of office are automatically extended until their successors are elected or appointed.
15. The Chair and Vice-Chair of Council elected / appointed at the 2019 Annual Meeting both confirmed they were content to remain in office. The election of new office holders has therefore been deferred until the rescheduled Annual Meeting, provisionally scheduled for 26th November 2020, subject to approval by Council.
16. As the current Chair and Vice-Chair will have remained in office for 18 months; and with their successors taking up their appointments midway through the municipal year, Council may wish to agree to extend their term of office by reappointing them at the Annual Meeting in 2021.

Council Meeting Arrangements

17. It was previously agreed that Council, Cabinet and other Committee meetings would focus on essential and urgent business. With the relaxation of the safety measures and the restart of services, efforts have been made to return to more normal business within the limitations of the COVID-19 guidance. It is proposed that the following elements of a council meeting be resumed from October as indicated below:
 - a. the normal procedure for receiving individual statements or reports from the Leader and/or Cabinet Members and questions and answers on them as set out in Rule 3(xii) and Rule 16 (a) of the Council Meeting Procedure Rules.
 - b. written questions as detailed in Rule 17 of the Council Meeting Procedure Rules.
 - c. Public Questions, as described in Rule 18 of the Council Meeting Procedure Rules.

18. Petitions

Given the COVID-19 restrictions, the creation of a hand written petition is impractical, as is its receipt and presentation to Council. Currently, there is no provision in the Constitution for the electronic submission of petitions, therefore a suite of interim measures are proposed to enable the submission of electronic petitions to Council. This will ensure consistency in respect of the information supplied with the petition and the timings for submission of petitions electronically. It is anticipated that these will remain in place until the Constitution Committee are able to recommend a suitable electronic petition scheme which meets the requirements of the Welsh Government legislation which is expected to be made available in the near future.

The proposed interim arrangements are as follows:

- a. In the Council Meeting Procedure Rules, Rule 20, references to 'petitions' are to be read as including 'Electronic petitions', meaning petitions submitted electronically, which comply with the requirements set out below.
- b. Electronic petitions may be submitted by Elected Members via email to the Democratic Services mailbox by 5.00pm 7 working days before the date of a Council meeting.
- c. The email must include the name and address of the lead petitioner, the subject and intention of the petition and the number of signatories to the petition.
- d. The lead petitioner must live, work or own a business in Cardiff.

- e. An Electronic petition must include:
 - i. The name of the lead petitioner
 - ii. The subject and intention of the petition
 - iii. The name and address of those signing the petition, including a postcode.

 - f. Once a petition is received and it is confirmed that it contains the necessary information the relevant ward Councillor will be invited to present the petition at the Council meeting during the petitions item on the Council agenda. (As provided in the Council Meeting Procedure Rules (CPR), Rule 20, '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.')

 - g. Any petitions which are received which do not meet the criteria will not be announced at a Council meeting. (However, it should be noted that the Democratic Services team does not have the resources to check the names and addresses of all petition signatories.)

 - h. The response to the petition shall depend upon the number of petition signatories, as set out in CPR Rule 20, 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.'
19. Further development for a return to the pre-lockdown Council business arrangements will be kept under review. These include the reintroduction of oral questions with revised timescale for submission to enable full and timely responses to be provided.
20. With the possibility that the Authority may be placed into enhanced COVID-19 measure in the future, these arrangements will be kept under review by the Director of Governance and Legal Services & Monitoring Officer and in consultation with the Lord Mayor and Group Leaders may be subsequently revised to reflect the latest Welsh Government guidance

Programme of Meetings

21. The proposed programme of meetings is attached at **Appendix A (marked to follow)** identifies the dates and timings of Council, Cabinet and Committee meetings from 01 October 2020 to 31st March 2021. It is currently planned that these be remote meetings but this position will be kept under review by the Proper Officer and in consultation with the Lord Mayor and Group Leaders.

22. Proposed estimated duration times for meetings - To effectively manage remote meetings and support the health and wellbeing of participants and employees, an estimated maximum duration time and an indication of the planned breaks which should be taken at suitable stages during any remote meeting has been included with the Programme of meetings (attached as Appendix A). These proposals will support effective meeting management, meet the requirements for the use of Display Screen Equipment (DSE) and will assist in the maintenance of concentration and engagement of all attendees.
23. Publication of the notes of a meeting – The Regulations require that a note is published within 5 working days following a meeting, setting out the decisions taken; names of Members who attended and any apologies for absence; and any declarations of interest. Full minutes of the meeting are then to be published as soon as reasonably practicable.

To date a full set of minutes has been provided following a meeting. With the proposed increase in the number of meetings and the additional support required from Democratic Services for each meeting this may be difficult to achieve for all meetings.

Therefore some meetings may have a brief note of the decisions published initially, which will meet the requirements of the Regulations. The full minutes will subsequently be published before the next meeting of the committee when they are presented for approval.

Other Developments:

24. Progress is continuing to be made on the provision of remote meetings these include:

- a. Simultaneous Welsh Translation

The Welsh Government has been in discussions with Microsoft to progress its dual language functionality as a matter of urgency. Until a suitable solution is provided by Microsoft some work-around solutions and improvements are being considered and will be tested in the near future as part of the ongoing development of remote meetings.

Other remote meeting software has been considered. There are a number of concerns regarding the security, procurement, timescale of implementation, training, and support of the other software systems that are available. These difficulties may need to be overcome if Microsoft were unable to complete the implementation of the dual language facility in the near future.

- b. Hybrid Meetings

A hybrid meeting would allow a small number of participants to attend a socially distanced physical meetings using microphones and cameras, as

in Committee Room 4, and link to a remote teams meeting with a larger number of remote attendees. The audio visual elements would be integrated and provide a seamless meeting for participating, viewing and broadcasting.

An initial survey has been undertaken in County Hall to determine the technical requirements to achieve a hybrid meeting. A quote and installation plan is being considered and if successful small scale testing will be undertaken to determine how this can be implemented on a wider scale.

Hybrid meetings would also support the increased use of the simultaneous Welsh translation for physical attendees and the broadcast viewers but NOT the remote attendees. The remote attendees would have to use work-round options until the suitable software was developed.

c. Printing of Meeting Documents

Use of the new Modern.gov application enables the creation and distribution of meeting documents in an electronic format. However using this application on a single device whilst in a remote meeting is proving to be challenging for some Elected Members. A survey of Elected Members is currently being undertaken to establish their personal needs for the provision of printed meeting documents. This will assist meeting the individual needs of Elected Members and support effective budget management for the printing and distribution of these documents.

Legal Implications

25. Legal implications arising from the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 and other relevant legislation are set out in the body of the report.
26. The Council has public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. The Council must also be mindful of its Welsh language duties, under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its decisions upon the Welsh language.
27. The Wellbeing of Future Generations (Wales) Act 2015 requires the Council to consider how its proposed decisions will contribute towards meeting the wellbeing objectives set out in the Corporate Plan. Members must also be satisfied that the proposed decisions comply with the sustainable development principle, which requires that the needs of the

present are met without compromising the ability of future generations to meet their own needs.

Financial Implications

28. The intended ongoing use of existing video conferencing software for remote attendance at Council meetings will not incur additional general licence or software costs. Enhanced conferencing software and functionality is incurring some additional cost, which is being monitored and is to be contained within the Democratic Services budget. Potential software costs for Welsh Language services, are to be determined.
29. Procurement costs of £9,948 were required to ensure IT devices and associated hardware met the required standard for those in remote attendance at the initial Full Council Meeting in May 2020. Any further costs of IT devices and associated hardware for remote attendance in Council meetings have been limited. The cost of re-procuring the webcasting system, implementing hybrid meetings and purchasing IT equipment to support remote meetings is to be contained within the webcasting budget of £26,400 for 2020/21.
30. Democratic Services are reviewing Members printing needs and costs, and staffing requirements as referred to within the report.

RECOMMENDATIONS

Council is recommended to:

1. Agree to hold the 2020 Annual Meeting of Council on 26th November 2020, and note the modified arrangements being developed to ensure the meeting is COVID-19 secure, as set out in paragraph 12 of the report;
2. Agree that the Chair and Vice Chair of Council appointed at the 2020 Annual Council meeting, and that their terms of office may be extended until the Annual Meeting in 2022;
3. Agree that full Council meetings from October 2020 shall resume normal arrangements (under the Council Meeting Procedure Rules) for:
 - (i) Leader and Cabinet member statements, questions and answers, in accordance with Rule 3(xii) and Rule 16(a);
 - (ii) Written Questions, under Rule 17; and
 - (iii) Public Questions, under Rule 18.
4. Agree, as an interim measure, the acceptance of Electronic petitions under Council Meeting Procedure Rule 21, subject to the requirements set out in paragraphs 18 of the report, and pending the introduction of a new Petition Scheme;

5. Approve the Programme of Meetings 1st October 2020 to 31st March 2021, appended at Appendix A, which are to be held remotely until any alternative arrangements may be agreed; and delegate authority to the Director of Governance and Legal Services to make any necessary amendments to the Programme of Meetings, in consultation with the relevant Chairpersons.
6. Note that governance arrangements and the issues and future developments set out in this report are being kept under review in light of the changing national position in relation to COVID-19 and the business needs of the Council, and receive further update reports in due course.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND
MONITORING OFFICER

16th September 2020

APPENDICES

Appendix A Programme of Meeting 01 October 20 – 31 March 2021
(To Follow)

Background papers

Remote Meetings: Information and Guidance, including Elected Members
Protocol for Remote Meetings
Governance reports to Council in May 2020, June 2020 and July 2020