

CONSTITUTION COMMITTEE

28 February 2022

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

MULTI-LOCATION MEETING ARRANGEMENTS

Reason for this Report

1. The purpose of this report is to provide the Constitution Committee with an update on the planned multi-location meeting arrangements following the public consultation on the initial draft of the Multi-Location Meetings Policy for its consideration and direction.

Background

2. On 13 December 2021 the Committee considered the initial draft of the Council's Multi-location Meeting Policy. Some initial changes to the policy were proposed which included:
 - a. To encourage all committee members physically attend at least one face to face meeting every six months for each committee or decision-making body to which they are appointed.
 - b. That appropriate breaks are included in the policy to reflect the Health and Safety Executive (HSE) or the Committee Chair offers the opportunity for appropriate breaks to meet the needs of the Committee.
3. These changes were made to the draft policy prior to the commencement of the public consultation and engagement with Elected Members, Joint Committee members, officers and the public.
4. It was agreed that the consultation would also be used to assist in the development and completion of an equalities impact assessment which would more accurately reflect the needs of those participating in meetings

Issues

Consultation

5. The revised draft Multi-Location Meetings Policy and committee report were shared with all Elected, Independent and Co-opted Members of Cardiff Council, the members of the Prosiect Gwyrdd and Glamorgan Archives Joint Committees and support officers from each of the Council's committees and sub committees.

6. The Head of Democratic Services provided a consultation event on 11th and 12th January 2022, with Joint Committee Members, Independent Members and committee support officers. These sessions outlined the policy and possible impact of the policy on the delivery of committee meetings.
7. Feedback from these activities was collated and where appropriate the policy was revised to clarify its contents or to address issues that were identified. The collated Member and officer feedback is shown at **Appendix A**. The responses have been categorised as follows:
 - a. Responses 1 - 55 relate to the draft multi-locations meeting policy,
 - b. Responses 56 – 64 relate to the guidance documents to support the policy
 - c. Responses 65 – 69 being more general issues about the policy

Key findings from the Member and Officer Consultation

8. The Elected Member and Officer consultation identified a number of proposals to improve clarity and understanding of the draft policy which included:
 - a. providing a clear definition of the committees and meeting to which the policy would apply to.
 - b. the provision of public available meeting software to enable independent Members and the public to remotely participate in meetings.
 - c. that proposals for Joint Committees to be undertaken as predominately remote meetings was generally welcomed.
 - d. Including the Local Authority Governor Panel as a predominantly remote meeting.
 - e. questioning the need to include the paragraph relating to “encouraging Elected and other members to physically attend one meeting every 6 months”.
 - f. Concerns regarding the impact on the effectiveness of the democratic process in remotely attending meetings and the preference of some Members for a greater level of physical attendance at meetings.
 - g. Clarification of technical and process related issues.
 - h. Separation of the guidance from the policy to enable updates of made to reflect the rapidly developing technology and processes.
9. Working with the Corporate Research Team a public survey was developed and circulated to the following organisations and bodies on 24 January 2022 with responses requested by 14 February 2022:
 - a. the Citizens Panel with approximately 5,500 public representatives
 - b. the Youth Council
 - c. Community Councils
 - d. Various equality Groups identified by the Equalities Team which included:
 - Cardiff 3rd Sector Network
 - Race Equality First
 - Diverse Cymru
 - Cardiff 50+ Forum
 - Guide Dogs Cymru
 - Disability Wales

- Alzheimer's Society
- Age Connects (Cardiff and the Vale)
- Royal National Institute for the Blind
- Wales Council for the Deaf
- Deaf Hub Wales
- British Deaf Association
- Cardiff Councils 5 Employee Networks
 - Black Asian and Minority Ethnic,
 - Carers,
 - Disability,
 - LGBT+ and
 - Women's
- Cardiff East Interfaith Network

e. The residents of Cardiff with a public survey promoted on the Councils social media accounts.

10. A total of 144 responses were received from the public consultation are attached at **Appendix B**.

Key findings from the Public Consultation

11. Some of the responses received were to address wording or other grammatical inconsistencies but the key elements of the feedback related to the following:

- a. Not all of the survey questions were answered by all respondents however the survey was undertaken by a diverse range of respondents.
- b. Over 80% of respondents identified that they did not engage or observe meetings with the main reason being that they do not know where to find the information for meetings (67.3%).
- c. The majority of respondents would either view the live stream 64% (16) or archived webcast 48% (12) with 20% (5) using both live stream and archived webcast.
- d. A larger number of respondents (137) indicated that if they wanted to engage or observe meeting their preferred option was primarily by using virtual arrangements 74.5 % (102) with 25.5% (35) wishing to attend in person.
- e. The responses generally supported the webcasting of the committees identified in the policy.
- f. Although the proposed arrangements for physical observers would support the requirement of those who wish to physically attend meeting there were a number of barriers which may need to be address including the timings of meetings.

The Equality Impact Assessment

12. Following the consultation the Equality Impact Assessment (EIA) was drafted and a copy is attached at **Appendix C**.

Proposed Changes to the Draft Policy

13. A number of changes to the draft policy were identified and provisionally applied to the policy at **Appendix D**. Comment tags have been added to the document to identify where a consultation response has been made and changes have been made to draft policy. These have included:

- a. Local Authority Meetings: Added additional paragraphs 3 and 4 to improve clarity on the types of meeting that are covered by the policy.
- b. Policy Review: Added paragraph 12 to include a review period for the policy

Documentation: There is a need to ensure that participants and observers are able to access to easy-to-understand information which explains how they can and should engage in multi-location meetings. With the imminent implementation of the Council's new conferencing system and meeting software, the guidance, which is expected to complement this policy will be prepared based on the new technology and systems. To minimise changes to the policy once it is approved, it is proposed that the associated documents be published separately with reference made to them in the main policy document. Paragraph 13 refers to separate guidance including:

- Guidelines for Public Participants and Observers of Multi-location Meetings which will be published on the internet.
 - "Guidelines for Council Participants and Observers at Multi-location Meetings" and "Chairing Multi-location Meetings" will be made available on the Council's Intranet.
- c. ICT Equipment: Clarification of ICT equipment and publicly available remote software in paragraph 23
 - d. Predominantly Remote Meetings: In addition, the joint committees the Local Authority Governor Panel has been added as a predominantly remote meeting. Paragraph 29 has been enhanced to the understand of how representatives of other LA's can join a remote meeting.
 - e. Health and Safety of participants and Observers: clarified the need for participants rather than observers to undertake DSE assessment in Paragraph 35. Paragraph 47 added to identify opportunities for informal physical meeting which are not covered by the policy.
 - f. Physical Attendance: Contrary to the view of the committee respondents questioned if this paragraph (43) was needed if it could not be enforced. Paragraph 44 was added to clearly state that individual could physically attend any and all meeting if they wished to do so.

- g. Webcasting: The webcast meetings, available webcasting hours, monitoring and function (not a formal record) was added for clarification in paragraph 56.
- h. Online meeting Platforms: Clarified benefit of using council devices in paragraphs 61 and 62.

General Support.

- 14. Respondents acknowledged that the authority is required to provide a virtual option for its meetings and were supportive of the main proposals within the policy. Any issues that were raised were relatively minor.

Concerns

- 15. Some consultees expressed their concerns about the effectiveness of the democratic process in decision making with multi-location meetings and suggested that sitting around a table offers an opportunity to 'read the room', confirm that all views have been captured, and encourage contributions from all participants. The consultation responses indicated that there will be Committee Members who may not physically meet, and that there is a need to ensure effective Committee relationships and to develop the collective cohesion of all committee members.
- 16. The consultation responses indicated that there will be Committee Members who may not physically meet, and that there is a need to ensure effective Committee relationships and to develop the collective cohesion of all committee members. The addition of paragraphs 44 and 47 may also assist to address these concerns.

Involvement of Young People

- 17. The draft Multi-location Meeting Policy does not specifically reference the involvement young people although representatives of the Youth Council are invited to a number of Scrutiny Committees as invitees. The Youth Council Executive have requested that a Young Person Friendly version of the policy be developed to support the intentions of Cardiff becoming a Child Friendly City. It has also been proposed that the Youth Council be involved in the development of this version of the policy.

Implementation of the Policy

- 18. To optimise the benefits which the policy is intended to achieve, its implementation has been scheduled for 5 May 2022. This will enable the new conferencing system to be installed and all members elected in the Local Government Elections in 2022 to be trained in the use of the new technology and systems including how they can effectively participate in physical and remote meetings.

Review of the Policy

- 19. It is proposed that a review of the policy be undertaken after 12 months from the implementation of the Multi-location Meetings policy.

20. This project is already on the Governance and Legal Directorate Risk Register and to support the implementation and subsequent review of the policy, the key concerns identified during the consultation will be reflected and monitored in the Directorate Risk Register.

Legal Implications (including Equality Impact Assessment where appropriate)

21. 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, Cabinet, Committee, Sub-Committee and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.
22. 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).
23. 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.
24. The 2021 Act makes 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.)
25. The 2021 Act also introduces a new duty on local authorities, with effect from 5 May 2022, to encourage local people to participate in their decision making and to prepare and publish a public participation strategy detailing how it will meet this duty.
26. When considering arrangements for remote attendance or 'multi-location meetings', authorities must have regard to statutory guidance issued by the Welsh Ministers: [Interim statutory guidance on multi-location meetings \(gov.wales\)](https://gov.wales/interim-statutory-guidance-on-multi-location-meetings)
27. The statutory 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 of the guidance. 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.

28. When public consultation is undertaken, case law has established that the consultation process should:
- (i) be undertaken when proposals are still at a formative stage;
 - (ii) include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
 - (iii) provide adequate time for consideration and response; and;
 - (iv) ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.
29. In considering this matter, the Council must have regard to its 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. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers and must be able to demonstrate how it has discharged its duty. An Equalities Impact Assessment should be carried out to identify the equalities implications of the proposed arrangements, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.
30. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its arrangements upon the Welsh language.
31. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how its proposals will contribute towards meeting its well being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals 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.
32. The approval of any policy which does not form part of the Council's policy framework (as defined in the Constitution, Article 4.2(a)) is a function reserved to the Cabinet under the Scheme of Delegations, Section 2, paragraph 4.

Financial Implications

33. There is funding in place for the Council's new conferencing system, which will be financed through the Council's Capital Programme.
34. The Council has an ongoing contract with a supplier for Webcasting of meetings until 31st March 2023, costs are to be met from the Democratic Services budgets.

35. Following the 2022 Local Government election an exercise will be undertaken by officials to identify the cost of new ICT equipment for Elected Members and the identified costs will be funded through earmarked reserves.

RECOMMENDATIONS

36. The Constitution Committee is recommended to:
- a. Consider the content of the report and its appendices.
 - b. Identify and agree any changes that should be made to the draft Multi-Location Meetings Policy attached as Appendix D; and authorise the Monitoring Officer, in consultation with the Chair, to make the agreed changes.
 - c. Recommend the draft Multi-Location Meetings Policy, subject to any agreed amendments, to Cabinet for approval.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

22 February 2022

Appendix A Consultation Responses - Member and Officers

Appendix B Consultation Responses - Public

Appendix C Draft Equality Impact Assessment

Appendix D Draft Multi-Location Meetings Policy

Background Papers:

[Remote / Multi-Location Meeting Arrangements](#) report to the Constitution Committee dated 21 June 2021

[Multi-Location Meeting Arrangements](#) report to Constitution Committee dated 13 December 2021