

Agenda



Democratic Services Committee

Date: Thursday, 29 April 2021

Time: 10.00 am

Venue: Microsoft Teams Live Event

To: Councillors C Ferris, M Whitcutt, P Hourahine, J Hughes, J Clarke, T Watkins, K Thomas, M Evans and C Evans

Item	Wards Affected
1	<u>Apologies</u>
2	<u>Declarations of Interest</u>
3	<u>Minutes of the Last Meeting</u> (Pages 3 - 10)
4	<u>Audit Committee - Changes to Terms of Reference</u> (Pages 11 - 24)
5	<u>Draft Guidance -Multi-Location Meetings</u> (Pages 25 - 52)
6	<u>Local Government & Elections (Wales) Act 2021 - Implementation</u> (Pages 53 - 66)
7	<u>Date of next Meeting</u> 22 July 2021 at 10am
8	<u>Webcast of Committee</u> Democratic Services Committee, 29 April 2021 - YouTube

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Date of Issue: Thursday, 22 April 2021

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Minutes

Democratic Services Committee

Date: 18 February 2021

Time: 10am

Venue: Microsoft Teams Live Event

Present: Councillors C. Ferris (Chair), C Evans, M Evans, K Thomas, P Hourahine, T Watkins, H Hughes, M Whitcutt, J Clarke

In Attendance: G. Price (Head of Law and Regulation), A Jenkins (Governance Team Leader), E. Howard (Graduate Trainee)

Apologies: None

1. Apologies

None

2. Declarations of Interest

None

3. Minutes of the last meeting

The Minutes from 22 October were accepted as a true record subject to the following:

Item 4 Annual Report of the Democratic Services Committee

The initial for Councillor M Evans and C Evans being excluded. In addition, Councillor M Evans asked that the sentence be changed to 'He' commented instead of 'they'.

Councillor K Thomas made reference to the role Councillors take on and wanted the sentence removed on page 6, second paragraph. To clarify, Councillor K Thomas asked why council business was being conducted differently not why councillors were not doing their role.

Matters Arising

Item 4 Annual Report of the Democratic Services Committee

The Committee queried paragraph 2, page 4 and whether the positions had been filled. The Democratic Services Manager and one Scrutiny Advisor post was being re-advertised. The

closing date was at the end of February 2021 and shortlisting would take place in due course.

Item 6 Any Issues for Discussion with the IRP

The Committee as that regarding page 8, the Head of Law and Regulation feedback that a more in depth look at barriers for people becoming a councillor was addressed. It was advised that it would be noted to feed back to the IRP however this was not minuted for action by the Democratic Services Committee.

The Chair raised this point and the Independent Remuneration Panel (IRP) had listened to this point on a statutory basis and the Welsh Model was envied by England and Scotland who were using the Model as an exemplar.

The Chair mentioned that the issue loomed large on a recent Zoom meeting and the IRP were hoping to mentor those councillors and that some councils mentored candidates.

Councillor Hughes suggested that some of the older councillors should not be mentors and that newer councillors should be buddied up with new councillors.

Councillor Whitcutt agreed with the above point which he considered should fit into the New Wales Local Government Act and that this should be feed into the discussion as well as being a separate discussion.

Councillor K Thomas considered that this would be addressed in the guidance of the new Act and councillors would give thought to this at induction.

Councillor Hourahine, met with Democratic Services Officers at the Welsh Government regarding feedback on Councillor training, which they said was quite good, however they never gave overall feedback on this.

Councillors J Hughes suggested there was scope to look into this and it was right that the Council include this as part of the democratic process to attract the right calibre of candidates particularly in such a diverse city.

The Head of Law and Regulation advised that the existing legislation in the Wales Measure (2011), provisions were in place to encourage more people to come forward. Part of this discussion was informing people what it was to be a councillor and the responsibilities. The political groups and parties also had a responsibility to attract the right calibre of candidates.

Councillor C Evans agreed with the Head of Law and Regulation and said that the issue came with the two party system and it was sensible to look at things as they stood. It was suggested that an audit of position of where the council was to see how diverse they were and where parties would like to be by next election. Agreement between the main parties regarding a set criteria for selection could be based on attracting diverse groups, including ethnicity, age, sexual orientation disability and silent disability.

Councillor Whitcutt suggested it was a societal issue in all areas and what was needed was a joined up approach, such as involving a Cabinet Member for Equalities. There was a need to make sure that we can draw on a valuable resource as a society and that it was nothing to do with background but some issues could place social barriers.

Councillor K Thomas observed that there was a visible shortfall only have 30% females and that age was also an issue. This could only be addressed by each political group canvassing according to their policies. It needed to be highlighted and the voters could

decide if they were reflecting their views. An audit was not really a solution and instead should be the responsibility of each political group who needed to get serious on how to address this.

Councillor C Evans suggested that parties or the council should agree on a way to attract the right people via fast tracking groups such as youth council. A roadmap in place could look at the current situation/trends and where we wanted to be as a council from a non-political perspective.

Councillor Hourahine suggested this should be to the agenda as a future item for further discussion.

4. Review of Standing Orders

Council meeting on 26 January 2021 resolved that Democratic Services Committee reviewed both the impacts of the Local Government and Elections (Wales) Act 2021, and any proposed changes to the Standing Orders together in line with the work plan of the said committee within their normal reporting to full Council.

Councillor P Hourahine considered it was a two-part report, ie that the Motion and Local Government (LG) Act Wales 2021, were entirely separate things.

The Chair asked was the Committee content with the Question Time period and linking it with the LG Act framework or should it be changed at local level.

Councillor M Evans, considered it should be changed at local level to allow back benchers to ask questions as well as including public participation as this was encouraging democracy, therefore it was ideal to make a recommendation at this meeting.

Councillor Whitcutt advised that there was a need to look at the resolution, which advised that Committee reviewed the intention of the resolution, therefore they should be reviewed together in the same piece of work and at the same time.

Councillor T Watkins agreed with Councillor Whitcutt that the Committee look at both the LG Act 2021 and Questions to Leader.

The Head of Law and Regulation advised that the New Act would come into force in stages and would receive guidance on various aspects as it was indicated. There was a need to review the standing orders generally because of the changes coming. As a result of legislation, the Committee could meet more frequently to discuss these changes in legislation, therefore it was confirmed that this needed to be looked as a round.

Councillor C Evans thought that it was a great opportunity to reform and that it would not take long and have a positive impact. It therefore needed to be integrated properly in the Standing Orders in a matter of months.

Councillor Hughes considered it was more than just a singular issue and that the Committee needed to know how it worked in the bigger picture and looked at properly in depth and with the changes that were happening anyway. This could also enhance democracy in Newport.

Councillor Hourahine reflected on the present Questions process and advised that there were ample opportunities for councillors to use the open questions forum. Guiding principles to chairing meetings was to be more succinct. Extending questions therefore did nothing to enhance the meeting.

On a separate note, regarding the New Act and remote attendance, Councillor Hourahine could see how it would work in rural areas but geographically, it was not appropriate for Newport and considered that remote meetings were de-humanising to councils.

The Chair agreed with the last comments regarding the virtual meetings, especially in the current climate.

Councillor M Evans referred to the extension of 15 minutes to Questions to the Leader and considered that it would be ideal to make a recommendation to change this at today's meeting. Councillor M Evans was however disappointed that this issue would be put back until Christmas and would rather make the change immediately.

Councillor Clarke referred to the guidelines and that when they all came out, it would be better that they be addressed collectively.

Councillor Whitcutt mentioned that the council resolution clearly spelled out what was put before the Committee. The question was what the council had decided and had to consider in that context, therefore Councillor Whitcutt moved that The Committee accepted the instructions from council and consider all these matters as part of the same exercise. Councillor T Watkins seconded this.

Councillor M Evans asked what the timescales would be in relation to the New Act. The Head of Law and Regulation advised that the council would wait on public consultation and engagement, however, background research could be carried out on how many councils held public meetings. No decision however on public engagement could be made until public petitions were also looked at as well, which was an informal arrangement with the council. E-Petitions were used in other councils, with a set number of signatories, this could then be debated at council. It was therefore reiterated to wait to see the new legislation. The guidance would be statutory and timescale on how to implement this.

Recommended:

The Committee considered the referral from Council and to determined the scope for this review and how it should be undertaken. The Committee therefore considered not to review the operation of Standing Order 4.2(b) now but await further guidance on the other requirements of the Local Government and Elections (Wales) Act before undertaking a more comprehensive review of existing Standing Orders.

5. Competency Framework and Induction Training

The WLGA issued revised drafts of the updated competency framework for councillors and the new induction curriculum for members following the May 2022 local elections. Both were updated since they were last revised in 2017 to reflect the changes in members' roles and new legislative requirements. The draft documents were presented at a meeting of the Lead Members and Officers for Member Support and Development Network on 2 February 2021, which was attended by the Chair of the Democratic Services Committee and Governance Support officers. The Committee was asked to consider the draft documents and formulate any comments or suggested revisions.

The WLGA were looking to deliver this via e-modules, further information would be put to the committee when it was developed.

Following the network meeting, the Chair considered that the framework was thorough and sensibly put.

Councillor K Thomas commented that framework was extremely comprehensive from a councillor's perspective and had generally improved considerably, with more effort and constructive thought being put into the document which was a move in the right direction.

Councillor Hughes echoed the above comments adding that it was useful for potential candidates to see the framework. As a new councillor, the most important role was that of Democratic Services itself and the important work and support that they gave. With regard to e-Learning, there might be councillors that need to be facilitated, as they may not have devices, or have disabilities, such as a visual impairment.

Councillor M Evans, agreed that the e-Learning platforms should be relatively simply designed for Councillors. There was an incredible amount of information and if councillors were to be encouraged to access these, modules could be streamlined. There were 37 modules, which was far too many and these should be streamlined. Councillor M Evans also preferred attending the Civic to meet with councillors at training sessions.

Councillor T Watkins echoed the comments above and mentioned connectivity issues in various areas of Newport. The volume of training was substantial and suggested that existing councillors buddy up with new councillors to give support.

The Chair mentioned that IT literacy should not be a requirement, as some people might not use computers but were still eloquent and worked hard for their community.

Councillor C Evans considered that the role should not be restrictive and that some councillors had good networks, even those that could not read or write. Councillor therefore did not want to see this being mandatory and felt that face to face contact was also important adding that people that choose not to use IT should not be excluded. It was therefore up to the electorate to vote these people into the council.

Councillor Whitcutt suggested reducing the modules to core modules along with undertaking an assessment to identify the basics that were required to be a competent councillor, followed by best practice to undertake further modules.

The Head of Law and Regulation advised that the reasons for the modules was not to be being onerous. Not all modules were mandatory and training was tailored to the councillors needs. The Code of Conduct was mandatory as well as Licensing and Planning Committee training and the rest of modules were voluntary and discretionary. The modules were to help members in their roles. With regard to the comments about IT literacy, the Democratic Services Officers did help members at induction on how to access laptops and emails. Again, this was tailoring to the individual.

The WLGA were also developing a generic platform not just for e-Learning and they acknowledged there would be a training need at local level and these were just general training modules as a background to help develop the role of councillors. Workshops rather than remote training might be carried out if this was the preference.

Councillor M Evans advised that the only issue was to feed back to WLGA that if faced with 37 modules relevant to all councillors, some councillors might feel obligated to complete as many as they could and there were far too many.

The Head of Law and Regulation reiterated that the WLGA put in place the modules to cover every aspect of the role of a councillor, but some members might not need the training. For example, if a councillor did not attend a particular committee that a module had covered in its training package, the councillor did not need to complete that relevant module.

Councillor K Thomas mentioned that the role of councillor was a very demanding job, there would therefore be areas that could be improved upon through these training modules and would enable councillors to improve their role.

Councillor C Evans suggested there was a need to access mandatory training, however consideration could be given to those councillors not in substantial roles and modules could be broken down into comprehensive categories.

Councillor Whitcutt advised that training should be focused and that this had improved greatly over the past 20 years. The WLGA were there to help not hinder councillors and modules produced in collaboration with Welsh Government were to help support members.

Councillor Hourahine considered there was a difference between mandatory and optional training and qualitative training. There was a need for more quantifiable training and officers should be providing the support for councillors.

The Head of Law and Regulation advised that the framework was not prescriptive and the council could develop its own induction programme. If councillors therefore gave feedback to the council, we could tailor the training to their needs. There would be no cost implications with internal training such as Code of Conduct, Governance and Scrutiny training. Other than Licensing and Planning, which was covered under the training budget.

Recommendation:

That the Committee considered the draft Competency Framework and Induction Curriculum for Members following the May 2022 local elections and would provide the above comments and suggested revisions as discussed.

6. Developing a Democracy Handbook

For information, the WLGA had identified an opportunity to revisit all of the existing guidance on local democracy produced by the Welsh Government, with the aim to form a Democracy Handbook. As councils operated in different ways, WLGA information was supplemented at local level. The requirement in the New Act was for a summary guide to the constitution and how the handbook could fit into this. A simplistic guide would be useful on how the internal governance worked.

Events were taking place over February and March to highlight the guidance.

7. Work programme

The Head of Law and Regulation advised that the work programme covered broadly the next 12 months corresponding with the New Act. Remote meetings was more about providing access to dial in remotely if councillors could not attend. This would be addressed by hybrid meetings where members could attend the council chamber and/or attend remotely.

There was a Digital Democracy Fund from the WG and the council would put in a bid for approximately £50K to develop the hybrid meetings.

Councillor Hourahine considered that the protocol was a priority for those present and those who attended remotely to be invited to speak fairly.

Councillor K Thomas referred to the serious issues she had experienced with her broadband and appreciated any IT advice.

Councillor T Watkins mentioned that everyone was experiencing technical issues with remote meetings referring to Holyrood Parliament, which had it's own problems.

Councillor C Evans suggested that the council pay for broadband. The Head of Law and regulation mentioned that council broadband was removed as some home owners broadband was more than sufficient for members to carry out their work.

Councillor Whitcutt mentioned standby telephone number to help with joining. This would be provided through Democratic Services, the Digital Team and SRS for Full Council and other committee meetings.

8. Date of Next Meeting

29 April 2021 at 10am

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Report

Democratic Services Committee

Part 1

Date: 29th April 2021

Item: 4

Subject **Audit Committee – changes to title and terms of reference**

Purpose To advise Committee about the changes to the title and terms of reference of Audit Committee made by the Local Government & Elections (Wales) Act 2021 and to recommend to Council that the relevant parts of the Constitution are amended accordingly.

Author Head of Law and Regulation

Ward All Wards

Summary Sections 115-118 of the Local Government (Wales) Measure 2011 extend the role of Audit Committees and re-name them Governance and Audit Committees. In addition to their existing functions, Audit Committees will be required to scrutinise the Council's governance and performance arrangements, considering and making recommendations about the Council's self-assessment report, and its response to panel performance assessment and special inspection reports. Lay membership requirements will also be strengthened, so that one third of members would be required to be lay members.

These changes came into effects as from 1st April 2021 and, therefore, amendments will need to be made to the current terms of reference within the Council's constitution to reflect the legislative requirements. The provisions relating to the appointment of additional lay members and the performance self-assessment arrangements will need to be implemented from May 2022.

Proposal **To note the report and recommend to Council that:-**

(a) Audit Committee is re-named Governance and Audit Committee;

(b) The terms of reference of the Governance and Audit Committee is changed to include additional responsibility for,

- **reviewing performance assessment**
- **review and assess the authority's ability to handle complaints effectively;**
- **make reports and recommendations in relation to the authority's ability to handle complaints effectively**

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Chief Officers
- Head of Finance
- Head of People and Business Change

Background

1. The Local Government & Elections (Wales) Act 2021 (“the Act”) received Royal Assent on 20th January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders, with secondary legislation and guidance provided by Welsh Government.
2. Sections 115-118 of the Act amend the Local Government (Wales) Measure 2011 to extend the role of Audit Committees and to re-name them Governance and Audit Committees. In addition to their existing functions, Audit Committees will be required to scrutinise the Council’s governance and performance arrangements, considering and making recommendations about the Council’s self-assessment report, and its response to panel performance assessment and special inspection reports. Lay membership requirements will also be strengthened, so that one third of members would be required to be lay members. The Chair would also be required to be a lay member.
3. The Council will continue to determine other details of its Governance and Audit Committees as appropriate, including the size of the committee and the frequency with which it meets.
4. Audit Committee provide important checks and balances to the Council’s governance arrangements, as required by the 2011 Measure. The Council has a statutory duty to establish an Audit Committee to review and scrutinise its financial affairs, risk management, internal control and corporate governance arrangements.
5. Although Audit Committee is a committee of the Council, in order to provide effective scrutiny, they are required to be independent from the Executive. Under the Measure, at least one member is required to be a ‘lay member’, a financially competent, independent member who is not an officer or member of the Council. Currently, the Council only has the statutory minimum of one lay member, who is also the independent Chair of Audit Committee. However, the Act will increase the requirement for additional lay membership to bring an extended range of skills, perspectives, and experiences, in order to strengthen the scrutiny that an Audit Committee can provide.
6. The purpose of the new legislation is to expand the functions of the Governance and Audit Committee to strengthen corporate governance and assurance and increase the lay membership to strengthen their ability to provide robust and independent scrutiny.
7. The additional powers relating to performance arrangements, considering and making recommendations about the Council’s self-assessment report, and any response to panel performance assessment and special inspection reports, relate to the new provisions introduced by the Act for performance self-assessment. These provisions will replace the continuous improvement requirements set out in the Local Government Wales Measure 2009 and the need for Annual Improvement Reports and Audit certificates of compliance. The new stream-lined approach to performance assessment will require the Council to produce an annual self-assessment report and undertake a peer review by an independent panel. Governance and Audit and Performance Scrutiny Committees will have a role to play in the annual performance self-assessment process. The first self-assessment reports will have to be produced for 2022/23.

Commencement

8. Section 115 of the Act was brought into force by Commencement Order No.2 with effect from **1st April 2021**. As from that date, the following changes have been introduced
 - (a) Audit Committees are re-named Governance and Audit Committees;
 - (b) The statutory terms of reference of Governance and Audit Committees (under the 2011 Measure) are amended to include

- (i) reviewing performance assessment
 - (ii) review and assess the authority's ability to handle complaints effectively;
 - (iii) make reports and recommendations in relation to the authority's ability to handle complaints effectively
9. The remaining sections of the Act relating to membership and proceedings of the Governance and Audit Committee will be brought into force with effect from **5th May 2022**, following the next local government elections. By that time,
- (a) the Chair of the Governance and Audit Committee must be a lay member;
 - (b) One third of the members of the Governance and Audit Committee must be lay persons
 - (c) The Deputy Chair must not be a member of the Council's Executive or an assistant to its executive

Changes to Constitution

10. The current terms of reference of Audit Committee, as set out in Part 3 of the Council's Constitution are attached at [Appendix 1](#) to this report.
11. It is recommended that the terms of reference are amended to rename the Committee "Governance and Audit Committee" and to include the additional responsibilities set out in section 115 of the Act in relation to reviewing performance assessment, reviewing and assessing the Council's ability to handle complaints effectively and making reports and recommendations. The proposed amended terms of reference are set out in [Appendix 2](#). No further amendments are required to comply with the legislation and the current allocation of additional functions by the Council is considered to be sufficient for the purposes of adequate controls and independent oversight.
12. The membership of the new Governance and Audit Committee will also need to be reviewed in due course, and prior to May 2022. The Committee currently comprises 9 members, including 1 lay representative and 8 elected members (politically balanced). There is only one lay member of the Committee, who acts as the independent Chair. The Chair must be appointed by the Committee itself. The statutory guidance recommends that councils follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority. Any lay member with voting rights is subject to the provisions of the authority's Code of Conduct for Members.
13. The current Chair will have served two terms of office by May 2022 and, therefore, a recruitment process will need to be undertaken to appoint a replacement. In addition, at least one-third of the Committee will need to be lay members. If the membership remains at 9 members, then that will require three lay members, including the Chair, and therefore additional independent members will also have to be recruited. The remaining 6 seats will then have to be allocated to the political groups in proportion to their representation on the new council.
14. The Act will also require the appointment of a Deputy Chair of Governance and Audit Committee. The Deputy Chair does not need to be a lay member but cannot be a member of the Council's executive. Again, it will be for the Committee to make the appointment. If it is an elected member, then no senior salary will be payable.
15. The WLGA are developing revised role descriptions for the Chair, Deputy Chair and members of Governance and Audit Committees, and copies are attached at [Appendix 3](#). The Committee and Council have previously agreed to adopt these role descriptions for elected and co-opted members of the authority and it is recommended that these revised role descriptions are adopted and included within the new Constitution, once they are finalised.

Financial Summary

16. The only financial implications for the Council are the additional costs of paying the extra 2 lay members for their allowances. Lay Chairs are entitled to a daily attendance allowance of £268 (£134 for a half-day meeting) and other lay members an attendance allowance of £210 (£105 for a half day meeting). Based on the current number of meetings, this would amount to an additional cost of approximately £2,400, which would be met from the members' allowances budget. There would be one-off costs of recruitment, but the Council would be required to advertise and recruit for a new lay Chair in any event and, therefore, any additional costs would be marginal

Risks

17. Failure to adopt the legislative changes would leave the Council open to challenge in terms of its governance processes.

Links to Council Policies and Priorities

18. The principles of good corporate governance, which underpin these legislative changes, are enshrined in the Council's well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Proposal

19. That Standards Committee note the report and recommend to Council that:-
 - (a) Audit Committee is re-named Governance and Audit Committee;
 - (b) The terms of reference of the Governance and Audit Committee is changed to include additional responsibility for,
 - reviewing performance assessment
 - review and assess the authority's ability to handle complaints effectively;
 - make reports and recommendations in relation to the authority's ability to handle complaints effectively

Comments of Chief Financial Officer

The financial implications are set out above.

Comments of Monitoring Officer

Included in the report.

Staffing Implications: Comments of Head of People and Business Change

There are no specific staffing implications or policy implications.

Background Papers

None.

Dated: 22nd April 2021

Appendix 1

Constitution

Part 3: Responsibility for Functions

Appendix 1: Terms of Reference

4. Audit Committee

The Local Government (Wales) Measure 2011 (The Measure) requires the local authority to appoint an audit committee. The Measure prescribes the functions of the audit committee as:

- (a) Reviewing and scrutinising the authority's financial affairs;
- (b) Making reports and recommendations in relation to the Council's financial affairs
- (c) Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority
- (d) Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- (e) Oversee the council's internal and external audit arrangements and
- (f) Review the financial statements prepared by the authority

4.1 Terms of Reference

To exercise the following functions and take the following resolved decisions, under delegated powers:

- (a) To appoint the Chair of the Audit Committee
- (b) To receive and approve the Council's Annual Statement of Accounts in accordance with the Accounts and Audit Regulations
- (c) To receive and approve the Annual Internal Audit Report from the Chief Internal Auditor
- (d) To receive and approve the Annual Internal Audit Plan
- (e) To review and approve the annual programme for internal audits, the audit priorities and effectiveness of the programme in providing adequate assurance in respect of the Council's main business risks
- (f) To review and monitor the effectiveness of the Council's system of internal control and the proper administration of its financial affairs, including corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements
- (g) To engage with external auditors and inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

To exercise the following functions and make recommendations, where appropriate

- (h) To monitor and oversee the implementation and outcomes of the internal audit programme and, where necessary, review and make recommendations regarding unsatisfactory audit reports
- (i) To review the adequacy of the Council's internal audit resources and to make recommendations, where necessary
- (j) To seek assurances on the adequacy of Cabinet, Cabinet Member and/or management responses to internal audit advice, findings and recommendations and monitor implementation and compliance with agreed action plans
- (k) To consider the Annual Audit and Inspection Letter, make any recommendations to Cabinet and to monitor the Council's response to individual risks or areas of concern identified in the Letter
- (l) To consider the Annual Report on Treasury Management and Prudential Indicators and make recommendations to Council
- (m) To receive and consider inspection reports from external regulators and inspectors and to make recommendations and, where necessary, monitor implementation and compliance with agreed action plans
- (n) To monitor and review decisions to waive Contracts Standing Orders and urgent executive decisions taken without consultation and to make recommendations where appropriate.
- (o) To make recommendations to the Head of Finance and Monitoring Officer in relation to the Financial Procedures and Regulations set out in the Council's Constitution
- (p) To recommend to the Council the appointment of further lay members, where appropriate

Appendix 2

Proposed New Terms of Reference

4. Governance and Audit Committee

The Local Government (Wales) Measure 2011 (The Measure) (as amended by the Local government & Elections (Wales) Act 2021) requires the Council to appoint a Governance and Audit Committee. The Measure (as amended) prescribes the functions of the Governance and Audit Committee as:

- (a) Reviewing and scrutinising the authority's financial affairs;
- (b) Making reports and recommendations in relation to the authority's financial affairs
- (c) Reviewing and assessing the risk management, internal control, performance assessment and corporate governance arrangements of the authority
- (d) Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- (e) review and assess the authority's ability to handle complaints effectively
- (f) make reports and recommendations in relation to the authority's ability to handle complaints effectively
- (g) Oversee the council's internal and external audit arrangements and
- (h) Review the financial statements prepared by the authority

4.1 Terms of Reference

To exercise the following functions and take the following resolved decisions, under delegated powers:

- (i) To appoint the Chair and Deputy Chair of the Governance and Audit Committee
- (j) To receive and approve the Council's Annual Statement of Accounts in accordance with the Accounts and Audit Regulations
- (k) To receive and approve the Annual Internal Audit Report from the Chief Internal Auditor
- (l) To receive and approve the Annual Internal Audit Plan
- (m) To review and approve the annual programme for internal audits, the audit priorities and effectiveness of the programme in providing adequate assurance in respect of the Council's main business risks
- (n) To review and monitor the effectiveness of the Council's system of internal control and the proper administration of its financial affairs, including corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements
- (o) To engage with external auditors and inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

To exercise the following functions and make recommendations, where appropriate

- (p) To monitor and oversee the implementation and outcomes of the internal audit programme and, where necessary, review and make recommendations regarding unsatisfactory audit reports
- (q) To review the adequacy of the Council's internal audit resources and to make recommendations, where necessary
- (r) To seek assurances on the adequacy of Cabinet, Cabinet Member and/or management responses to internal audit advice, findings and recommendations and monitor implementation and compliance with agreed action plans
- (s) To consider the Annual Audit and Inspection Letter, make any recommendations to Cabinet and to monitor the Council's response to individual risks or areas of concern identified in the Letter
- (t) To consider the Annual Report on Treasury Management and Prudential Indicators and make recommendations to Council
- (u) To receive and consider inspection reports from external regulators and inspectors and to make recommendations and, where necessary, monitor implementation and compliance with agreed action plans
- (v) To monitor and review decisions to waive Contracts Standing Orders and urgent executive decisions taken without consultation and to make recommendations where appropriate.
- (w) To make recommendations to the Head of Finance and Monitoring Officer in relation to the Financial Procedures and Regulations set out in the Council's Constitution
- (x) To recommend to the Council the appointment of further lay members, where appropriate

Appendix 3

Draft WLGA Chair of Governance and Audit Committee Role Description 2021

1. Accountabilities

To Full Council

2. Role Purpose and Activity

Providing leadership and direction

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To work with senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent), to agree the forward work programme and to set agendas for the Committee.
- To work with other members of the authority to ensure that the work of the Committee is communicated to and aligns with that of the Cabinet, Standards and Scrutiny functions whilst maintaining appropriate independence.
- To promote the role of the committee within the authority.
- To report as required to Council
- To participate in and contribute to training and development required for the role
- To support committee members to develop the skills required for the role.
- To lead the committee in responding to any recommendations made by the Auditor General for Wales

Leading the Committee in its role in reviewing and scrutinising the authority's financial affairs

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations

Leading the Committee in its role in contributing to the effective performance of the authority

- Review the draft report of the authority's annual self-assessment. Make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.
- Make reports and recommendations to the authority about the authority's ability to handle complaints effectively.

Leading the Committee in its role in Reviewing and assessing the Governance, Risk Management and Control of the authority

- Review and assess the risk management, internal control, and corporate governance arrangements of the authority
- Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- Review and assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements including the annual governance statement reflect the risk environment and any activities required to improve it

3. Values

To be committed to the values of the council and the following values in public office:

Openness and transparency

Honesty and integrity

Tolerance and respect

Equality and fairness

Appreciation of cultural differences

Sustainability

Draft WLGA Governance and Audit Committee Member Role Description 2021

1 Accountabilities

To Full Council
To the Chair of the Committee

2. Role purpose and activity

Participating in meetings of the committee and making decisions

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements.
- To have regard to the requirements of the Chair of the Committee and the professional advice of senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent)
- To Comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To contribute to the development of the forward work programme for the Committee.
- To promote the role of the committee within the authority
- To report as required to Council
- To respond to any recommendations made by the Auditor General for Wales
- To participate in any training and development required for the role

Contributing to the work of the Committee in its role in:

Reviewing and scrutinising the authority's financial affairs

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations.

Contributing to the effective performance of the authority

- Review the draft report of the authority's annual self-assessment and make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.
- Make reports and recommendations in relation to the authority's ability to handle complaints effectively.

Reviewing and assessing the Governance, Risk Management and Control of the authority

- Review and assess the risk management, internal control, and corporate governance arrangements of the authority
- Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- Review and Assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements, including the annual governance statement, reflects the risk environment and any activities required to improve it

3. Values

To be committed to the values of the Council and the following values in public office:

Openness and transparency
Honesty and integrity
Tolerance and respect
Equality and fairness
Appreciation of cultural differences
Sustainability

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Report

Democratic Services Committee

Item:

Date: 29th April 2021

Item: 5

Subject Draft Guidance – Multi-Location meetings

Purpose To consider the draft Guidance on Multi-location meetings and make any comments.

Author Head of Law & Regulation

Ward General

Summary The Local Government and Elections (Wales) Act 2021 (“the Act”) makes provision for remote attendance at local authority meetings and electronic broadcasts of meetings open to the public, in order to achieve greater accessibility and improved public participation in local government. Section 47 of the Act requires the Council to make arrangements for remote access to meetings. This section of the Act will come into effect as from 1st May 2021.

The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings but grant funding of £52k has been secured from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to deliver “hybrid” multi-location meetings

The Act provides for the Welsh Government to issue statutory guidance regarding the conduct and management of these multi-location meetings. They have commissioned the Centre for Governance and Scrutiny, Public Governance Wales and Cardiff University to undertake a joint project to draft this guidance. Democratic Services Committee are asked to consider the current draft guidance and make any comments

Proposal **To note the report, consider the draft Guidance on Multi-location meetings and make any comments**

Action by Head of Law & Regulation

Timetable In line with the consultation deadline

This report was prepared after consultation with:

- Head of Finance
- Head of People & Business Change

Background

1. The Local Government and Elections (Wales) Act 2021 (“the Act”) makes provision for remote attendance at local authority meetings and electronic broadcasts of meetings open to the public, in order to achieve greater accessibility and improved public participation in local government.
2. Section 46 of the Act will come into effect as from 5th May 2022, after the next local government elections, and will require the Council to make arrangements for broadcasting meetings live, and ensuring that broadcasts are available electronically afterwards. A failure to comply with this requirement does not necessarily make proceedings invalid. Separate Regulations and guidance are being prepared by Welsh Government on these electronic broadcasting requirements.
3. Section 47 of the Act requires the Council to make arrangements for remote access to meetings. This section of the Act will come into effect as from 1st May 2021 by virtue of The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021. By bringing this section of the Act into force on 1st May 2021, Welsh Government have enabled local authorities in Wales to continue with the current practice of holding meetings remotely, while the Covid-19 social distancing restrictions remain in place. The previous Remote Meetings Regulations were made under the Coronavirus Act 2020, and did not continue beyond 1st May 2021. This has led to judicial review proceedings on behalf of English local authorities against the National Government because of concerns that remote meetings will not be lawful when the current regulations expire. However, by implementing this section of the Act in Wales, Welsh Government have given legislative powers to continue with the current remote meetings arrangements.
4. The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings, which are broadcast live through the Council website using Teams Live Event. Whilst this works during current Covid restrictions, it is acknowledged that a “hybrid” form of multi-location meeting will be required in future to meet the requirements of the Act as from May 2022.
5. The Council has already been successful in a bid to Welsh Government for grant funding towards the costs of developing and upgrading existing systems and IT infrastructure to facilitate these hybrid forms of multi-location meeting and their live webcasting. Grant funding of £52k has been received from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to enable some members to dial-in remotely to face-to-face meetings, and to upgrade the Public-i webcasting system to enable these hybrid meetings to be broadcast live. A project team has been established to take this work forward and progress reports will be presented to Democratic Services Committee as the work develops. The intention is to use the current Microsoft Teams platform, with linkage to the Public-i webcasting system, in relation to meetings based in the council Chamber and the main Committee rooms. Screens will need to be upgraded in the meeting rooms to enable members who are dialling-in remotely to be seen and heard at all times by those members who are sitting in the meeting rooms.
6. The Act provides for the Welsh Government to issue statutory guidance regarding the conduct and management of these multi-location meetings. They have commissioned the Centre for Governance and Scrutiny, Public Governance Wales and Cardiff University to undertake a joint project to draft this guidance.

Draft Guidance – Multi-Location meetings

7. The latest draft guidance is attached at [Appendix 1](#). It has been shared with the WLGA and the Heads of Democratic Services network. The general consensus is that the draft guidance is very comprehensive and it will be helpful to access all of the relevant guidance in one document. However, there are also concerns about the length of the document and unnecessary commentary and repetition. Also, it would be helpful if the guidance could be re-arranged with

basic information for each theme and links to more detail for each subject. This would be especially helpful for elected members. An executive summary would also be helpful.

8. The Heads of democratic services also considered that greater clarity was required regarding which parts of the guidance is mandatory and which elements were purely advisory, and considered to be good practice.
9. The document suggests that a protocol is developed by the Democratic Services Committee and Heads of Democratic Services to decide what arrangements apply to each meeting

Financial Summary

- 10 There are no financial implications.

Risks

- 11 Failure to consider and respond to the draft documents will mean that the Committee loses the opportunity to influence the development of this guidance.

Links to Council Policies and Priorities

- 12 The principles of good corporate governance, accessibility and transparency are enshrined in the Council's well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Proposed Action

- 13 The Committee is asked to note the report, consider the draft Guidance on Multi-location meetings and make any comments.

Comments of Chief Financial Officer

There are no financial implications.

Comments of Monitoring Officer

Set out in the report.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing or HR implications.

Background Papers

Draft Guidance on Multi-Location meetings

Dated: 23rd April 2021

Appendix 1

STATUTORY GUIDANCE: MULTI-LOCATION MEETINGS

Note: this paper reflects only the developing views of the Centre for Governance and Scrutiny, Public Governance Wales and Cardiff University as authors. It does not reflect the views of Welsh Government. Before the text is finalised and signed off by WG, it should not be relied upon to provide an accurate or comprehensive picture of law and practice around the operation of local authority meetings.

This draft material includes content (eg on meetings generally, on broadcast) which may not be present in the final version. This content is included in this version to highlight areas of crossover with other guidance and is therefore presented separately.

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Introduction

Purpose of this guidance

The purpose of this guidance is to support the provision of multi-location meetings for principal councils, national park authorities, and fire and rescue authorities in Wales (referred to as authorities).

In the spirit of the Local Government and Elections (Wales) Act 2021 (“The Act”), the overall purpose is “...to achieve greater accessibility and improved public participation in local government”. Specifically: “The Welsh Government believes people should be able to watch council meetings at any time. The Bill will require principal councils to live broadcast meetings of their full council that are open to the public electronically and to make the broadcast available electronically for a reasonable period after the meeting. It will also enable more meetings to be broadcast in this way in the future.” <https://gov.wales/bill-revolutionise-local-government-and-democracy-passed-senedd>

How this guidance was developed

This guidance was developed in February / March 2021. As well as a review of the relevant legislation, consultation was held with councillors, officers and relevant national bodies.

The benefits of multi-location meetings

The preparation of this guidance involved conversations across the local government sector about experiences with multi-location meetings over the course of the coronavirus pandemic in 2020 and 2021. Most felt that these experiences highlighted a range of significant benefits for multi-location meetings.

- Encouraging innovation and improvement. In particular, multi-location meetings carried out during 2020 have helped authorities to explore the productivity of those meetings, and to directly address councillors’, and officers’, skills and capacities. Many councils have found that partnership meetings have improved, in terms of productivity, with the advent of multi-location meetings. Finally, multi-location meetings have inevitably resulted in a dramatic reduction in the amount of paper needed and produced; the move to an “online by default” approach with regard to the production of notices and agendas will make it easier for councils to innovate around the use of formal meeting material;
- Benefits to resilience and sustainability. The Wellbeing of Future Generations Act 2015 requires authorities to have regard to the long term in the way that policy is developed and made. Multi-location meetings have the benefit of reducing the carbon footprint of physical meetings (although digital activity is not of course carbon-neutral); it can also help councils to mitigate the risk of future adverse events – such as extreme weather – which could in future present a challenge to in-person meetings. Sustainability, and the well-being of future generations, is a key principle to which authorities will need to have regard to in the design of meeting arrangements – it is explored in more detail below;
- Facilitation of the use of the Welsh medium. Councils’ experience during 2020 has been that the provision of simultaneous translation facilities on platforms such as Zoom has reduced the perceived “stigma”, in certain authorities, around the use of the Welsh medium.
- Making meetings more visible and accessible for the public. Although experiences have been mixed, public attendance has been higher for multi-location meetings than for meetings in person. Some councils, in particular, have found that multi-location meetings have made it possible to include external participants actively, as well as as an audience, ensuring that council committees can benefit from a greater plurality of views. Councils have reported that members of the public think that multi-locations are much less intimidated than those held in person, and that they have the potential to encourage more people to stand for public office. That said, for some, multi-location meetings will also present challenges for many – those with poor broadband connections or disabled people unable to access meetings over the internet for other reasons;

- Reducing the need for travel. For more rural authorities, for authorities covering large geographical areas and for joint committees, significant time and cost savings for councillors, officers and other participants have arisen. In turn, this makes engagement significantly easier for those councillors, and other participants, with professional and caring commitments – potentially removing some significant barriers to standing for public office for younger people;
- Better support for councillors with protected characteristics under the Equality Act. Just as barriers are being removed to public participation, multi-location meetings have made it easier for councillors who are women, or disabled, or have other protected characteristics, to engage on an equal footing in council meetings. In some cases, councillors have found the formality of physical meetings to be exclusionary, with multi-location meetings having facilitating more equal participation. Of course, this raises broader issues around the political culture within councils – 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, facilitate a wider range of people to take an active role in local democracy;
- Improved behaviours. Although experiences have been mixed, meeting management and the behaviours of participants have both improved, through more active consideration by chairs of who has made, or wishes to make, contributions to meetings and by the disruption by multi-location meetings of more traditional, “performative” behaviours around meetings held physically in public.

It is important to recognise that 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 their operation – but they may be inaccessible to many. In time, ongoing experience with multi-location meetings will improve their performance and reduce the amount of resource required to support them.

What this guidance covers

This guidance focuses particularly on arrangements for the convening and broadcast of formal local authority meetings under the Local Government and Elections (Wales) Act 2021, and the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021.

Together, this legislation seeks to update arrangements for the management of these meetings and to enhance transparency and public access.

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 is issued further to:

- Section 47(5) of the 2021 Act, insofar as it relates to attendance at local authority meetings;
- Section 254 of the Local Government Act 1972, insofar as it relates to the management of meetings generally and the requirement to give notice of local authority meetings and provisions relating to access to documents;
- Section 38 of the Local Government Act 2000, insofar as it relates to the management of meetings generally and to Regulations made under s105(2) of the 2000 Act (in particular, the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001, as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021.

Chapter 4 of Part 2 of the Act covers local government meetings. In respect of principal councils, corporate joint committees, national parks authorities and fire and rescue authorities, it covers:

- Electronic broadcasts of meetings. Councils must make arrangements for broadcasting 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: Councils 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: Councils 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 (Schedule 4, Part 1, amending the Local Government Act 1972).

This guidance uses the phrase “multi-location meeting” to describe any meeting which involves one or more meeting participant joining a meeting from a location other than the committee room of an local authority. 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 corporate joint committee where attendees from one local authority are physically present in that authority’s civic centre, while other participants join through remote means;
- 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.

Provision for broadcast is explored in separate Regulations and separate guidance. 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.

Who this guidance is for

These provisions apply to principal councils, national park authorities, and fire and rescue authorities. This guidance also covers meeting arrangements for corporate joint committees (CJCs). This guidance does not cover the arrangement of meetings by community councils, the organisation by other public bodies of their own formal meetings, or the organisation by public bodies (including councils) of public meetings or any other gathering.

This guidance is intended for:

- Officers providing support to formal meetings in authorities covered by the legislation;
- 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;
- Councillors in principal authorities, NPAs, FRAs and corporate joint committees (CJCs).

The authorities to which this guidance applies (principal authorities, NPAs, FRAs and corporate joint committees) are required to “have regard to” it. Where authorities are under a 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.

General principles

While the details of meeting arrangements are for authorities to determine, they should pay regard to the following principles when making those arrangements.

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.

Transparency

Formal meetings of local authorities, and of other authorities and bodies, are 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. Councils and authorities will need to think about their wider legislative obligations 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)

Accessibility

Democratic systems need to be organised and arranged to account for barriers that members of the public might experience. We have noted above that multi-location meetings have the potential to enhance and improve access for councillors and other participants, but meeting arrangements will need to be designed to explicitly facilitate this.

In particular, authorities' meeting arrangements and rules relating to multi-location meetings will need to have regard for the protected characteristics under the Equality Act, and for ensuring that the impact of its decisions on democratic arrangements are understood from an equality perspective.

(Equality Act 2010)

Good conduct

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

Virtual meetings provide a window through which the public view governance meetings and are an important opportunity for people to form a judgement about how authorities operate. 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 multi-location 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.

(Code of Conduct (Model Code of Conduct) (Wales) Order 2016)

Welsh Language

Arrangements need to support and promote the Welsh Language, ensuring that use of the English and Welsh mediums is treated equivalently. For multi-location meetings this may involve provision for simultaneous translation and/or subtitling. The use of the Welsh medium can be facilitated 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 2013)

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 their public participation obligations. 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).

Future generations

In determining arrangements, 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 or 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, councils will still need to ensure that the 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.

Core requirements

This section sets out the things that authorities **must** do in respect of multi-location meetings.

These are set out to help ensure legal 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. In this guidance we describe these two sets of arrangements, collectively, as “meeting arrangements”. We suggest that councils develop these sets of arrangements together and that they form an integrated part of the Constitution, and subject to oversight from the Democratic Services Committee. For other authorities, the full authority meeting together, or the authority’s Governance and Audit committee, may provide the right space for this oversight. The reason for integrating these arrangements into a council’s Constitution is that they articulate how the council is run, and will need to be integrated in some form into the rules of procedure of committees and other formal bodies. Non-council bodies subject to the legislation will need to consider how to integrate meeting arrangements and associated policies and procedures into their governing documents.

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

Provision was first made in legislation to allow for “remote meetings” in section 4 of the Local Government (Wales) Measure 2011. The Act continues many of those arrangements but with some important distinctions. In particular, the Act does not refer to these meetings as “remote”, but that they are attended by “persons who are not in the same place”. We call these “multi-location” meetings. This includes meetings where some people are participating from a single place (for example a council committee room) while others join from another location “through remote means”; these arrangements are sometimes called “hybrid meetings”.

Other conditions for these meetings are that:

- Where these are also meetings required to be broadcast, under s46, participants must be able to be seen and heard by each other. These are meetings (open to the public) of a principal council (and a committee or sub-committee of a council), of the executive of a principal council (and a committee or sub-committee of an executive), and of a joint committee. Fire and rescue authorities, National Park authorities, joint committees and joint boards are not covered by this requirement automatically but the power does exist for Ministers to introduce such a power by regulation;
- Where these are not meetings required to be broadcast under s46, participants must be able to be heard by each other but do not need to be seen.

Practical considerations

This section sets out considerations that authorities must give regard to but which do not form part of the explicit legislative framework. Welsh Government considers these considerations to be matters of good practice. Specific solutions are suggested but authorities are expected to consider local circumstances in considering what approaches are ultimately adopted, in a process which should be led by councillors at a local level. 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.

To ensure clarity for councillors, officers and the public, each authority should include a multi-locations meetings policy in its constitution. This policy will draw together how the authority has determined to respond to the issues raised in this guidance. This policy may form a part of an authority's wider "meeting arrangements", or may be a standalone set of material. Authorities are likely to find that whatever form it takes, such a policy will best form an integrated part of the Constitution, other elements of which may need to change to account for it.

Authorities can take whatever process they choose in designing and adopting this policy, but councillors will need to be satisfied that these arrangements take into account the needs of local accountability, of equality, of accessibility and of any other relevant statutory requirements. Because of the public-facing nature of this work authorities may consider it necessary to adopt a set of provisional arrangements, and then to work with councillors and the public to develop and refine these arrangements over time. Live review of arrangements as they operate will offer the best opportunity to reflect and refine.

The process of developing a multi-location meeting policy should (in a council) be led by the Democratic Services Committee, supported by the Head of Democratic Services. For other authorities, the full authority or a Governance and Audit committee may provide the best place.

The policy should include:

- The process to be followed to determine which meetings will have physical provision made for them, and which will be conducted wholly through remote means. (section 4.1);
- The online meeting platform or platforms which will be used (section 4.2);
- Provisions for formal notices, and the publication of agendas and minutes (section 4.3);
- Dealing with exempt matters (section 4.3);
- Meeting attendance, including determining where a member is "present" (section 4.4);
- Arrangements to support councillor participants to be able to access and participate in the meeting (including support and advice on technology, behavioural and conduct issues) (section 4.5);
- Arrangements to support other participants (including the public) to be able to access and participate in the meeting (4.6);
- Facilitating broadcast by members of the public (4.7)
- Chairing (4.8)
- The taking of votes (4.9);
- Training, peer support (4.10)

It is also important to ensure that councillors, and the public, 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 meeting arrangements but should also be available separately, and may constitute a simple explanation of some of those arrangements for the casual reader.

Making different arrangements for different meetings

Some councils may determine that all meetings will be conducted through remote means by default. Councils may wish to adopt different approaches for different bodies, and for different circumstances. Joint committee arrangements, for example, may favour multi-location arrangements over in-person meetings.

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 physical accommodation being made. Policies should recognise that the Act requires that the facility for participants to join meetings through remote meetings must be available for all formal meetings. It will not be permitted for authorities to purport to resolve in standing orders that all meetings will be held entirely physically.

Some councils may want to make particular provision for “hybrid meetings” – multi-location meetings where a number of participants are in the same physical space, while others join through remote means. The legislation makes no distinct provision for these “hybrid meetings” – they are still multi-location meetings – but authorities will need to be aware of the unique circumstances that apply to them and to take account of these in the meeting arrangements.

In determining which meetings may be held wholly through remote meetings and for which physical arrangements might be made available, authorities might consider:

- The extent to which meeting participants might prefer to attend physically. Councillors in a local authority may for example resolve that full Council should take place predominantly physically;
- 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 councillors (as active participants). Accessibility may under certain circumstances require physical provision;
- Connected to this, whether physical provision for a public gallery, or for the attendance of certain officers, or certain members, is necessary if the majority of a meeting’s participants are joining through remote means. This is discussed in more detail in section 4.x;

Authorities may have concerns about equality of access and participation in “hybrid” multi-location meetings. 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.

Accessibility and involvement

Some councillors may wish to join council meetings from another location as a matter of default – because they have working or caring responsibilities which make attending meetings in person difficult. Some councillors may have a legitimate preference for physical meetings, and/or personal protected characteristics, or circumstances, which limits their ability to participate online.

Multi-location meetings where some or most participants are present in a single location can pose challenges around accessibility and involvement. An important principle will lie in ensuring that those present in a committee room are able to participate on the same footing as those participating in other locations. This may be a particular challenge where certain participants may join on audio only. For these kinds of meetings, there is a risk that those not physically present in a room play less of a part in discussion; that they 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 thought particularly where the chair themselves is joining a meeting from another location.

Where it is determined 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);
- The provision of facilities for councillors or other meeting participants to attend physically and to be seen by those joining from other locations (a requirement under the Act), which will require planning where multiple councillors wish to attend physically and where camera facilities in a room may be less than ideal for this purpose;
- The availability of officer support in the room, or through remote means;
- 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 council 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.x below.

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 utilising the right platform should be a wide ranging and ongoing conversation.

This guidance does not prescribe any specific product. Authorities have made, and will make, their own arrangements in line with their IT and procurement policies.

In general, it is helpful to consider, however:

- The changing market for products and the need to be aware of what is available;
- Security arrangements;
- Integration with committee content management systems (CCMSs);
- Accessibility and usability particularly with regard to requirements such as translation;
- The ongoing development of individual products and the need to keep up to date and engaged through user groups, for example;
- How best to capture the ongoing experiences of councillors, officers and the public so that these can be fed into the use of current products and future procurement;
- Keeping in touch with other authorities to exchange good practice tips and 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 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 guidance on broadcast;
- The ability to both record and broadcast the meeting and for participants to know where 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;
- 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 xx);
- Provision for electronic voting.

Notices, agendas, reports and providing for exempt matters

Alongside virtual meetings, authorities will need to continue to provide notices, agendas and reports. There are both issues and opportunities associated with this.

- Transparency around committee work programmes. Agendas and papers are 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 councils 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 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 (covered in separate guidance and in section xx);

Full detail of notice requirements for meetings (and other formal requirements for the publication of agendas, reports and minutes) can now be found at the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021.

The principal object of these Regulations 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 Regulations amend Regulations first laid in 2001 but do not replace those Regulations.

All authorities will already do this, and most will have a committee content management system (CCMS) which will permit them to upload information and present it in an accessible format.

The new arrangements can be summarised as follows:

Notice of meetings

- Public notice of executive 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.

Usually notice of meetings would be provided on a CCMS calendar; councils may also make arrangements through their CCMS for notifications to be sent to councillors, and interested people via subscription, automatically on the uploading of agenda papers; councils 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 require that the names of individuals be recorded; in the interests of clarity this does not require that a member’s or members’ signatures are required to be recorded – such documents must be published on authorities’ websites;
- Background papers must now be proactively published on a council website, not merely be available. 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 (and hybrid) 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; we cover the new requirements in more detail in section xx;

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.

Councils 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 hard copy archiving. It is common practice that councils retain and bind, or otherwise store for historical purposes, the records of formal proceedings of the council. Making such arrangements – to ensure that information relating to the proceedings of the council can be retained for perpetuity – is important and the Regulations should not be read as overruling what may be an expectation by the public, by researchers and by historians that such information will be retained in this form and manner.

Exempt matters

Bodies covered by the legislation will need to be able to consider exempt matters in private. Exempt matters are ones covered by 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 should be set up for those joining a meeting by remote means. This reduces the risk that exempt material may be inadvertently made public through broadcast. The original, public, call should be left open and should 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.

Information provided to councillors and other meeting 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 consistent and 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.

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 should make clear when a member is considered to be “present”. There are a variety of circumstances in which this might become an issue. Meeting arrangements may not engage with the detail of these issues (and others) because not all circumstances can be anticipated in advance. Instead, the Monitoring Officer and/or democratic services officer in attendance at a meeting should be able to use agreed principles to provide a chair with consistent advice over whether a member should or should not be regarded as “present”.

This is particularly important for the taking of votes but also has salience for member involvement in committee 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. A loss of connection may not be immediately apparent to others present. Members of certain committees may resolve matters through a general expression of consent rather than a roll call vote, meaning that some members may lose the opportunity to express dissent;
- Councillors in video meetings may seek to disable video to stabilise their connection or because they are temporarily indisposed - it may be unclear whether some councillors are present or not. Councils will need to consider whether the requirement to be both seen and heard, for most meetings, allows for brief, temporary action like this;
- Where a councillor is in the “waiting room” on an online platform. Here, councillors 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.

Councils may consider 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 xx. This could also provide a way to check presence in advance of a vote, as we suggest in section 4.x.

The withdrawal of members with a prejudicial interest

Where a member has declared a prejudicial interest in an item they will be required to leave the meeting for the duration of the relevant item. For a physical meeting it is usual practice for a councillor 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 councillor 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 councillor will be able to observe the broadcast of the meeting while outside. Councils may seek to include in their policies and meeting arrangements a requirement that councillors 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.

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

In meeting support

Multi-location meetings present additional challenges in terms of in meeting support. The chair may need to establish alternative ways to seek advice from officers, or to communicate with their vice chair, or other committee members, to ensure the smooth running of the meeting.

Online platforms used by councils to convene meetings will usually have a “chat” function. Meeting arrangements should provide for the use of this function – including banning it, should that be thought appropriate, either in all meetings or in some, specified, meetings.

Pros of chat functions

- Allow advice to be given 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;
- Allows the chair or clerk to check whether a particular member is still “present”, as we outline in section xx

Cons of chat functions

- Can be seen as undermining the transparency of the meeting;
- Can risk participants becoming less engaged in the substantive business of the meeting;
- Risk that “personal” communication becomes inadvertently visible to other participants and to the public;
- Risk that chat will involve substantive conversation about the matters under discussion without that discussion being visible to others, or recorded properly. Virtual meetings policies may need to determine 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.

Depending on the availability of a chat function the clerk or support officer will need to have mechanisms in place to provide ongoing advice, including advice of a legal and procedural nature, to Chairs.

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

Councillors may have taken to use WhatsApp or other messaging platforms to communicate over the course of the meeting. These platforms are not in the control of the council; care should be taken in how these tools are used. For example, 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 officer support. In the short term, as councils adopt to multi-location meetings (and, in particular, adapt to meetings where some may join through remote means and some by physical presence) it may be necessary to think about additional support for formal bodies, as new approaches bed in. In due course, familiarity and confidence with new systems (and training and development for both officers and members) will reduce this need.

Nevertheless meeting arrangements should 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.

4.5 Supporting councillor participants to be able to access and participate 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 arrangements need to take account of standards, conduct and behavioural issues, and will need to be drafted to closely align with other constitutional provisions on these matters, such as the Code of Conduct.

Some of these issues may apply equally to any type of meetings; some may be particularly relevant for multi-location meetings.

As a matter of general principle, the issues below, are especially important:

- People being clear about their respective roles. 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.

Councillors and officers will understand that formal committees can often be “performative”. 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. Councillors and others have talked about the “atmosphere” of multi-location meetings being different.

An understanding of the different behavioural dynamics of different types of meeting – from executive meetings to scrutiny committees, from full Council to a planning committee – will help to define how multi-location arrangements, and arrangements for people to join meetings through remote meetings, can best be managed.

Research carried out by the Centre for Governance and Scrutiny in 2020, and 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 the motivations and expected engagement of committee members and other participants. This is probably a good habit for all meetings, but will be especially relevant for multi-location ones;

Councillors, councils and officers will have become adept at managing the technical and logistical arrangements around meeting entirely remotely during the pandemic. The drafting of meeting arrangements provides an opportunity to reflect on these fundamental issues.

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

Relevant issues may include:

- Ensuring that councillors 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. Councillors will need a camera (if they don’t have a laptop with an integrated camera) and ideally should use headphones to avoid background noise. Councils should provide councillors with appropriate equipment if they do not have access to it;
- Ensuring that councillors can troubleshoot basic technical problems before or during a meeting; ensuring that councillors and that ICT staff or others are on hand to deal with more serious technical issues – this is covered in more detail in section xx;

- Ensuring that participants know how to mute and unmute the microphone; making it an expectation that councillors will keep their microphone muted unless they are making a contribution;
- Ensuring that participants know how to use the raise, and lower, hand feature – this 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 xx;
- Ensuring that names displayed are consistent and accurate, with the role of the individual clearly identified: eg “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 xx); 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.

Supporting other participants (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 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 viewers 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 external participants (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.

There will be instances where external participants will need to join a meeting to take part. 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 arrangements may need to make particular provision for this.

Translation

Adherence to legal requirements relating to the use of the English and Welsh languages is a given and 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.

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 engagement 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, this would be sub-optimal. Councils 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 councils to convene formal meetings – particularly meetings of scrutiny committees – which seek to actively involve the public in proceedings.

These meetings might legally be formal meetings but they may have a different character and atmosphere. Councils should not resile from holding these kinds of meetings because of the perception that managing them as multi-location meetings will be complex. This also goes for meetings held in places in the community other than town halls or civic centres, 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

Councils may also need to consider how opportunities for public protest and dissent might be provided for in multi-location meetings. Protest can be inconvenient (and disruptive) to councils and to council business, but it also reflects a vital public right. Where councils propose to carry out meetings in multiple locations, 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 a council to determine 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 determine 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.

Facilitating 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 committee 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 hybrid meetings or those where all participants attend physically 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 should take account of the requirement to provide access for this purpose. This may involve:

- Ensuring that the layout of a room is designed to facilitate 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 facilitate 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.

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 substantively 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 witnesses and other participants (including members of the public, applicants for planning and licensing committees 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 xx.

Furthermore, Chairs should:

- 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 xx below;
- 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, particularly relating to conduct and behaviour, including some of the material set out in the section 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 xxx)
- 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. 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 members with respect of specific items, and having a sense of what their likely interventions will be;
- 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 councillors have an opportunity to contribute;
- Briefing witnesses on expectations;
- Ensuring that reports reflect the above sets of circumstances.

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

4.9 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.

A formal meeting may resolve 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.x.

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

- A verbal roll call of members. 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 a ‘raise your 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 members have the same opportunity to vote;
- All members 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. Councils 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. Councillors present have the opportunity to object and to press for a vote, depending on the authority's standing orders.

Where members 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.

4.10 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.

Councillors 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.

Addendum: Broadcast and recording arrangements

[this section is provided largely to identify crossover with future guidance – Regulations are expected on the subject of meeting broadcast; the final guidance will need to cover broadcasting insofar as it relates to features specific to multi-location meetings]

Video recording and broadcast arrangements may not be available in all rooms; the design of some committee rooms may not be easily changed to facilitate broadcast. Traditional council chambers are often seen as presenting a particular challenge. Capital investment here may be unavoidable.

A variety of options exist here; these are illustrative and are presented to demonstrate that significant investment in infrastructure and technology is not required to fulfil the requirements of this part of the Act.

- Where audio-only broadcast is required, setting up a single microphone – which might be a microphone on a mobile phone, or connected to a mobile phone – connected to a broadcast feed;
- Again, for audio-only broadcast, linking in-room audio amplification systems (table mics, etc) to a broadcast feed;
- Setting up an unattended mobile phone on a tripod, filming a static, wide shot of the meeting from the public gallery, relying on the pickup of the phone mic for sound, with the feed of the meeting being broadcast on the internet;
- Having two or three unattended cameras showing, respectively:
 - A closeup of the chair;
 - A wide shot of the entire committee;
 - A closeup of the table at which officers, or others, might give evidence.

With a member of staff manually cutting between these three feeds, as well as mixing in contributions made by those attending the meeting from other locations;

- The above, but with the audio from in-room amplification directly mixed into the broadcast feed;
- The above, but with on-screen astons or other captions identifying the individuals talking and/or the agenda item under discussion;
- An automated system, with roof or wall-mounted cameras, and computer-controlled automatic editing to cut to whoever is speaking (which would also facilitate contributions from other locations);
- Automatic or manual subtitling in English and Welsh.

The more basic options listed above satisfy the terms of the legislation, but councils will want to think about how they can invest in technology and officer skills and capabilities to ensure that video and audio of proceedings can be genuinely useful to the watching audience. We note that, to provide a professional and engaging broadcast experience, capital investment – and ongoing revenue investment in terms of staff time – may be required. For certain meetings (larger meetings especially) dedicated IT support may be required – for others, in time, authorities may consider that they can provide training to develop the skills of existing support staff – although it should be noted that the primary duty of those staff is to ensure the smooth running of the meeting from a governance perspective.

There may be certain council facilities (and in particular certain community facilities used for council meetings) which are not conducive to the use of high-quality broadcast equipment.

The requirement to broadcast should not be taken as a reason to not convene meetings outside of council premises. The need for lower quality forms of broadcast might be balanced against the need to engage people directly in the communities they live – the reason for holding council meetings in the community remains compelling. This is likely to be a consideration with regard to meeting arrangements.

The Act specifically notes that a lack of broadcast facilities does not make proceedings of a given meeting invalid, by definition. This is intended to account for the occasional failure of critical technology rather than to offer a regular fallback position. If technology fails to the extent that members can no longer participate, this may still mean that the meeting becomes inquorate. We have noted above that meeting arrangements might take account of circumstances where councillors or other participants may find it necessary to disabled incoming or outgoing video to stabilise a poor internet connection, and how this does not “invalidate” meetings where councillors would normally be expected under s46 to be able to both see and hear one another.

It may not be necessary for meeting arrangements to take account of all of these (and other) issues. Councils cannot be expected to plan for every eventuality. But ensuring an awareness of these matters – particularly amongst those involved in providing support to committees, and councillors sitting on committees – will avoid uncertainty.

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Report

Democratic Services Committee

Item:

Date: 29th April 2021

Item: 6

Subject **Local Government & Elections (Wales) Act 2021 – implementation Timetable**

Purpose To advise Committee about the timetable for implementation of the Local Government & Elections (Wales) Act 2021 and to identify those areas of work that will require further input and direction from the Committee as part of the forward work programme.

Author Head of Law & Regulation

Ward General

Summary The Local Government & Elections (Wales) Act 2021 (“the Act”) received Royal Assent on 20th January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders. The implementation schedule attached to this report sets out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.

The Act contains a number of measures that will require changes to the Council’s governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee.

Proposal **To note the report and identify those areas of work within the implementation timetable for the new legislation that need to be included within the forward work programme for Democratic Services Committee**

Action by Head of Law & Regulation

Timetable In line with the implementation timetable and forward work programme

This report was prepared after consultation with:

- Chief Executive
- Head of Finance
- Head of People & Business Change

Background

1. The Local Government & Elections (Wales) Act 2021 (“the Act”) received Royal Assent on 20th January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders, with secondary legislation and guidance provided by Welsh Government.
2. The implementation schedule attached to this report sets out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.
3. An officer working group has been established, under the management and direction of the Head of Law and Regulation and the Head of People and Business Change, to deliver the implementation programme. The individual tasks will be allocated to specific sub-groups and progress will be monitored against the delivery dates. Progress reports will be submitted on a regular basis to the Senior Responsible Officers and, where the work impacts on the Council’s internal governance arrangements, updates will be provided to Democratic Services Committee. For example, a sub-group has already been established to take forward the IT project for the implementation of the remote meetings provisions in the Act, utilising the £52k grant funding awarded by Welsh Government.
4. The Act contains a number of measures that will require changes to the Council’s governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The following provisions are of particular relevance to the Committee:-
 - (a) Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39);
 - (b) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
 - (c) Duty to make and publish a petition scheme and review the scheme from time to time (Section 42);
 - (d) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
 - (e) Electronic broadcasts of meetings open to the public (Section 46);
 - (f) Remote Attendance at local authority meetings (Section 47)
 - (g) The new self-assessment performance management framework, which will require an annual self-assessment report, with a peer review by an external independent panel (section 89-94).
5. The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme would also have to enable public petitions to be submitted electronically and provide a mechanism for responding. The new self-assessment performance management framework will have an impact of the Council’s approach to performance management and the role of Scrutiny and Audit Committees.
6. There may also be other provisions within the legislation that the Committee would wish to review and consider.

Financial Summary

- 7 There are no financial implications but the implementation of some of the legislative changes may require additional funding, if they cannot be accommodated within existing budgets.

Risks

8. Failure to implement the legislation in line with statutory timescales would undermine the legality and propriety of the Council's corporate governance processes.

Links to Council Policies and Priorities

9. The principles of open and transparent governance are consistent with the Council's Strategic Recovery aims and support the Council's Corporate Plan 2017-22. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Options Available

10. The Committee is asked to note the report and identify those areas of work within the implementation timetable that they would wish to consider, and how they would wish to deal with those matters.

Comments of Chief Financial Officer

There are no current financial implications but the implementation of some of the legislative changes may require additional funding, if they cannot be accommodated within existing budgets.

Comments of Monitoring Officer

Set out in the report.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing or HR implications. The principles of open and transparent governance are consistent with the Council's Strategic Recovery aims and support the Council's Corporate Plan 2017-22. They are also enshrined in the well-being plan and objectives under the Well-being of Future Generations (Wales) Act

Background Papers

Local Government & Elections (Wales) Act 2021 and associated guidance

Dated: 23rd April 2021.

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Local Government and Elections (Wales) Act 2021: Implementation Schedule

The Bill received Royal Assent on 20 January 2021.

Provisions	Coming into force as per section 175 of the Act	Actions	Timescale
Part 1 Elections			
Extending the right to vote to 16-17 year olds and qualifying foreign citizens (section 2)	Entitlement to be registered as a Local Government Elector – 2 months after Royal Assent 20th March 2021 Other provisions come into force 2 months after Royal Assent but do not take effect until 5 May 2022 and thereafter in respect of Local Government Elections and Local Referendum. 5th May 2022		
Promote awareness of registration of relevant young people and provide assistance (section 4)	2 months after Royal Assent 20th March 2021		
Two voting systems. Simple majority system and Single Transferable Voting system. (Sections 5–12)	6 May 2022		
Change of electoral cycle for Principal and Community Councils, together with Elected Mayors from four years to five years and extension of power to Welsh Ministers to change election day in Wales (Sections 14–17)	20th March 2021		
Registration of Local Government Electors without application (Section 18)	By Order made under SI – which may make transitional, transitory, or saving provisions; may appoint different days for different purposes or areas. Awaiting SI		
Qualification and Disqualification for Election and being a member of a Local Authority (Sections 19–21)	By Order made under SI – which may make transitional, transitory, or saving provision: may appoint different days for		

	different purposes or areas. Awaiting SI		
Translations etc. of documents at Elections in Wales (Section 22)	2 months after Royal Assent subject to Section 3 which in part refers to this Section taking effect in Local Government Elections or Local Referendum on or after 5 May 2022 20th March 2021		
Part 2 Chapter 1 General power of competence for Local Authorities			
Defines the power, defines qualifying local authority as a Principal Council and an 'eligible community council, including limits on charging in exercise of general power, limits on doing things for commercial purposes in exercise of general power, powers to make supplementary provisions by Welsh Ministers	By Order made under SI – which may make transitional, transitory, or saving provision; may appoint different days for different purposes or areas. November 2021		
Chapter 2 eligible Community Councils to qualify for the general power of competence	5th May 2022		

Part 3 Promoting Access to Local Government,	Coming into force as per section 175 of the Act	Actions	Timescale
Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39)	The Local Government and Elections (Wales) Act 2021 (Commencement No.1 Saving Provision) Order 2021 –made on the 4th March 2021 – brings into force provisions across Parts 3, 4 and 9 of the Act. Commencement Order No.1 - 4 March 2021 brings into force provisions in Part 3 which are not yet in force – this is necessary to facilitate the drafting consulting upon and making the necessary subordinate legislation to support the implementation of the Act.		

	5th May 2022		
Prepare and Publish a Strategy on encouraging people to participate (as above) and review the strategy following every local government election (Sections 40–41)	As soon as reasonably practicable after Section 40 comes into force Commencement Order No.1 brings sections 39-41 into force on 5th May 2022		
Duty to make and publish a petition scheme and review the scheme from time to time (Section 42)	Commencement Order No.1 brings section 42 into force on 5th May 2022		
Duty on Principal Councils to publish official addresses for each member – electronic and postal (Section 43)	Commencement Order No.1 brings section 43 into force on 5th May 2022		
Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45)	Commencement Order No.1 brings section 45 into force on 5th May 2022 .		
Electronic broadcasts of meetings open to the public (Section 46)	Commencement Order No.1 brings section 46 into force on 5th May 2022 .		
Attendance at local authority meetings (remote attendance) (Section 47)	The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021 1st May 2021		
Participation at meetings of Community Councils (Section 48)	5th May 2022		
Giving of notices and access to documents to meetings (Section 49)	The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021 1st May 2021		

Regulations about conduct of local authority meetings, documents relating to meetings and publication of information Section 50)	Power to make Regulations came into force on 21st January 20		
Regulations about community meetings (Section 51).	Power to make Regulations came into force on 21st January 2021		
Annual Reports by Town and Community Councils; to give opportunity for the public to speak at meetings Publish an annual report about their priorities etc Publish a training plan. (Section 52)	1st April 2022		

Part 4 Local Authority Executives, Members, Officers and Committees	Coming into force as per section 175 of the Act	Actions	Timescale
<p>Appointment of Chief Executive rather than a Head of Paid service</p> <p>Matters to be kept under review by Chief Executive</p> <p>Replace reference to CX "salary" in LG Measure with "remuneration" (Section 55)</p> <p>Reconsideration of remuneration if direction given by Welsh Ministers (Sections 54 –56)</p>	<p>Section 54 and 56 5th May 2022</p> <p>Section 55 on 20th March 2021</p>		
<p>Appointments of assistants to Cabinet Members to be appointed by the Leader to include details of their terms of office, responsibilities and the number of assistants (assistants cannot be Chairman or Vice Chairman of Council nor a Cabinet Member) (Section 57)</p>	5th May 2022		
<p>Enabling job sharing for Leader and Cabinet Member positions (Sections 58-59)</p>	<p>Section 58 5th May 2022</p>		

	Section 59 – duty to have regard to guidance 20th March 2021		
Job-sharing: non-executive offices in Principal Councils. Welsh Ministers enabled to make regulations. (Section 60)	20th March 2021		
Changes in family absence provisions (Section 61)	1st April 2021		
Members Conduct – Political Group Leaders to promote and maintain high standards of conduct Standards Committee – to monitor compliance with the above and provide training (Sections 62)	5th May 2022		
Standards Committee at end of Financial year to prepare an annual report to the Council (Section 63)	5th May 2022		
Certain investigations by PSOW amendments to schedule 8 (Section 64)	Date to be appointed by Welsh Ministers		
Making information available to Overview and Scrutiny Committees (Section 65)	5th May 2022		
Requiring LAs to appoint Joint Overview and Scrutiny Committees (Section 66)	5th May 2022		
Community Council Training Plans (Section 67)	5th May 2022		
Part 5 Collaborative Working by Principal Councils			
Guidance about Collaborative working (Section 69)	Awaiting further guidance		

<p>Power for Local Authorities to apply to Welsh Ministers to establish Corporate Joint Committees (“CJCs”) Consultation to be undertaken prior to application (Section 70 and 71)</p> <p>Welsh Ministers may by regulations establish CJCs (Section 72)</p> <p>Conditions prior to a Section 72 request (Section 73)</p> <p>Establishing CJC when no request has been made (Section 74)</p> <p>Provisions relating to CJCs and Joint Committee Regulations (Section 76-88).</p>	<p>Establishment Regulations published but further regulations and Guidance awaited on implementation timetable</p>		
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<p>Part 6 Performance and Governance of Principal Councils and Duty of Principal Council to keep its performance under review</p>	<p>Coming into force as per section 175 of the Act</p>	<p>Actions</p>	<p>Timescale</p>
<p>Local Authorities to develop a new streamlined performance framework and report on its performance and consult at least once a year Local Authorities to review their performance in respect of</p> <ul style="list-style-type: none"> a) exercising its functions effectively b) using its resources economically, efficiently and effectively, c) governance is effective for securing the matters set out in paragraphs a) and b) <p>(Section 89)</p>	<p>Commencement Order No.2 12th March 2021 (subject to Senedd approving the LG & E (W) Act 2021 (Consequential Amendments) Regulations 2021 – which will be brought into force in line with this Commencement Order)</p> <p>The majority of chapters 1, 3 and 6 of Part 6 in force on 1st April 2021 First self-assessment report to be compiled and reported early in 2022/23</p> <p>Commencement Order No.2 which disapplies the 2009 Measure contains saving provisions to ensure exercise of certain functions, and other things done under the Measure continue to have effect</p>		

	<p>following disapplication of the Measure.</p> <p>Principal Councils to continue under the 2009 Measure to publish performance requirements by October 2021.</p>		
<p>Undertake an Annual self – assessment. Publish a draft report of the assessment report it to the Governance and Audit Committee and publish the final report. (Section 91)</p>	<p>Date to be appointed by Welsh Ministers</p>		
<p>Council to make arrangements to appoint a panel to assess the extent to which performance requirements are being met. (Section 92)</p>	<p>Commencement Order No.2 – 5th May 2022</p>		
<p>Local Authority to respond to the panel's performance assessment (Section 93)</p>	<p>Commencement Order No.2 5th May 2022.</p>		
<p>Welsh Ministers may introduce regulations regarding panel performance assessments (Section 94)</p>	<p>5th May 2022.</p>		
<p>Power of Auditor General to carry out a special inspection and publish a report and duty for Principal Council to respond to Auditor General's recommendations if considered Principal Council has failed to meet its performance requirements. Duty of Principal Council to respond to Auditor General's recommendations and Welsh Ministers (Section 95)</p>	<p>20th March 2021</p>		
<p>Powers of inspection by Auditor General and fees. (Section 98 - 101)</p>	<p>Date to be appointed by Welsh Ministers</p>		

Support and assistance by the Welsh Ministers with improving performance and powers to intervene (Section 102 - 112)	Date to be appointed by Welsh Ministers		
Disapplication of the 2009 measure in relation to Principal Councils and repeal of provisions about coordination of audit. (Section 113)	Date to be appointed by Welsh Ministers		
Amendment of the Well-being of Future Generations (Wales) Act 2015. (Section 114)	Date to be appointed by Welsh Ministers		
Governance and Audit Committee (Sections 115–118)	<p>Commencement Order No.2 - section 115 on 1st April 2021 – renaming of Audit Committee and following functions:</p> <ul style="list-style-type: none"> - Review and assess the authority's ability to handle complaints effectively; - Make reports and recommendations in relation to the authority's ability to handle complaints effectively <p>Commencement Order No.2 5th May 2022 chapter 2 of Part 6 G&A Committee membership and proceedings.</p> <ul style="list-style-type: none"> - Chair of G&A must be a lay member - One third of Members to be lay persons - Deputy Chair must not be a member of the Local Authority's executive or an assistant to its executive 		
Coordination between Regulators (Sections 119-120)	Date to be appointed by Welsh Ministers		
Part 7- Mergers and Restructuring of Principal Areas	Coming into force as per section 175 of the Act	Actions	Timescale
Voluntary mergers, local discretion and conditions associated with Welsh Minister making restructuring regulations and	Commencement Order No.2 - 12th March 2021 and disapplication of the Measure – subject to approval by the Senedd of		

remuneration arrangements for new Principal Councils (Sections 121-150)	the Consequential Amendments Act		
Part 8 - Local Government Finance	Coming into force as per section 175 of the Act	Actions	Timescale
<p>Powers to require information relating to hereditaments, information relevant to determining liability for non-domestic rate, powers to inspect property, amendment to multipliers, amendments to the Local Government Finance Act 1988, granting Welsh Ministers powers to make regulations on joint and several liability to pay Council tax.</p> <p>Removal of Power to provide for Imprisonment of Council Tax Debtors (Sections 151 - 158)</p>	<p>2 months after Royal Assent – 20th March 2021 (Sections 152, 154-156 and 158) 1 April 2021 (Sections 151, 153 and 157)</p>		
Part 9 - miscellaneous			
Information Sharing between Regulators (Section 159)	<p>21 January 2021 except ss 4(b) and © in table 2 in ss (5), the entry relating to the AG for Wales functions under Chapter 1 of Part 6</p> <p>Commencement Order No.1 - 5 March 2021 – Parts 3,4 and 9 of the Act.</p> <p>Commencement Order No.2 - 12th March 2021 information sharing provisions – subject to Senedd approval of consequential amendments Regulations.</p>		
<p>Head of Democratic Services (Section 161)</p> <ul style="list-style-type: none"> - Chief Officer Pay Policy to include Head of Democratic Services - Removal of the restriction on monitoring officers also being designated head of democratic services 	<p>Commencement Order No.1 4th March 2021 section 161 to facilitate consultation and making the Regulations re allocation of resources to the HoDS.</p> <p>Commencement Order No.2 - brings section 161 fully in force on 5 May 2022.</p>		

Abolition of polls consequent on a community meeting (Section 162)	Commencement Order No.1 in force on 5 May 2022		
Merging and de-merging Public Services Boards under the Well-being and Future Generations (Wales) Act 2015. (Section 165)	2 months after Royal Assent And schedule 14 on 20 March 2021		

Part 10 Schedules

Schedule 1 – Initial reviews of electoral arrangements etc

Schedule 2 – Minor and consequential amendments relating to elections

Schedule 3 – Amendments relating to general power of competence relating to Principal Councils and Town and Community Councils.

Schedule 4 – Notice of Local Authority meetings, access to documents and attendance at meetings. **1st May 2021**

Schedule 5 – Consequential amendments relating to Chief Executives

Schedule 6 - Consequential amendments etc relating to assistance to Local Authority Executives

Schedule 7 – Job-sharing by Executive Leaders and Executive Members

Schedule 8 – Conduct of Local Government Members: investigations by the Public Services Ombudsman for Wales

Schedule 9 – Amendments related to CJsCs including creation of strategic planning functions for certain corporate joint committees and repeal of powers to establish strategic planning panels and repeal of power to establish joint transport authorities

Schedule 10 – Consequential amendments relating to renaming of Principal Council for the Committees.

Schedule 11 – Transition Committees of merging Councils and restructuring Councils.

Schedule 12 – Restraints on transactions and recruitment etc by merging Councils and restructuring Councils

Schedule 13 – Abolition of polls consequent of community meetings under the Local Government Act 1972

Schedule 14 – Consequential amendments relating to merger and de-merger of Public Services Board