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Consultation Document

Remote Attendance at Council Meetings

Date of issue: **29 May 2013**

Action required: Responses by **21 August 2013**

Overview

Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011.

How to respond

Please submit your comments on any aspect of the Regulations or the Guidance by **21 August 2013** in any of the following ways:

Via the response form on our website:

<http://wales.gov.uk/consultations/localgovernment/?lang=en>

E-mail: LGDTMailbox@wales.gsi.gov.uk

Or post to the address in the contact details below.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Useful References:

Local Government (Wales) Measure 2011 - <http://www.legislation.gov.uk/mwa/2011/4/contents/enacted>

Contact details

For further information:

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Tel: 029 2082 5194

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

REMOTE ATTENDANCE AT COUNCIL MEETINGS

Draft Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011

Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) was intended to strengthen local democracy by, in particular, introducing reforms which support councillors outside of the executive or executive members when acting in a non-executive capacity. One of these reforms, at section 4 of the Measure, was the introduction of the possibility of remote attendance at council meetings. This was intended to make it easier for those who, for instance, may have to travel long distances, those with domestic responsibilities and those in employment to attend.

This guidance is statutory guidance under section 4(6) of the Measure, to which a local authority must have regard, in relation to meetings of an authority attended remotely in accordance with section 4.

What section 4 of the Measure says

Section 4 provides that attendance at a council meeting is not limited to a meeting of persons who are all present in the same place. By “council meeting” we include any committee or sub-committee of the council as well as the full council itself. However, the section places certain limitations as to what constitutes remote attendance.

Any member attending a meeting remotely (“remote attendee”) must, when they are speaking, be able to be seen and heard by the members who are attending the meeting at the place where the meeting is held (“members in actual attendance”) and the remote attendee must, in turn, be able to see and hear those in actual attendance. If there are any members of the public entitled to attend the meeting, they must also be able to see and hear the remote attendee who, in turn, must be able to see and (should they be entitled to address the meeting) hear them. If there is more than one remote location, all the members attending remotely must be able to hear – but not necessarily see – the other remote attendees.

Meetings can only take place remotely if not prohibited by the local authority’s standing orders/rules of procedure. The standing orders/rules must also secure that any meeting with remote attendees is not quorate if there are more remote attendees than members in actual attendance.

Each local authority may make other standing orders/rules in relation to remote attendance at meetings and must have regard to any guidance given by Welsh Ministers. Our intention is to publish this guidance at the same time as the section of the Measure is brought into force.

It should be noted that remote attendance at meetings is only permitted for elected members and not co-optees. This is because the aim of making it easier to attend meetings is linked to the general aim of encouraging more people to consider becoming councillors, which is not progressed by making such facilities available to co-optees.

Supporting remote attendance

The Welsh Government accepts that there are technical and staffing implications connected with the introduction of remote attendance. Where a number of councillors are expected to attend remotely, probably though not necessarily in a different council office from the place where the meeting is held, there will probably need to be an officer present, both to support the members attending remotely but also to ensure that the equipment needed for remote attendance to function is operating correctly.

Local authorities will need to decide whether or not they wish to permit members of the public to be able to be present at a remote location. If so, an officer presence would be required to make arrangements for them.

There will clearly be a need to provide appropriate training for officers who might become involved in remote attendance, both to familiarise them with the requirements of the legislation and to cover the practical issues involved. The WLGA should be able to assist in this process.

The need to recognise equality between the Welsh and English languages has great significance when considering remote attendance. Local authorities will have their own Welsh language schemes but it is likely that facilities will exist – or could be made available – to cater for members who are unable to understand Welsh.

This could be problematic when remote attendance is being used. Modern communications facilities, such as those used for webcasting council proceedings, may well include an associated facility so that when a member decides to speak in Welsh, those watching the broadcast at another location hear the English translation dubbed over this rather than the speaker's words.

This may not be altogether to the liking of a Welsh-speaking member attending a meeting remotely without a translation facility as the remote attendee would be obliged to listen to an English translation dubbed over any Welsh spoken.

If a remote attendee wished to speak in Welsh, it would not pose a problem for those in actual attendance at the main meeting centre with the translation facilities because they would have the choice of listening either to the Welsh speaker or to the translation into English. But for non-Welsh speakers at the remote location, there would need to be another translation facility available for Welsh spoken at the place of the meeting.

In the case of a sole remote attendee, attending at home or work, for instance, the situation is eased because, should they wish to speak Welsh it will be translated at the main location. There is still the issue that a Welsh speaking sole remote attendee would probably have to hear any member speaking in Welsh at the main location dubbed in English.

It is proposed that standing orders should contain a provision that members should, whenever possible, be able to participate at a remotely attended meeting in either Welsh or English. However, it is the Welsh Government's policy that remote attendance should not be permitted if, for technical or other reasons, it would not be possible to *provide simultaneous interpretation for non-Welsh speakers attending a meeting where both Welsh and English will be used*. As such, local authorities may wish to ask members *to note their language preference (in terms of speaking at meetings) and whether or not they would require simultaneous interpretation should any other participant speak in Welsh*.

The Welsh Government does not take for granted that local authorities will possess the equipment or technological know-how to make remote attendance work to suit everyone. Someone attending remotely at home or work may have bandwidth limitations which affect their ability to take part fully. Local authorities will need to decide for themselves the extent to which they will invest or assist members to have the necessary facilities to attend remotely.

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It would be important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings. Any member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of their Code of Conduct responsibilities.

Local authority standing orders can determine which types of meetings can be attended remotely. In the first instance, practical issues might dictate that the number of meetings which could enjoy this facility would be quite limited, though over time it would be hoped that the number of meetings where remote attendance were possible would increase.

It is the view of the Welsh Government that it would not, however, be appropriate for a local authority's standing orders to rule out entirely the prospect of remote attendance. The intention of the Measure was to introduce flexibility and some councillors, because of distance from the centre, health, caring or employment responsibilities, might benefit from being able to attend meetings remotely.

The Measure requires that, for a remotely attended meeting to be quorate, a certain proportion of councillors must be in actual attendance at the meeting. Should this be disturbed by members in actual attendance at the main

meeting place leaving the meeting before it is finished, bringing about a higher than permitted proportion of councillors attending remotely, the chair would have no choice but to close the meeting.

Standing orders should also make provision about what should happen if a technical difficulty results in the breakdown of the communications facility. Such occurrences are not unknown in video conferenced meetings. If this occurred, it is the Welsh Government's view that the chair should declare a recess while the fault is addressed. If necessary, the meeting would have to be abandoned and the meeting should not continue without the involvement of the remote members. Standing orders could, however, make different provision for different types of meetings etc, for example that a meeting taking an urgent decision or one which is time-limited, might either not be allowed to take place with remote attendees or that the meeting would proceed in the event of a communications failure, so that those attending remotely would be aware and accept that the meeting would continue and a vote would be taken without their attendance in the event of a communications failure.

Finally, there is the issue of voting. Local authorities will have to build into standing orders arrangements to provide for voting to take place simultaneously at the main and remote location(s). The counting of the votes can be performed by the chair of the meeting as he/she will have to be able to see all members voting. There may be difficulties for any council which has introduced electronic voting systems. Unless technology can be introduced to allow for electronic voting at remote locations, it is anticipated that a show of hands would be required at each location to prevent unfair treatment of those at remote locations, i.e. it would be seen which way they voted, which would not be the case for those voting electronically.

This is draft guidance for consultation purposes. Your comments are invited on the matters addressed above and any other issue which you feel needs to be addressed within this guidance.