

MEETING	Democracy Services Committee
DATE	29/06/2021
TITLE	Local Government and Elections (Wales) Act 2021
PURPOSE	<ul style="list-style-type: none"> • To approve a draft policy on ensuring access to the public, to be submitted to the full Council on 08/07/2021 • Trialling the webinar arrangements
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Foreword

1. There is considerable history to the Local Government and Elections (Wales) Act 2021, which is rooted in the Local Government (Wales) Bill presented by Leighton Andrews, the former Minister for Local Government, in 2015.
2. The Act received Royal Assent on 20 January 2021. There are nine main sections to the Act with some provisions already in force, but we are continuing to await the publication of relevant regulations or statutory guidance. A report on the act was submitted to the Full Council in March 2021.

Access to the Public

3. The access rights of the press and public to Council meetings, its Committees and the Cabinet, is a basic statutory principle in Local Government Legislation. Previously, this was based on ensuring access to the press and public to the room/chamber where the meeting was held (excluding Exempt matters). It must be noted, although the principles are almost identical, the Cabinet arrangements are in a specific, separate system.
4. Section 4 of the Local Government and Elections (Wales) Act 2021, adapts this legislation by allowing the Authority to hold meetings virtually, i.e. that the access to the press and public is provided virtually. This could be via webcasting at the meeting, but it could be via other electronic methods, which allow them to speak to hear and see the meeting. Therefore, where a meeting is held wholly through the virtual method, rather than stating the time and location of the meeting on the front of the agenda, it must be stated clearly how access can be gained to the meeting.
5. In accordance to Section 47 of the Act, the Council must adopt and publish arrangements with provision to enable meetings to be held with people who are not all at the same location. Such a meeting could be held purely virtually or as a hybrid meeting which is held at a specific location with provision for remote attendance. Although a meeting can be held purely in a specific location, remote attendance for attendees must be provided for. The term 'hybrid' is used for these types of meetings, and it is envisaged that they will be a normal occurrence in the future.
6. It is a basic requirement (except for exempt items) that meetings are open to the public and press. In the past, this duty was provided by ensuring access to the press and public to the location the meeting was held. Webcasting of meetings further enhanced this, but it did not

address the statutory requirement. By now, 'access' can be provided through electronic provisions, being webcasting or another appropriate electronic provision. This development opens the door to public virtual meetings.

7. This provision has been in place since 1 May this year. As part of the work, the Authority is requested to adopt and publish its arrangements for delivering these requirements, and re-publishing if changes arise.
8. At present, we continue to hold virtual meetings only. A specific project has been established to develop the necessary technology in order to offer hybrid meetings - meetings that allow for remote access and at a specific location. These developments are progressing. It will be necessary to ensure that the provision is technically easy to use and responds to the requirements of bilingualism, voting matters, webcasting, etc.
9. This is also subject to Coronavirus regulations that apply to our decisions regarding attending offices.

Equality Act 2010

10. The Council is subject to its duty under the 2010 Equality Act to give due attention to the need to remove unlawful discrimination, harassment and oppression, along with any other behaviours prohibited under the provisions of the Act. In addition, there is a need to increase equal opportunities and foster good relationships between those with protected characteristics and those who do not have protected characteristics (the General Equality Duty). In accordance with the requirement in Wales, and in order to address this duty, an Equality Impact Assessment has been prepared.
11. Also, it is essential to ensure training for members, particularly for committee Chairs, on how to hold hybrid meetings as the dynamics of such committees will be considerably different.
12. Therefore, in response to the above requirements, it is suggested that temporary arrangements should be established and published, whilst the above developmental work is done. The arrangements will need to be reviewed regularly. A further report on developments will be presented to the Full Council meeting in October 2021.
13. The policy includes two options to enable access to the public in the short-term:
 - Live webcasting
 - Sharing a link for the meeting that will be held as a webinar

Live webcasting

14. The Act provides for mandatory live webcasting of meetings from May 2022. Although a range of the Council's committees are expected to be included within the scope, we will need to wait regulations and consult on them to fully understand the scope of requirements. However, it is an additional requirement to that of the subject of this report.

15. The virtual meetings of the Full Council and Cabinet have been webcast live since October and November 2020. The meetings of the planning committee have been webcast live since May 2021. Note that the live webcast involves considerable resource input from the Democracy Services Team.
16. Before the pandemic, the following meetings were webcast live:
- Full Council (V - situation recovered)
 - Cabinet (V - situation recovered)
 - Planning - meetings held in Caernarfon only (V - previous situation recovered, and developed further by webcasting all virtual planning meetings)
 - Scrutiny
 - Audit and Governance (February meeting when the budget was discussed)

Webinar

17. We will be trialling a webinar process for other committees. Holding the meeting as a webinar means that up to 100 members of the public can follow a link to watch the meeting, but they WILL NOT be able to participate.
18. This will not involve a major change to Gwynedd elected members, but it will mean that every member must register their Zoom account and use the app to attend any meeting. Arrangements are already in place to contact the individuals who are yet to register, to assist them to do so.
19. Also, officers attending the committees will need to be aware of the requirements, with work progressing in that field.
20. Today's meeting of the Democratic Services Committee is being held as a webinar in order to pilot the arrangements and ensure that there is an opportunity to adapt or respond to any additional needs before the arrangements are rolled out. In addition, the Pensions Committee, held on 24/06/21, was held as a webinar. Subject to the success of today's arrangements, it is intended to introduce the draft arrangements noted below to the full Council meeting on 08/07/2021. As noted above, the Cabinet arrangements operate under an alternative system and the Cabinet will be responsible for deciding what system to incorporate in its arrangements.

Constitution

21. The Constitution will need to be adapted to reflect this Legislation. This will include:
1. Changing the definition of Quorum in order to address remote attendance
 2. Amending rights of access to the press and public in order to acknowledge the new electronic context and the alternative statutory arrangements.

Draft arrangements to present to the Full Council - 8th July 2021

22. Gwynedd Council is continuing to hold virtual meetings only during the period from May 2021 onwards, until noted otherwise. Meanwhile, we will continue to develop our

arrangements for holding hybrid meetings and ensure safety in returning to the chambers. We will review the situation regularly.

23. In order to ensure access to the public to see and hear discussions, we will provide live webcasts of the following meetings:
 - Full Council
 - Cabinet
 - Planning Committees
24. For other meetings - a link will be included on the front page of the agenda, noting that the meeting is virtual, but that members of the public can gain access to watch the webinar by following the relevant link on the front of the agenda or any other relevant guidance.
25. We will report back on technical developments for the hybrid arrangements to the full Council in October 2021. In the meantime, the Head of Democracy Services, in consultation with the Chairs of individual committees, can agree to hold a pilot scheme of any proposed arrangements.
26. **The Democracy Services Committee is requested to support the temporary arrangements for submission to the full Council on 08/07/2021**

Provisions	Description	Provision in Force	Responsible Officer	Preparation Steps / Resources	Timetable
	6. Give the Annual Standards Committee report to the Council a statutory footing			Awaiting the publishing of regulations on 2, 3 and 4 and a further report will be given when they have been published.	