

No.

DEMOCRATIC SERVICES COMMITTEE

Minutes of a Remote meeting held on 17th July, 2023.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor Dr. I.J. Johnson (Chair); Councillors G.D.D. Carroll, E. Goodjohn, H.C. Hamilton, S.M. Hanks, K.P. Mahoney, S.D. Perkes, J. Protheroe and N.C. Thomas.

Also present: Councillors C.P. Franks, E. Williams (Cabinet Member for Social Care and Health) and N. J. Wood.

210 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Principal Democratic and Scrutiny Services Officer read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

211 APOLOGY FOR ABSENCE –

This was received from Councillor S.J. Haines (Vice-Chair).

212 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 11th April, 2023 be approved as a correct record.

213 DECLARATIONS OF INTEREST –

No declarations were received.

214 REVISED MULTI-LOCATION MEETINGS POLICY (HDS) –

The Principal Democratic and Scrutiny Services Officer in presenting the report drew Committee’s attention to the revised draft Multi-Location Meetings (MLM) Policy attached at Appendix A to the report which had been prepared having regard to the requirements of the Local Government and Elections (Wales) Act 2021 (“the Act”) and the recent Welsh Government Statutory and Non-Statutory Guidance that had been published on 15th June, 2023, and that the previous MLM

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Policy had been prepared having regard to Welsh Government's interim guidance that had been received in August 2021.

As referred to in paragraph 2.2 of the report the Statutory Guidance (June 2023) at Part 3, paragraph 1.50 stated that the Act required Principal Councils to broadcast meetings of the Full Council live as they happened. This development being to allow the public to follow the proceedings of the Full Council in real time from wherever they were, to hear the contribution of their local representatives and understand the issues raised in respect of agenda items. The Council was required to make the broadcast available electronically for a reasonable period after the meeting. It was also noted within the Statutory Guidance that this was to be the first step in respect of broadcasting with Welsh Government intending to extend this requirement to a number of other Council Committee meetings in the future. The report also referred at paragraph 2.3 that the Statutory Guidance advised that relevant Local Authorities could develop their MLM arrangements to reflect what was right for them and the communities they served. Part 15, paragraph 15.58 of the Guidance stated that the exact contents of the MLM Policy were to be agreed at local level with Councils being able to decide which meetings would have physical provision made for them and which would be conducted wholly through remote means.

Having regard to the Cabinet decision taken on 8th June, 2023 in respect of the Council's hybrid solution provider and the recently issued Welsh Government Statutory and Non-Statutory Guidance, a review of the Council's MLM Policy as contained within Section 4 paragraph 4.17 of the Council's Constitution had been undertaken. A copy of the revised draft MLM Policy which contained additions and deletions highlighted in red on the document for Committee's consideration was attached as an Appendix to the report.

The report to Cabinet on 8th June, 2023 had also drawn attention to which Council meetings should be undertaken on a hybrid basis and broadcast live, having regard to the requirements of "the Act", Welsh Government Statutory Guidance as referred to in paragraph 2.1 of the report and Council resources. It was therefore being recommended within the revised MLM Policy that the following Council meetings be conducted and broadcast on a hybrid basis (save for when Part II matters were to be discussed):

- Full Council,
- Cabinet,
- Planning,
- Governance and Audit Committee, and
- a Scrutiny Committee meeting that is to consider a matter of significant County-wide interest (the matter of significant County wide interest being determined by the Chair of the Scrutiny Committee in conjunction with the Chief Executive).

It was further recommended within the draft MLM Policy that all other Committee meetings would operate on a remote basis, be recorded and uploaded to the Council's website post meeting. Some meetings, such as the Senior Management Appointment Committee, it was proposed to be conducted on an 'In person' basis

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(e.g. where interviews were to be conducted) with a decision as to whether to hold such an 'in person' meeting being taken by the Chair of the Committee in conjunction with the Chief Executive. Councillor Dr. Johnson queried whether the proposed reduction in meetings broadcast live represented "backsliding" compared to the current provision. The Principal Democratic and Scrutiny Committee Services Officer advised that the Policy had been drafted in line with the Statutory and Non-Statutory Guidance, June 2023, and the Local Government and Elections (Wales) Act 2021.

The Principal Democratic and Scrutiny Services Officer also drew Committee's attention to the provision of Welsh Language at meetings, advising that the Council's Welsh language service provider (Cardiff Council) required a minimum of three working days' notice to ensure a linguist was available to support a formal meeting. It was also apparent that there appeared to be a shortage of Welsh simultaneous translators across Wales, which was why translation service providers required an adequate notice period to arrange for a translator to be available. To address this notice requirement a survey had recently been conducted with all Members and Co-opted Members of the Council with the purpose of establishing individual Members' language preferences (English, Welsh or both) in relation to each Committee each Member sat on. From liaising with other Councils, some had indicated that they had also undertaken a survey of Members in this regard. The responses to the survey indicated that six Elected and Co-opted Members of the Vale Council had advised of the Committee meetings where they would suggest for themselves Welsh Translation Services be made available. This would assist in addressing the need to provide the stated period of notice.

Councillor Carroll registered his disappointment that the MLM Policy was proposing that not all Scrutiny Committees be undertaken on a hybrid basis or broadcast live. He however stated that he recognised that the Senior Management Appointment Committee when conducting interviews should take place in person as should other meetings of a similar nature. Councillor Carroll also considered that the reference to dressing appropriately for a meeting was subjective as referenced in paragraph 4.17.3.14 of the revised draft MLM Policy.

Councillor Mahoney commented that in his view Members should all be returning to face meetings within the Chamber although recognising that some Members should be able to attend remotely if they so wished.

The Monitoring Officer / Head of Legal and Democratic Services, in referring to the requirements of the legislation and the Statutory Guidance as contained within the report at paragraphs 2.2 and 2.3, reaffirmed that the revised MLM Policy had been reviewed in light of the Statutory Guidance and legislation stating that broadcasting all meetings live and undertaking all meetings on a hybrid basis would be resource intensive for staff and the Council. This would include not only more than one officer from Democratic Services, but other officers from other service areas in particular ICT being in attendance to support, arrange hybrid meetings and live broadcasts. The Council had to consider the wellbeing of staff and the resources that would be required to conduct such meetings which would be considerably increased. Officers had therefore considered the Guidance and

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the legislation in detail having regard to such matters. The Monitoring Officer / Head of Legal and Democratic Services also drew Members' attention to paragraph 15.23 of the Statutory Guidance which stated that "physical meetings should not be seen as representing the gold standard with multi location meetings being second best. Physical meetings may be convenient and effective for those familiar with and comfortable with how they work but they may also be inaccessible and impractical for many." Specific reference was also made to paragraph 15.60 of the Guidance that 'some relevant authorities may decide that all meetings will be conducted through remote means by default. Relevant authorities may wish to adopt different approaches for different bodies and for different circumstances'. The Principal Officer also referred to analytical information that had further been considered when submitting the proposals contained within the draft MLM Policy which advised that viewing figures were both low when meetings were being live streamed and thereafter when recordings were uploaded and archived on the Council's website.

In commenting further on the Guidance as part of its strategy Councils should explore the views of the public about which of the Council's Committees they considered should be broadcast, the Monitoring Officer / Head of Legal and Democratic Services advised that this would be undertaken by the Council through its Participation Strategy process with further reports back to Committee as required.

In referring to Councillor Carroll's query as to the reference within the MLM Policy 4.17.3.14 that 'participants should dress appropriately for the meeting', the Principal Democratic and Scrutiny Services Officer advised that this had been included in the etiquette section of the previous and revised draft MLM Policy having regard to Welsh Government Guidance and although it was a subjective issue, the list detailed within the MLM Policy was proposed as a reminder to participants when undertaking hybrid and or remote meetings.

Councillor Goodjohn stated that he concurred with Councillor Carroll the importance for all Scrutiny Committee meetings to be held on a hybrid basis and broadcast live in order that the public could view proceedings live as had previously been the case for remote meetings of the Council and to encourage attendance.

Councillor Goodjohn also sought clarification in relation to the reference at paragraph 4.17.3.6 (c) where members of the public would be required to contact Democratic Services no later than one working day before the date of the meeting to attend a meeting being held at the Civic Offices. The Principal Democratic and Scrutiny Services Officer advised that members of the public would not be required to advise Democratic Services of their attendance at a meeting that would be held at the Civic Offices on a hybrid or in person basis. The one day's notice was in respect of members of the public wishing to view a meeting being held remotely online, if they did not have access to online facilities themselves, with it subsequently being suggested that for the purposes of clarity the paragraph be rephrased.

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Councillor Thomas also sought clarity in respect of paragraph 4.17.3.20 (b) 'Record of Attendance', and the reference to seven days' notice for apologies. The Principal Democratic and Scrutiny Services Officer advised that it was not that Members would have to tender apologies to Democratic Services seven days before a meeting it was that under "the 21 Act" Councils were required to publish decision notices within seven days of the meeting (including the day of the meeting) and the paragraph referred to Members being able to offer apologies up to seven days **following** the meeting (which included the day of the meeting). It was therefore suggested that the paragraph be amended to read 'That apologies for absence be conveyed to Democratic Services within seven days of the meeting having taken place (including the day of the meeting), in order that apologies could be recorded in the Decision Notice and thereafter the minutes of the meeting'.

Councillor Perkes stated that it was important for the democratic process and for those unable to attend in-person meetings for meetings to be held on a remote basis and that she welcomed the report.

Councillor Protheroe commented that the work of the Scrutiny Committees should be transparent and that the Council should do as much as possible to live stream its Scrutiny meetings. Although she recognised that the analytics did not show a considerable number of people viewed the live streams and / or the archive footage, she did consider that the Council could undertake further work to enlighten the public on the role of scrutiny.

The Monitoring Officer / Head of Legal and Democratic Services reaffirmed for Committee that the proposal was that where meetings were not broadcast live such meetings would be recorded and uploaded to the website the next day.

Following a query from Councillor Hanks regarding officers' contractual terms and conditions and hours the Monitoring Officer / Head of Legal and Democratic Services advised that the proposals set out in the report were in line with the Statutory Guidance for a hybrid approach where required, having regard to such matters.

Councillor Dr. Johnson, in referring to the number of references during the meeting regarding the MLM Policy being drafted having regard to the availability of resources, he was aware that no costings had been provided. He however took the opportunity to remind Members that the Head of Democratic Services was required to consider resource implications when preparing his Annual Report.

In enquiring as to the progress with regard to a hybrid software solution proposed for future meetings he asked if Members could receive an update at the meeting. The Monitoring Officer / Head of Legal and Democratic Services advised that she would be happy to provide an update for Members under Part II of the agenda as the matter was confidential having regard to contractual and commercial matters.

It was agreed by the Committee to recommend to Cabinet that Council Scrutiny Committees be conducted on a hybrid basis and broadcast live.

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Following consideration of the report and the discussions at the meeting, it was subsequently

RESOLVED –

(1) T H A T the revised draft Multi-Locations Meetings (MLM) Policy attached as an Appendix to the report be recommended to Cabinet for approval subject to the following amendments :

- (i) That all Scrutiny Committees be included within the revised draft MLM Policy to be undertaken on a hybrid basis and broadcast live.
- (ii) That paragraph 4.17.3.6 (c) on page 28 be amended to read ‘With regard to observing Remote / Hybrid meetings online members of the public will be able to view a meeting by accessing the link to the meeting on the Council’s website. If a meeting is held on a hybrid basis members of the public would be able to attend the meeting physically. Members of the public who do not have access to the internet to view remote meetings can request to attend a public viewing in a suitable location in the Civic Offices by contacting Democratic Services not later than one working day before the date of the meeting, e.g. if the meeting is held on a Monday, Democratic Services to be notified no later than the preceding Friday.’
- (iii) That paragraph 14.17.3.20 (b) on page 35 be amended to read ‘Committee Members are to inform Democratic Services no later than seven days after the meeting (including the day of the meeting), in order that apologies can be recorded in the Decision Notice and thereafter the minutes of the meeting’.

(2) T H A T following consideration and approval by Cabinet, the revised draft MLM Policy be referred to Full Council for inclusion in the Council’s Constitution.

(3) T H A T the revised MLM Policy be reviewed periodically by the Democratic Services Committee following any further Welsh Government guidance received, changes in legislation, consultation with the public or consequential changes agreed by Cabinet and thereafter referred to Full Council for inclusion in the Council’s Constitution.

Reasons for decisions

(1) To seek Cabinet approval having regard to Legislation, Statutory Guidance, and discussions at the Committee.

(2) For inclusion within the Council’s Constitution.

(3) In order for the MLM Policy to be kept under review having regard to any legislative changes and Cabinet approval.

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215 FROM CHARTER TO SELF-ASSESSMENT, THE EVOLUTION OF THE WALES CHARTER FOR MEMBER SUPPORT AND DEVELOPMENT (HDS) -

The Principal Democratic and Scrutiny Services Officer, in presenting the report, advised that some 20 years ago a Wales Charter had been developed for Member Support and Development co-developed by the WLGA and Councils to provide a framework for good practice across Wales. It had also been seen as an incentive for Councils to provide their Councillors with the support and development they needed and to provide assurance to Councillors that they were being given the best support possible.

Since the inception of the Charter the local government landscape had changed significantly and the role of Councillors had become even more challenging and wide-ranging. Resources were scarce and ways of working post Covid radically different. Against this backdrop the Charter had therefore recently been reviewed by the WLGA and Councils represented by the Heads of Democratic Services. Although it had been recognised that the Charter provided a framework for good practice, it was accepted that there was now a need for a different framework which reflected a more progressive approach to sector led improvement, recent Welsh Government legislation, statutory and other guidance and which recognised the increasingly limited resources available.

The proposal was therefore that the Charter be replaced by a Voluntary Self-Assessment Framework that focused on the support provided for Councillors to deliver the outcomes needed by their communities. An example framework for discussion was attached within the document at Appendix 1 to the report.

It was suggested that the framework be developed according to the following principles:

1. Aims of the Framework
2. Principals for Development
3. Scope of the Framework
4. Context.

Committee was requested to consider the Framework and to make any comments to Cabinet as considered appropriate.

Councillor Hanks raised concern in relation to any resource implications in developing the framework. The Principal Democratic and Scrutiny Services Officer advised that some of the work was already underway although further work would be required in some areas. Members recognised that some work had already been undertaken and by way of an example referred to the detailed information provided by the Vale Council to prospective candidates prior to the 2022 Local Government Elections.

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The majority of Members considered that the Framework should be endorsed, however Councillors Carroll and Dr. Johnson said that they wished only to note the proposals. It was

RESOLVED – T H A T the WLGA proposal to replace the existing Welsh Charter for Member Support and Development with a Councillor Support Self-Assessment Framework and the associated draft Principles as set out in Appendix 1 to the report be recommended to Cabinet be endorsed.

Reason for decision

Having regard to the consultation paper from the WLGA and discussions at the meeting.

216 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

217 UPDATE RE HYBRID SOLUTION (EXEMPT INFORMATION – PARAGRAPHS 13 and 14) –

The Monitoring Officer / Head of Legal and Democratic Services provided the Committee with an update in relation to the provision of a hybrid solution for Council meetings, with it subsequently being

RESOLVED – T H A T an e-mail be forwarded to all Elected Members of the Council to provide an update in respect of the Council's hybrid solution for Council meetings once the current commercially sensitive issues had been addressed.

Reason for decision

For information having regard to the fact that not all Members were present at the meeting.