



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD O'R CYNGOR

C.Hanagan
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Y Pafiliynau
Parc Hen Lofa'r Cambrian
Cwm Clydach CF40 2XX

Dolen gyswllt: Emma Wilkins - 07385406118

DYMA WŶS I CHI i gyfarfod o'r **PWYLLGOR LLYWODRAETHU CORFFORAETHOL A MATERION CYFANSODDIADOL** sy'n cael ei gynnal **Rhithwir DYDD IAU, 13EG MAI, 2021 am 2.00 PM.**

Caiff Aelodau nad ydyn nhw'n aelodau o'r pwyllgor ac aelodau o'r cyhoedd gyfrannu yn y cyfarfod ar faterion y cyfarfod er bydd y cais yn ôl doethineb y Cadeirydd. Gofynnwn i chi roi gwybod i Wasanaethau Democrataidd erbyn Dydd Mawrth, 11 Mai 2021 trwy ddefnyddio'r manylion cyswllt uchod, gan gynnwys rhoi gwybod a fyddwch chi'n siarad Cymraeg neu Saesneg.

AGENDA

Tudalennau

1. DATGAN BUDDIANT

Derbyn datganiadau o fuddiannau personol gan Aelodau o'r Pwyllgor yn unol â gofynion y Cod Ymddygiad.

Nodwch:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm y mae eu buddiant yn ymwneud ag e, a mynegi natur y buddiant personol hwnnw: a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae rhaid iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

2. COFNODION

Cadarnhau cofnodion o'r cyfarfod a gynhaliwyd ar 2 Mai 2019 yn rhai cywir.

3. ADOLYGIAD O GWESTIWN GAN AELOD YN YSTOD CYFARFOD O'R CYNGOR

Derbyn adroddiad y Cyfarwyddwr Gwasanaeth – Gwasanaethau Democrataidd a Chyfathrebu.

11 - 16

4. RHEOLI BUSNESAU AR-LEIN

Derbyn adroddiad y Cyfarwyddwr Gwasanaeth – Gwasanaethau Democrataidd a Chyfathrebu.

17 - 22

5. CYFANSODDIAD Y CYNGOR - NEWIDIADAU ARFAETHEDIG A MATERION ATEGOL

Derbyn adroddiad ar y Cyd y Cyfarwyddwr Gwasanaeth, Gwasanaethau Democrataidd a Chyfarwyddwr y Gwasanaethau Cyfreithiol.

23 - 40

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu

Cylchreliad:-

(Y Cynghorwyr Bwrdeistref Sirol Y Cynghorydd S Powderhill a Y Cynghorydd G Hughes – Cadeirydd ac Is-gadeirydd, yn y drefn honno)

Y Cynghorwyr Bwrdeistref Sirol:

Y Cynghorydd M Webber, Y Cynghorydd D Grehan, Y Cynghorydd M Griffiths, Y Cynghorydd G Stacey and Y Cynghorydd G Davies

RHONDDA CYNON TAF COUNCIL CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

Minutes of the meeting of the Corporate Governance and Constitution Committee meeting held on Thursday, 2 May 2019 at 5.00 pm at the Council Chamber, The Pavilions, Clydach Vale, CF40 2XX.

County Borough Councillors - Corporate Governance and Constitution Committee Members in attendance:-

Councillor S Powderhill (Chair)

Councillor L De Vet Councillor M Webber
Councillor D Grehan

Officers in attendance

Mr C Hanagan, Service Director of Democratic Services & Communication
Mr A Wilkins, Director of Legal Services

1 APOLOGIES

Apologies for absence were received from County Borough Councillors G Stacey, M Griffiths, H Fychan and G Williams.

2 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

3 MINUTES

It was **RESOLVED** to approve the minutes of the 14th May, 2018 as an accurate reflection of the meeting.

4 APPOINTMENT OF A PRESIDING MEMBER

The Service Director, Democratic Services & Communication referred Members to his report which set out a proposal to appoint a Presiding Member (and Deputy Presiding Member) into the Council structure to undertake the administrative functions of the Chair of the Council as set out in Article 5 of the Council's Constitution.

The Service Director advised that the purpose of appointing a Presiding Member was to enable a structure by which:

- The recognised governance and administrative functions of the position of the Chair of the Council are undertaken by the Presiding Member (or in his/her absence the Deputy Presiding Member); and
- The ceremonial and civic functions could become a stand-alone role to be undertaken by the Mayor (or in his/her absence the Deputy Mayor).

It was added that if remunerated, a Presiding Member would be entitled to a Band 3 Senior Salary (for 19/20 £22,568) and the post would count towards the Senior Salary cap for this Council of 19 posts.

Members were asked to consider whether to adopt such a structure noting that only the administrative functions of the Chair of the Council as set out in Article 5 of the Council's Constitution involved with chairing Council meetings and upholding and promoting the purposes of the Constitution would be transferred to the Presiding Member.

Members discussed the proposal outlined within the report with the Cabinet Member for Council Business commenting on the consistency and continuity if the proposed role was taken forward in respect of Chairing of Council business, allowing the Mayor to concentrate on the important civic element of their duty. The Member sought clarity on the salary entitlement for the Deputy Presiding Member to which officers confirmed that no entitlement would be made for the deputy post. It was suggested that a further recommendation should be taken forward, adding that if taken forward the appointment should be taken on an annual basis at the Council AGM, referencing the similar appointment for the Council's Leader.

Another Member commented on the opportunities for the Deputy Mayor to train on issues of Council Business when deputising for the Mayor, although the Chair commented that this depended if such opportunities arose, reflecting that he had chaired all Council meetings during his term of office as Mayor. The Member also sought clarity on the proposed salaries going forward for the Mayor and Deputy Mayor if the Presiding Member post was taken forward, referencing the loss of duties of the Mayor. Officers confirmed that salaries for Mayor and Deputy Mayor were Civic Salaries and were not eligible for a Senior salary post, following the recommendations of the IRP, advising that this would be a Council determination at the AGM.

Following discussions it was **RESOLVED**:

1. To note the proposal contained within the report in respect of the appointment of a Presiding Member (and Deputy Presiding Member) into the Council structure whom would undertake the administrative functions of the Chair of the Council for which are currently carried out by the Mayor; and
2. To recommend to Council the appointment of a Presiding Member (and Deputy Presiding Member) at its Annual General Meeting on the 15th May 2019.
3. To recommend to Council that if such an appointment is taken forward, such an appointment should be made on an annual basis.

5 THE COUNCIL'S CONSTITUTION – PROPOSED AMENDMENTS & ANCILLARY MATTERS

The Committee considered the Joint Report of the Service Director, Democratic Services & Communication and the Director of Legal Services

which sought Committee's approval to commend to Council the adoption of the proposed amendments and ancillary matters relating to the Council's Constitution.

The Service Director provided Committee with a detailed overview of the proposed amendments and following consideration of the report, there followed a series of questions and comments in respect of the proposed amendments and ancillary matters relating to the Council's Constitution.

Member discussed in detail section 4.1-4.10 of the report in respect of Members' Questions and the proposal to take forward a maximum of 20 minutes for Questions on Notice at Full Council. Members welcomed the change to allow the opportunity for more questions to be asked although one Member suggested that the caveat of 'or a minimum of 5 questions', to be included, to ensure that at least the same amount of questions as current practice would be maintained. The Cabinet Member for Council Business commented that if the proposal was taken forward and it was evidenced that the 20minute allocation did not prove sufficient time for 5 or more questions then the item could be reviewed by the Corporate Governance & Constitution Committee.

Members spoke positively of the publication of petitions proposal on the Council website, and agreed that a criteria for publication would need to be formalised. It was suggested by one Member that the local Member should also be kept updated in respect of the petition as well as the lead petitioner, regardless of who presented the petition.

Following a detailed discussion and consideration of the report it was **RESOLVED** to commend the following amendments to full Council for consideration at the Council's Annual General Meeting 2019:-

Members' Questions

1 Council Procedure Rule 9.2 as follows:

A maximum of 20 minutes shall be allowed for Questions on Notice at Full Council. Any questions that are not dealt with in this time limit shall fall. The order of questions to be asked at each meeting shall be determined by a ballot conducted by the Proper Officer. Any questions on notice not answered will need to be resubmitted to the Proper Officer for the next full Council meeting in accordance with these rules. This rule does not prevent a Member asking an urgent question to which the Mayor has agreed can be put in accordance with Rule 9.4(b). Any such urgent questions shall be put prior to the commencement of the 20 minutes allocated for questions received on notice.

2 Procedure Rule 9.5(c) as follows:

(c) where the reply cannot conveniently be given orally, a written answer provided subsequently to the questioner, within 10 working days and a copy of the answer circulated to all Members.

Motions on Notice

- 3 Council Procedure Rule 10.1(b), second bullet point as follows:
- in writing, by fax or e-mail (with the names of the Proposer and Seconder clearly stated) signed by the Proposer; and

Content and length of speeches

- 4 Council Procedure Rule 12.4 as follows:

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor acknowledging that flexibility shall be given where a speech is being delivered through the medium of Welsh to allow for simultaneous translation.

Substitution

- 5 Council Procedure Rule 22.4(iii) as follows:

(iii) after notifying the Proper Officer via e-mail or telephone by 8.30a.m. on the day of the meeting of the intended substitution.

Proposed amendments to the Open Government Council Meeting Procedure Rules

Public Questions

- 6 Rule 3.2 to stipulate that the Proper Officer will conduct the ballot noting, as is current practice, that all Leaders of Political Groups (or their nominated substitute) and any unallocated Members would be entitled to attend the ballot should they wish to do.

- 7 Rule 3.3 be amended as follows:

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer not later than 5.00pm at least eight clear working days (not including the date of the meeting) before the date of the meeting. Each question must give the name and address of the questioner and must specify the Member to whom it is to be put.

- 8 Rule 3.10(c) be amended as follows:

(c) a written answer (with a copy of that answer being circulated to all Members).

Public Presentations

- 9 Rule 4.1 be amended as follows:

Any resident of or Council taxpayer or non domestic ratepayer in the County Borough may make a presentation to Council on a matter for

which the Council has responsibility. Presentations will be selected by a draw to be undertaken by the Mayor or Deputy Mayor which shall take place as soon as possible after the period for submission of presentations has expired. A maximum of two, 5 minute presentations will be permitted per meeting provided that a written submission summarising the presentation(s) is received by the Proper Officer not later than 5.00pm at least eight clear working days (not including the date of the meeting) before the date of the meeting.

Proposed amendments to the Budget and Policy Framework Procedure Rules

- 10 Second paragraph of Rule 2(b) as follows:

Any amendments to the proposals of the Cabinet to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given in writing, by fax or via e-mail (with the names of the Proposer and Seconder clearly stated) to the Proper Officer and signed by the Proposer not later than 5:00pm at least 8 clear working days (not including the date of the meeting) before the date of the Council meeting.

Proposed amendments to the Pension Fund Committee terms of reference

- 11 The terms of reference, specifically Paragraph 14.1(a) by adding a new bullet point 'a (vi)' as follows and renumbering existing bullet points a (vi) and a (vii) accordingly:

vi) Stewardship Code – approving the Fund's Stewardship code to promote best practice in stewardship that is consistent with seeking long – term investment returns;

- 12 Paragraph 14.1(c) to as follows:

(c) Considering the Fund's financial statements as part of the approval process and to receive the Fund's Annual Report. Receive internal and external audit reports on the same.

'Proper Officer' references

- 13 'Proper Officer' references in the Council's Constitution from the Monitoring Officer to the Service Director – Democratic Services and Communications.

Petitions

- 14 To adopt an agreed set of procedures for the receipt and processing of petitions.

6 REVIEW - OVERVIEW AND SCRUTINY 'FIT FOR THE FUTURE'

The Service Director, Democratic Services & Communication provided Members with details of the proposals in response to the Wales Audit Office 'Fit for the Future' review in respect of the Council's Scrutiny arrangements and sought approval to amend the constitution to reflect the proposals contained within the report.

Members were provided with the background to the report and the review undertaken, with the Service Director detailing the lengthy discussions taken forward at the Special Overview & Scrutiny Committee on the 1st May in respect of the report and its proposals, with the suggested amendments to the proposals highlighted below:

- Terms of Reference to be allocated at the start of the Municipal Year by the Overview & Scrutiny Committee following consultation with the Scrutiny Chairs and Vice Chairs (particular reference was made to the current TOR for the Children & Young People Scrutiny and its wide remit);
- To develop a streamlined and focused Committee Work Programme to ensure a more outcome based approach is taken forward following agreement with the Scrutiny Chairs and Vice Chairs and respective Scrutiny Committees; and
- Remove reference to 'summons the Mover and Seconder of a Notice of motion to a scrutiny meeting' and formalise the invitation to the Mover and Seconder (following a point raised that once the motion has passed it becomes the Council's motion);

The Cabinet Member for Council Business spoke of the good practices witnessed in other Authorities, referencing the previous WAO peer exchange review conducted and the opportunity available to utilise such practices and to assist and develop taking forward the Councils scrutiny arrangements to ensure they are fit for purpose and fit for the future. The Cabinet Member also commented on the need to strengthen public engagement through the use of webcasting and a future role to play for non-allocated Members.

Following consideration of the report and the oral feedback of the Overview & Scrutiny Committee it was **RESOLVED:**

1. To note the observations and responses to the proposals of the WAO fit for the future review as outlined within Appendix A of the report.
2. To note the verbal feedback of the Overview & Scrutiny Committee following consideration of the report and the recommended proposals following their meeting on the 1st May, 2019.
3. Agree that following prior consultation with the Scrutiny Chairs and Vice Chairs, the Terms of Reference of each of the Scrutiny Committees be reviewed, refined and agreed by the Overview and Scrutiny Committee at its first meeting, of the 2019-2020 Municipal Year.
4. Subject to the agreement to the above, recommend to the Council Annual General Meeting that authority is provided to the Director of Legal Services (as Monitoring Officer) to update the Council Constitution

accordingly to reflect the changes to the Committees Terms of Reference, once agreed upon.

This meeting closed at 5.53 pm

**Cllr S Powderhill
Chairman.**

Tudalen wag



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

13th MAY 2021

REVIEW OF MEMBER'S QUESTIONS ON NOTICE

JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES & SERVICE DIRECTOR OF DEMOCRATIC SERVICES AND COMMUNICATIONS

1. PURPOSE OF THE REPORT

The purpose of this report is to provide members with the opportunity to review the arrangements introduced in May 2019 in respect of 'Members Question on Notice' at full Council meetings and to ensure these arrangements are still fit for purpose.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Consider and review the question arrangements adopted at the Annual General Meeting of the Council in 2019 as outlined within the report;
- 2.2 Consider the questions posed in 5.9 of the report.
- 2.3 Determine whether to propose any recommendations in respect of the current arrangements of Questions on Notice to the twenty sixth Annual Council Meeting on the 26th May 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To provide the opportunity for members to review the Members Question on Notice arrangements introduced in 2019 and determine whether they have improved the opportunity for non-executive members questions to be considered as part of a full council meeting.
- 3.2 To allow the opportunity for this committee to make any recommendations or proposals for amendment or their endorsement which would see the continuation or otherwise of the arrangements adopted by the Council in 2019.

4. **BACKGROUND**

- 4.1 At the Council meeting on the [10th April 2019](#), when considering a Notice of Motion (Minute 144 refers) Members discussed increasing the number of questions permitted to be asked from 5 to 8. Members also discussed the proposal of replacing the rule which specifies a specific number of questions that can be asked with a rule specifying an allotted amount of time within which questions can be asked.
- 4.2 Although the Notice of Motion was not adopted Members suggested that the content be brought before the Corporate Governance & Constitution Committee in respect of developing proposals that could be taken forward.
- 4.3 At the meeting of the Corporate Governance & Constitution Committee on the [2nd May 2019](#), Members supported the proposal to introduce a new arrangement to take forward Members questions at Council Meetings, which was subsequently adopted at the twenty fourth Council AGM on the [15th May 2019](#). This arrangement sought to increase the number of questions considered as part of full council meetings.
- 4.4 The new arrangements introduced a twenty-minute period for questions to be considered at the meeting, which included the opportunity for a supplementary question to be asked, in accordance with the Council Procedure Rules. As part of the new arrangements a ballot was to be undertaken for each meeting to establish the running order of the questions. Prior to the changes, the previous arrangements facilitated a maximum of five non-executive member questions at each ordinary Council meeting.
- 4.5 In accordance with Council Procedure Rule 9.2 a Member of the Council may ask:
- The Mayor of the Council
 - A Member of the Executive
 - The Chair of any Committee or Sub Committee
- A question on any matter in relation to which the Council has powers or duties or which affects the County Borough of Rhondda Cynon Taf
- 4.6 Following consideration of the proposal to introduce a twenty-minute question time at the Council's Annual General Meeting (AGM) in 2019, members determined to review this arrangement after a twelve month period. It was considered as part of the debate on this matter that the review would determine whether or not, greater opportunity had been afforded for non- executive members questions to be considered as a result of the new arrangement.
- 4.7 A review of the new arrangement was scheduled within the Council Work Programme 2019-2020 to be considered at the twenty fifth Annual General Meeting of the Council in May 2020.
- 4.8 As a result of the pandemic and in-line with the ability provided through the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations, the Council's 2020

AGM was deferred to September 2020, to provide the opportunity for Democratic Services to deploy virtual meetings arrangements across the democratic functions of the Council and afford the opportunity for all members to come accustomed to working virtually.

- 4.9 In recognition of the challenge of holding a Council AGM virtually, the Head of Democratic Services sought the agreement of Presiding Officer and Group Leaders to defer non-urgent business, which included deferring the review of the new question arrangements to the 2021 Annual General meeting.
- 4.10 The 2021 Annual General Meeting of the Council is scheduled to take place on Wednesday 26th May.
- 4.11 As part of a debate on a [Notice of Motion](#) held in February 2021, which related to the scope of Members questions, members considered that a review of the current Members question arrangements should be taken forward by the Constitution and Governance Committee to consider any wider issues relating to how questions are facilitated, before presentation to Council.

5. REVIEW

- 5.1 Members are presented with a summary of the number of questions considered on the record since the introduction of the new arrangement in 2019.
- 5.2 The table attached as appendix 1 also provides detail of the number of questions submitted by non-executive members into the ballot, which determines the order in which those questions are tabled.
- 5.3 This summary indicates that a larger number of non-executive questions have been posed and responded to as a result of the twenty-minute time allocation.
- 5.4 The summary also confirms that a larger number of questions are submitted for tabling since the introduction of the new arrangement. This may indicate that members consider this arrangement to provide better opportunity for individual questions to be considered.
- 5.5 The procedural arrangements for considering a supplementary question as part of the last question heard within the twenty minutes has sometimes been questioned. Members may wish to consider strengthening the advice provided within the constitution relating to this matter.
- 5.6 Members are advised that a prescribed time limit for questions or an agenda item are common procedure in other local authorities such as the Welsh, Scottish and UK Parliaments. As set out in Agenda item 4 this approach is seen as positive approach within the management of business in a virtual or hybrid environment.
- 5.7 It is evident from the attached table the ballot process is utilised by the two largest groups on the Council. A desk-top review of questioning practises over the last two Council terms suggests that this pattern has emerged since the practice of Group Leaders tabling questions on behalf of their group member was

discouraged. Members may wish to consider reintroducing the opportunity for Group Leaders to table questions on a members behalf, as was the case pre-2012, to enable a wider dialogue between non-executive members and members which perform roles of responsibility within the Council.

- 5.8 As part of the role of the members portal, the ability for members to table questions will further be enhanced, as set out within agenda item 5.
- 5.9 As part of this review and to determine any subsequent recommendations to the Annual General Meeting of the Council, Members may wish to consider the following issue:

Has the amended arrangement increased the number of questions considered at a full Council meeting?

Determine whether to endorse the arrangements established in 2019 and advise Council accordingly or consider additional recommendations or amendment for consideration by Full Council.

Should any element of the procedural rules within the constitution which facilitate the questioning arrangements during a meeting or the tabling of questions by members be reviewed?

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no Equality and Diversity implications arising from this report and no Equality Impact Assessment is deemed necessary for the purposes of this report. The initial review and changes to the arrangements were taken forward to allow further accessibility for Members to propose Questions at Council, with the ballot being undertaken to ensure equality and fairness.

7. CONSULTATION

- 7.1 Members of the Council's current political groups will be consulted in advance of this matter being considered by Full Council.
- 7.2 Group Leaders have been invited to attend this committee meeting to inform discussions on these matters.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from this report.

9. CONCLUSION

This report advised of an increase in the number of questions being responded to as part of a Council meeting. The report provided the relevant information for members to review the arrangements introduced in 2019.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

[Annual Council Meeting 2019.](#)

Questions at Council June 2019 – March 21

Date	Asked	Tabled	Lab %	Plaid %	Ind %	Cons %		Lab	Plaid	Ind	Cons								
19.06.19	7	14	43	43	14			3	3	1		Cullwick	G Hughes	Grehan	Jarman	Walker	G Jones	G Caple	
31.07.19	5	24	20	80				1	4			Cullwick	J Williams	G Caple	A Cox	P Jarman			
18.09.19	6	17	67	33				4	2			G Hughes	W Lewis	J Brencher	D Owen-Jones	G Davies	E Griffiths		
03.10.19	4	18	50	25	25			2	1	1		G Jones	D Owen-Jones	M Powell	G Davies				
27.11.19	6	15	33	67				2	4			M Forey	K Morgan	S Morgans	D Grehan	P Jarman	E Griffiths		
15.01.19	7	13	100					7				H Boggis	G Caple	J Brencher	A Fox	M Griffiths	S Powell	S Rees	
05.02.20	6	16	67	16.5		16.5		4	1		1	H Fychan	J Bonetto	W Treeby	J James	G Hughes	J Harries		
04.03.20	7	12	72	14		14		5	1		1	J James	P Jarman	J Brencher	H Boggis	S Morgans	J Bonetto	S Pickering	
29.07.20	4	17	25	75				1	3			H Fychan	G Hughes	S Rees-Owen	G Davies				
23.09.20	5	13	40	60				2	3			S Evans	J Edwards	G Caple	H Fychan	E Webster			
07.10.20	7	13	86	14				7	1			G Davies	J Brencher	S Bradwick	M Forey	T Williams	G Hughes	D Owen-Jones	D Williams
21.10.20	7	21	43	57				3	4			P Jarman	Cullwick	H Fychan	K Morgan	W Lewis	A Fox	D Owen-Jones	
11.11.20	4	30	75		25			3		1		G Hughes	J Brencher	M Powell	R Turner				
25.11.20	5	30	80	20				4	1			S Rees	S Pickering	G Stacey	P Jarman	G Jones			
16.12.20	6	23	67	33				4	2			P Jarman	S Morgans	E George	M Forey	G Thomas	S Evans		
20.01.21	6	16	100					6				J Brencher	M Griffiths	J Edwards	S Powell	T Williams	S Bradwick		
10.02.21	5	18	80		20			4		1		M Forey	H Boggis	J Brencher	M Powell	M Griffiths			
10.03.21	5	24	80		20			4		1		J Bonetto	M Powell	T Williams	H Boggis	A S Fox			

Overall

65% 28% 5% 2%



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

13th MAY 2021

VIRTUAL BUSINESS MANAGEMENT

JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES & SERVICE DIRECTOR OF DEMOCRATIC SERVICES AND COMMUNICATIONS

1. PURPOSE OF THE REPORT

The purpose of this report is to provide members with the opportunity to consider proposals which seek to support the implementation of the Local Government & Election Wales Act (2021) and to support the implementation of hybrid meetings and live broadcasting in the new municipal year.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Consider the content of the report and the matters identified in 5.13.
- 2.2 Consider recommending the introduction of an indicative time allocation for Council agenda items.
- 2.3 Subject to recommendations 2.1 and 2.2 above, instruct the Proper Officer to propose a suitable amendment to the Council Procedural rules for consideration by Council at the twenty sixth Annual Council Meeting on the 26th May 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To provide the opportunity for members to consider making recommendations for consideration at the Council AGM.
- 3.2 To support the future implementation of hybrid meeting arrangements and the roll-out of live broadcasting during the 2021/22 Municipal year.

4. BACKGROUND

- 4.1 The Local Government & Elections (Wales) Act places a duty on principal councils to put in place arrangements for the broadcast of council meetings so that members of the public who are unable to attend are able to see and hear proceedings as they happen. Recordings of meetings should also be publicly available for a reasonable period after the meeting.
- 4.2 There are a number of benefits achieved through webcasting which include:
- A positive demonstration of accountability and transparency;
 - Encouraging engagement and debate, by creating more opportunities for the public to access meetings;
 - Accuracy of recording of meetings including recording of decisions, voting and attendance;
 - The opportunity to raise the profile of the work of Councillors, and the discussions behind the decisions of Council and its committees.
 - Assists in supporting our paper light approaches to meetings moving forward as some facilities in the Council chamber are currently inhibiting the role-out of a paper-light approach.
- 4.3 As a result of the pandemic the Council sought to utilise the ability provided through the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations, to deploy virtual meetings arrangements across the democratic functions of the Council and afford the opportunity for all members to come accustom to working virtually.
- 4.4 The Council quickly resumed all its democratic functions by the end of July 2020. This was made possible thanks to the engagement undertaken with all political groups to manage the discharge of business during this period, through a focus on business critical matters.
- 4.5 Over this period the level of information provided to all members has significantly increased, despite the frequency of Council meetings increasing over the same period. This has presented challenges in managing business within the prescribed three-hour period.
- 4.6 In response to the experiences of members over the last year, the Presiding Officer has requested the introduction of a time-allocation for full Council agenda items over the course of the next municipal year.
- 4.7 A similar arrangement to manage business is utilised in other democratic organisations, such as the Welsh and UK Parliament and many other local authorities.
- 4.8 Welsh Government have commissioned a Discovery project, which will consider how the democratic procedures of local authorities may adapt in response to news ways of working which have been accelerated as a result of the pandemic.

4.9 Following swift adaption to virtual meetings over the last twelve months and with the impending implementation of broadcasting and hybrid arrangements, it is believed that now may be an opportune time to consider how we may better manage business.

5. PROPOSAL

5.1 A report will be considered by the Democratic Services Committee on the [10th May 2021](#), which sets out the next steps in respect of the introduction of Webcasting and the steps being taken forward to enable hybrid meetings moving forward.

5.2 This report references the well-being issues associated with lengthy periods spent at one location and participation in virtual meetings. It is noted that attending meetings virtually brings with it many benefits for Members, allowing them the flexibility to attend meetings while balancing different priorities with work / home or additional Councillor duties. The ability to attend meetings virtually will play an important role in promoting greater diversity of representation on the Council. However, it can often lead to both Members and Officers being in front of visual display screens for prolonged periods over the course of a day.

5.3 The Presiding Officer has recognised the increased challenges faced during virtual meetings of Council, in particular which relate to managing the volume of business presented to members in productive way.

5.4 It is often the case that Council meetings can exceed the 3-hour meeting duration. To ensure the wellbeing of Members and officers during meetings, especially in relation to screen time for those attending virtually, it is suggested that the Presiding Officer / Chair shall have the discretion to call an adjournment at an appropriate time in order to facilitate a 10-minute comfort break. In accordance with the Council's Display Screen equipment policy short frequent breaks should be taken from visual display equipment and if possible, breaks should be taken away from a workstation to allow the user to stand up, move about and/or change posture. Such breaks would ensure the wellbeing of all Members in attendance. Although this practice is undertaken informally for Council meetings, a change to the Council constitution would enforce these wellbeing breaks going forward. Subject to Members comments, a proposed change to the constitution to reflect this practice is considered in agenda item 5.

5.5 In addition to the above and to efficiently manage business moving forward it is also proposed that discretion be provided to allocate a published indicative time-allocation to agenda item of business tabled for considered at a Full Council meeting. Any Chair already has the ability to allocate a time to each matter of business as part of their leadership and management of a meetings agenda. This proposal seeks to place the allocation of time on record to enable all political groups to better respond and participate moving forward.

5.6 This indicative duration would not be prescriptive and flexibility would continue to be available to the Presiding Officer, to enable him / her to respond to the flow of

the debate and representations made by members to contribute. Identifying an indicative time for each items seeks to provide focus when determining business and is aimed at promoting the smooth discharge of business when broadcasting commences early in the new municipal year.

- 5.7 In discussion with the Head of Democratic Services, the Presiding Officer has indicated that this arrangement would not restrict participation in business to group leaders, but would instead require co-ordination by the respective groups to enable a cross spectrum of members to be able to contribute to business.
- 5.8 It is proposed that the determination of any indicative timing arrangements, would be undertaken in consultation with the proper officer. These arrangements would not over-ride prescribed time arrangements for matters such as questions.
- 5.9 The constitution is currently silent on this matter, with the discretion in terms of managing business efficiently already resting with the Chair of individual meetings. Should members be minded to support this proposals the Council's Procedural Rules could provide the following:

BUSINESS OF COUNCIL MEETINGS

- i. The agenda and timings for items of business for any Council Meeting shall be agreed in accordance with these Rules by the Presiding Officer (Or deputy Presiding Officer in his / her absence) in consultation with the Proper Officer at least 7 Working Days prior to the date of the Council meeting.*
 - ii. Any time limits on agenda items may only be extended at the discretion of the Presiding Officer.*
- 5.10 As part of this arrangement, it is proposed that advance notification is provided by the Head of Democratic Services to Group Leaders or their nominated Group Business Manager or Whip to enable individual groups to co-ordinate their contributions in advance of each meeting.
- 5.11 If members were minded to recommend this arrangement to full council, it is advised that this new approach be reviewed by this committee later in the Municipal Year, when practical experience of its operation and most importantly new hybrid and broadcasted meetings had been enabled.
- 5.12 During the course of this municipal year members may wish to consider further reviews to the Council's procedure rules to respond to new committee arrangements and the publication of future guidance by Welsh Government in respect of the promotion of public participation in democratic proceedings.
- 5.13 To determine any subsequent recommendations to the Annual General Meeting of the Council, Members may wish to consider the following issue:

Should an indicative time-line be introduced in advance of hybrid meeting arrangements and the broadcasting of committee proceedings?

Should a wider review of procedures be considered as the Council moves towards broadcasting meetings and responding to the requirements of the Local Government & Elections (Wales) Act 2021?

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no Equality and Diversity implications arising from this report and no Equality Impact Assessment is deemed necessary for the purposes of this report. The proposal to introduce a time allocation to agenda items would hopefully assist a more focussed approach to Council meetings and an opportunity for greater inclusion by all Members in the debates

7. CONSULTATION

- 7.1 Members of the Council's current political groups will be consulted in advance of this matter being considered by Full Council.
- 7.2 Group Leaders have been invited to attend this committee meeting to inform discussions on these matters.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from this report.

9. CONCLUSION

This report advises members of the proposal to introduce an indicative time allocation for individual matters of business with the aim of supporting the smooth discharge of business within a virtual environment.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

13th MAY 2021

THE COUNCIL'S CONSTITUTION – PROPOSED AMENDMENTS AND ANCILLARY MATTERS

JOINT REPORT OF THE SERVICE DIRECTOR – DEMOCRATIC SERVICES & COMMUNICATION AND THE DIRECTOR OF LEGAL SERVICES

1. PURPOSE OF REPORT

To receive Members' comments on proposed amendments to the Council's Constitution and ancillary matters as outlined in the report and in accordance with the requirements of the Local Government & Elections (Wales) Act 2021 and, if in agreement, commend the adoption of the proposed amendments to full Council for consideration at the Annual General Meeting of the Council being held on 26th May 2021.

2. RECOMMENDATIONS

It is recommended that the Committee considers the following proposed amendments and ancillary matters relating to the Council's Constitution (and if in agreement recommend their adoption to full Council):

(N.B For ease of reference the amendments to the Procedure rules are highlighted in the red text)

Proposed amendments to the Council Procedure Rules

Time and Place of Meetings

2.1 For the reasons outlined in paragraphs 4.1 – 4.3 of the report amends Council Procedure Rule 4 to include as follow:

4.1 The time and place of meetings will be determined by the Proper Officer and notified to Members in the summons

4.2 For all purposes of the Constitution the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place. Any reference to "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

Committee Summons

2.2 For the reasons outlined in paragraphs 4.4 – 4.8 of the report amend Council Procedure Rule 5.1 as follow

5.1 “The Proper Officer will give notice to the public of the time and place of any meeting, in accordance with the Access to Information Rules. At least three clear days before a meeting, the Proper Officer will send a summons signed by him or her ~~by post~~ **by email** to every Member of the Council ~~or leave it at their usual place of residence~~. The summons will give the date, time and place of each meeting **including reference to whether the meeting is to take place virtually or arrangements for a hybrid (physical and virtual) meeting are in place** and specify the business to be transacted, and will be accompanied by such reports as are available at that time. **The summons will also indicate whether the meeting is to be webcast. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish, with such requests being reviewed periodically by the Proper Officer.**

Quorum.

2.3 For the reasons outlined in paragraphs 4.9 – 4.12 of the report amend Council Procedure Rule 7 to include as follows:

Save for meetings of the Planning and Development Control Committee the quorum of a meeting will be one quarter of the whole number of Members.

A Member attending a meeting remotely will be counted for the purpose of establishing a quorum so long as that Member can, when they are speaking, be heard (and seen where possible) and they can hear (and see where possible) the other Members attending the meeting and the Proper Officer, or other officer appointed to act on his/her behalf.

During any meeting if the if the Presiding **Officer**/Chair counts the number of members present (**both virtual attendance and actual attendee**) and declares there is not a quorum present, then the meeting will adjourn immediately. **If this is caused by technical difficulties experienced by a Members trying to access the meeting, or due to the hosting of a virtual meeting, then a period of 15 minutes shall be allowed to assess if the issue can be resolved. If the meeting remains inquorate, remaining business will be considered at a time and date fixed by the Presiding **Officer** / Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.**

Duration of a meeting

- 2.4 Subject to Members comments in respect of agenda item 4 and for the reasons outlined in paragraphs 4.13 – 4.14 of the report amend Council Procedure Rule 8 to include as follows:

The Presiding Officer / Chair shall have the discretion to call an adjournment at an appropriate time in order to facilitate a 10-minute comfort break. The Presiding Member may repeat such a break as necessary.

References in Constitution to Presiding Member

- 2.5 For the reason outlined in paragraph 4.15 it is proposed that all references in the Constitution to “Presiding Member” be replaced with reference to “Presiding Officer/ Llywydd”

Members' Questions

- 2.6 For the reasons outlined in paragraph 4.16 of the report amend Procedure Rule 9.4(d) as follows:

(d) The question must be submitted to the Proper Officer by the Member wishing to ask that question or by the Group Leader on behalf of that Member at the relevant Council/Committee meeting

Motions on Notice

- 2.7 For the reasons outlined in paragraphs 4.17 – 4.18 of the report amend Council Procedure Rule 10.1(b), second bullet point as follows:

- in writing, by fax , e-mail or via the Member's Portal (with the names of the Proposer and Seconder clearly stated) signed by the Proposer; and

- 2.8 For the reasons outlined in paragraphs 4.19 of the report amend Council Procedure Rule 10.1(e), as follow

When Motions are submitted under this Rule 10 and ~~signed more than two members are listed by more than two members~~ the first two signatures listed shall be deemed to be those of the Proposer and Seconder. A Group Leader may submit a Notice of Motion on behalf of the proposer and seconder of the motion.

Voting

- 2.9 For the reasons outlined in paragraphs 4.20 – 4.22 of the report amend Council Procedure Rule 15.1 as follow

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room or **present at the meeting virtually** at the time the question was put.

Photographs and Recording of Meetings

- 2.10 For the reasons outlined in paragraphs 4.23 – 4.25 of the report amend Council Procedure Rule 23 as follows:

Proceedings at meetings will be tweeted live via the Council's official twitter account and **live streamed via webcasting through the Council's website**. Elected Members and members of the public are also permitted to use social media during Council meetings provided it does not disrupt proceedings (**Members must keep their mobile phones (and other similar communication equipment) switched off, or set to silent, during the course of the meeting**). Save for **these exemptions** proceedings may not otherwise be photographed, videoed, sound recorded or transmitted in any way outside the meeting without prior permission of the Presiding Member. Failure to comply with this rule may invoke rule 19.4 (members to leave meeting) and 20.1 (removal of members of the public).

As part of the webcasting, participants images and sound will be captured for the duration of attendance within the meeting. If a participant has any concerns, about such recording they should contact the proper officer in advance of the meeting. If any concerns are received, a decision will be made by the Proper Officer on how best to continue the meeting, which could result in the meeting being rescheduled or postponed. Participants will not be penalised for raising concerns relating to the Video Recording.

Remote Attendance by Members (under the provisions of the Local Government (Wales) Measure 2011

- 2.11 Notes that for the reasons outlined in paragraphs 4.26 – 4.28 of the report Council Procedure Rule 26.1 and 26.2 below were deleted from the Council Procedure Rules under the delegated powers afforded to the Monitoring Officer (and communicated in advance to the Group Leaders) and it is now proposed they be replaced with the following:

Multi-Location Meetings

26.1 Multi Location Meetings (Remote attendance) at meetings of the Council will only be permitted where the conditions of section 47(2)(b) of the Local Government & Elections Wales Act 2021 are met which means any Member attending a meeting remotely (the "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. In addition, a remote attendee must be able to be seen and heard by, and in turn see and hear

any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting. 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.

- 26.2 The failure of any technological provision whether that leads to a partial or complete loss of contact between the remote attendees and those Members in actual attendance during the meeting shall not invalidate any part of the deliberations or any vote taken. The Presiding Officer / Chair may postpone the meeting if they deem that appropriate or may adjourn the meeting if they deem that appropriate whilst any technological issues are resolved.
- 26.3 If there is urgent or time-limited business that must be conducted at a meeting, it should be made clear to Members that the meeting would continue and a vote would be taken without their attendance in the event of a communications/technological failure.
- 26.4 It will be incumbent on participants attending meetings remotely to ensure the suitability of their location for the meeting and to ensure any confidential items considered at the meeting, as defined in Schedule 12A of the Local Government Act 1972 are not disclosed to the public.
- 26.5 Where the Presiding Officer / Chair determines the conditions stipulated in 26.4 above are not being adhered to by a Member they have the discretion to direct that the Member move to a location which would meet the conditions to satisfy 26.4 above.

Signing of Documents

- 2.12 For the reasons outlined in paragraphs 4.29 of the report amend Council Procedure Rules where the mention of 'signage' is advised upon, such as 16.1 (signage of minutes); 17 (record of attendance)

Where Members are present virtually, the Proper Officer will ensure that these details are captured accordingly.

Access to information procedure Rules

- 2.13 For the reasons outlined in paragraphs 4.30 – 4.32 of the report amend Council Procedure Rules 12.2 to include the following.

...The Cabinet Forward Work Programme will need to ensure it is robust, open and transparent of forthcoming decisions to ensure Overview and Scrutiny are provided with sufficient information to allow them to conduct their role effectively. The work programme will be published at least 14 days before the start of the period covered. The Proper Officer will publish the Forward Work Programme on the Council's website.

Proposed amendments to Executive Procedure rules

Delegation by the Leader

- 2.14 For the reasons outlined in paragraphs 4.33 of the report amend Executive Procedure Rules 1.2 as follow

At the annual meeting of the Council, the Leader will present to the Council an ~~written~~ **electronic** record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names, ~~addresses and electoral divisions~~ of the people appointed to the Cabinet by the Leader;...

Cabinet Meetings – When and Where?

- 2.15 For the reasons outlined in paragraphs 4.34 of the report amends Executive Procedure Rules 1.6 as follow

The Cabinet will meet at least 12 times in each municipal year, at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices, **through multi locations (hybrid)** or **at** another location to be agreed by the Leader.

Proposed amendments to Overview & Scrutiny Procedure rules

Meetings of the Overview and Scrutiny Committee, and thematic Scrutiny Committees

- 2.16 For the reasons outlined in paragraphs 4.35 – 4.36 of the report amend Overview & Scrutiny Rules 5 as follows:

There shall be at least six ordinary meetings of the Overview and Scrutiny Committee and at least eight ordinary meetings of each of the thematic Scrutiny Committees in each year, **subject to business needs**. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair or by the Proper Officer if he/she considers it necessary or appropriate

Call In

- 2.17 For the reasons outlined in paragraphs 4.37 of the report amend Overview & Scrutiny Rules 17.1 as follow

(l) A request for call in, made in accordance with these Overview and Scrutiny Procedure Rules, can be submitted either by hand to a Democratic Services officer using the designated call-in form (a copy of which is available on request from Democratic Services) or via electronic mail (email), **or via completion of the relevant form through the Member's Portal**. Any request submitted ~~via email~~ **electronically**

must be sent by one of the three signatories to the call-in and **in respect of emailed submission** emailed to the following email address – scrutiny@rctcbc.gov.uk. For the purposes of checking compliance with these rules the **electronic submissions** will have been deemed to be received at the time it is received into the Scrutiny mailbox / **received via the Members Portal**. In order to be a valid call in request any request submitted ~~via email electronically~~ must include all of the same information and details as is required to be completed in the designated hardcopy call-in form. Attaching a copy of the call in form to the email **or Member's Portal is acceptable**. The three signatories to the call-in request should keep an audit trail of their agreement to collectively submit the call in request. This will only be requested by the Proper Officer in the event of there being any dispute that a member (or members) did not consent to being a signatory to the call in request.

Proposed amendments to Part 5 Codes & Protocols - Planning and Development Committee -

The Procedures of a meeting.

2.18 For the reasons outlined in paragraphs 4.38 – 4.40 of the report include and amend 'Public Speaking at meeting 'The Procedures' as follows:

- **To allow remote tools (drones) in facilitating site visits although this does not replace the option for physical site visits.**
- **Details of the Meetings of the Planning and Development Committee are available on the Council website, with meetings occurring every other Thursday (unless the website advises differently.) ~~are normally held at 5.00 p.m. in the Council Chamber, Council Offices, The Pavilions, Cambrian Park, Clydach Vale, CF40 2XX.~~** General enquiries in respect of meetings should be made to the Council's Business Unit CouncilBusinessUnit@rctcbc.gov.uk
- If members of the public want to know when, or if, a particular planning application is due to be considered by the Planning and Development Committee, they should contact the Planning Section at Sardis House, Pontypridd: planningservices@rctcbc.gov.uk

Changes to Audit Committee Terms of Reference

2.19 For the reasons outlined in paragraphs 4.41 – 4.43 of the report to amend Financial Procedure Rule 4.3 and 4.1 of the Council Constitution (and consequently all references in the Constitution to the same) to recommend to Council the change of name of the Audit Committee to the:

- **Governance & Audit Committee**

2.20 For the reasons outlined in the Audit Committee Report which was presented to Committee on the 26th April, 2021 as detailed in paragraphs 4.41 – 4.43 of this report, to recommend to Council the addition of the following two bullet points in the Committee's terms of reference:

“

Council Performance Arrangements

(W)

(i) To consider the Council's draft Annual Performance Self - Assessment report and if deemed necessary may make recommendations for changes to the Council.

(ii) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.

(iii) At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements.

(iv) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.

Complaints Handling

(X)

(i) To review and assess the Council's ability to deal with complaints effectively.

(ii) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively. "

Corporate Governance & Constitution Committee

2.21 For the reasons outlined in paragraph 4.44 of the report to amend the name of the Corporate Governance & Constitution Committee to the 'Constitution Committee'.

3 REASONS FOR RECOMMENDATIONS

3.1 The Council's Constitution was adopted in May 2002 and sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and available to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new Government legislation, guidance and improvements in procedures gained in light of experience.

3.2 In accordance with its terms of reference this Committee is being asked to consider a number of proposed changes to the Council's Constitution and determine whether or not to recommend to Council the adoption of the proposed changes prior to consideration by full Council at the Annual General Meeting.

3.3 It is considered implementation of the proposed amendments within this report would provide for increased certainty in the interpretation of the Council's

Constitution and allow for greater transparency in respect of decision making. The proposed amendments seek to ensure a consistent and robust approach to governance across the Authority and proactively allows for the forthcoming requirements of the Local Government & Elections Wales Act 2021 (*The Act*). Further amendments will need to be taken forward to allow for commencement of varying orders within the Act and the different commencement dates specified.

- 3.4 Any changes to the Council's Constitution need to be agreed by full Council. Article 15.03 of Part 2 of the Constitution stipulates that changes to the Constitution will only be approved by full Council after consideration by a proposal by the Corporate Governance and Constitution Committee, the Monitoring Officer or a recommendation from Cabinet.

4. PROPOSED AMENDMENTS TO THE COUNCIL PROCEDURE RULES

Time and Place of Meetings

- 4.1 In response to the ability provided with the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 the Council swiftly moved to a virtual committee model, allowing Members to attend meetings remotely to ensure the business needs of the Council were met.
- 4.2 Going forward and in light of the requirements of The Act, consideration will need to be given as to whether meetings of the Council are to be conducted with Members physically present within the Council Chamber, Virtually through the zoom platform or via multi location, with a combination of both physical and virtual attendees.
- 4.3 Due to these new ways of working it is proposed that the Constitution clearly states that the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, and that for such purposes any reference to "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

Committee Summons.

- 4.4 Members have already proactively taken forward a paperless approach to Committee meetings over the last two Municipal years, with Members utilising the Modern.Gov app and the Council website to access Committee papers.
- 4.5 The promotion of a paperless approach to Committee meetings has been welcomed by the Democratic Services Committee as it illustrates a modern approach to conducting and contributing to Committee meetings, boosting productivity, saving space, and making documentation and information-sharing easier.

- 4.6 It is proposed going forward that the production of paper summons to all Councillors is ceased and Members utilise the electronic versions of the summons circulated, unless a reason for such a need of a paper copy is agreed between the Proper Officer and Member, with such an arrangement to be reviewed periodically.
- 4.7 In advance of the requirements of the Act, Committee summons will also need to advise Members whether the meeting will be available as a virtual meeting or as a hybrid meeting.
- 4.8 With the introduction of the new webcasting facilities within the Council Chamber and again, in advance of the requirements of the Act, details of whether a meeting is to be webcast will also be made available on the Council summons.

Quorum.

- 4.9 As with all meetings, the proper officer in attendance or his or her deputy must ensure that a meeting is quorate to allow for the commencement or continuation of business.
- 4.10 Amendments to Procedure Rule 7 will provide clarity that Members attending remotely will still form part of a Committee's quorum, as long as that Member is able to converse and partake in the meeting.
- 4.11 As occasionally witnessed through Committee meetings conducted by the Council under the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, there are occasions when Members have difficulty accessing a meeting or lose connection during a meeting.
- 4.12 The additions to the procedure rule will provide clarity to all Members as to how Committee meetings will proceed in respect of quorums and attendance.

Duration of a meeting

- 4.13 As already outlined in agenda item 4, attending meetings virtually brings with it many benefits for Members, allowing Members the flexibility to attend meetings while balancing different priorities with work / home or additional Councillor duties. The ability to attend meetings virtually will play an important role in promoting greater diversity of representation on the Council. However, it can often lead to both Members and Officers being in front of visual display screens for prolonged periods over the course of a day.
- 4.14 To ensure the wellbeing of Members and officers during meetings, especially in relation to screen time for those attending virtually, it is suggested that the Presiding Officer / Chair shall have the discretion to call an adjournment at an appropriate time in order to facilitate a 10-minute comfort break. In accordance with the Council's Display Screen equipment policy short frequent breaks should be taken from visual display equipment and if possible, breaks should be taken away from a workstation to allow the user to stand up, move about and/or change posture. Such breaks would ensure the wellbeing of all Members in attendance. Although this practice is undertaken informally for Council meetings, a

change to the Council constitution would enforce these wellbeing breaks going forward.

References in Constitution to Presiding Member

- 4.15 It is proposed that all references in the Constitution to “Presiding Member” be replaced with reference to “Presiding Officer/Llywydd” as it has become common practice in Council meetings to refer to that office holder by those terms.

Members Questions

- 4.16 Members of the Council will be able to submit questions on notice in person to the Proper Officer, via email or through the Member’s Portal (as outlined in 4.17). In addition, it is also proposed that to assist Members with the submission of their questions Group Leaders can submit questions on behalf of their Members to the Proper Officer in line with the timescale requirements.

Motions on Notice

- 4.17 Members of the Democratic Services Committee have supported the development of a Member’s Portal which will act as a central web location to assist Members in their Elected Member role. The portal will provide relevant and timely information in one succinct place for Members to access. Some of the key features of the Portal will be the availability of E-learning Modules and also the capability to capture information on a ward by ward basis, as well as providing members with an area to:

- Report problems,
- Submit questions / Notices of Motion to Council
- Submit scrutiny Call In’s
- Submit Research requests
- Provision of useful contact details for officers / external organisations.
- E-learning.
- Access relevant forms / consultation links
- Members Surveys

- 4.18 The Members Portal will be another way of increasing Members opportunity to submit questions to Council, Submit Notices of Motions etc. Amendments to the Constitution will therefore need to be made to recognise the submission of such information by Members through the Members Portal, once it becomes fully functional.

- 4.19 In addition to the above, it is also proposed that to assist Members with the submission of their Notice of Motions, Group Leaders can submit Notices of Motions on behalf of their Members to the Proper Officer in line with the timescale requirements.

Voting

- 4.20 Through the new webcasting equipment installed within the Council Chamber, Members present in the Chamber will be able to vote at a meeting using the facilities available.
- 4.21 Amendment to the Constitution will be necessary to ensure that those Members that are attending a meeting virtually are not disadvantaged in any way from voting at a meeting.
- 4.22 Following the awarding of funds through the Welsh Government Digital Support Fund, work is being taken forward in respect of the development of a voting app, for those members attending a meeting virtually to utilise. The system will allow Member to cast their vote remotely which can be added to the vote of those Members present at the meeting. Whilst this App is developed it is suggested that Members attending meetings of Council remotely will need to cast their vote through a showing of hands or role call, whichever is put forward by the Presiding Officer / Chair.

Photographs and Recording of Meetings

- 4.23 Through the advances of the webcasting infrastructure Meetings of the Council and other specified Committee meetings will be live streamed through the council website and the recording of such meeting will also be available on the Council website for a specified duration following the meeting. The purpose of such provisions is to achieve greater accessibility and improved public participation in local government.
- 4.24 To assist in these areas the Council will need to give consideration to the meetings that will be webcast under section 47 of Local Government & Elections (Wales) Act and also a retention policy on the holding of recordings, each will need to be considered and reviewed by the Democratic Services Committee.
- 4.25 It is important to recognise a general consent from participants in their images and sound captured during a meeting without this having an adverse impact on a participants attendance at a meeting.

Multi Location Meetings

- 4.26 The Act requires that “arrangements” be made for both the broadcasting of meetings, and the convening of meetings involving participants in multiple locations.
- 4.27 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”. These are called “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”.

- 4.28 A meetings arrangements policy will need to be developed to ensure all aspects of multi locations meetings are adhered to. Through designing and adopting this policy the Council 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 provisional arrangements and amendments to the Constitution have been proposed, which can be further elaborate upon as work and developments are taken forward with this new approach to Committee meetings.

Signing of Documents

- 4.29 Any reference within the Constitution to ‘signing’ of documents such as minutes and attendance registers will be amended to reflect the position of those Members attending meetings virtually.

Work Programme.

- 4.30 The Council already proactively produce work programmes for the majority of their Committees, as they help co-ordinate the work of a Committee and are also an important tool to illustrate the decision making process of the Council and the scrutiny that accompanies those decisions.
- 4.31 Work programmes are currently displayed on the Council website to promote transparency.
- 4.32 The Local Government & Elections (Wales) Act 2021 places a duty on Local Authorities to ensure information about the decisions to be taken forward by the Executive are made available to the Overview and Scrutiny Committee to allow them to better plan their work. Although the Council are already well placed in respect of this duty, it is important to highlight within the Constitution the importance of the development of an accurate and robust Cabinet work programme. Publication of an accurate work programme outlining consideration of Key Decisions will strengthen the robust Governance arrangements intended to be taken forward.

Proposed amendments to Executive Procedure rules

Delegation by the Leader

- 4.33 To assist in the ease of access and accessibility of information to Members and the Public, it is proposed that amendments to the Constitution are taken forward to formally acknowledge the presentation of the Leader’s Scheme of Delegation at the Annual General Meeting via a link from the Council’ Website.

- 4.34 It is also suggested that the Executive procedure rule relating to ‘where’ a Cabinet meeting is held is to be updated to reflect the potential for hybrid and virtual meetings.

Proposed amendments to Overview & Scrutiny Procedure rules

Meetings of the Overview and Scrutiny Committee, and thematic Scrutiny Committees

- 4.35 The setting of the Calendar of meetings is taken forward at the Annual General meeting of the Council following a survey of Members. It is often the case that meetings are set in the calendar, which are sometimes cancelled due to lack of business. However due to the dates already being set within the Calendar this often prevents the forward planning for accommodating Members Training sessions or additional meetings of other Committee looking to meet due to urgent business needs.
- 4.36 The proposed amendment to the Constitution is in no way limiting the opportunities for scrutiny but instead allow a more flexible calendar approach to recognise the needs of emerging priorities.

Call In

- 4.37 As referenced in 4.19 of the report, the development of the Members Portal, allows for the submission of a Scrutiny Call In. It is therefore recognised that the Call In procedure rules set out within the Constitution are amended to reflect submission through the Portal.

Proposed amendments to Part 5 Codes & Protocols - Planning and Development Committee -

The Procedures of a meeting.

- 4.38 Members and Officers have ensured the continuation of Council business through its virtual meetings arrangements. It has been necessary on some occasions to submit drone footage at Planning and Development Committee meetings, to allow Members to receive information and sight of details of a planning application when site visits have not been possible due to social distancing and lockdown restrictions have been in place.
- 4.39 It is proposed that provision is made within the Constitution to accommodate the use of such footage where agreed necessary.
- 4.40 Further amendments are proposed to the procedures of a planning and development Committee meeting in respect of the new virtual way of working.

Changes to Audit Committee Terms of Reference

- 4.41 At the Audit Committee meeting on the [26th April](#), Members considered a report concerning changes to its terms of reference following the coming into force of certain provisions of the Local Government and Elections (Wales) Act 2021 with particular reference to the following:
- 4.42 To note the requirement under that Act to amend the name of the Audit Committee to the Governance & Audit Committee (and consequently all references in the Constitution to the same).
- 4.43 For the reasons outlined in the linked report above to recommend to Council the addition of the following two bullet points in the Committee's terms of reference:

“

Council Performance Arrangements

(W)

(i) To consider the Council's draft Annual Performance Self - Assessment report and if deemed necessary may make recommendations for changes to the Council.

(ii) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.

(iii) At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements.

(iv) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.

Complaints Handling

(X)

(i) To review and assess the Council's ability to deal with complaints effectively.

(ii) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively. “

Corporate Governance & Constitution Committee

- 4.44 In light of the changes required to the name of the Audit Committee to include the term 'Governance' it is suggested that to reduce any confusion surrounding the remits of Committees that the Corporate Governance & Constitution Committee is renamed to the 'Constitution Committee'. The terms of reference for the Committee would remain unchanged.

5 EQUALITY AND DIVERSITY IMPLICATIONS

51 If taken forward the proposed amendments should allow Members greater accessibility in respect of transparency of decision making. The changes proposed in respect of multi meeting locations and webcasting would promote democracy and encourage public engagement. By removing potential barriers for members of the public to attend meetings at the chamber, webcasting opens up opportunities for wider public engagement and transparency. The aspect of hybrid and virtual meetings also promotes the democracy agenda, allowing the undertaking of Council business by Members to be more accessible and manageable.

6. CONSULTATION

6.1 In accordance with its terms of reference this Committee is meeting to consider a number of proposed changes to the Council's Constitution and determine whether or not to recommend to Council the adoption of the proposed changes as outlined in this report.

6.2 An extended invite to Group Leaders to the Corporate Governance & Constitution Committee meeting has been provided.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications aligned to this report. The proposed improvements seek to streamline decision making and strengthen the current decision making process using existing resources.

8. LEGAL IMPLICATIONS AND LEGISLATION CONSIDERED

- Local Government Act 2000
- The Local Government & Elections (Wales) Act 2021
- Council's Constitution

9. LINKS TO CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

9.1 The proposals within the report are fundamental to all of the Councils Corporate Plan priorities. As an organisation the Council needs to ensure a consistent and efficient process in respect of decision making to ensure functionality of the Council as well as strengthening the Council's Governance arrangements.

9.2 The proposals also link to the five ways of working within the Well-being of Future Generations Act, as these proposals are looking at the long term sustainability of the Council.

10. CONCLUSION

- 10.1 Adoption of the processes highlighted within the report will help to illustrate the Council's robust approach to decision making and will strengthen the Council's Governance arrangements.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

13th MAY 2021

JOINT REPORT OF THE SERVICE DIRECTOR – DEMOCRATIC SERVICES & COMMUNICATIONS AND DIRECTOR OF LEGAL

PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION AND ANCILLARY MATTERS

Background Papers

[AUDIT COMMITTEE REPORT – 26th APRIL 2021 - THE LOCAL GOVERNMENT & ELECTIONS \(WALES\) ACT 2021](#) - REPORT OF THE DIRECTOR OF LEGAL SERVICES & THE SERVICE DIRECTOR FOR DEMOCRATIC SERVICES & COMMUNICATIONS

Freestanding Matter

Report Authors: -

Christian Hanagan – Service Director – Democratic Services and Communications

Emma Wilkins – Democratic Services

Andy Wilkins – Director of Legal Services