



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### COUNCIL ANNUAL GENERAL MEETING

26<sup>th</sup> 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 seek Council's approval of amendments to the Council's Constitution together with ancillary matters as outlined in the report.

##### 2. RECOMMENDATIONS

**It is recommended that Council considers and agrees the following proposed amendments and ancillary matters relating to the Council's Constitution:**

*(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 For the reasons outlined in paragraphs 4.13 – 4.17 of the report amend Council Procedure Rule 8 to include as follows:

**Duration & Business of Council Meetings**

**8.1 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.**

8.2 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. Any time limits on agenda items may only be extended at the discretion of the Presiding Officer.

#### References in Constitution to Presiding Member

- 2.5 For the reason outlined in paragraph 4.18 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 4.19-4.20 of the report amend Procedure Rule 9.2 and 9.4(d) as follows:

9.2 A maximum of 20 minutes shall be allowed for Questions on Notice at Full Council. A member will not be permitted to ask and have answered their supplementary question if the 20 minute time duration has expired. 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 Presiding Officer 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.

9.4(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 4.21 – 4.22 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 4.23 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 4.24 – 4.26 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 4.27 – 4.29 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 4.30 – 4.32 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 4.33 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 4.34 – 4.36 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 4.37 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 4.38 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 4.39 – 4.40 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 4.41 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](mailto: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 4.42 – 4.44 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, Glydach Vale. CF40 2XX.~~** General enquiries in respect of meetings should be made to the Council's Business Unit [CouncilBusinessUnit@rctcbc.gov.uk](mailto: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](mailto:planningservices@rctcbc.gov.uk)

## **Changes to Audit Committee Terms of Reference**

- 2.19 For the reasons outlined in paragraphs 4.45 – 4.47 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 26<sup>th</sup> 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 4.48 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 On the 13<sup>th</sup> May 2021 the Council's Corporate Governance and Constitution Committee, in accordance with its terms of reference, met to consider a number of proposed changes to the Council's Constitution and determined to recommend to Council the adoption of the proposed changes as outlined in the report.
- 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 Members 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.
- 4.15 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 items 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.
- 4.16 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.
- 4.17 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.

#### References in Constitution to Presiding Member

- 4.18 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

- 4.19 At the twenty fourth Council AGM on the [15<sup>th</sup> May 2019](#), a new arrangements was introduced in respect of Members questions, with a twenty-minute period for questions to be considered at a Council meeting, including the opportunity for a supplementary question to be asked, in accordance with the Council Procedure Rules. The Constitution lay silent as to whether a Member could still ask and have answered their supplementary question if the 20 minutes time duration had expired when their question was being put. It is suggested that

clarity on this issue is provided, with Council Procedure Rule 9.2 being amended to advise that once the 20 minute duration had expired all questions including a supplementary would fall.

- 4.20 It is proposed that the Council Procedure Rules in relation to Members questions are amended to reflect that 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 4.21). 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

- 4.21 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

- 4.22 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.

- 4.23 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

- 4.24 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.

- 4.25 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.
- 4.26 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

- 4.27 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.
- 4.28 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.
- 4.29 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

- 4.30 The Act requires that “arrangements” be made for both the broadcasting of meetings, and the convening of meetings involving participants in multiple locations.
- 4.31 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”.
- 4.32 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

- 4.33 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.

- 4.34 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.
- 4.35 Work programmes are currently displayed on the Council website to promote transparency.
- 4.36 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

- 4.37 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.
- 4.38 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

- 4.39 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.
- 4.40 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

- 4.41 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.

- 4.42 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.
- 4.43 It is proposed that provision is made within the Constitution to accommodate the use of such footage where agreed necessary.
- 4.44 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**

- 4.45 At the Audit Committee meeting on the [26<sup>th</sup> 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:
- 4.46 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).

4.47 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**

4.48 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.

5.2 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.

5.3 In respect of the paperless approach to Committee meetings this may have an adverse impact on some Members, who prefer to receive paper copies of Committee summons for various Reasons. In order to mitigate this impact and to ensure accessibility for all Members, if a Member has difficulty with accessing electronic copies an arrangement can be taken forward between the Proper Officer and Member, with such an arrangement to be reviewed periodically.

## **6. CONSULTATION**

6.1 On the 13<sup>th</sup> May 2021 the Council's Corporate Governance and Constitution Committee, in accordance with its terms of reference, met to consider a number of proposed changes to the Council's Constitution and determined to recommend to Council the adoption of the proposed changes as outlined within this report.

6.2 An extended invite to Group Leaders to the Corporate Governance & Constitution Committee meeting was also 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**

**COUNCIL ANNUAL GENERAL MEETING**

**26<sup>th</sup> 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 – 26<sup>th</sup> APRIL 2021 - THE LOCAL GOVERNMENT & ELECTIONS \(WALES\) ACT 2021](#) - REPORT OF THE DIRECTOR OF LEGAL SERVICES & THE SERVICE DIRECTOR FOR DEMOCRATIC SERVICES & COMMUNICATIONS

[Corporate Governance & Constitution Committee – 13<sup>th</sup> May 2021](#)

**Freestanding Matter**

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