



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
COUNCIL

Report of the Democratic Services Committee

2 JULY 2020

Matter for Decision

Wards Affected: All Wards

Webcasting and Public Participation

Purpose of the Report:

To recommend interim steps that can be taken to progress the work tasked to the Democratic Services Committee by Council to introduce webcasting of Council meetings and to enhance public participation in the democratic process.

Background:

On 17 July 2019, Council tasked the Democratic Services Committee with preparing advice for Council, by 31 March 2020 in respect of the following:

- a) Options available to the Council to webcast some or all of the Council's meetings and the cost-benefits of each of the options considered;

- b) Options available to the Council to increase public participation in the Council's democratic processes, including but not limited to the ways in which digital technologies may assist the Council in this regard;
- c) Proposals as to how the public can be involved in testing support for any of the options recommended;
- d) Proposals as to how the set up and recurring costs associated with any options presented might be funded; and
- e) An analysis of the risks and impacts of progressing/not progressing options considered

Members are asked to note that since Council commissioned this work, the Local Government and Elections (Wales) Bill has been published which includes a proposed new statutory duty on principal councils to webcast all Council meetings. The Council (through WLGA) has submitted a response to the consultation, but it appears highly likely that there will be a legal requirement to webcast some (if not all) meetings once the legislative process is completed.

To progress the work commissioned by Council, the Democratic Services Committee established a Task and Finish Group, which has so far met on 3 occasions. The Task and Finish Group has considered a range of information and evidence including:

- Other local authorities' approaches to and experiences of web-casting. This information has been used to develop options available to this Council.
- Procedural Rules used by Councils and other arms of government to manage webcasting arrangements as well as Terms and Conditions established to govern the downloading and subsequent use of a webcast.
- A webcasted meeting of the Swansea Bay City Region Joint Scrutiny Committee in Pembrokeshire was viewed by members

of the Task and Finish Group and discussions with the officers managing the process were held to understand what is involved in setting up and managing webcasted services.

- Members of the Task and Finish Group informally viewed a variety of meetings webcasted by other councils to compare and contrast the different approaches adopted.
- Technical specifications and estimates of cost information were obtained.

Proposals to introduce webcasting on a pilot basis had been prepared by the Democratic Services Committee to present to Council in March 2020. Because of the Covid-19 pandemic, the Council meeting that was due to consider the proposals was not held. Reliance on remote meeting technology to underpin the Council's meetings in (at least) the short term means that some of the proposals are not workable in the current climate. Alternative proposals to webcast the Council's meetings whilst we are holding all meetings remotely have been considered and the resultant proposals are set out in this report for consideration and determination.

Webcasting

Research findings of the Task and Finish Group

- All councils across Wales (with the exception of Neath Port Talbot) have experience of webcasting council meetings to a greater or lesser extent.
- The proportion of the population viewing council meetings that are webcast are low in comparison to the total resident population – rarely exceeding two/three hundred people per meeting. However, we did not establish if councils actively

promote their webcasted services – if not, promotion may improve viewing figures.

- Most councils are procuring services from Public 1, a specialist provider. Contractual arrangements with the company vary across Wales.
- Webcasting services are delivered in both Welsh and English – this can be in real time or where simultaneous translation is not available the translated version of the meeting can be loaded retrospectively.
- There is an option of using social media to interact with the webcasting of meetings.
- Most authorities have provided some training to Members and officers prior to the introduction of webcasting.
- In Pembrokeshire County Council, rules of procedure provide for the contribution of elected members only to be webcast. Officers are not included in the broadcasts.
- Councils have developed rules of procedure to govern the way in which webcasting operates within their environment.
- Parliament has established terms and conditions which are applied to their webcasted services in an attempt to control manipulation of the webcast materials.

Based on the above research and consideration of the findings, the Democratic Services Committee had concluded as follows:

1. That the Democratic Services Committee recommends to Council that meetings of the full Council and Planning Committee meetings be webcast on a pilot basis for a period of 12 months commencing October 2020.

2. That the Democratic Services Committee recommends to Council that the cost of the pilot project be met from the Member Development Specific Reserve.
3. That the Democratic Services Committee recommends to Council that the Assistant Chief Executive and Chief Digital Officer (also the Council's Head of Democratic Services pursuant to the Local Government (Wales) Measure 2011) be authorised to enter into contract for the provision of a suitable service to support the pilot project.
4. That in providing advice to Council, the Committee recommends that training for Elected Members and officers be arranged and delivered prior to the pilot project commencing.
5. That the Procedural Rules and Terms and Conditions of viewing a Webcast (included at Appendix 1) be commended to Council for approval to support the proposed pilot.
6. That the Head of Democratic Services be asked to make representation to the WLGA, providing the full anticipated costs for webcasting all meetings for this council.

Impact of Covid-19 response on the work of the Task and Finish Group

Since the preparation of the above recommendations, the Council has needed to respond to the COVID-19 emergency. The Welsh Government have passed temporary emergency regulations to enable Council meetings to take place remotely. Full Council, Cabinet, Cabinet Scrutiny, Planning, Audit and Licensing Committees have or will soon be held remotely via Microsoft Teams.

Microsoft Teams offers the functionality for meetings to be recorded and subsequently uploaded to the Internet. Microsoft Live (within the Teams package) also allows events to be streamed on the Internet live. There is no additional financial cost to the Council for making

use of this functionality, however, Members would need to agree to amend Council standing orders to permit the recording, publication and live streaming of meetings.

Both the Microsoft Teams and Microsoft Live systems can also enable members of the public to access Council meetings. Although the emergency regulations have relaxed the previously strict rules on public access to meetings, enabling the public to view meetings (or in the case of certain meetings for the public to exercise a right of audience) is an important element of democracy. Now that we have some experience of holding meetings remotely, it is planned that public access to the remote technology be promoted for all future meetings, with access limited only by virtue of the relevant paragraphs that ordinarily require the public to be excluded from meetings.

One of the important limitations of the Microsoft products at the time of writing is the ability to hold meetings in Welsh and English. We are advised that the product is being developed to enable simultaneous translation to take place and a timetable for receiving the upgrade is being sought from the supplier.

Webcasting – Proposed Way Forward

The work of the Task and Finish Group focused on webcasting face to face meetings taking place in the Council's committee rooms/Council Chamber. In the immediate future, there are no face to face meetings planned with all meetings scheduled to take place using remote technologies.

It is, however, possible to make progress in opening up Council business to the general public across the Internet using the technologies that have been deployed at pace to support the Council's emergency response to the pandemic.

In particular:

- To amend standing orders to allow meetings to be recorded, published to the Internet and to be live streamed to the Internet.
- To use Microsoft Teams and Microsoft Live to record meetings; and
- To promote and facilitate public access to the meetings that are being held remotely.

The position can be further reviewed by the Democratic Services Committee autumn 2020 when there will be greater certainty about the way in which meetings of the Council will be conducted going forward; there will be more experience of holding remote meetings across the UK to draw upon; options for holding bi-lingual meetings will be clearer; and we will have insight in how we can encourage public participation in/access to those meetings.

Public Participation in the Democratic Process - research findings of the Task and Finish Group

Research Activity

- The Monitoring Officer presented a summary of provisions within the existing Constitution of the Council which enable members of the public to put items onto agendas etc.
- Local authorities were contacted to establish how they involve members of the public in their own democratic arrangements. A common feature of the responses received included rights of audience for members of the public for a limited period of time prior to the commencement of certain meetings.

- Other than rights of audience, arrangements across local authorities did not follow any particular pattern.
- The Welsh Government, in their Local Government and Elections (Wales) Bill proposes to introduce a new statutory duty on principal councils to operate a petitioning system. Petitioning systems are used in Parliament and by the Senedd but petitions do not work in the same way in principal councils. Whilst councils receive petitions, none operate systems which actively promote and invite petitions. The Modern.gov system incorporates a function that would support the operation of a petitioning system.
- During their deliberations, members of the Task and Finish Group considered the ease with which members of the public could find details of the Council's Forward Work Programme and associated arrangements. It was concluded that the information was not straightforward to find on the website and that significant improvements needed to be made.
- Members of the Task and Finish Group noted that the wider systems for consultation and engagement have been listed as part of the implementation of the new Corporate Communications and Community Relations Strategy. Members noted that these mechanisms (new Citizens Panel, looked after children council, youth council etc) could also be used systematically to support formal meetings of the council.

Analysis and Conclusions

Arrangements across Wales for encouraging public participation in the democratic process vary and other than giving members of the public rights of audience to certain meetings, there is no discernible pattern.

In order to steer the next phase of work by the Task and Finish Group the Committee proposes to focus attention on:

- what would be involved in establishing a petitioning arrangement, given that the Welsh Government propose to introduce this as a statutory duty and the Council already has an ICT system that could support such a scheme;
- options for introducing rights of audience for certain meetings;
- improvements to the democracy pages on the Council website;
- explaining the forward work programmes and the mechanisms available to the public if they wish to influence agendas and debate; and
- exploring the extent to which the range of consultation and engagement arrangements already in place may help to strengthen public participation in the democratic process.

These activities will prove useful in preparing for the new duties that will need to be met when the Local Government and Elections (Wales) Bill is enacted.

Financial Impacts:

There are no new financial cost implications associated with the technology for broadcasting meetings held remotely using Microsoft Teams and Microsoft Live. However, our early experience shows that there is significantly more work for Democratic Services and Digital Services to administer and support the meetings held remotely. The full impact of this is unlikely to be clear until the autumn as the Council has stood up relatively few meetings so far but also people are learning the new technologies.

There are significant impacts that arise in relation to webcasting face to face meetings using the model that most councils are operating across Wales.

Further work will need to be undertaken to establish the infrastructure options available to the Council to support hybrid meetings – e.g. meetings where some people may meet face to face and others may join remotely. It is expected that the Covid-19 situation will create new innovations to achieve this but it may be some months before these options are clear.

In relation to public participation in the democratic process, costs will be developed as part of the next phase of work, once the Committee has determined what the Task and Finish Group should initially focus upon.

Integrated Impact Assessment:

The Integrated Impact Assessment is being developed as this work is progressing.

There is a short term, negative impact on the Welsh Language from using the Microsoft products which we hope will be remedied in the near future. Reliance on remote technologies will also mean that some members of the public who are digitally excluded will find it difficult to access those meetings. Conversely, use of remote technologies may reduce the overall time commitment required of Members, making it easier for people with work and caring commitments to participate in meetings. The remote technologies will also reduce time spent by Members from valley communities travelling into the main civic centres.

As proposals to strengthen public participation in the democratic process are developed, it will be essential that a demographic analysis of the various methods considered is undertaken to ensure that the Council is meeting its duties under the Equality Act 2010 and other legislation.

Valleys Communities Impacts:

There are potentially positive impacts associated with the proposal to webcast some or all of the council's meetings as people from across the county borough, especially those who are some distance from the two civic centres would have easy access to proceedings.

The impact on valley communities that arises from any proposals on strengthening participation in the democratic process have yet to be considered and will need to feature in the next phase of the work.

Workforce Impacts:

Holding meetings across remote meeting technologies is having a direct impact on the workload of Democratic Services and Digital Services. A fuller assessment of any permanent impact is not yet able to be drawn out.

Depending on what the Committee proposes on public participation in the democratic process, there could be further direct impacts on the workloads of Democratic Services and these impacts will need to be assessed once recommendations are clear.

Use of remote technologies is requiring all of those involved in supporting, chairing or participation in meetings to learn new skills. Direct support has been provided by Digital Services and Democratic Services to Members and Officers – feedback will be sought from meeting participants to establish any further development needs.

Legal Impacts:

The Welsh Government has set out a range of new duties in the Local Government and Elections (Wales) Bill. The proposals set out

in this report have been developed within the framework of those new, proposed duties.

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 make temporary provision in relation to local authority meetings and for public and press access to these meetings during the COVID-19 pandemic. Legislation currently places requirements on local authorities to meet in person in specified offices, to make many meetings open to the public and to enable the public to inspect documents related to the meetings, in some cases, in the offices of local authorities. This runs counter to the measures in place for COVID-19. These new Regulations provide flexibility to enable local authorities (including local authority executives) to operate safely, effectively and lawfully, while retaining the principles of openness and accountability to the public by, for example, enabling meetings to be conducted on the basis of full or partial remote attendance and by making provision about the electronic publishing of certain documents.

Risk Management Impacts:

Despite the emergency regulations that have been laid, there is a risk that the public will lose confidence in the way the Council conducts its business if we do not make provision for public access to meetings. The recommendations made in this report will address and mitigate this risk.

There is a risk that the Council will be criticised for not holding meetings of the full Council bi-lingually. This will be addressed by ensuring the Council selects a technology platform that enables meetings to be held in Welsh and English. It is hoped that will be by way of an upgrade to the existing product, but should that not become available in the next 6 months, the Council can consider other options.

Consultation:

There is no requirement for external consultation on this item.

Recommendations:

1. That Members note the work done by the Democratic Services Committee to progress the work tasked to it in July 2019 - to introduce webcasting of Council meetings and to enhance public participation in the democratic process.
2. That Members note the impact of the Covid-19 emergency situation on the recommendations prepared by the Democratic Services Committee in respect of webcasting of Council meetings and as an interim position, Council approves changes to the standing orders contained within the Council's Constitution to permit the recording of council meetings, publication of those recordings and the live streaming of meetings.
3. That the Head of Legal Services is authorised to make the changes necessary to the Constitution that arise from approval of recommendations 1 and 2 as set out in Appendix 1.

Reasons for Proposed Decision:

To partially discharge the work tasked to the Democratic Services Committee by Council to prepare advice in relation to webcasting some or all of its meetings and to develop proposals for strengthening participation in the democratic process.

Appendices

Appendix 1 – Constitution Changes

Implementation of Decision:

The decision is proposed for implementation after the three day call in period

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Appendix 1

Rule 20.2 which reads:

20.2 Recording of Proceedings

With the exception of the Annual Meeting, or otherwise resolved by the Council, the taking of photographs or the oral recording of proceedings whilst they are taking place of any meeting of the Council shall be prohibited

shall be deleted and replaced with

20.2 Recording of Proceedings

- (a) *The recording and webcasting of Council meetings shall be made by the Council (via placement on the Council's Website), in accordance with the Webcasting/Recording Protocol (set out at Annex A of these Council Procedure Rules).*
- (b) *Other filming, recording and use of social media is permitted during Council meetings, provided that:*
 - (i) *The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;*
 - (ii) *Notice has been given (on the meeting agenda) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;*
 - (iii) *Any recording must be overt, not covert;*
 - (iv) *There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;*
 - (v) *The Chair shall have discretion, subject to proper consideration of any relevant representations and legal*

advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules;

- (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.*

Annex A

WEBCASTING/RECORDING PROTOCOL

This protocol provides guidance to Councillors, Officers, members of the public and the media on filming and audio recording at meetings of Neath Port Talbot County Borough Council (“the Council”).

The Council supports the principles of openness and transparency in the way it conducts its meetings. Filming and audio recording at meetings which are held in public is permitted, subject to the following:

1. The Chair will retain full discretion to determine whether the filming or audio recording of the whole or part of a particular hearing will be permitted.
2. The filming and/or audio recording of meetings is permitted provided they do not disrupt or disturb the conduct of the meeting. The decision of the Chair on whether or not the meeting is being disrupted or disturbed by filming or audio recording taking place and consequently, whether the filming or audio recording of the meeting should cease, is final.
3. If necessary, the Chair shall specify that filming or audio recording shall only take place from certain positions in the meeting room.
4. The Chair shall, at the commencement of the meeting, confirm to all present that the meeting or parts of it may be filmed or audio recorded. This confirmation will also be provided on the Agenda for each meeting and notices (in the form annexed to these rules).
5. In the case of a member of the public or a representative of an external body speaking at meetings, the Chair will ask each such individual to provide their express permission to being filmed or recorded speaking. Filming or audio recording will not take place if an individual objects to the same.
6. If at any meeting, the Councillors present resolve to exclude the press and public due to the likely disclosure of confidential or exempt information, any right to film or audio record the meeting are removed.
7. In permitting the filming or audio recording of the proceedings at a public meeting, those filming or recording agree not to edit the film/recording in a way that could lead to misinterpretation of the proceedings or could infringe

upon the rights of individuals. This includes refraining from editing images or views expressed in a way that may ridicule or demonstrate a lack of respect to those individuals being filmed or recorded.

8. The following terms and conditions shall be included on the Council's Website for those accessing any webcasting.

Downloading and Sharing Terms and Conditions

The following terms and conditions apply to downloading and sharing clips from www.npt.gov.uk

I. Conditions of Use

Definitions

We, us, our means Neath Port Talbot County Borough Council of Civic Centre Port Talbot SA13 1PJ

The material: Audio-visual recordings of meetings of Neath Port Talbot County Borough Council, its Cabinet and Committee meetings (including both scrutiny and regulatory meetings) which are consider in open session.

These terms: All the terms and conditions that apply to your use of the material as set out in this document

1 Use

1.1 You may use the material only to make a fair and accurate report of parliamentary proceedings.

1.2 You must not use the material for any of these purposes:

- (a) satire, ridicule, or denigration;
- (b) in entertainment content or productions; or
- (c) advertising, promotion, commercial sponsorship, or any other form of publicity for commercial purposes or financial gain.

1.3 You may use the material for party political advertising or broadcasts, election campaigning, or referendum campaigning if you do all of the following:

- (a) have express permission from all Members shown; and
- (b) notify the Chief Executive of Neath Port Talbot County Borough Council of the intended use and subject to receiving no objection from him.

1.4 You may not use the material in any way that:

(a) suggests that the Neath Port Talbot County Borough Council or any individual Member or Officer endorses, promotes, supplies, or approves of you or your product;

(b) suggests you have exclusive access to the material; or

(c) could bring the Neath Port Talbot County Borough Council or any individual Member or Officer into disrepute.

1.5 Unless you have our express consent in writing, you may not rent or sell the material to third parties, charge third parties to view it, or use it for corporate, commercial, or professional purposes.

2 Editing the material

2.1 You may not do any of the following:

(a) edit, alter, add to, distort, or digitally manipulate the material in any way, except to select and reproduce excerpts from it or to make colour corrections; or

(b) reproduce the image or sound out of context.

3 Context

3.1 You may not use the material on any website, social media or any other platform that:

(a) promotes, encourages, or facilitates illegal activity;

(b) encourages hatred on grounds of age, disability, gender identity or reassignment, marriage or civil partnership, race, religion or belief, sex, or sexual orientation or promotes, encourages, or facilitates anti-social behaviour; or

(c) is intended primarily to advertise or promote commercial activity.

3.2 Before using the material on a platform you do not control, including on social media, you must have written confirmation that the platform will remove the material immediately and unconditionally if asked to do so by you or by us.

3.3 If you become aware that you have breached any of the conditions in this clause 3, you must immediately remove the material from the platform on which the breach occurs.

4 Embedding

4.1 Subject to the conditions in this clause, you may permit embedding of the material on a website under your direct control or permit embedding of the material on a website which is under the control of a third party.

4.2 You must ensure, or confirm that the third party will ensure, that:

(a) any person embedding the material is required to comply with these Conditions of Use;

(b) permission to embed is withdrawn or the material is removed immediately in the event of non-compliance with these Conditions of Use;

(c) the material is not provided to any person except by permission to embed.

4.3 You are fully responsible for third-party compliance with the conditions in this clause.

5 Restrictions on advertising

5.1 You must make sure that no ad is inserted in or placed next to any live broadcast, stream or recorded extract of the material which could reasonably be seen as intended, by its placement, to exploit the subject matter of the material; or features or refers to Neath Port Talbot County Borough Council, its Members or Officer.

5.2 You must not:

(a) put any content (including ads and videos by third parties) between any link to the material and the material itself;

(b) put any ads next to or over the material;

(c) put any ads on a website, app, or social media platform whose content consists mostly of the material or which would not exist without the material; or

(d) allow the material to be displayed or used in any other way that suggests sponsorship.

5.3 If you become aware that any of the conditions in this clause 5 has been breached, you must immediately either fix the breach or, if it cannot be fixed, remove the material from the platform on which the breach occurs.

II. General Terms

1 Warranties and liability

1.1 You warrant that you will comply fully with all laws and regulations that apply to your use of the material.

1.2 We will not be liable for any loss or damage which you may suffer as a result of or connected to your use of the material.

2 Indemnity

2.1 You agree to indemnify us in respect of any and all damages, costs, and expenses, including reasonable legal fees and litigation expenses, that we suffer or incur if a third party brings legal proceedings against us as a result of your use of this material in breach of these terms.

3 Other

3.1 We may change these terms or terminate this licence at any time. We will update the terms on www.npt.gov.uk when a change is made. It is your responsibility to check that you are complying with the updated terms.

3.2 You may not transfer or sublicense your rights or obligations under this licence to any third party without our prior written consent.

3.3 Each term of this licence operates separately in itself and survives independently of the others.

3.4 These General Terms apply even if the licence is terminated.

3.5 This licence will be interpreted according to the law of England and Wales and be subject to the exclusive jurisdiction of the Courts of England and Wales.

3.6 Any failure or delay by us in exercising our rights under this licence will not be construed as a waiver of those rights

