



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

DEMOCRATIC SERVICES COMMITTEE

2 NOVEMBER 2020

REPORT OF THE ASSISTANT CHIEF EXECUTIVE AND CHIEF DIGITAL OFFICER

Matter for Decision

Wards Affected: All Wards

Webcasting and Public Participation

Purpose of the Report:

To update the Democratic Services Committee on the progress of work tasked to them 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 and reliance on remote meeting technology to underpin the Council's meetings means that some of the proposals are not workable in the current climate.

A report was taken to the 2nd July Council meeting where interim steps 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 were agreed.

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 been held remotely via Microsoft Teams and further

Committees have been/will be stood up through the Autumn including all Scrutiny Committees.

After gaining experience of holding meetings remotely, Council agreed 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.

Council subsequently agreed:

- To amend standing orders to allow meetings to be recorded and published to the Internet and;
- To promote and facilitate public access to the meetings that are being held remotely.

This has been done effectively, with upcoming meetings being routinely publicised via the Council's social media and web platforms, encouraging members of the public to view meetings live via a virtual public gallery.

Council meetings are being recorded and subsequently uploaded to the Council's web pages and are being successfully viewed by members of the public (viewing figures range from 160-190 for Cabinet/Cabinet Scrutiny Committees and 50-160 for Council 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 has however been 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 promote and facilitate public access to the meetings that are being held remotely.

The position is under continual review as the position around the resumption of face to face meetings remains increasingly uncertain. The position can be further reviewed by the Democratic Services Committee in early 2021 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.

Public Participation – Proposed Way Forward

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 anticipation of the requirements of the upcoming Local Government and Elections (Wales) Bill and 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.

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. However, our experience shows that there is significantly more work for Democratic Services and Digital Services to administer and support the meetings held remotely.

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 update against the work tasked to the Democratic Services Committee 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 notes the changes approved by Council in July 2020.
3. That Members approve the next steps for progressing the work in relation to public participation namely:
 - 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.

Reasons for Proposed Decision:

To partially progress 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.

Implementation of Decision:

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

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