

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

11 DECEMBER 2013

REPORT OF THE MONITORING OFFICER

REMOTE ATTENDANCE

1. Purpose of Report

1.1.1 The purpose of the report is to inform Council of issues under the remote attendance provisions of the Local Government (Wales) Measure 2011 and approve amendment of the Constitution.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The ability of Members to take part in decision making is a fundamental aspect of achieving corporate improvement.

3. Background

3.1 Section 4 of the Local Government (Wales) Measure 2011 enables Elected Members of a local authority to attend remotely (i.e by an audio-visual link) a meeting of the Council. Up to one half of the quorum of a meeting may attend in this way. By "Council meeting" Welsh Government guidance includes any Committee or Sub-Committee of the Council as well as the full Council. The purpose of the provisions is intended to support equality issues.

3.2 The technical requirements of the Measure require a member attending remotely to be able to see and hear and be seen and be heard both by Elected Members in actual attendance, those other Members attending remotely and by members of the public attending the meeting exercising a right to speak at the meeting. The provisions are therefore more complex than a simple web casting of proceedings.

4. Current situation / proposal

4.1 There are clear technical difficulties in accommodating the provisions of remote attendance particularly if significant numbers of Members exercise the right at the same time and Welsh Government accepts that there will be technical, budgetary and staffing implications connected with the introduction of remote attendance.

4.2 Concerns over the technical aspects of implementation include risk arising from the failure of the technology during the course of a meeting when remote attendance is being exercised and the possible inability of an Elected Member or members to participate in the debate or in voting on a matter. This gives rise to the potential of a challenge of the validity of a decision taken by the meeting in the absence of the member(s). A successful challenge could have very significant implications for the Authority and it is hoped that statutory guidance will be implemented to deal with the issue. There is also concern over the ability to maintain exempt reports (pink) in the operation of remote attendance.

- 4.3 Wider concerns relate to the important function of Group meetings prior to Council and the support mechanism provided both by members prior to meetings and through Officers.
- 4.4 At a recent meeting of the Wales Monitoring Officers and Governance Group, it was confirmed that Welsh Government now agree that the correct interpretation of the Measure is that remote attendance is discretionary not mandatory but it is the view of the Welsh Government that it would not, however, be appropriate for a local authority's standing orders to rule out entirely the prospect of remote attendance as the intention of the Measure was to introduce flexibility and some councillors, because of distance, health, caring or employment responsibilities might benefit from being able to attend meetings remotely. It is therefore recommended that Part 4 of the Constitution be amended as attached at Appendix 1. The amendment is intended to facilitate the move to remote attendance but additionally, it is recommended that Council receive a further report on the costs of a technical solution and the content of guidance once published on the operation remote attendance

5. Effect upon Policy Framework& Procedure Rules

- 5.1 There is no impact on the policy framework and procedure rules.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Financial Implications

- 7.1 The cost of remote attendance is not yet known but the cost of implementing the proposal can only be considered in relation to the funding that is available from Welsh Government.
- 7.2 There could be significant financial consequences to the local authority in the event that a decision is successfully challenged by judicial review.

8. Recommendation

Council is recommended to:

- 8.1 Note the report and the provisions of Section 4 of the Measure;
- 8.2 Approve amendment of the Constitution as set out in Appendix 1 of the report;
- 8.3 Receive a further report on the costs, funding and technical solution and the content of guidance once published on the operation of remote attendance.

Contact Officer: P A Jolley
Assistant Chief Executive Legal and Regulatory Services

Telephone: (01656) 643106

E-mail: Andrew. Jolley@bridgend.gov.uk

Postal Address Level 2,
Civic Offices,
Angel Street,
Bridgend,
CF31 4WB

Background Documents

Local Government (Wales) Measure 2011

Local Government Democracy (Wales) Act 2013