



THE VALE OF GLAMORGAN COUNCIL

COUNCIL - PROCEDURE (INCLUDING THE COUNCIL'S ANNUAL MEETING)

This Procedure has been issued in response to the Coronavirus (COVID-19) pandemic and regulations. It applies to the process for Full Council meetings and will continue to do so until 30th April 2021 unless withdrawn earlier pursuant to a decision of the Council's Executive or Managing Director under his Emergency Powers. The content is based on guidance issued by the Welsh Government.

Issued: September 2020

***** Amended: 1st October 2020 by Managing Director's Emergency Powers – pages 12 and 13 refer**

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INTRODUCTION

Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020

On 21 April, 2020, Julie James, Minister for Housing and Local Government issued guidance concerning the expected impact of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (The Regulations). The Regulations came into force on 22 April, 2020 and made temporary provision in relation to Local Authority meetings and for public and press access to these meetings during the COVID-19 pandemic.

The Regulations provide flexibility to enable Local Authorities 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.

Councils can therefore hold official meetings virtually, with Members dialling in to teleconferences or participating via video conferencing.

On 23 March, 2020 Cabinet had met and suspended the timetable of meetings with the agreement of other Chairmen as a result of the COVID-19 lockdown. Further to a Cabinet decision taken at its meeting on 27 July, 2020 it was decided that the suspended timetable of meetings agreed on 23 March, 2020 be reinstated from September 2020 and to set a new date of 14 September, 2020 for the holding of the Council's Annual Meeting that had been due to take place in May 2020.

The decision added the caveat that dates could change should there be a new spike in infections connected with COVID-19, and if this were to be the case, the matter would be reconsidered accordingly. This would also include the use of virtual and semi-virtual meetings or the use of Council office facilities as required.

The Regulations mean that the Council may decide to hold a meeting using remote access provided:

- All parties can fully present their case;
- Each person participating has access to an electronic device to permit them to **hear and be heard**, and where possible use a live video link to also see and be seen.

During the current special circumstances, the style and tone of meetings of Full Council will be very different from conventional physical meetings.

Members will need to prepare thoroughly and focus on the outcomes required and will need to understand information and reports thoroughly prior to the meeting. Members may find it useful to have prior discussions, remote pre-meetings or information briefings in addition to formal meetings.

Remote or virtual meetings require some patience and work much more effectively when Members are prepared and familiar with the technology being used and the running of virtual meetings having been thoroughly briefed by Officers in advance of virtual meetings beginning.

Please note that The Regulations do not affect the quorum for a meeting of Full Council. The quorum of a meeting will be one quarter of the whole number of Members, apart from committees comprising eight Members or less, when the quorum shall be three Members. During any meeting, if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he / she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Public access to documents, agendas etc. will be electronic (the existing timelines of at least three clear days' notice of any meeting still apply), and the requirement to give access to meetings is also suspended until 30 April 2021.

The Regulations relax some of the current requirements however the Council will continue to maintain its obligations around natural justice and procedural fairness.

Current Membership of the Council

All Members of the Council shall be Members of Full Council.

Only the Full Council will exercise the following functions as outlined in paragraph 4.6 of the Council's Constitution:-

- 4.6.1 adopting and changing the Constitution;
- 4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- 4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to / or not wholly in accordance with the budget;
- 4.6.4 appointing and removing the Leader in accordance with Standing Orders – see Section 5.3;
- 4.6.5 agreeing and / or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.6 changing the name of the area or conferring the title of freedom of the County Borough;
- 4.6.7 making or confirming the appointment of the Head of Paid Service
- 4.6.8 making, amending, revoking re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or Personal Bills;

- 4.6.9 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Executive and
- 4.6.10 all matters which by law must be reserved to the Council (e.g. appointing the Chairman of the Democratic Services Committee and approving the Pay Policy Statement).

Role of the Democratic and Scrutiny Services Officer to meetings of the Council

Full Council meetings have the services of two **Democratic and Scrutiny Services Officers**, whose responsibility it is to provide advice on procedure, ensure that all administrative arrangements for the meeting are made, including minute taking, and that they are undertaken in accordance with regulations. There are no changes to the current roles or responsibilities under this Procedure.

(Please note that, with an increased demand to hold meetings remotely, a third Democratic Officer may also be deployed in order to assist with the technical requirements of the meeting.)

Notice of Meeting / Agenda Send Out

Full Council Meetings usually commence at 6.05pm, unless indicated otherwise.

Agendas and reports for the meetings will usually be despatched within **five working days**, prior to the meeting. The agenda / notice of meeting is also uploaded to the Vale of Glamorgan website at the same time where possible.

All agendas which are subject to Access to Information legislation are translated into Welsh.

Remote Meeting Attendance

Having regard to the current pandemic and the provision for remote meetings the Council will undertake Full Council meetings via a **remote mechanism** of the Council's choosing. The current platform of choice is the "**Go to Webinar**" software application, however, this may be subject to change. All attendees will be informed within reasonable time, prior to the meeting, of any change in the remote meeting provision as below: -

- **The public** – via the Council website;
- **Members of the Vale of Glamorgan Council** - via internal email and the website;
- **All taking part in the meeting** – via email, or telephone or website.

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in **Section 14** of the Constitution. At least five clear days before a meeting, the Proper Officer will send a summons in his / her name to every Member of the Council or Committee. The summons will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by such reports as are available.

Ahead of the day of the meeting, the Democratic Services Officer will contact **all parties involved in the meeting** via email and / or text to provide a **hyperlink and or telephone number** to be used to access a **videoconference meeting at a date and time previously specified in the Notice of Meeting / Agenda**.

Subject to any technical issues ordinary and extraordinary meetings of Full Council will be recorded via the remote meeting application and uploaded to the Council website following the meeting.

N.B. This Procedure is in addition to the Council's Procedure Rules as contained within the Council's Constitution which will only be varied as referred to in this Procedure.

PARTICIPATION GUIDANCE

The Meeting

In order for meetings to run, efficiently, effectively and smoothly, the meetings will be managed by the Mayor who will act as Chairman. There are some suggested practical arrangements below, but it is important to note that through the facility of remote attendance, those taking part will be seen (where possible) and heard throughout the broadcast and it is therefore important to conduct oneself as if the meeting was being held in public. Matters / requests to speak, etc. need to be brought forward via the Chairman and speakers should speak in turn / when invited to do so by the Chairman in order to avoid blurred conversation / discussion, so as to keep matters as clear as possible.

Annual Meeting

Due to the COVID-19 pandemic and subsequent suspension of meetings in March 2020, it was not possible to hold the Council's Annual Meeting in May 2020. The reinstatement of the Timetable of Meetings from September 2020 allowed for the Annual Meeting to be held on 14 September, 2020.

Given the impact of Covid-19 and the need to ensure the health and safety of Members, officers and the public, the form that the meetings will take will be determined closer to the date of each meeting and may well change during the course of the year. Due to the present requirement of the 2-meter social distancing rule, many meeting rooms will be unable to accommodate normal meeting seating

layouts and accordingly remote attendance is encouraged, supported by Remote Meeting Guidelines for each meeting type. It is intended that meetings will be held virtually, with a move to actual meetings being held in the Council Committee rooms and Council Chamber being informed by Welsh Government guidance and the Council's own Recovery Planning.

The Annual Meeting only will follow **Section 4.10** of the Constitution and will:

- (a) elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;
- (b) elect the Chairman of the Council;
- (c) elect the Vice-Chairman of the Council;
- (d) receive any announcements from the Chairman, Head of Paid Service and Executive Members;
- (e) to note the position of the Leader of the Council (see Section 5.3);
- (f) be told by the Leader the name of the Member chosen to be Deputy Leader and the number and names of Members to be appointed to the Executive and their portfolios / responsibilities;
- (g) appoint the Scrutiny Committees, a Standards Committee and such other Committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of the Constitution);
- (h) approve a programme of ordinary meetings of the Council for the year, unless the Council has previously agreed a programme at an earlier meeting; and
- (i) consider any business set out in the notice convening the meeting.

At the Annual Meeting, the Council will also:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of Councillors to serve on each Committee;
- (e) make appointments to those Committees and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

NB. It is usual practice at the Annual Meeting for Mayoral chains and gifts to be exchanged during the ceremony. However, in view of the virtual meeting platform and social distancing measures in place by Welsh Government, other arrangements are being considered to ascertain whether this can be achieved as part of the meeting or separately.

Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting and in accordance with the Council's Constitution unless the Council has previously agreed a programme at an earlier meeting. The order of business at ordinary meetings will be as follows:

- 4.11.1 elect a person to preside if the Chairman and Vice-Chairman are not present;
- 4.11.2 approve the minutes of the last meeting;
- 4.11.3 receive any declarations of interest from Members;
- 4.11.4 receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service and to receive petitions;
- 4.11.5 receive reports from the Executive and the Council's Committees and receive questions and answers on any of those reports;
- 4.11.6 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 4.11.7 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the Scrutiny Committees for debate;
- 4.11.8 consider motions; and
- 4.11.9 deal with questions from Members in accordance with Rule 4.18;
- 4.11.10 receive questions from, and provide answers to, the public in accordance with the Council's published procedure.

Replies to public questions will be provided in writing to the questioner, following the meeting.

Extraordinary Meetings

The Proper Officer may call Extraordinary Council meetings in addition to ordinary meetings. Those listed below may request the Proper Officer to call additional Council meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he / she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting, together with Apologies, the Roll Call and Members' Declarations of Interest and there shall be no consideration of previous minutes from Council.

Preparing for the Meeting – Practical Arrangements

Immediately prior to the meeting, all participants will need to make sure that they are ready to take part productively via the Remote Meeting Application or any other format they are advised of.

N.B. Officers and Members please note that personal or corporate devices may be used in order to access the meeting.

Councillors and officers should confirm their attendance in advance of the meeting so that officers are aware of who should be in attendance.

Remote Meeting – Application Guidance

- If multiple devices are available to you (such as a phone and a laptop), we recommend using the device with the **biggest screen**, as this will be the one that most likely gives you an option to see all participants, rather than being restricted to only viewing the participant who is currently speaking.
- Take some time before the date of the meeting to familiarise yourself with where the **microphone and headphone plug- in** is on your device, as knowing where to find these will be helpful if you are required to speak more loudly and / or hear more clearly. The best audio quality will likely be achieved by plugging a **separate microphone into the device** – most modern headphone sets include a microphone.
- Make sure before the meeting starts that your equipment is **fully charged or has the capacity to charge** without impeding your audio / visual settings while the meeting is ongoing. Keeping your device plugged in to a power source if possible as this will give you confidence that the battery will last for the duration of the meeting.
- Please take some time to consider where you'll be able to **make yourself comfortable** so that you can focus on the discussion at hand.
- If participating with video, where possible it is best to try and find a space with a **plain background**. Other participants may find it distracting to see photos or shelves full of books or ornaments in the background. Also **consider lighting** – if a light source is behind you in the shot your face will likely end up looking darker on screen. Equally, too strong a light in front of you might have a 'bleaching' effect. Most devices will allow you to **access your camera ahead of the meeting** so you can identify where best to position yourself.
- If participating with video, aim to position your device appropriately so that your **head and shoulders are in the shot** (similar to a passport photo).
- Participants should note that **not all attendees are able to be visible on screen at all times**. Software packages vary but at most would be able to show 25 screens at a time. Participants may wish to consider checking their settings if they would prefer to see all available screens or just the person speaking, etc.
- Know how to **announce your presence by turning your microphone on and off again**.
- Make sure that you can **easily view any necessary documentation**.
- If referring to a document during the meeting, please be **specific regarding which Appendix it is** in as well as the **page number** and please **allow time for others to locate the same document**.

- Have a **pen and paper ready to use**. Conversation will not flow as naturally as it would with people in the room together, and the **Chairman will be moderating the order in which participants speak**. You may therefore find it helpful to **take notes of any points you would like to make** so you can refer back to them when it is your turn to speak.
- **Before the meeting starts**, please ensure that **any other nearby electronic devices are set to silent, or mute notifications on the device you are using**. If you experience **interference during the call**, this could be **caused by other devices nearby** so you may want to turn off any other devices or remove them from the same room as you.
- We ask that you take steps to **join the meeting at least ten – fifteen minutes prior to the start of the meeting**, which will allow the Democratic Services Officer time to assist with any difficulties if needed.
- If you are not currently speaking, **please mute your microphone**. This will help to reduce the level of disruptive and distracting background noise and assist all participants in meeting one another as clearly as possible.
- If you wish to speak, please indicate this **via the Chat and or / question function** on the remote application software and wait until the Chairman asks you to speak. If a question is asked of one participant directly, that participant will be the first person afforded an opportunity to respond. **It is crucial that all participants respect this process and listen to the Chairman to ensure everyone has a fair opportunity to make their points without being talked over**. If any participant repeatedly disregards this process and **talks over** other participants without waiting for the Chairman to confirm it is their turn, the **Democratic Services Officer** will be able to **mute their microphone**.
- When speaking, **do not shout**. The Democratic Services Officer will advise if your volume of speech is too low, it will usually require participants to **either move closer to their microphone or to adjust their microphone/volume settings**.
- Please try and remember that **not all participants** will have the same **visual access to the meeting**. There is an **option to dial in on a telephone call rather than use a screen**, and **not all participants** will have **access to a camera**. It is therefore important that **all participants communicate as much as possible verbally**, as not everyone will be able to see gestures or facial expressions. The **Democratic Services Officer will confirm at the start of the meeting** which participants have **screen access** and whether **any are not visible on camera**.
- **Members of Full Council** should only vote on the recommendation / decision if they have been **able to hear and understand all of the debate** and information provided clearly. **The Chairman will remind all Members of this prior to the vote**.
- If the **connection becomes too slow**, the Democratic Services Officer will ask all participants to **turn their cameras off** for a short amount of time to allow the

software application being used to **speed the connection up again**. If this problem recurs, the Democratic Services Officer will ask all participants to turn their cameras off, and **only turn them on when it is their turn to speak**.

- Know what to do **if your equipment fails, have a phone number to hand to call in case of technical difficulties**. At any point there may be issues with internet connections or computer failures.
- If required, for example, if members, etc. are unable to connect to the meeting or lose connection to the meeting (and therefore the Full Council meeting **stops being quorate**), the Full Council meeting may **adjourn the meeting** where considered necessary (either on a temporary or permanent basis).
- With reference to the previous point, officers should establish a clear “fallback plan” so people know what to do in the event of a widespread failure. For example, switching over to the **telephone function on the software being used or the use of another remote meeting application**.

Order of Meeting and Procedure

Step 1: The Mayor to read out a declaration on the meeting being held virtually and that a recording of this will be available to the public after the meeting has been held.

Step 2: “**Apologies for absence**”, in the main, are known in advance as Members are to contact Democratic Services to advise if they are unable to attend.

Step 3:

(a) To hear the roll call of Members (giving an opportunity for Members to introduce themselves at the start of the meeting for the benefit the public (and for clarity of identification as part of the recording to be uploaded to the website)).

(b) To receive declarations of interest under the Council’s Code of Conduct (all agendas will have **Declaration of Interests** as a standing item for Members to consider if they have an interest on an agenda item).

Note: The Procedure will follow a slightly different sequence of dealing with business to be transacted in the case of the Annual Meeting in order to comply with Section 4.10 of the Council’s Constitution”.

Step 4: Approval of the previous meeting’s minutes for accuracy purposes only.

Step 5: To receive any announcements from the Mayor, Leader, Members of the Cabinet and the Head of Paid Service and to receive any petitions submitted by Members.

Step 6: Consideration of reports by Cabinet Portfolio.

Step 7: To consider any Notices of Motion.

Step 8: To consider any References to Council.

Step 9: To deal with questions from Members in accordance with Rule 4.18 of the Council’s Constitution.

Step 10: For Ordinary Meetings (not Annual or Extraordinary) - To consider questions from the public (anyone who is on the Vale of Glamorgan Register of Electors or is a Vale of Glamorgan Council taxpayer or non-domestic ratepayer may submit, in advance, a question at Full Council meetings). Written replies to questions will be forwarded following the meeting.

Step 11: To consider any items which the Mayor has decided are urgent (Part I).

*****Amended by Managing Director’s Emergency Powers October 2020**

- **To allow at the Annual Meeting and Full Council meeting for the *Managing Director, * Monitoring Officer and/or the Democratic Services Officer to speak on matters relating to the smooth administration of the meeting and**
- **That Council Standing Orders be suspended in such instances’**

- That the Council Procedure Rules be amended so that Members do not need to stand when addressing Annual Meetings and Full Council meeting when held remotely.

N.B. * In the absence of the Managing Director, the nominated Deputy and in the absence of the Monitoring Officer, the Deputy Monitoring Officer.

NOTES:

Adjournments

The Full Council meeting may be adjourned if considered necessary - for example, technical difficulties or if the meeting was no longer quorate.

Part II

After moving into private session where confidential matters are to be discussed under Part II, the Chairman will:

- *Ensure that members of the public have disconnected the meeting, where any meeting is being broadcast live;*
- *Ask all who remain to ensure that there is no one else present who would be able to hear the proceedings.*

Disruptive Behaviour

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their disconnection / removal from the meeting.

N.B. For the purposes of this Procedure, references to the Democratic Services Officer also include an additional Democratic Services Officer who may be assisting with the technology or other areas at the meeting.