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## **PUBLIC SPEAKING AT COMMITTEE MEETINGS TRIAL**

To: **Constitutional Review Working Party – 8 June 2016**

By: **Committee Services Manager**

Classification: **Unrestricted**

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**Summary:** **To introduce a trial of public speaking at Overview and Scrutiny Panel meetings.**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 This report introduces the idea of public speaking at meetings other than Planning Committee and proposes undertaking a trial in order to assess whether amending the Council's constitution to allow public speaking on a permanent basis would be advantageous.

#### **2.0 Why are Democratic Services proposing changes?**

- 2.1 Democratic Services' service plan includes a target on "ensuring that the democratic process that Democratic Services oversees is open and accessible to those using it". Allowing public speaking at committee meetings is a way that the public can become more involved in the Council's decision making process and therefore making it more accessible and open.
- 2.2 Currently the Council only allows public speaking at Planning Committee when considering planning applications and in exceptional circumstances when the Chairman of a committee allows it. Amending the Council's procedure rules to allow members of the public to speak would allow for their points of view to be heard at meetings on the matters under discussion, this could add value to the decision making process and also mean that the public have more input to decisions that the Council makes.
- 2.3 Democratic Services have conducted a desktop benchmarking exercise of Council's across Kent looking at other Council's rules on allowing the public to speak at its meetings. The benchmarking shows that public speaking at most meetings, whilst far from standard practice, does have a small following particularly for Overview and Scrutiny Committees. With this in mind Democratic Services are initially proposing that a trial of the new public speaking rules should be undertaken by the Overview and Scrutiny Panel.
- 2.4 Democratic Services would propose that public speaking be allowed at the Overview and Scrutiny Panel and its sub groups on a trial basis between 14 August 2016 and 14 February 2017. This would include five Overview and Scrutiny Panel meetings and an as yet unknown number of sub group meetings, which would be a sufficient number to ensure that a fair trial could be undertaken.

### **3.0 How would it work?**

- 3.1 A copy of the draft public speaking attached at Annex 1 to this report. The scheme is based loosely on a hybrid of our current planning committee speaking proposals and other District Council schemes in Kent. The scheme is open to anyone to register to speak at an Overview and Scrutiny Panel meeting in writing or via email. This would be on a first come, first basis and members of the public would have to register at least two clear days in advance of the date of the meeting. In addition whilst the trial is ongoing Democratic Services will also investigate the possibility of registering to speak via the Council's website.
- 3.2 A member of the public would register to speak on a particular item of business on that agenda and what they wanted to say would have to be directly relevant to the subject of that agenda item. Each member of the public would be allowed a maximum of three minutes to speak and there would be a maximum of two members of the public allowed to speak on each agenda item.
- 3.3 Statements made must not be defamatory or derogatory and the Council would reserve the right to withdraw public speaking rights from those who had abused those rights in the past.
- 3.4 It would be the duty of Councillors to listen to the points of view being expressed by the members of the public. Councillors may agree or disagree with the points of view being expressed and would not be obliged to follow any course of action suggested by the public, but to form their own opinions and vote on an issue in the same way that they do now.

### **4.0 Amending the Constitution**

- 4.1 In order to allow for the public speaking trial to take place the Council will need to amend its constitution. Democratic Services believe that including a small reference to public speaking in the Council's procedure rules and then including the scheme as attached at Annex 1 (subject to any amendments) in Section 5 – codes and protocols of the constitution would be neater and more convenient than having extensive public speaking rules embedded within the constitution for the period of the trial. This would also allow Democratic Services to use the scheme document attached at Annex 1 for other purposes, such as distributing to the public or uploading it to our Democratic Services website rather than using a series of Council Procedure Rules, which could potentially be confusing for users and less easy to understand.

### **5.0 What happens after the trial?**

- 5.1 Democratic Services will produce a report for the 14 February 2017 Overview and Scrutiny Meeting allowing the panel to comment on their experiences of public speaking. These comments, together with officers experiences of administering the scheme would then be considered at a Full Council meeting in Spring 2017 which would then decide on the future of the scheme. This could include widening the scope of the scheme to include other meetings, withdrawing the scheme, keeping it as it is or amending how the scheme works.

### **6.0 Options**

- 6.1 The Constitutional Review Working Party can choose to recommend the scheme attached at Annex 1 to this report to the Standards Committee, it may also in doing so recommend any amendments to the scheme as well. Alternatively the Working Party

may choose to recommend not pursuing the trial of public speaking or any of the subsequent changes to the constitution.

## **7.0 Corporate Implications**

### **7.1 Financial and VAT**

7.1.1 There are no financial implications to the report.

### **7.2 Legal**

7.2.1 Under section 37 of the Localism Act 2011, the Council must prepare and keep up to date a constitution. Whether to allow public speaking or not is a matter for the Council to determine.

### **7.3 Corporate**

7.3.1 Introducing public speaking to committees relates directly to the Council Value 3: Promoting open communications.

### **7.4 Equity and Equalities**

7.4.1 Introducing public speaking will open up the Council's decision making process and allow more people to engage in the democratic process. The Council would not discriminate or restrict the ability to speak at meetings for any of the protected groups and would always try to accommodate requests for additional help where possible.

## **8.0 Recommendation(s)**

8.1 That the Constitutional Review Working Party makes a recommendation to the Standards Committee as per the options outlined at paragraph 6.0 of this report.

## **9.0 Decision Making Process**

9.1 Any recommendation of the Constitutional Review Working Party will be referred to the Standards Committee which, in turn, will make recommendations to Council for final adoption.

Future Meeting if applicable: Standards Committee Council	Date: 28 June 2016 14 July 2016
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Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

## **Annex List**

Annex 1	Draft Public Speaking Scheme
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## **Background Papers**

Title	Details of where to access copy
None	

## **Corporate Consultation Undertaken**

Finance	Nicola Walker, Finance Manager (HRA, Capital, Ext Funding, Policy & Performance)
Legal	Tim Howes, Director of Corporate Governance