

PUBLIC SPEAKING AT COMMITTEE MEETINGS TRIAL

Meeting	Council – 14 July 2016
Report Author	Committee Services Manager
Portfolio Holder	Portfolio Holder for Corporate Governance Services
Status	For recommendation
Classification:	Unrestricted
Key Decision	No
Previously Considered by	Constitutional Review Working Party – 8 June 2016 Standards Committee – 28 June 2016
Ward:	All Wards

Executive Summary:

Democratic Services are suggesting a limited trial of public speaking at committee meetings is introduced. Democratic Services oversee the democratic process and ensure it is open and accessible to those using it, introducing public speaking at meetings would be a significant step in opening the democratic process to the public.

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. The trial would therefore, see the introduction of public speaking at Overview and Scrutiny Panel meetings and its sub-committees between August 2016 and February 2017.

A copy of the draft public speaking scheme is attached at Annex 1 to this report.

Council is asked to decide whether to introduce a trial or not, taking in to account the content of the report and the recommendations from the Constitutional Review Working Party and Standards Committee as outlined at paragraphs 6 and 7 of the report.

Recommendation:

That Council adopts the draft public participation scheme as outlined in Annex 1 of the report and amends the Council's constitution as outlined at Annex 2 of the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications to the report.
Legal	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.
Corporate	Introducing public speaking to committees relates directly to the Council Value 3: Promoting open communications.
Equalities Act 2010 & Public Sector	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the

Equality Duty	Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which is aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
Foster good relations between people who share a protected characteristic and people who do not share it.	✓	
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.		

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

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. The appropriate amendments to the constitution to allow for the trial are attached at Annex 2 to the report.

4.2 Having the rules as a separate scheme 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 What did the Constitutional Review Working Party recommend?

- 6.1 The Constitutional Review Working Party reviewed the scheme at its meeting of 8th June, where they made a number of suggested changes. These included clarifying in the “How much time will speakers be allowed?” section to make clear that the public speaking will occur before the panel starts to consider each item. Also the Working Party asked for a rule that prohibited any public speaking on confidential items, this was because it was felt that the public would not be aware of the content of confidential reports. In addition it was also requested that members of the public should be asked whether they would like their contact details shared with those who subsequently try to register to speak in order that additional points of view might be taken on board by those who had secured the speaking slot. Finally they asked that the “other rules” section be amended to read “You must not discuss the conduct or capability of individual Council employees or Councillors.”
- 6.2 The report author accepts all the suggestions of the Working Party and has included them in the draft scheme attached to this report at Annex 1.
- 6.3 The formal recommendation from the Constitutional Review Working Party is as follows:

“The Working Party agreed to recommend the scheme to the Standards Committee, subject to the agreed amendments being made.”

7.0 What did the Standards Committee recommend?

- 7.1 The Standards Committee considered the draft scheme as amended by the Constitutional Review Working Party and agreed to recommend the amended draft scheme to Council for approval.

8.0 Options

- 8.1 Council can choose to trial public speaking by adopting the draft scheme attached at Annex 1 to this report, or making any amendments to the scheme attached at Annex 1. Alternatively, Council may choose to not pursue the trial of public speaking or any of the subsequent changes to the constitution.

9.0 Next Steps

- 9.1 If Council agrees to adopt the draft scheme, a trial period of public participation at Overview and Scrutiny Panel meetings would commence, running from 16 August 2016 to 14 February 2017.

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Annex List

Annex 1	Draft Public Speaking Scheme
Annex 2	Amended Constitution

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

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