

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

Council	<b>13 July 2017</b>
Report Author	<b>Committee Services Manager</b>
Portfolio Holder	<b>Portfolio Holder for Corporate Governance Services</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Previously Considered by	<b>Overview and Scrutiny Panel - 25 April 2017</b>
Ward:	<b>All Wards</b>

### **Executive Summary:**

This report summarises the trial of public speaking at Overview and Scrutiny Panel meetings. It outlines the number of people that spoke at meetings of the panel and the subjects they spoke on, the experience of Democratic Services in administering the scheme, the views of the Overview and Scrutiny Panel and allows Council to extend the scheme.

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.

When the initial pilot scheme was adopted by Council, Democratic Services had conducted a desktop benchmarking exercise of Councils across Kent looking at other Councils' rules on allowing the public to speak at its meetings. The benchmarking showed that public speaking at most meetings, whilst far from standard practice, did have a small following particularly for Overview and Scrutiny Committees. The extended trial would therefore, see the continuation of public speaking at Panel meetings and its sub-committees between July 2017 and May 2018.

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

Council is asked to decide whether to allow for an extended trial or not, taking in to account the content of the report and the recommendations from the Panel as outlined at paragraph 3.3 of the report.

### **Recommendation:**

1. 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.

<b>CORPORATE IMPLICATIONS</b>									
<b>Financial and Value for Money</b>	There are no financial implications to the report.								
<b>Legal</b>	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.								
<b>Corporate</b>	Introducing public speaking to committees relates directly to the Council Value 3: Promoting open communications.								
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>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 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.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" data-bbox="432 936 1404 1182"> <thead> <tr> <th colspan="2">Please indicate which aim is relevant to the report.</th> </tr> </thead> <tbody> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td>✓</td> </tr> </tbody> </table> <p>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.</p>	Please indicate which 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.	✓
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Foster good relations between people who share a protected characteristic and people who do not share it.	✓								

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

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

## 1.0 Introduction and Background

### The Public Speaking Trial

- 1.1 Full Council agreed at its meeting on 14 July 2016 to amend the council's constitution to allow a trial of public speaking at meetings of the Overview and Scrutiny Panel to take place. The report explained that a review of the scheme would be scheduled for Spring 2017 and as part of this the views of the Overview and Scrutiny Panel would be sought. These were sought at the O&S meeting of 25 April 2017 and it was recommended that the scheme be continued for a further trial year.

## **2.0 What happened?**

- 2.1 The scheme allowed Members of the public to register to speak for a maximum of three minutes on any item under discussion by the Panel. The trial period covered O&S meetings on 16 August, 25 October, 21 November, 13 December 2016, 26 January and 14 February 2017.
- 2.2 Only two members of the public took up the opportunity to speak to the Panel; these were on the subjects of the Thanet Local Plan consultation and Fulfilling Thanet's growth and development opportunities.
- 2.3 The communications team publicised the ability to speak at Overview and Scrutiny Panel meetings via Twitter through the trial period and especially so after Christmas.
- 2.4 It is self-evident that the level of take up has been disappointing. However, anecdotally the evidence from those people who took the opportunity to speak was good and they appreciated the opportunity to share their views on the matters under discussion.

## **3.0 What happens next?**

- 3.1 Full Council is requested to consider extending the trial period for public speaking at Panel meetings and in doing so give due regard to the recommendation from the Overview & Scrutiny Panel. If Council agreed to extend the trial period to cover the period 14 July 2017 to 22 May 2018, officers would then amend the Council constitution to reflect that decision and the appropriate changes required.
- 3.2 Whilst there is little evidence to suggest that the trial has been a success there is little to no evidence to say that it has been a failure. It is the view of Democratic Services that the scheme was straightforward to administer and did not take up much officer time.
- 3.3 Whilst it is for members to form a view regarding the conduct and flow of meetings when there was public speaking, it is the view of Democratic Services that the flow of the meetings were not adversely affected by the addition of public speaking. Panel members did not feel that public speaking adversely affected the flow of debate. They recommended that 'the public speaking pilot scheme be extended for a further year, subject to Full Council approval.' The fact that the Panel recommended its extension demonstrates their positive view towards the trial scheme.
- 3.4 The view of Democratic Services is that there is no evidence from the trial to support the expansion of public speaking to other committees at TDC not already covered by their own public speaking rules. However Democratic Services believe that an extension of the trial for a further year could be justified as more people become aware of the ability to speak, the positive response of those that did speak and the minor levels of Democratic support needed to run the scheme.

## **4.0 How would it work?**

- 4.1 A copy of the draft public speaking scheme is attached at Annex 1 to this report. The scheme is open to anyone to register to speak at an Overview and Scrutiny Panel meeting. The request could be made in writing, via email or by telephoning the Democratic Services Team.
- 4.2 The allocation of a slot to speak would be on a first come, first served basis and the registration would be open from the day the agenda for the meeting is published and

up to the beginning of the Panel meeting. In addition whilst the trial is ongoing Democratic Services will run a link on the Council's website that provides information on how one can register to speak at Panel meetings.

- 4.2 A member of the public would register to speak on a particular item of business on that agenda and their address to the Panel would have to be directly relevant to the subject of that agenda item. Each address would be for a maximum of three minutes and only up to two members of the public allowed to speak on each agenda item.
- 4.3 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.
- 4.4 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.

## **5.0 Why are Democratic Services proposing extending the pilot scheme?**

- 5.1 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.
- 5.2 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.
- 5.3 Democratic Services 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 and this was used for justifying the introduction of the original pilot scheme in 2016/17. 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. It is hoped that a continuation of the pilot scheme by the Panel would give council a clearer picture of how the scheme can work for better decision making, because the scheme would have been tested over a reasonably long period to ascertain its viability.
- 5.4 Democratic Services were proposing that public speaking be allowed at the Overview and Scrutiny Panel and its sub groups on an extended trial basis between 14 July 2017 and 22 May 2018. This would include seven 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.

## **6.0 Amending the Constitution**

- 6.1 In order to allow for the public speaking extended trial to take place the Council will need to amend its constitution. If agreed, Democratic Services would include 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 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.

- 6.2 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.
- 6.3 The Constitutional Review Working Party agreed the initial founding principles for establishing and adopting the scheme. An extension of the scheme will still be in keeping with those principles. It is therefore unnecessary to further consult the working party. Amending the constitution is ultimately the role of Council and so this approach is not ultimately contrary to the Council's constitution.

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

- 7.1 Democratic Services will produce a report for the 22 May 2018 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 2018 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.

## **8.0 Options**

- 8.1 Council can choose to extend the trial for public speaking by adopting the draft scheme attached at Annex 1 to this report, or making any amendments to the scheme. 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 14 July 2017 to 22 May 2018.

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Reporting to:	Tim Howes, Director of Corporate Governance

## **Annex List**

Annex 1	Draft Public Speaking Scheme
Annex 2	Amended Constitution

## **Background Papers**

<b>Title</b>	<b>Details of where to access copy</b>
None	N/A

## Corporate Consultation

<b>Finance</b>	Ramesh Prashar, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance & Monitoring Officer