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20 March 2015

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **GOVERNANCE COMMITTEE** on Thursday 26 March 2015 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

- 13 **OPTIONS FOR MEMBER AND PUBLIC PARTICIPATION AT COMMITTEE MEETINGS** (Pages 2 - 22)

To consider the report of the Director of Governance.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Subject: **OPTIONS FOR MEMBER AND PUBLIC PARTICIPATION AT COMMITTEE MEETINGS**

Meeting and Date: **Governance Committee – 26 March 2015**
Governance Committee – 18 June 2015
Council – 22 July 2015

Report of: **Director of Governance**

Classification: **UNRESTRICTED**

Purpose of the report: This report sets out a range of approaches for member and public participation at meetings of the Cabinet and Committees of the Council.

Recommendation: That the Director of Governance be requested to develop proposals in respect of one or more of the models for member and public participation set out in Appendices A and B.

1. Summary

- 1.1 This paper sets out a range of options for member and public participation at meetings of the Cabinet and Council Committees.
- 1.2 In preparing this paper, we have been mindful that the structure of local government is based upon representative democracy rather than participatory democracy. However, it is recognised that the representative and participatory democracy are not absolutes and can co-exist within a single democratic system.

2. Introduction and Background

- 2.1 The Council at its meeting held on 28 January 2015 considered the following motion from Councillor P M Wallace in respect of increasing public participation at the meetings of Cabinet and Council committees:

“In the interests of transparency and improved decision making, this Council instructs officers to develop proposals for introducing 30 minute Public and Member Question Time sessions in the meetings of Cabinet and Council committees, thereby improving participation in the decision-making processes of this Council.”

- 2.2 It was resolved by Council that consideration of the matter be deferred until the first ordinary meeting of the Council after the Annual General Meeting in order to give officers time to produce a report on the matter.

The Current Arrangements for Public Participation

- 2.3 The Council currently has arrangements in place for public participation at the following meetings:
 - Full Council – A member of the public may ask a written question on-notice (8 days) of any member of the Cabinet. A maximum of 3 minutes is allowed to read the question, with one additional supplementary question permitted (without notice but must arise from the answer given by the Cabinet member). A total of 15 minutes is allocated for public questions.
 - Planning Committee – A member of the public may register to speak in favour or against a planning application to which public speaking applies. Procedural items (apologies, minutes, etc.) are excluded. A maximum of 3 minutes per

speaker (with a limit of 1 speaker for and 1 speaker against) is allowed to speak to the application. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.

- Scrutiny Committees – A member of the public may register to speak for up to 3 minutes in respect of a non-exempt, non-procedural item on the agenda. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.

2.4 In addition, separate from this the Licensing Act 2003 and Gambling Act 2005 permits member and public participation at Licensing Sub-Committee meetings in accordance with the regulations made under each Act.

3. The Current Arrangements for Member Participation

3.1 The rights of Members to participate in meetings where they are not a duly appointed committee member are set out in Council Procedure Rule 24. These apply to Committees and Sub-Committees of the Council only and not apply to meetings of the Cabinet, which are governed by the Executive Procedure Rules.

3.2 Members are not entitled to take part in any proceeding of a Committee or Sub-Committee of the Council unless:

- They are a duly appointed member of the Committee or Sub-Committee.
- They are requested by or permitted to do so by the Committee or Sub-Committee.
- The matter under discussion relates to a parish for which the member is the local district councillor
- They are the proposer or seconder of a motion which has been referred by Council to another committee has the right to attend that meeting to explain the motion.

3.3 It should be noted that under the rights granted to Members under Council Procedure Rule 24, Members are permitted to participate in the discussion with those Members appointed to serve on the Committee. This is not a right granted to the public.

3.4 In respect of the 3 committees referred to for public speaking, the arrangements for Members are as follows:

- Full Council – A Member may fully participate in the meeting subject to the Council Procedure Rules.
- Planning Committee – A Member may fully participate in the meeting as per paragraph 2.5 of this report, save that for in respect of planning applications where the Protocol for Speaking at Planning Committee applies.
- Scrutiny Committees – Council Procedure Rule 24 applies to the participation of Members who are not appointed to the Committee.

3.5 In addition, separate from this the Licensing Act 2003 and Gambling Act 2005 permits member and public participation at Licensing Sub-Committee meetings in accordance with the regulations made under each Act.

Terminology

3.6 In developing alternative models for member and public participation, the following terminology has been used.

- ‘Questions’ – Addressing, in writing or orally, a member or officer for the purpose of gaining specific information in response.
- ‘Speaking’ – Making statements of fact or opinion. It can be either for, against or neutral on a particular matter and it may, or may not, urge a particular course of action to be followed.
- ‘On Notice’ – Notice of intent to speak or ask a question at a meeting provided by a certain date in advance of the meeting.
- ‘Without Notice’ – Participation would be made on a ‘first come, first served’ basis at the meeting with no advance notification of a person’s intent to speak or ask a question at the meeting.

4. **Alternative Models for Member and Public Participation at Committee Meetings**

4.1 This report does not seek to present a finished procedure for member and public participation but rather alternative models that can be developed into proposals that can be presented to full Council. To this end, no specific proposals are identified for individual committees.

4.2 The options are set out in greater detail in the two appendices to this report, one for the public (Appendix A) and one for Members (Appendix B), but in summary are as follows:

- Option 1A: Status Quo – No change to the existing arrangements.
- Option 1B: Minor changes to existing arrangements.
- Option 2A: Questions only on notice to an Agenda Item.
- Option 2B: Questions without notice to an Agenda Item.
- Option 3A: Speaking on notice to an Agenda Item.
- Option 3B: Speaking without notice to an Agenda Item.
- Option 4A: Questions on notice to any matter.
- Option 4B: Questions without notice to any matter.
- Option 5A: Speaking on notice to any matter.
- Option 5B: Speaking without notice to any matter.

3.3 There is no requirement that the same models are adopted for both Members and the public.

5. **Evaluation of Options**

5.1 There is no preferred option set out in this report notwithstanding that there would be concerns about some of the options which are set out in the appendices. Instead Members are asked to consider the following factors in selecting their preferred model:

- **Representative Democracy** – Are Members seeking to strengthen the existing structure of representative democracy or are they seeking to move towards a more structure that is based more on the principles of participatory democracy in decision-making?
- **Outcomes** – These decisions will shape the preferred model(s).
What should the preferred model of public participation deliver?
What should the preferred model of member participation deliver?

What controls, if any, should be in place to manage the process?

Does the Council have the power to deliver the preferred model?

- **Exempt Business** – Should in principle the rights of speaking or questioning apply equally to both public business (in the white pages of the agenda) and exempt business (in the pink pages of the agenda)? The member of the public would have to speak or ask the question prior to the decision to resolve to exclude the press and public and would only have access to the agenda item title not the exempt report.
- **The Role of Members** – Should the same rights of speaking or questioning and the notice requirements for the public apply equally to District Councillors who are not members of the relevant committee? Or is there an assumption, as present in Council Procedure Rule 24 currently, that Members will have greater rights of participation than the public in keeping with the principles of representative democracy in order to provide a voice for their constituents?

Is there an expectation that a question asked by a Member will be answered? For example, is there a prerogative to decline to answer a question? Currently it is implicitly assumed that, even if it is a one word response, Members' questions will be answered.

- **The Role of Officers** – The Council's officer corps would be required to manage the research necessary for providing a briefing to Members on questions / topics.
- **The Role of the Public** – Is it the intention to use Member and Public participation as consultees / sounding boards to the decision-making process or will action be taken in response to Member and Public participation?

Is there an expectation that where a member of the public asks a question it will be answered? For example, is there a prerogative to decline to answer a question?

- **Resources and Administrative Impact** – Is the preferred model able to be delivered efficiently, effectively and at an affordable cost?

A model, or variety of models, with a high level of complexity could become difficult to administer and confusing for the public.

Should the question be linked to the business on the agenda? Questions on matters not on the agenda would have a resourcing implication in preparing additional briefings for Members.

5.2 In addition, there is a requirement that, regardless of the model chosen, the question or the subject of public speaking must be within the remit of the Committee. The Constitution under Part 3 (Responsibility for Functions) sets out in the areas of remits of individual committees.

5.3 It should be noted that some of the regulatory bodies, such as the Licensing Committee or Planning Committee, may have to be exempted from all or part of the preferred model.

6. Resource Implications

5.1 There will be resource requirements and these will be assessed once the preferred model has been selected.

7. Appendices

Appendix A – Models of Public Participation

Appendix B – Models of Member Participation

8. **Background Papers**

Constitution – Issue 19b, in particular the Council Procedure Rules and the Protocols on Public Speaking at Planning Committee and Overview and Scrutiny.

Contact Officer: Rebecca Brough, Team Leader – Democratic Support 01304 872304

Models for Public Participation

Option 1A: Status Quo – No change from the current arrangements

Current Model:

- Full Council – A member of the public may ask a written question on-notice (8 days) of any member of the Cabinet. A maximum of 3 minutes is allowed to read the question, with one additional supplementary question permitted (without notice but must arise from the answer given by the Cabinet member). A total of 15 minutes is allocated for public questions.
- Planning Committee – A member of the public may register to speak in favour or against a planning application to which public speaking applies. Procedural items (apologies, minutes, etc.) are excluded. A maximum of 3 minutes per speaker (with a limit of 1 speaker for and 1 speaker against) is allowed to speak to the application. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.
- Scrutiny Committees – A member of the public may register to speak for up to 3 minutes in respect of a non-exempt, non-procedural item on the agenda. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.

Discussion Points:

- Are Members satisfied that the current model delivers sufficient public participation?

Option 1B: Minor changes to existing arrangements

Features of the proposed Model:

In keeping with the original motion considered by Council, this option could involve minor amendments to the existing arrangements. By way of example, this could include such options as increasing the number of speakers for / against at Planning Committee; expanding the time allocated at Council for public questions from 15 minutes to 30 minutes; expanding current arrangements to add a single committee (such as Cabinet); or something else that doesn't involve significant changes to the existing model.

Discussion Points:

- Are Members satisfied that minor amendments to the existing model delivers sufficient public participation?

The following models can apply equally to Cabinet or a Committee of the Council:

Option 2A: Questions on notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member of the public would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 2B: Questions without notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.

- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate questions and may as a result over prepare. It may also involve more officers as a result.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 3A: Speaking on notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking. However, the speaker and the item would be known in advance the content of the statement would not be.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings or be involved in briefing Members.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.
- Could lead to enhanced or poorer decision-making.

Discussion points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the number of speakers to an item would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member of the public would not know what was

on the agenda at 8 days prior to be able to indicate that they wanted to speak to it. If less than 5 days' notice is given there would still need to be time allowed for officers to brief the Member in respect of the agenda item and related background.

Option 3B: Speaking without notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate comments and may as a result over prepare. It may also involve more officers as a result.
- Could lead to enhanced or poorer decision-making.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.

Discussion Points:

- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 4A: Questions on notice to any matter

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- May offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.

- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Expected to significantly increase officer workload as the questions would arise from anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? If less than 5 days' notice is given there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 4B: Questions without notice to any matter

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Significant risk that the question cannot be answered because of lack of knowledge or inability to disclose exempt information.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.

- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Risk that the agenda becomes set by the public and not the Council?
- May adversely impact on the public perception of Members and officers by not being able to provide an answer to the public at the meeting, particular in respect of technical / detailed matters.
- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 5A: Speaking on notice to any matter

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking.
- Agenda becomes set by the public not the Council and may involve matters which are not connected to the Council's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Expected to significantly increase officer workload as the statements could relate to anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the number of speakers to an item would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member of the public would not know what was on the agenda at 8 days prior to be able to indicate that they wanted to speak to it. If less than 5 days' notice is given there would still need to be time allowed for officers to brief the Member in respect of the agenda item and related background.
- Would there be a limit on the amount of time for public speaking and/or the number of times a person could speak?
- When in the agenda would the public speaking take place? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 5B: Speaking without notice to any matter

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking.
- Agenda becomes set by the public not the Council and may involve matters which are not connected to the Council's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.
- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Would there be a limit on the amount of time for public speaking and/or the number of times a person could speak?
- When in the agenda would the public speaking take place? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Models for Member Participation

Option 1A: Status Quo – No change from the current arrangements

Current Model:

- The rights of Members to participate in meetings where they are not a duly appointed committee member are set out in Council Procedure Rule 24. These apply to Committees and Sub-Committees of the Council only and not apply to meetings of the Cabinet, which are governed by the Executive Procedure Rules.
- Under Council Procedure Rule 24, Members are not entitled to take part in any proceeding of a Committee or Sub-Committee of the Council unless:
 - (a) They are a duly appointed member of the Committee or Sub-Committee.
 - (b) They are requested by or permitted to do so by the Committee or Sub-Committee.
 - (c) The matter under discussion relates to a parish for which the member is the local district councillor
 - (d) They are the proposer or seconder of a motion which has been referred by Council to another committee has the right to attend that meeting to explain the motion.
- In respect of the 3 committees referred to for public speaking in Appendix A, the arrangements for Members are as follows:
 - Full Council – A Member may fully participate in the meeting subject to the Council Procedure Rules. This includes the right to ask a question, on notice, to a Committee Chairman or Cabinet Member. A further supplementary question may be asked without notice arising from the answer given to the question.
 - Planning Committee – A Member may fully participate in the meeting as per paragraph 2.5 of this report, save that for in respect of planning applications where the Protocol for Speaking at Planning Committee applies.
 - Scrutiny Committees – Council Procedure Rule 24 applies to the participation of Members who are not appointed to the Committee.
- In addition, separate from this the Licensing Act 2003 and Gambling Act 2005 permits member participation at Licensing Sub-Committee meetings in accordance with the regulations made under each Act.

Discussion Points:

- Are Members satisfied that the current model delivers sufficient member participation to enable Members to fulfil their roles as representatives of their constituents?

Option 1B: Minor changes to existing arrangements

Features of the proposed Model:

In keeping with the original motion considered by Council, this option could involve minor amendments to the existing arrangements. By way of example, this could include such options as

amending the Executive Procedure Rules to grant Members of the Council the same rights at Cabinet meetings as provided under Council Procedure Rule 24.

Discussion Points:

- Are Members satisfied that the current model delivers sufficient member participation to enable Members to fulfil their roles as representatives of their constituents?

The following models are intended to replace existing arrangements for Member participation and can apply equally to Cabinet or a Committee of the Council:

Option 2A: Questions on notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for Members' questions and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?

- Would there need to be a six month rule to limit the same question being asked at every meeting?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 2B: Questions without notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate questions and may as a result over prepare. It may also involve more officers as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- Would there be a limit on the amount of time for member speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?
- Would there need to be a six month rule to limit the same question being asked at every meeting?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 3A: Speaking on notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for member speaking. However, although the member and the item would be known in advance the content of the statement would not be.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).

- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings or be involved in briefing Members.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 3B: Speaking without notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for Member speaking.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate comments and may as a result over prepare. It may also involve more officers as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.

- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- Would there be a limit on the amount of time for Member speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 4A: Questions on notice to any matter

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- May offend local government legislation which requires business before the Committee to be specified in the agenda.
- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Expected to significantly increase officer workload as the questions would arise from anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for Member speaking and/or the number of questions that could be asked on an agenda item?

- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 4B: Questions without notice to any matter

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Significant risk that the question cannot be answered because of lack of knowledge or inability to disclose exempt information.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- May adversely impact on the public perception of Members and officers by not being able to provide an answer at the meeting, particular in respect of technical / detailed matters.
- Would there be a limit on the amount of time for Member speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 5A: Speaking on notice to any matter

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for Member speaking.
- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Expected to significantly increase officer workload as the statements could relate to anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for Member speaking and/or the number of times a person could speak?
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 5B: Speaking without notice to any matter

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for Member speaking.

- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.
- Could lead to enhanced or poorer decision-making.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Only Members appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- Would there be a limit on the amount of time for Member speaking and/or the number of times a Member could speak?
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?