
Subject: **Member and Public Participation at Committee Meetings**

Meeting and Date: **Governance Committee – 22 September 2015**
Council – 30 September 2015

Report of: **David Randall, Director of Governance**

Classification: **Unrestricted**

Purpose of the report: This report sets out the preferred approach for member and public participation at meetings of the Cabinet and Committees of the Council.

Recommendation: That it be recommended to the Governance Committee:

1. That the Governance Committee recommends to Council that the proposed changes in member and public participation as outlined in this report and specifically at Option 1 be approved and incorporated into the Council's Constitution.

That it be recommended to Council:

2. That the proposed changes in member and public participation as outlined in this report and specifically at Option 1 be approved and incorporated into the Council's Constitution.

1. Summary

- 1.1 Following a motion from Councillor P M Wallace at the meeting of Council at its meeting held on 29 January 2015, the Governance Committee at its meeting on 26 March 2015, considered a paper (Annex1) which set out a range of options for member and public participation at meetings of the Cabinet and Council Committees.
- 1.2 It was resolved by the Governance Committee that the Director of Governance, in consultation with the Group(s) Leader(s) after the AGM, be requested to develop proposals in respect of one or more of the models for member and public participation set out in Appendix A&B of the report for consideration by the Governance Committee.

2. Background

- 2.1 Following the May 2015 Council elections and the AGM, the Director of Governance has discussed this matter with the Leader of the Council and the Leader of the Main Opposition Group. The Leader of the Council wishes to implement a hybrid of Option 1B and 2A together with elements of Option 3A.
- 2.2 The various options are set out in greater detail in the Appendices A&B of the report of 26 March 2015, (at Annex 1), in summary the relevant options to be implemented are as follows:

- Option 1B: Minor changes to existing arrangements.
- Option 2A: Questions only on notice to an Agenda Item.
- Option 3A: Speaking on notice to an Agenda Item.

- 2.3 The desired changes will be achieved by the Executive including the Notice of Forthcoming Key Decisions on its monthly agenda and through this identifying any future agenda items that will be subject to pre-scrutiny. At the present time, the Executive don't receive the Notice of Forthcoming Key Decisions, this potentially causes a gap in their management of future items on their agenda. Considering the Notice of Forthcoming Key Decisions allows the Executive to identify issues of public interest that could benefit from the oxygen of debate via pre-scrutiny.
- 2.4 At present, very little Executive business is subject to pre-scrutiny and instead is added to the Scrutiny work programme at the request of the Scrutiny Committee itself. Pre-scrutiny would encourage member and public participation on certain matters by virtue of members and the public being able to speak to the agenda item and members (not the public) being able to ask questions at the scrutiny meeting if permitted to do so by the committee under Council Procedure Rule 24.2. Ideally the Portfolio Holder would be present at the scrutiny meeting to witness the debate and when required answer questions. This would allow a much wider member and public involvement in key decision making. The existing arrangements for Overview and Scrutiny Committees can accommodate the changes proposed without any alterations.
- 2.5 No changes are proposed to other committees. The time allowed for member and public participation at the Council, Planning and Scrutiny meetings is considered sufficient and there is no evidence of a need to increase the time allowed.
- 2.6 The Licensing Act 2003 and Gambling Act 2005 permit member and public participation at hearings before Licensing Sub-Committee meetings in accordance with the regulations made under each Act. No changes are considered necessary for these committees and it is difficult to see how meaningful changes could be accommodated given that the law prescribes who may appear before the sub-committees and lays down the rules for their participation

3. **Options for Consideration**

- 3.1 The report to the Governance Committee on 25 March 2015 (Annex 1) presented alternative models for member and public participation. The options were set out in the two appendices to that report, one for the public (Appendix A) and one for Members (Appendix B). The Governance Committee resolved that the Director of Governance, in consultation with the Group(s) Leader(s) after the AGM, be requested to develop proposals in respect of one or more of the models for member and public participation set out in Appendix A&B of the report for consideration by the Governance Committee.
- 3.2 Option 1. This report details the preferred approach of the Leader of the Council, which is to consider the Notice of Key Decisions as part of the Cabinet agenda/business of the Executive and identify any key decisions which would benefit from pre-scrutiny.
- 3.3 Option 2. Using the options outlined in the report to the Governance Committee on 25 March 2015 (Annex A), determine a different approach to achieve increased member and public participation in the business of the Executive.

3.4 Following approval of the preferred option, the Director of Governance will develop and submit any necessary amendments to the text of the Constitution to the Governance Committee and the Council for approval.

4. **Preferred Option**

4.1 Option 1 offers the opportunity for increased public participation, without the need for a set of new procedures for the Executive to be prepared. It addresses the features and discussion points raised as part of the report to the Governance Committee on 26 March 2015 (Annex 1) and allows the existing Overview and Scrutiny operating arrangements to deliver the desired outcome. It also recognises that the structure of local government is based upon representative democracy rather than participatory democracy. This is the preferred option.

4.2 Option 2 would require the Governance Committee to determine a different model. It was clear at the meeting of 26 March 2015 that the Committee recognised difficulties in allowing questions or speaking without notice on an agenda item or on any other matter. This would move much more to a participatory system, potentially undermining the will of the electorate. However, it is recognised that the representative and participatory democracy are not absolutes and can co-exist within a single democratic system.

5. **Resource Implications**

5.1 There will be minimal additional officer time required to introduce and manage these arrangements.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (VB).

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

Annex 1 – Report to Governance Committee – 26 March 2015
Options for Member and Public Participation at Committee Meetings

8. **Background Papers**

Constitution of the Council

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