

## 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).