

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?