
Subject:	PUBLIC SPEAKING AT CABINET
Meeting and Date:	Governance Committee – 14 March 2013
Report of:	David Randall, Director of Governance
Classification:	Unrestricted

Purpose of the report: At the Council meeting on 25 July 2012 a question was put to the Chairman of the Governance Committee regarding public speaking at Cabinet meetings. The Chairman in answering the supplementary question agreed to a paper on the topic being considered by the Governance Committee, as custodians of the Constitution.

Recommendation: That the Governance Committee considers this report and determine whether it would wish to make any recommendations to Council .

1. Summary

- 1.1 The Chairman of the Governance Committee agreed to receive a paper on the topic of Public Speaking at Cabinet meetings when answering a question put at Council on 25 July 2012.
- 1.2 This report outlines the various options and invites the Committee to recommend its preferred option to the next Council meeting.

2. Background

- 2.1 At present no public participation is allowed at Cabinet meetings. Both Scrutiny Committees allow public participation but this is rarely exercised. The Planning Committee allows public speaking in relation to a certain category of agenda item – namely applications for planning permission. Advance notification is required and the amount of time allocated to each speaker is limited and strictly controlled.
- 2.2 Although the Leader is responsible for chairing Cabinet meetings, the Governance Committee is responsible for considering proposed constitutional changes and recommending these or otherwise to Council for adoption. Any changes proposed would need to be approved by the majority of the Council.

3. Options

- 3.1 To allow public speaking at Cabinet meetings.
- 3.2 To allow the public and non Cabinet members to speak at Cabinet meetings.
- 3.3 To not allow either the public or non Cabinet members to speak at Cabinet meetings.

4. Evaluation of Options

- 4.1 Legislation places the responsibility for discharging the majority of the Council functions on the Cabinet. All members can ask questions and put forward motions at

Ordinary Council meetings to hold the Cabinet to account. This has been utilised at every Ordinary Council meeting for the last 5 years and beyond.

- 4.2 In addition, the Council has two scrutiny Committees, which scrutinise the decisions of the Executive, by either including these decisions on their work programme, or by instigating the call in procedure in relation to decisions of the Cabinet already made but not implemented. Both scrutiny committees have the facility for public speaking, but this is rarely exercised.
- 4.3 If members were minded to recommend public speaking at the Cabinet meetings, it would be necessary to decide what format this would take. Would the public be required to give notice, as at Planning Committee, having perused the published agenda and papers in advance? Alternatively, would the public be free to interject/interrupt, similar to the House of Commons when an MP "gives way". The former alternative appears to be much more manageable, as this still maintains some structure to the proceedings. If this alternative was pursued, a time limit would need to be set to allow the member of the public sufficient time to get across their point, but not to labour the point or ramble on. The three minutes allowed at Planning Committee, would appear to work well and would be a sensible option. Then there is the issue of how many speakers on a topic/Cabinet report? Members may again be minded to follow the approach of Planning Committee – ordinarily one speaker for and one against a development proposal.
- 4.4 After considering all of the above, it is suggested that the key questions for the committee are:
 - (a) Why introduce public speaking; and
 - (b) What benefits will it bring?
- 4.5 As identified earlier, the Cabinet are responsible for the discharge of most of the Council functions, the question to consider is whether public participation would improve the decision making process? In considering this point, it is important to remember that it is quite legitimate for members of the public to lobby an individual portfolio holder or Cabinet as a whole in advance of a decision being taken. In fact this is the exact reason for the publishing of a forward plan of key decisions to be taken in the near future by the Cabinet. It allows the public to ask questions and find out more about what is proposed. Additionally, it should be borne in mind that there is nothing to prevent the Cabinet inviting anyone to address it on any particular matter should it consider that it would be useful to do so.
- 4.6 Although officers have not attempted to conduct an empirical survey it is by no means uncommon for local authorities to allow public speaking at executive meetings – even in only in the nature of a ‘question time’. Presumably the rationale for this was felt by those authorities to relate to issues of public engagement. However, the benefit of this needs to be weighed against the possibility of the process resulting in the effectiveness of the proper and legitimate decision making functions of the Cabinet being undermined . Further, there is no evidence of any particular public pressure for the facility for public speaking – the Democratic Services Team receives few (if any) requests from members of the public who would wish to participate.
- 4.7 Many of the arguments and logistical solutions for and against public speaking and participation outlined in paragraphs 4.1 to 4.5 would also apply to non Cabinet members being able to speak at Cabinet meetings. However, it should be remembered that non-executive council members are able to participate in Council

meetings and meetings of the scrutiny committees which can be used as a vehicle for holding the Cabinet to account. These are not avenues which are open to the general public.

- 4.8 There are strong arguments on both sides and it is for members of the Governance Committee to decide what they wish to recommend to Council. It will ultimately be for Council at its next meeting to decide how it wishes its Cabinet to operate.

5. **Resource Implications**

There would be a marginal increase in resource to manage any public speaking process at Cabinet, if adopted by the Council. In addition, the Monitoring Officer would need to make associated changes to the Executive Functions section of the Constitution.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has no further comments to add (SJL).
- 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**

None.

8. **Background Papers**

Minutes of Council Meeting on 25 July 2012.

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