

CABINET

Cabinet Public Speaking

20th January 2009

Report of the Head of Democratic Services

PURPOSE OF REPORT			
To review the procedure for public speaking at meetings of Cabinet, as previously requested.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>
		Referral from Officer	<input checked="" type="checkbox"/>
Date Included in Forward Plan	N/a.		
This report is public.			

1. OFFICER RECOMMENDATION

That Cabinet considers any amendments that it wishes to make to the procedure and requests the Monitoring Officer to refer such proposed amendments to the Council Business Committee to be incorporated in the Constitution.

2.0 Introduction

2.1 At its meeting, held on 22nd January 2008, Cabinet considered a report reviewing the procedure for public speaking. Following consideration of the report it was resolved:-

2.2 That the present system be continued and that the position be reviewed at the December 2008 Cabinet meeting.

2.3 In order to update Cabinet on the number of public speakers that there have been in the last twelve months this report has been submitted to the January meeting of Cabinet.

3.0 Public Speaking at Cabinet meetings

3.1 Since January 2008, when Cabinet last received an update on the Public Speaking at Cabinet Meetings, 4 further members of the public have spoken at meetings. 1 of these has spoken at 2 different Cabinet meetings, on 3 different issues. No further evaluation forms have been returned to the Council.

3.2 A copy of the previous report submitted to Cabinet on 22nd January 2008, together with the accompanying evaluation of forms returned, is attached as an Appendix to this report.

3.3 Cabinet is asked to consider whether it wishes to make any amendments to the current procedure.

4.0 **Details of Consultation**

4.1 The Council has obtained the views of members of the public who have used this process in the production of this report.

5.0 **Options and Options Analysis (including risk assessment)**

5.1 The options proposed to Cabinet last year in the attached report are still applicable.

6.0 **Officer Preferred Option and Comments**

6.1 The Officer preferred option and options analysis were set out in the attached January 2008 report.

7.0 **Conclusion**

7.1 Conclusions are set out within the attached report.

RELATIONSHIP TO POLICY FRAMEWORK

The proposal supports the Council's Corporate Plan priorities of delivering customer-focused services and improving the Council.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Any meeting of the Council must be held in a manner, which allows equal access to all sectors of the community.

FINANCIAL IMPLICATIONS

In the event of any changes to the procedure, there would be some small ongoing costs so that Cabinet Public Speaking leaflets and Forward Plan leaflets can be provided and made available to the general public and also some human resource implications in the amendment of WebPages. Additional speakers may extend the duration of the meetings; Democratic Support Officer time may be required to provide administrative support. However these will be from within existing budgets and resources.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

Any of the suggested options in the January 2008 report can be introduced within the powers of the Local Government Act 2000, but may necessitate amendment to the Constitution, which will require Council Business Committee approval.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add.

BACKGROUND PAPERS

Report to Cabinet dated 5th September 2006.
Report to Council February 2007.
Report to Cabinet January 2008.

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CABINET

Cabinet Public Speaking 22nd January 2008

Report of the Head of Democratic Services

PURPOSE OF REPORT			
To review the procedure for public speaking at meetings of Cabinet meetings.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>
		Referral from Officer	X
Date Included in Forward Plan	N/a.		
This report is public.			

1. OFFICER RECOMMENDATION

That Cabinet considers any amendments that it wishes to make to the procedure and requests the Monitoring Officer to refer such proposed amendments to the Council Business Committee to be incorporated in the Constitution.

2.0 Introduction

2.1 Public Speaking at Cabinet meetings

Following a recommendation from Cabinet for the introduction of a procedure to enable public speaking at meetings of Cabinet a report was submitted to Council to consider the Constitutional amendments which required approval before the introduction of the procedure. The report was considered by Council on 7th February 2007 (Minute 98 refers).

Following the decision of Council a press release was issued and a leaflet produced to inform the general public of the process. Details of the procedure were also made available on the Council's website and copies made available at all Council offices. The procedure was first available at the Cabinet meeting on 20th March 2007.

In accordance with Cabinet's previous decision to review the procedure Members are requested to consider this report.

In the period of operation a total of 6 speakers have used the process. 3 speakers were in attendance at the meeting held on 24th July 2007 and spoke on the item regarding the Greaves Park Play and 3 speakers attended the meeting held on 9th October 2007 and spoke on the item regarding Capital Programme – Receipts, as it related to land at Scotforth, Lancaster (Lawson's Bridge). In order to consider their

views of the process and gauge the users point of view a consultation was undertaken. An evaluation of the responses is attached at Appendix A. There are a number of issues raised, the main points are summarised below:

Additional Time

4 people were happy with the time given, however 1 person felt there was too little time and suggested that "the Chairman could have allowed extra time on important issues if appropriate."

Comment: Cabinet could consider making recommendations to amend the procedure with discretion be given to the Chairman on a time limit if only 1 speaker has registered, as this would not be too time consuming. The original restrictions were imposed to ensure that public speaking did not detract from the time available for decision taking.

Cabinet is advised that any alteration to the procedure would require approval by the Council Business Committee and amendment to the Council's Constitution.

Seating in Committee Room A/Identification of Councillors and Officers

Some members of the public reported problems hearing and seeing Cabinet Members. The issue of furniture was also raised including comments made regarding the microphones being poor (except the Chairman's) in the Banqueting Room. However, the view was expressed that the position for addressing the meeting was good.

Comment: A number of these issues should be considered as part of the Council's Review of Access to Services. However, Members may wish Officers to consider these views if/when considering any future alterations to the Council's meeting rooms.

A short-term measure, in order for members of the public to easily identify Members of Cabinet attending the meeting, is the use of name cards and a seating plan, which could be made available in the meeting room.

In order to view the proceedings better seating could also be made available at the rear of Committee Room B at Lancaster Town Hall. At Morecambe Town Hall public speakers could remain in the public gallery, or alternatively members of the public could be seated on the outer ring of seating provided in the Council Chamber.

Process of the meeting

Positive comments, however, the issue of hearing and seeing those present was raised, as set out above.

Accessibility of Papers

1 response was that "it was disappointing that plans presented at Cabinet were not shown to us...." A further comment was that "all material to be presented at the meeting to everybody present."

Comment:

This has already been acted upon with all documentation that is to be considered in the public part of the meeting being made available. Officers, when circulating

documentation, at the meeting should ensure that there are sufficient copies to be distributed to members of the public also.

Public Speaking Leaflet

All those commenting advised that this was easy to understand and there were no suggestions for improvement/alteration. However, if Cabinet recommend alterations to the process, which are agreed by the Council Business Committee, the leaflet will require amendment, as appropriate.

Forward Plan

It was disappointing that given the recent press release and launch of the Forward Plan Leaflet, together with the Plan now being accessible on the Council's website, that 2 out of the 5 people who answered this question were unaware of the Plan. However, this is only a small representative sample.

Comment: Cabinet may wish Officers to re-launch the Leaflet and produce a further press release. This will assist in making the general public more aware of the Plan and help them be aware of forthcoming key decision items that will be considered by Cabinet.

Procedures are being reviewed for placing items on the Forward Plan and Officers have been reminded of the importance of it as a document for pre-scrutiny and of the need for transparency.

Officers

Positive comments were made regarding dealing with the Council's Officers prior to and at the meeting.

General Comments

A number of comments were made in this Section, which are set out in Appendix A to this report. One member of the public stated that they hoped the process continued and that it was very satisfying no matter the final decision. Comments were also made relating to the "classification" of reports and stated that there was uncertainty as to whether the item they wished to speak upon would be considered at the meeting, although it should be noted that this was an unusual circumstance. There was also a request to allow a "follow up" by public speakers prior to a vote being taken.

Comment: Cabinet may wish Officers to send a paper version of the specific report to each member of the public registered to speak, subject to this being considered in the public part of the meeting. As part of the process prior to the meeting it could be ascertained whether a copy of the report is required when a member of the public registers to speak. Alternatively public speakers could be referred to the Council's website where all documentation, with the exception of exempt or confidential items, is available.

2.2 Other issues

Urgent Business Items/late reports

A further issue that Members may wish to consider making recommendations to the Council Business Committee upon is to allow members of the public to speak on items of urgent business, or items that are circulated after the publication of the

Agenda. Currently there is no provision to allow members of the public to speak on these reports. **The current procedure requires persons wishing to speak to register by 12 Noon on the Thursday prior to the meeting.** This does not give the public the opportunity to register to speak on reports circulated after the Agenda has been sent out, or items of urgent business that are known of prior to the meeting. Both urgent items of business and late reports that are circulated after the publication of Agenda do not give members of the public time to consider whether they wish to speak on an item with the full facts prior to the deadline for public speaking.

The current procedure for speaking at Cabinet meetings, previously agreed, states: -

“It is the responsibility of the person wishing to speak to find out the appropriate date that Cabinet will consider the item of business that they wish to speak on. This information can be obtained from Democratic Services. **Late requests to speak at Cabinet will not be considered.** “

Current Provisions in the Council’s Constitution

Members may wish to consider procedures that are currently in place for meetings of full Council, where there is provision for late requests to speak by Members. Council Procedure Rules state that: -

Constitution Part 4, Section 1

Council:

Paragraph 11.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 3 days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Cabinet or Chairman to whom it is to be put.

Paragraph 12.4 **Notice of Questions**

A Member may only ask a question under Rule 12.2 or 12.3 if either:

- (a) they have given at least three days notice in writing or by electronic mail (from a known or recognised source) of the question to the Chief Executive; or
- (b) **the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given in writing or by electronic mail (from a known or recognised source) to the Chief Executive by 12 noon on the day of the meeting, or one hour before the commencement of the meeting, whichever is the earlier.**

However it should be noted that this is for Members of the Council rather than members of the general public.

Cabinet is asked whether it wishes to make recommendation to the Council Business Committee to consider whether the Council’s Constitution should be amended to allow for an extension of deadline to be given in order to enable both members of the public and Ward Councillors to speak on late or urgent business reports.

Speaking on more than one occasion

A further issue that Cabinet may wish to make recommendation upon is whether members of the public should be able to speak more than once on an item at various Cabinet meetings, where the item may have been deferred. The Planning Public Speaking Procedure states that members of the public should only be able to speak once, unless there is any material change to the original recommendation.

2.3 Cabinet is asked to consider the above issues and responses received as part of the review of the procedure and make recommendations. Issues that involve amendments to the Constitution will require further consideration by the Council Business Committee.

3.0 Details of Consultation

3.1 The Council has obtained the views of members of the public who have used this process in the production of this report.

4.0 Options and Options Analysis (including risk assessment)

4.1 The options are set out below:-

Public Speaking at Cabinet meetings:

Option No.	OPTION	IMPLICATIONS AND RISK ANALYSIS
1	<p>That the current arrangements be continued, with the Council Business Committee being recommended to consider allowing members of the general public to speak on items of urgent business or items submitted after the publication of the Agenda, as detailed within the report . In considering this option Cabinet may feel it to be appropriate to make recommendations on the amendment of Cabinet Procedure Rules for Ward Councillors speaking to be in line with those of the general public (i.e. with the same deadlines). This could involve extending the deadline for reports that are submitted late, or are to be considered as urgent business until 12 Noon on the Monday prior to the meeting, or other time that Members may feel appropriate.</p> <p>Cabinet may also wish to</p>	<p>This would mean that members of the public and Ward Councillors would be allowed to speak at meetings of Cabinet on all items of business that are known to require a decision prior to the meeting. A report would need to be submitted to the Council Business Committee on any Cabinet recommendations that would require amendment to the City Council's Constitution.</p> <p>Allowing the general public and/or Ward Councillors to speak on urgent business items or reports submitted after the publication of the Agenda would, with such a late deadline, not give Officers enough time to re-order the Agenda and notification of speakers would need to be given at the meeting.</p>

Option No.	OPTION	IMPLICATIONS AND RISK ANALYSIS
	incorporate Rules relating to speaking on more than one occasion being introduced in order to bring into line with those of the Planning Committee.	Adopting procedures in accordance with those of the Planning Committee would make the Council's Rules consistent and would also ensure that there was no duplication in making a repeated address to Cabinet.
2	That the existing procedure be continued with no alterations.	<p>This approach would support the public being allowed to speak at meetings of Cabinet on any topic within the Council's area of responsibility and ensure that there was an element of consistency with other meetings of the Council. However, it would not support the public or Ward Councillors speaking on urgent business items or reports submitted after the publication of the Agenda where the content of the report is unknown when the deadline for speaking has passed.</p> <p>There would be benefits such as savings on printing costs that would be required with a new leaflet and meetings of Cabinet may be shorter with the possibility of fewer public speakers.</p>
3	That Cabinet make alternative recommendations on the process.	Any alternative proposals may require a more detailed report to consider the implications of the proposals.

5.0 Officer Preferred Option and Comments

- 5.1 Officers would support option 1 to continue to allow speaking by members of the general public and to recommend the amendment of the Constitution by the Council Business Committee to enable both the general public and Ward Members to speak on items of urgent business and reports circulated after the publication of the Agenda. It would also bring a more consistent approach mirroring the process of the Planning Committee.

6.0 Conclusion

- 6.1 The proposal to allow public speaking with the addition of allowing speaking on urgent business, late items submitted at meetings of Cabinet and bringing into line with the processes of the Planning Committee would ensure that there is an element of consistency with other meetings, such as Council and the Planning Committee. It would allow members of the public and Ward Councillors to speak at meetings of Cabinet on all items of business, subject to giving notice. It is important to consider the balance required with regard to the efficient running of the meeting, ensuring that there is transparency in the decision-making process and also that the stakeholders and Council tax payers are able to make Cabinet aware of their views prior to a particular decision being taken.

6.2 Cabinet are requested, at this stage, to consider the options and indicate which option or combination of options they would support in order that the necessary amendments to the constitution can be prepared for recommendation to the Council Business Committee.

RELATIONSHIP TO POLICY FRAMEWORK

The proposal supports the Council's Corporate Plan priorities of delivering customer-focused services and improving the Council.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Any meeting of the Council must be held in a manner, which allows equal access to all sectors of the community.

FINANCIAL IMPLICATIONS

There will be some small ongoing costs so that Cabinet Public Speaking leaflets and Forward Plan leaflets can be provided and made available to the general public and also some human resource implications in the amendment of WebPages. Additional speakers may extend the duration of the meetings; Democratic Support Officer time may be required to provide administrative support. However these will be from within existing budgets and resources.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

Any of the suggested options can be introduced within the powers of the Local Government Act 2000, but may necessitate amendment to the Constitution, which will require Council Business Committee approval.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add.

BACKGROUND PAPERS

Report to Cabinet dated 5th September 2006.
Report to Council February 2007.

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APPENDIX A

Was the time limit imposed on speaking

Too much*	0
Just right	4
Too Little*	1

*Please comment and provide details of how the time limits imposed on speaking could be improved.

1. Time was ok but would have been nice if the Chairman could have allowed extra time on important issues if appropriate, at his discretion of course.

How did you find the set up of the Committee room for the meeting? i.e. where you spoke from, where you sat for the other parts of the meeting...

1. Everything was set out well except maybe being sat in "annexe" at the back of room meant some comments by Cabinet Members could not be clearly heard.
2. Ok. Was difficult to hear when not presenting.
3. Position for speaking – good; seating position – poor; unable to hear or see the Cabinet properly. The table was rather 'rickety'.
4. Seating was fine. As usual in that room (Banqueting suite) the microphones were not good enough to pick up what was being said (Chairman's microphone excepted).
5. Good, it met my needs.

Did you understand the process of the meeting? And do you think the order in which the meeting was held suitable? Are there any improvements we can make?

1. Everything just fine. Good that public speakers could speak at beginning of session and leave after item was dealt with.
2. As the meeting unfolded yes, but did not realise that the CE and Corporate Directors would be present.
3. Yes. Bringing forward the item being addressed was very helpful.
4. Yes I understood the process, no improvements.

How did you find out that the item that you wished to speak on was on the Cabinet Agenda?

1. Our previous contacts with Leader of the Council and communication from other Council Officials meant that we were invited to attend.
2. Local Councillor.
3. Web Page.
4. It was not specifically on the Agenda as it was secret.
5. Rumour, despite requests from local Councillors only on the Sunday before the meeting on Thursday (09/10/07) from my local Councillor despite requests on 09/09/07 by email from Cabinet Members and local Councillors.

Were the papers relating to the item you wished to speak on accessible?

Yes	1
No*	4

*How can we make them more accessible?

1. Everything ok except that it was very disappointing that a plan of the proposed 'park' presented at Cabinet was not shown to us. Especially as we have never seen a proper plan – just an artists impression.
2. Include all material to be presented at the meeting.
3. Not classify documents of public interest as secret.
4. They should be accessible prior to the meeting for public information. We were uncertain even the subject was on the Agenda until the Sunday before.

Did you find the Public Speaking Information Leaflet easy to understand?

Yes	5
No*	0

*What parts were difficult to understand? How can we improve it?

Is there anything else that should be included in the Public Speaking leaflet?

Are you aware of what the Forward Plan is?

Yes	3
No	2

1. I wasn't – but I checked the website to find out.

Was the contact and information that you received from Democratic Services substantial enough? Is there anything else we should tell you before the meeting commences?

1. Officers were very helpful in all aspects of our visit.
2. All documentation to be supplied before the meeting for everybody.
3. Everything was clear.
4. There was nothing else needed re the process of public speaking.

Please make any additional comments you may have about Public Speaking in Cabinet in the space below.

1. Hope this continues to be available. Very satisfying – no matter final decision – to know we had a proper opportunity to voice our concerns. Hopefully our opinions were taken on board by all at the Cabinet meeting.
2. Make sure of validity of statement used in Cabinet, at least 2 points were presented to influence Cabinet which were false.
3. It is a pity that there is not an opportunity (say 5 minutes) for follow up speaking immediately before the vote. The Cabinet may gain useful information following their debate.

I felt the decision had been taken before the meeting – nothing I said or could have said was taken into account. Lobbying had been carried out prior to the meeting. The process was otherwise 'included' and 'allowed' but was irrelevant to the decision made. This is how I felt – the exercise had little point.