

LICENSING REGULATORY COMMITTEE

PUBLIC SPEAKING AT COMMITTEE

17 November 2011

Report of Head of Governance

PURPOSE OF REPORT

To enable the Committee to consider introducing public speaking rights at meetings of the Committee

This report is public

RECOMMENDATIONS

- (1) **The Committee is asked to consider whether it wishes to introduce a public speaking scheme, and if so, to determine the rules for such a scheme and to recommend Council that such rules be included in the Constitution.**

1.0 Introduction

1.1 As members will be aware, the workload of the Committee is divided between consideration of individual applications and more general items relating to licence conditions and licensing fees. The workload relates predominantly to hackney carriage and private hire licensing, although reports on other licensing matters such as street collections and animal welfare licences are considered from time to time.

1.2 It has for many years been the practice when the Committee is considering an individual licence, whether the matter relates to a new application, renewal, possible suspension or revocation, or a request to waive standard licence conditions, for the individual licence holder to be invited to attend the meeting to make representations and to answer members' questions. The individual may be represented and is given the opportunity to call witnesses. The press and public are generally excluded from such items as confidential and personal information is considered, and the written report considered by members is not published. This procedure ensures that the interests of the individual are protected, and is compliant with the rules of natural justice and human rights legislation.

1.3 Reports on more general issues, such as licence conditions, conditions of application, licensing fees and hackney carriage fares are dealt with in the open part of the meeting when the press and public may be present. The

Council's Constitution does not provide for the public to speak at Committee meetings. However, there are special public speaking rules for Council, Cabinet and for the Planning and Highways Regulatory Committee.

- 1.4 The issue has not previously been raised in respect of this Committee, and it has always been the practice to consult with the trade through the Taxi Liaison Group and the Taxi Forum, to seek the collective views of the trade before submitting reports to the Committee. However, a number of members have asked whether it would be possible to allow public speaking at this Committee, and there is no reason why a procedure similar to those used at Council and Cabinet meetings should not be adopted.

2.0 Proposal Details

- 2.1 The Cabinet scheme (Rule 2.7 of the Cabinet Procedure Rules) permits members of the public to speak on issues included on the Cabinet agenda, with questions/comments from the public prior to the commencement of each item. Notice of the wish to speak must be registered before noon on the Thursday before the meeting. Any request to speak must include the person's contact details, together with details of the item they wish to speak on. A written version of the speech or questions must be supplied in advance, and this is requested by the Friday before a Tuesday meeting. A maximum of 10 speakers per Cabinet meeting is permitted on a first come first served basis, with a maximum of 5 minutes per speaker. There is a restriction to 3 speakers on each item of business, but if there are fewer than 10 speakers in total to speak at a meeting, then a maximum of 4 people are allowed to speak on a particular item on a first come first served basis. Any group of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition, and spokespersons should identify in advance on whose behalf they are speaking.
- 2.2 If Members were minded to approve public speaking at meetings of this Committee, it is suggested that a similar scheme be adopted. A draft scheme is set out at Appendix A for Members' consideration, but it is open to Members to make amendments to that draft, in particular with regard to the maximum number of speakers at any meeting or on any item, and the length of time they are permitted to speak. It is not intended that any such scheme would replace the Taxi Liaison Group or the Taxi Forum, which will continue to be the means of consulting with and seeking the views of the trade. If the scheme were adopted, Members would need to consider the comments of public speakers in the context of the interests of the trade and/or the public as a whole. As a regulatory body, the Committee's overriding principles must be public protection and safety, and it will be important for the Committee to balance any views expressed by speakers with the wider public interest and with the professional advice given by officers. It will also be important for proceedings to be regulated so that once the public speaking on a particular item is complete, there is no further public participation whilst the item is being debated and a decision made.

3.0 Details of Consultation

- 3.1 The report has been prepared in response to requests for a public participation scheme to be introduced.

4.0 Options and Options Analysis (including risk assessment)

4.1 The options open to the Committee are to implement the scheme as set out in Appendix A, to implement an amended scheme, or to decide not to implement any public speaking scheme. Implementing a scheme would promote public participation and an open exchange of views.

5.0 Conclusion

5.1 Members' views are sought.

CONCLUSION OF IMPACT ASSESSMENT

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

None directly arising from this report. The proposal does not change the rights of individuals to make oral representations to the Committee on matters that affect their individual rights as licence holders or licence applicants

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

BACKGROUND PAPERS

None

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